

## Organised immigration crime: a post-conviction study

*Sarah Webb and John Burrows*

- This report outlines the findings of an interview programme conducted in 2006 with 45 prisoners convicted of people smuggling/trafficking offences in 2005. The research was commissioned to provide a fuller understanding of the market dynamics of facilitated illegal entry into the UK.
- The picture presented by the perpetrators was of a market that conferred healthy profits with a low risk of detection. The UK is perceived as an attractive destination for a number of reasons and illicit entry across UK borders is perceived to be relatively easy. However, many interviewees expressed genuine surprise at the severity of the sentences that they had received for involvement in people smuggling or trafficking offences.
- Recent policy initiatives – notably the UK Action Plan on Human Trafficking (2007), the Immigration and Nationality Directorate (IND)<sup>1</sup> Enforcement Strategy (2007) – and the creation of UKBA – have begun to address a number of the issues raised in this report. The Serious and Organised Crime Agency prioritises action against organised immigration crime second only to Class A drugs, but the response to organised immigration crime over the longer term will continue to require regular monitoring and adjustment.
- The findings suggest that the management options available to policy makers and enforcement agencies are complicated by the fact that many ‘pull factors’ which create demand for illegal entry into the UK also deliver general economic and social benefits (for example our healthcare and benefit systems). Additional complications arise from the tacit acceptance (and indeed encouragement) of illegal immigration within some existing Minority Ethnic communities.
- A continued focus on law enforcement activity and providing secure borders is crucial, along with actions to strengthen fraud prevention and detection in the UK’s health and social security systems.
- Raising awareness of the negative impact of illegal immigration on local communities, and fostering greater condemnation of it within communities that have hitherto supported it, is another important challenge to address.
- Advertising the harsh penalties for perpetrators is also critical to reducing this area of criminal activity, as is increasing awareness that successful detection of these crimes is a priority for the government and UK law enforcement.

<sup>1</sup> Since this study was conducted the IND became the Border and Immigration Agency (BIA), and subsequently the UK Border Agency (UKBA).

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### Keywords

Organised crime  
Immigration  
People smuggling  
People trafficking  
Offender interviews

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

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

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

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

### Approach

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

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

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

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

### Issues addressed in the report

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

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

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

## Key findings

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

### Demand

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

### Organisation

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

### **Costs**

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

### **Profits**

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

### **Risks**

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

### **Competition and rivalry**

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

### **Moral perspective**

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

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

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

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

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### 1. Introduction

The Home Office “Organised Crime” White Paper (2004) makes a commitment to better understand the criminal markets for organised crime. Within this, organised immigration crime is a key priority. The research reported here was commissioned to increase understanding of the nature of facilitated movement of individuals into the UK. It constitutes part of a wider programme measuring the harm caused by organised crime.

The report outlines the findings from a post-conviction study with a selection of prisoners convicted of a variety of offences relating to organised immigration crime. The interview programme was instigated with a view to gaining further understanding of the market dynamics of organised immigration crime. Previous studies that have investigated the process have relied on interviewing the victims; those who have come to the attention of the authorities via the enforcement services, international organisations or non-government organisations (NGOs). Studies have usually been based on small numbers of victims, and there is a significant gap in research that attempts to understand the trade in smuggling/trafficking from the perspective of the offenders themselves. A key aim of the study was, therefore, to strengthen the evidence base by shedding any light possible on issues that have been lacking in previous rigorous assessment.

This study is based on interviews with 45 prisoners convicted of people smuggling/trafficking offences in 2005, who were asked about their views and experiences. It is important to note that this research is therefore based on an exploration of subjective perceptions and beliefs, rather than a factual assessment of organised immigration crime in the UK.

It is important to bear in mind that corroborative information was not uniformly available for all the interviewees. This precluded the possibility of a complete cross-referencing exercise and limits the degree to which views expressed can be put into, and understood within, an objective factual context.

### Types of organised immigration crime

Organised immigration crime is typically considered to comprise two discrete activities: people smuggling and people trafficking.

The UK uses the definition of trafficking set out in the Protocol to the 2000 UN Convention against Transnational Organised Crime (UNTOC) called the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, which states that:

*“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 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 others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.*

People smuggling, however, usually involves the complicit involvement of the smuggled person. The 2000 UN Protocol Against the Smuggling of Migrants by Land, Sea and Air defines the smuggling of migrants as:

*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.*

The UK Action Plan on Human Trafficking (2007) identifies a number of factors which help distinguish between trafficking and smuggling:

*Firstly, entry into a state can be legal or illegal in the case of trafficking, whereas smuggling is characterised by illegal entry. Secondly, trafficking can take place both within and*

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*across national frontiers, whereas international movement is required for smuggling. Thirdly, trafficking is carried out with the use of coercion and/or deception, whereas smuggling is not, indicating that the latter is a voluntary act on the part of those smuggled. Finally, trafficking entails subsequent exploitation of people, while the services of smugglers end when people reach their destination.*

In short, people trafficking differs from people smuggling in that it is done with the principal purpose of exploiting the trafficked individuals once they have reached their destination. The trafficked individual is not complicit with this. Individuals willingly involved in smuggling are basically party to the process although they may find that the conditions that they meet on arrival are not what they expected – blurring the extent to which they were complicit with the process.

## Purpose

The purpose of the study was to develop the body of knowledge available on the ‘market’ for organised immigration crime. The following questions underpinned the research.

- **The traffickers/smugglers** – Who are the traffickers? What do they do? Where do they come from? What involvement do they have in other criminal activities? How did they come to get involved?
- **Victims/clients** – Who is trafficked/smuggled and where do they come from? Where do they go? How are individuals identified? What sort of choices are they making and is there coercion? Which clients are the most valuable?
- **The trafficking process** – How does this work? Which countries are involved? Where are people trafficked to, and via which routes? To what extent are the markets for trafficking and smuggling identical and use the same service providers? How are individuals deployed, inserted into the labour market (including methods of evasion)?
- **Destinations** – Why do they operate in the UK? Do they deal only with the UK and if so, why?
- **Economics** – Market share? Costs, profits, losses? Why do they choose to operate in this particular sector, what are the advantages over other

alternatives i.e. drugs trafficking? What is the extent of cross-sector smuggling? How is market share established and do markets get saturated? What are the barriers to entry into the market? Are markets supply- or demand-driven? Where do they make their money, in the UK or overseas?

- **Risk** – The attitudes to risk and to imprisonment – looking at what issues and information shape perceptions of risk.

The study consisted of a series of interviews with people convicted of relevant immigration offences. It focused on individuals convicted of knowingly facilitating the entry of an illegal entrant into the UK (Immigration Act 1971, s. 25 (1)) and these interviews constitute the main part of the data collected. The study also aimed to interview some of the much smaller numbers of people convicted for the crime of ‘trafficking for prostitution’ and ‘trafficking for sexual exploitation’.

## Background

A brief introduction to the background to ‘organised immigration crime’, as well as to the legislation relating to this activity and to recent policy and enforcement initiatives is necessary to put the research in context.

## Estimates of the extent of organised immigration crime

All sources on the subject of immigration crime agree that it is extremely difficult to get accurate estimates of the scale of the problem. Previous estimates assert that over half a million illegal migrants enter the EU each year: the majority of these – up to 75 per cent – are trafficked or facilitated by criminal groups (Home Office, 2007).

There has always been a market for facilitated entry but as western governments, concerned about immigration and global terrorism, have sought to increase security and enhance border controls, the opportunities for serious and organised criminals to profit from the facilitation of would-be migrants have increased. In 2005, Europol reported that while there had been no significant increase in the volume of illegal immigration on the previous year *there had been a consolidation of the involvement of organised crime groups in facilitation* (Europol, 2005). Indeed, trafficking in human beings is considered to be the fastest growing criminal business in the world (Council of Europe, 2005)



## Studies on the nature of organised immigration crime

There is a wealth of international literature on migration, including illicit and facilitated migration. Much of it looks at the circumstances that pertain to particular regions of the globe (e.g. the Balkans or South East Asia).

Despite the widespread impression that traffickers usually operate through large organised crime groups, the influence of these groups is often restricted to limited geographic areas and to certain roles within the trafficking networks. Anti-trafficking organisations have reported that much human trafficking occurs through decentralised criminal networks, or small groups of criminals that specialise in certain areas of a network, such as recruitment, transportation, or operating the 'retail' end. The groups may have formal or informal partnerships, but no overarching hierarchy that coordinates their activities. According to the Polaris Project (a US-based anti-trafficking organisation), large organised crime groups have, however, been found to control large sectors of trafficking in certain geographic areas, including Eastern Europe and the former soviet union, Japan, Hong Kong and Colombia. These crime groups often wield significant political power through corruption and extortion, and are known for their use of extreme violence.

Studies that have investigated the details and experience of the process have relied on interviewing the *victims of trafficking*, essentially those that have come to the attention of the authorities via the enforcement services, international organisations or NGOs. Although the terms 'trafficking' and 'smuggling' are used interchangeably, most of the literature focuses on the movement of individuals involving coercion or deception (i.e. trafficking) rather than the facilitated movement of willing migrants (i.e. smuggling) although – as previously indicated – these distinctions may be blurred in practice. These studies have usually been based on small numbers of victims. There is a significant gap in research that attempts to understand the trade in smuggling/trafficking migrants from the perspective of the smugglers/traffickers themselves.

Several authors in a volume dedicated to research in this area also make the point that research on trafficking has tended to focus a great deal on the trafficking of women and children for sexual exploitation, with less emphasis on other forms of trafficking (International Organization for Migration, 2005). A previous Home Office study (Kelly, 2000) has focused on the experience of the victims of trafficking. The report identified some of the ways in which

women were trafficked and found that few were brought in via wholly illegitimate means<sup>2</sup>, with many diverted into sexual exploitation on arrival in the UK.

Further recent UK studies have also focused on the experience of the migrants. A Home Office study by Black *et al.* (2005) presented the results from interviews with 83 migrants detained across three immigration detention facilities. Sixty per cent of the respondents had entered the UK illegally, and 92 per cent of these had used the services of an agent (around 15 per cent of these had been escorted to the UK). Only four of the respondents fitted the criteria for 'trafficking'. The migrants interviewed included those who hid in the back of a lorry, those who entered the UK using false documents and those who travelled with the help of an agent.

## Parallels with work aimed at understanding 'drug markets'

The focus of the proposed study is not unlike work that the Home Office and other institutions have commissioned to better understand drug markets and – by this means – to identify how such markets could be disrupted. Pearson and Hobbs (2001), for example, included a series of post-conviction interviews in order to map out the structures of 'middle markets'. Although the subject matter is quite different, there are some significant areas of comparison and these studies raise parallel methodological considerations.

The Pearson and Hobbs study suggested that criminal networks involved in middle-market drug distribution are typically small, with a correspondingly small number of suppliers and customers. Their evidence does not support the notion of organised crime groups as tightly organised, complex and hierarchical entities, with international reach. They are more accurately understood as networks or partnerships of independent traders or brokers.

More recent work (Matrix Knowledge Group, 2007) examined the illicit drug trade in the UK via 222 post-conviction interviews with drug dealers. This supported Pearson and Hobbs' findings, in that the market was characterised as fragmented, with those involved having only a 'partial sight' of the overall picture. In the main they

2 Kelly found that entry into the UK typically involves women presenting themselves at ports of entry with variations of legitimate and illegitimate documentation. It is rarer for women to be trafficked into the UK through entirely illegal methods, such as being smuggled in false floors of trucks and lorries.

were only knowledgeable about their own operations and had limited knowledge about the activities of others.

The research also served to demonstrate the feasibility of gathering new and insightful information about the conditions of the illegal markets by interviewing convicted offenders.

## Legislative framework

Trafficking has only relatively recently constituted a specific offence in law, and this fact had a strong bearing on the design and scope of this study. In brief the legislative context is as follows.

### UK

Section 25 (1) (a) and (b) of the Immigration Act 1971 includes a number of offences of facilitating the entry into the UK of illegal entrants and asylum seekers. The Nationality, Immigration and Asylum Act 2002 made trafficking for prostitution a specific offence for the first time and provided for a maximum sentence of 14 years. The Sexual Offences Act 2003 came into force on 1 May 2004 and replaced the earlier trafficking offence as well as introducing the wider ranging offences of trafficking into, within and out of the UK for sexual exploitation. The first prosecutions under these specific offences took place in December 2004. A new offence of trafficking for other forms of exploitation, for example forced labour, removal of organs and the trafficking of vulnerable people, including children, was introduced by the Asylum and Immigration (Treatment of Claimants, etc) Act 2004 and came into force in December 2004.

### International

The UN Convention on Transnational Organised Crime 2000 (UNTOC) introduced two new protocols on trafficking and smuggling respectively. The Trafficking and Smuggling Protocols, more commonly known as the Palermo Protocols, came into force (internationally) on 23 December 2003 and 28 January 2004 respectively and in the UK on 11 March 2006.

The Palermo Protocols are framed around a central dichotomy between coerced and consensual irregular migrants. Whereas people who are trafficked are assumed not to have given their consent and are considered to be 'victims' or 'survivors', people who are smuggled are considered to have willingly engaged in a criminal enterprise.

## Policy initiatives

In January 2006 the Home Office published 'A Co-ordinated Prostitution Strategy and a summary of responses to Paying the Price' (Home Office, 2006). Resulting from a broad-based consultation exercise, this document sets out a number of aims to combat prostitution including:

- to produce a guide to the law on trafficking and other forms of sexual exploitation, covering effective investigation, witness support and victim care;
- to develop a UK action plan on trafficking and to conduct action research on the extent and nature of all forms of commercial sexual exploitation in off-street settings.

In the same month the Home Office and Scottish Government issued 'Tackling Human Trafficking – Consultation on Proposals for a UK Action Plan' (2006).

Following this consultation exercise, the UK Action Plan on trafficking was published on 23 March 2007 and subsequently updated in July 2008. This sets out the Government's comprehensive strategy to tackle all forms of human trafficking by making the UK a hostile territory for trafficking and by protecting victims.

The Action Plan Update sets out 85 actions (up from 62 in the original plan) across four key areas, namely:

- prevention;
- immigration, law enforcement and prosecution;
- providing protection and assistance for adult victims; and
- child trafficking – special measures.

## Enforcement initiatives

In 2000 the Government tasked the National Crime Squad with setting up a UK multi-agency taskforce to deal with organised immigration crime – 'Reflex'. Made up of agencies such as the National Crime Squad, the National Criminal Intelligence Service, police forces, the Immigration Service, the UK Passport Service and the Crown Prosecution Service, its remit was to coordinate operations to fight human trafficking and people smuggling.



The deaths of 58 Chinese migrants in a container lorry at Dover in June 2000 caused very considerable public concern and the Metropolitan Police Service (MPS) – in partnership with the UK Immigration Service (UKIS), UK Passport Service (UKPS) and the Crown Prosecution Service (CPS) – set up Operation MAXIM in response: targeting organised immigration crime in London<sup>3</sup>. Operation Pentameter was an additional UK-wide initiative to combat trafficking for sexual exploitation.

Many of these earlier initiatives were superseded by the establishment of the new Serious Organised Crime Agency (SOCA), which brought together the responsibilities previously shared by the National Criminal Intelligence Service (NCIS) and the National Crime Squad (NCS). It also took over organised crime investigations currently handled by the Immigration Service and Customs and Excise. SOCA became operational on 1 April 2006 and brought a new concerted focus on groups involved in immigration crime. The Home Secretary gave this 'second' priority after tackling drugs trafficking. SOCA coordinate a multi-agency programme, including operational activities, aimed at tackling organised immigration crime in the key source and transit countries that impact on the UK.

In the same year, the Government also established the United Kingdom Human Trafficking Centre (UKHTC). This is a multi-agency organisation that acts as a central point of coordination of intelligence, analysis and operational activities around human trafficking. It works very closely with law enforcement agencies throughout the country in helping combat human trafficking.

These developments have also led to more widespread enforcement action. Operation Pentameter in 2006 and Operation Pentameter 2 in 2007/8 were both police-led multi-agency anti-trafficking operations conducted across the country. Pentameter succeeded in gaining 232 arrests and recovering 84 victims of trafficking and Pentameter 2 (a larger-scale operation held over a longer time) made 528 arrests and recovered 167 victims. Tackling human trafficking is now part of core police business and the UKHTC works with ACPO to offer guidance, support, training and shared intelligence to forces to enable them to improve their ability to tackle human trafficking.

<sup>3</sup> Four members of a Chinese criminal gang were subsequently convicted of people smuggling. The lorry driver was found guilty of 58 counts of manslaughter and his co-defendant was also convicted of conspiracy to smuggle immigrants into the UK.

## Conceptualising 'the market' relating to organised immigration crime

For the purpose of this study, the aim was not just to identify the 'market', but to make some headway in understanding the dynamics of the market, particularly the attractions of setting up a business in this area including profitability, ease of operation and potential risk. Greater understanding could indicate where the best opportunities to disrupt that market might lie.

For a market to be sustained, it must be supported by a *demand* for the product/services in question, and for individuals or organisations to *supply* these products/services. Previous studies and enforcement activity have identified a number of discrete markets in trafficking/smuggling across the globe. These different markets are distinguished by geographical regions, purpose and operation.

While the focus of this study was understanding the market in facilitated *illegal* entry, it is important to note that many of the victims of trafficking operations emanate from areas of Eastern Europe that are now part of the European Union. As such, though the market presents a significant problem, the initial entry into the UK from places such as Lithuania is legitimate. However, there is a concern that this in itself has created an expansion in the illicit market as nationals from non-EU countries masquerade as those from EU countries as a means of gaining entry. There is also a market in facilitating the settlement of EU and non-EU residents in the UK beyond the terms to which the initial entry (or visa) entitles them. This is a significant issue, given the incorporation of Bulgaria and Romania into the EU in January 2007.

## Smuggling versus trafficking markets

The most obvious distinction to draw in understanding the market is between smuggling and trafficking. With migrant smuggling the customers are the (willing) migrants who wish to gain entry to the UK and who would be prevented from entering legitimately or who are unwilling to wait for the legitimate process to follow its course. This demand may be related to other demand factors such as the demand for (cheap) labour within the UK.

The essential service is facilitating entry to the UK and there may be a number of sub-services or products that support this such as (illicit) documentation, transport, liaison with officials (which may include corruption/

bribery), accommodation and subsequent deployment in the labour market. The vast majority of this customer base will be economic migrants and asylum seekers from countries that are economically and/or politically disadvantaged compared to the receiving country.

With trafficking, on the other hand, the migrant becomes the commodity rather than the customer and the 'buyers' are those who stand to gain from the deployment of the migrant or who will purchase the services of the migrant such as low cost labour or prostitution. However, many of these migrants may have started out as willing 'customers' of a facilitation service, eager to improve their prospects in a new country and unaware of the exploitation to emerge at a later stage. Many of the activities and sub-services that support this business will be the same as those used for smuggling operations – such as documentation, transport and accommodation etc.

Most businesses will focus on a specific area or range of areas within a 'market'. Alternatively, some businesses will focus on providing some of the specific sub-services as mentioned above.

It is important to note that when analysing the market in trafficking, it can be difficult to unravel the factors that specifically relate to trafficking from the UK market for prostitution, particularly when the initial entry is legitimate.

## Structure of the report

The rest of this report falls into three chapters. Chapter 2 summarises the approach for carrying out the research, and presents details of the prisoners interviewed. The results of the interviews are presented in Chapter 3. Chapter 4 then summarises the main findings and draws out conclusions and areas for further research.

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## 2. Approach

Post-conviction studies are a well-recognised method of conducting social research. They do, however, have limitations, not least because the sample is only based on those who have been caught and convicted. In this case, the focus is also limited to only one of a range

of countries affected by the trade. Consequently, it is difficult to determine to what degree any sample is representative of the population of interest. However, the method adopted for this research provided a reasonably robust sampling frame compared to similar studies, which have relied on personal contacts and snowball sampling (Zhang and Chin, 2003). Another problem is the degree to which offenders might downplay or exaggerate their roles in the offence, which has been noted e.g. by Reuter and Haaga (1989). As previously indicated, most previous studies focusing on the issue of smuggling and trafficking have approached the issue through carrying out interviews with victims.

## Developing a typology of organised immigration crime

Involvement in organised immigration crime can take many forms and there are a number of roles undertaken within a range of distinct markets. As a business process, there are a number of players who undertake different activities within the business chain. Offences will take place within originating countries, transit countries and the host country. Facilitators of different nationalities will operate within different markets and adopt a specific mode of operating. Some will engage in wholly illegitimate activity while others will mix legitimate with illegitimate activity. Very occasionally, some would argue that they were not aware that they were involved in facilitating illegal immigration.

Entry to the UK can be categorised according to a series of variables, each of which will have a bearing on the facilities and roles that will be required to support the varied business processes. The critical issues include:

- the type of facilitated entry (i.e. smuggling versus trafficking);
- country/region of origin and transit routes;
- transit methods and entry points (sea, air, land);
- whether or not the subjects were accompanied and whether entry was clandestine, or non-clandestine;
- use of fraudulent documentation/corruption of officials; and
- deployment in the UK.

It was recognised at an early stage that, because there was a relatively small study population, the findings would be limited in key respects. It was anticipated, for example, that for some businesses/markets perhaps only one offender would be available for interview, while for others there may be a more significant number. Moreover, as Chapter 3 indicates, businesses in this area will often 'specialise' and offenders could be knowledgeable about the whole range of activities, or just a limited function.<sup>4</sup> Notably, none of the offenders yielded information about the market in child trafficking. Despite these limitations, it was recognised that the exercise could considerably boost the limited current knowledge and begin to illustrate some of the features of the 'market' for facilitated entry, from the perspective of those who operate within the market.

## Prisoner selection

Relevant offences codes (see Appendix A) in relation to illegal facilitation and trafficking were identified to access the names of everyone that had been convicted of these offences in 2005.<sup>5</sup> This list contained a number of offenders who had committed 'trafficking' offences prior to the introduction of the 2003 Act, which addressed a wider range of trafficking offences. Additional offenders were identified by Reflex and the CPS. Further searches then identified which of these offenders were still in prison.

The total number of offenders identified throughout the course of the fieldwork was 145, and four of these were interviewed as part of the pilot study (Appendix C). Priority was given to targeting offenders likely to be of higher 'value' to the study; namely those on longer sentences (over two years) or associates on high-profile cases.

4 Thus the account in Chapter 3 covers some prisoners who referred to a single business operation that would encompass the importation of people from a reasonably wide range of source countries and regions (e.g. China, Bulgaria, Africa and many from Eastern Europe). Others were involved in transporting people from a specific region (e.g. the Balkans) and some from a specific country (e.g. Turkey). In some cases, the client group was narrowed to a particular area (Indian District of Brouda) or group (Iraqi Kurds). Strong markets also exist in transit from Africa and South America but these featured less notably in the interviews held for this study.

5 The first list, produced in January 2006, identified relevant offenders in custody on 30 November 2005. It was further agreed that this list would be updated on a monthly basis in order to take into account the regular movement of prisoners around the prison estate, and to capture more recent convictions.

## Facilitating prison access and prisoner participation

The research team included provision for a 'prison coordinator' to make the initial contact with prisons and to request that the prison identify a specific liaison contact.

During the course of the fieldwork (including the pilot study) initial letters were sent to 52 prisons concerning 111 prisoners comprising 18 women (16%) and 93 men (84%). There was considerable movement of prisoners around the prison estate and in some cases up to three different prisons were contacted regarding individual offenders<sup>6</sup>.

Prisoners were told that participation was voluntary (no rewards were offered for participating). A briefing pack was provided explaining the aims and objectives of the study.

## Developing the interview schedule

The focus of the interview schedule was to elicit information pertaining to the market around organised facilitated entry with follow-up questions on process, if time allowed. A copy of the interview schedule is provided in Appendix B.

## Data analysis and theoretical framework

Unless objections were raised by the prisoners or prison, the interviews were tape recorded and subsequently transcribed. The interviews were tape recorded using digital recording equipment that could be downloaded into MP3 files. As well as this, the interviewers produced summary sheets of the main points from the interviews. Points relating to the key themes were entered onto a pro-forma that corresponded with the tape recording.

The content of the interviews was also analysed using a computer-assisted qualitative data analysis software package called MaxQDA, a powerful qualitative analysis tool used for developing theories as well as testing theoretical conclusions of analysis. The interview transcripts and interviewers' summaries were coded according to a framework that encompassed the principal themes and questions of the study. Additional searches were carried out on a selection of key words.

6 Sometimes it may be necessary for the Prison Service to transfer a prisoner from one prison to another. This could be for a number of reasons. For example, if a prisoner's category rating has changed or if they are to attend an offending behaviour course run at a specific prison.

## Prisoner response

Table 1 shows the responses that were received from the 111 prisoners contacted.

**Table 1 Breakdown of responses from prisoners contacted**

Total number of prisoners approached for interview	111
Interviewed	45
Refused	20
Transferred out/no response from prison/ongoing at conclusion of fieldwork period	16
Released	12
Deported	11
Prison required separate research application – prohibitive	2
Other	5

'Other' comprised: consented to interview but transferred to unknown location (1 case); consented to interview but too late to pursue (1); consented to interview with solicitor present – not pursued (1); absconded (1) and offence not relevant (1).

Of those available for interview within the set timescales, 45 out of 65 agreed to take part and were subsequently interviewed. This is a response rate of around 70 per cent.

The interviews were carried out across 28 different prisons. Those that could not be concluded within the interview timeframe tended to be those that had been transferred out of one or more prisons, or those that were identified towards the end of the fieldwork period. Those that had been released tended to be those on shorter sentences. Where reasons for refusals were given, they ranged from: concern about being identifiable in the report (despite assurances to the contrary); advice from solicitors not to take part; a denial of involvement in organised immigration offences; and the absence of tangible benefit to the prisoner.

## Characteristics of the prisoners interviewed

The characteristics of the 45 interviewed prisoners were as follows.

**Gender** – The interviewees were predominantly male. Thirty-eight (85%) of the respondents were male and seven (15%) were female.

**Age** – The age of three of the prisoners was unknown. For the rest, the age range was from 19 to 65 years old. The average age was 35.5 years. The average age for the female prisoners was 36.5 years (range 20–48 years) and for the male prisoners 35 years (range 19–65 years).

**Nationality** – The breakdown of individuals interviewed, by nationality, is summarised in Table 2. The table shows the nationality *as described by the prisoner*.<sup>7</sup> In a couple of cases the nationality given by the prisoner was inconsistent with the account given or languages understood (as indicated by the attendant interpreters). Seventy two per cent of the prisoner group said they had previously been immigrants to the UK. Some of these said they had arrived illegally, and had been granted leave to remain following asylum claims. A number said they had arrived as minors.

**Table 2 Nationality of those interviewed**

Nationality (as reported by interviewee)	Count
Albanian	6
UK	5
Kosovan	4
Lithuanian	4
Chinese	3
Indian	2
Other nationalities: one each that were: Bulgarian/French Algerian/French Cameroon/German/Lithuanian-Russian/Macedonian/Malaysian/Moldovan /Polish/Serbian/Thai/Turkish/Turkish Kurd/UK (Ug Asian)/UK Asian/UK Bangladeshi/UK Greek Cypriot/UK Singapore/UK Turkish/Russian/Zimbabwean	21

<sup>7</sup> Nationality was included on the prisoner identification lists but in some cases there were minor discrepancies between the nationality stated on the prisoner list and that given by the prisoner. In most cases, the discrepancy was due to a prisoner being of dual nationality (particularly UK citizens) where only one nationality (e.g. the UK status) was recorded on the list. Others were described as Yugoslavian on the list but had identified themselves as Serbian or Kosovan etc. in interview.

**World region** – The breakdown by world region is shown below.

**Table 3** *Origin – by world region – of those interviewed*

Region	Count
Balkans (including Moldova)	14
UK (including dual nationalities)	12
China/South East Asia	5
Former USSR	5
Western Europe	2
Indian Subcontinent	2
Africa	2
Middle East/Turkey	2
Eastern Europe (other than Balkans)	1
<b>Total</b>	<b>45</b>

**Offences** – It proved difficult to categorise the prisoners by offence. Although the prisoners were initially charged with immigration offences, they may have been subsequently convicted of a proxy offence or a number of offences<sup>8</sup>. The trafficking offences introduced under the Sexual Offences Act 2003 came into force on 1 May 2004 and had been applied in relatively few cases at the time the study was conducted. Traffickers convicted before this were more likely to have been convicted of offences relating to procurement, controlling prostitution or other sexual offences. Bearing this in mind, the breakdown of conviction offences as indicated on the prisoner lists is presented in Table 4.

**Table 4** *Offences for which the prisoners interviewed had been convicted*

Offence	Count
Assisting illegal immigration	17
Unlawful sexual intercourse	7
Fraud/Deception	4
Conspiracy to traffic	2
Rape	3
Procurement	2
Manslaughter	1
Forgery	1
Prostitution	1
Other indictable offences	2
Not known	5
<b>Total</b>	<b>45</b>

<sup>8</sup> This was an administrative issue whereby offences were usually recorded according to the most serious or 'index' offence'.

### **Distinction between 'traffickers' and 'smugglers'** –

From the convictions and the interviews it was, however, possible to categorise the prisoners broadly into 'traffickers' and 'smugglers' according to the nature of their particular case: 20 of the total could be classified into the former category and 25 into the latter: see Table 5.<sup>9</sup> Within these categories there are a broad range of activities so that the term 'traffickers', for example, will relate to anyone involved in a trafficking chain whatever their role may have been.

**Table 5** *Counts of 'traffickers' and 'smugglers' by sex*

<b>Smugglers</b>	<b>25</b>
Males	22
Females	3
<b>Traffickers</b>	<b>20</b>
Males	16
Females	4
<b>Total</b>	<b>45</b>

**Sentence length** – The length of sentences ranged from one year to 23 years. The average sentence length was seven years. Smugglers had an average sentence of 4.5 years (range 1–9) and traffickers an average of 10.6 years (range 2–23). The female prisoners had an average sentence of 5.5 years; the male prisoners 7.6 years. The dates of conviction indicate that the majority of the prisoners were convicted during or after 2005 (75%). Only three of the prisoners had been convicted earlier than 2004, namely between 2001 and 2003.

**Role in the offence** – The interviewees described a wide range of roles that had been undertaken as part of the smuggling or trafficking process. Some undertook a discrete role while others had broader and more varied roles. Table 6 aims to summarise the broad types of roles described during the interviews (although there was clearly some overlap between the roles).

<sup>9</sup> Several of the prisoners were adamant that they had been convicted for attempted illegal entry for themselves and not for the facilitation of others, despite, in some cases, 'assisting illegal immigration' being the offence recorded on the prisoner list. Without further background details, it was not possible to contest these positions.



**Table 6** Initial typology of the roles described in interviews

Role	Count
Transporting: drivers, escorts, boat handlers	11
Facilitation: administrative arrangements, linking parts of the chain	7
Controlling prostitution: living off immoral earnings, controlling individual girls, brothel keeping etc.	8
Recruiting: girls for prostitution, couriers, clients	5
Importing: liaison with recruiters/agents overseas	4
Brothel services: providing security, reception services, inducting new girls etc.	3
Documentation: passports, visas, travel arrangements, applications	3
Support services: translating, housing	3
Deployment: employment, education	1
<b>Total</b>	<b>45</b>

in prison and anxiety about possible deportation was clearly evident. Finally, the security of illicit business activity often relies on keeping information on a 'need to know' basis, meaning that some of the prisoners, particularly those with the more menial roles, may genuinely have had restricted knowledge of 'their' operation. These factors need to be borne in mind to put the interview data into context and interpret them accurately.

The validity and internal consistency of the responses were assessed during the interviews and in the follow-up analysis, through:

### Assessing the reliability of prisoners' accounts

Chapter 3 of the report describes the key findings of the interview programme and while it is reasonable to say that a wealth of material was gathered from this process, there are inevitable 'health warnings' about the veracity of the prisoners' accounts and the degree to which they are representative. It is important to note, for example, that the respondents, while willing to talk about the market, were often unwilling to concede their role in the offences. Of the 45 respondents, 26 claimed that they were innocent of the alleged crimes (despite many of them pleading guilty at the trial). Ten admitted their guilt and nine claimed partial culpability, for lesser or other offences than those for which they had been convicted. Thirteen (of 25) smugglers admitted full or partial guilt compared to seven (of 20) traffickers. Fourteen (of 38) men admitted some degree of guilt compared to two (of seven) women. The crimes most likely to be denied were sexual offences (e.g. rape). Offenders were also likely to deny that girls were forced into becoming prostitutes or that they were being mistreated. The particularly heinous nature of some of the allegations (related to trafficking) might explain the prisoners' tendency to sanitise their accounts. As a general rule, smugglers were more open than traffickers about their experiences and the mechanics of the market.

More specifically, those intending to appeal against their sentences were often keen not just to deny their own involvement but to distance themselves from any knowledge of the process. Others, for example those still involved or intending to renew their involvement on release, or fearful of recriminations, may have been motivated to provide a smokescreen. Additionally, the research coincided with high levels of press coverage about the status of foreign nationals

- using interviewers who were experienced in eliciting information from offenders and probing further in cases of apparent inconsistency;
- corroboration through background information, such as newspaper reports and CPS information;
- checking for consistency within individual accounts;
- checking for consistency across the accounts given by associates in the same case;
- identifying patterns, themes and consistency across the entire sample; and
- discounting references and accounts based on clear speculation, or apparently drawn from media or press reports.

It is important to bear in mind, however, that the remit for the study deliberately focused on the market *from the perspective of the perpetrators*, rather than a more comprehensive overview. Similarly, background information was not uniformly available for all interviewees, thus precluding the possibility of a complete cross-referencing exercise and limiting the degree to which views expressed could be understood within an objective factual context. Therefore, apart from the occasional need to provide a framework for the comments to sit in, the report adheres to the prisoners' subjective explanations, even when these are contrary to the information from other sources, such as the press and CPS summaries.

### 3. Results from the interview programme

This Chapter gives an overview of the market *as perceived by the interviewees*, based on personal accounts of smuggling and trafficking as well as their broader views.

It should be noted that the sample of prisoners does not represent a balanced cross-section of the people who participate in organised immigration crime. Therefore, the opinions provided should not be taken as generally held by those involved in people trafficking/smuggling. To prevent inferences being drawn about the market as a whole, exact numbers and proportions of prisoners who expressed opinions are generally not provided in the main report. Instead general indications like 'some', 'a few', and 'a number' are given.

In the commentary in this section, 'demand' – why people want to come to the UK – is explored as a separate issue, whereas 'supply' is encapsulated under a broader discussion of how the trafficking/smuggling process operates. The commentary describes the trafficking/smuggling process and then sets out what the interview programme exposed about the trafficking/smuggling operators and their perceptions of the economics of their chosen market, and what information was given about their victims/clients. Finally, it addresses attitudes towards the perceived risks from actions taken by the regulatory authorities.

As well as the issue of the veracity of the prisoners' accounts, discussed earlier, it is important to emphasise the constraints in reporting the findings from this study. The purpose of the study was to shed some light on the features and circumstances that support and perpetuate the market in organised facilitated entry – as described by a diverse set of operators. Given the uncertainty about their representativeness and the heterogeneity of the sample, it was rarely possible to present 'majority' views as the findings emanate from a wide range of offenders covering a variety of experiences – many of which are not replicated by other respondents. Similarly, it was not feasible to attempt to categorise the responses by 'offender type' as the variety of roles and conviction offences leaves little opportunity to group offenders together except under the broad activities of smuggling or trafficking.<sup>10</sup> By the same token, to discount the reports of individuals who made points that did not arise in interviews with other participants, would risk the loss of potentially valuable information. The points

<sup>10</sup> Although even here there is a degree of overlap in some cases.

presented reflect those that were made by a number of the respondents or those that were made by individuals who, on the basis of their willingness to admit culpability and impart detailed information, appeared to be presenting a plausible account of events. Where relevant, this has been indicated, or the account presented as a direct quotation.

#### Assessing demand: why the UK?

For any 'market' to emerge and be sustained, there must be sufficient demand to entice operators to set up 'in business'. Overall, as far as the interviewees were concerned, demand for entry to the UK was considered to be substantial. Moreover, most took the view that the economic differences between Western Europe and most parts of the world, and the additional benefits perceived to exist within the UK, would continue to feed the market for facilitated entry. Given the international reach of facilitated entry, the overall demand for assisted entry will be specific to the 'push factors' within the originating countries combined with the 'pull factors' of the UK. Interviewees were asked to provide feedback on what principal factors led to the demand for assisted immigration into the UK.

The 'push factors' identified in the various countries of origin<sup>11</sup> were:

- poverty/hardship;
- religious and social intolerance (e.g. of prostitution);
- ethnic or religious oppression;
- political and ethnic unrest/civil war (e.g. the Balkans, former communist countries, Horn of Africa);
- degradation and persecution;
- corruption;
- avoidance of conscription; and
- pursuit by police.

For the most part, checks on leaving the countries of origin were considered to be relatively lenient with some border officials being susceptible to bribery.

<sup>11</sup> The principal regions were: Eastern Europe (including the Balkans); Turkey and the Middle East; former USSR countries (especially Lithuania); the Indian Subcontinent (including Sri Lanka); China and South East Asia (Malaysia, Vietnam, Thailand etc.).

Interviewees also perceived a number of 'pull factors' with regards to the UK. Economic factors that interviewees thought created demand for entry included:

- a comparatively strong economy and higher wages;
- easy entry to the 'shadow' economy where obtaining work without papers is comparatively simple, unlike places like France or Germany;
- availability of work for skilled trades in the construction industry;
- a particularly strong demand for prostitution; and
- the perception of a comparatively generous benefits system<sup>12</sup>.

Social 'pull factors' were seen by those interviewed to include:

- access to the National Health Service and other public services;
- established ethnic communities providing networks, contacts and obscurity;
- previous migration of other family members;
- ability to speak/desire to learn English;
- better lifestyle/consumer choices (e.g. shops, nightlife);
- better, safe and tolerant environment;
- positive media coverage of UK conditions; and
- better opportunities for education.

Political 'pull factors' were identified as:

- perception of a comparatively relaxed immigration policy (only matched by Sweden);
- perceived ease of entry as a temporary visitor, tourist or student;
- perception of a liberal policy (e.g. Human Rights Act) towards migrants and asylum seekers;

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<sup>12</sup> It should be noted that for the purpose of this research, no distinction was made between benefits administered by DWP and HMRC, or the different types of benefits claimed.

- perceived ease of obtaining citizenship (e.g. marriage to a UK national);<sup>13</sup>
- perception of less interference from the government than in countries where prostitution is legalised and regulated;
- lack of identity card system (at the time the interviews were conducted); and
- perception that enforcement and policing more relaxed than in other countries.

Finally, practical 'pull factors' were:

- a perception of insufficient immigration controls at ports; and
- passing through en route to the USA.

In summary, the UK is 'a draw' for people from a wide range of countries and regions, and the factors that compel the migrants to leave their country of origin are wide ranging.

### **Comparison with other countries**

While the majority of respondents emphasised the strong pull factors encouraging entry to the UK, a relatively small minority of respondents claimed that the UK was no less or more attractive than other European countries and that the selection of the UK as an end destination was related to the links available to the facilitator rather than any particular desire to enter.

It was argued that many organised immigration crime operations (particularly those linked into the prostitution market) would be operating multiple importation arrangements to a range of countries in Western Europe – particularly Germany or Holland. The legalisation of prostitution in these two countries were said to make them more attractive in some respects, although state regulation was also considered to be a disadvantage by some. Also, sentences in Germany and other European countries are perceived to be shorter than in the UK (although many do not appreciate this until they have received long sentences in the UK).

The perceived comparative ease of obtaining work in the UK was one of the key factors mentioned by a range of respondents.

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<sup>13</sup> It was said this could be arranged for 'a reasonable fee' of some £1,500.

*You have the easiest way to work and you can find a job in your country on the same day. In France you struggle to find a job... you have to pass through a long contract, a special type of contract.*

(French smuggler)

Similarly, 'human rights' were said to be more liberally bestowed in the UK.

The preference for the UK over other countries was often said to be linked to social networks. For example, it was said that Turks wanting to come to the UK, as opposed to other EU countries, predominately originate from two or three geographical areas in Turkey, and that the vast majority end up living in North London. Turks from different regions go to other countries (such as Germany) where they have large immigrant communities who have come from their own particular areas.

A number of respondents who had been involved in smuggling immigrants from India reported that the UK was simply a staging post for entry to the USA. Indeed, some were involved solely in the business of exporting migrants from the UK to the USA. Entry via the UK was considered to be less risky than from India directly.

It was reported that the number of people wishing to come to the UK from India has probably reduced because India has been declared a 'safe' country by the UK authorities, and the perception was that people will be returned if they are caught.<sup>14</sup> In response to this, Canada was cited as a more popular current destination – particularly since 9/11. Canadian Immigration law was said to be very 'soft' and in Quebec State, leave to remain is granted 'very quickly'.

### **Changing influences on country selection**

Respondents also conveyed the message that the market was susceptible to change but was unlikely to diminish. As one respondent said: 'While there are poor countries, there will always be money to be made out of helping people move to rich countries'.

A number of reasons were given as to why the UK had become more or less attractive in recent years. Explanations given to support the perception of the UK as 'more attractive' included:

- entrants from EU Accession States (significant in trafficking for prostitution) no longer require false documentation to enter the UK;

<sup>14</sup> Indeed asylum applications from India to the EU have dropped by 68 per cent since 2004 (UNHCR, 2006).

- budget airlines reduce the cost of transit and allow entry at airports with more relaxed entry controls;
- increasing enforcement activity in other European countries; and
- increase in wages compared to other European countries such as Germany.

Explanations given to support the perception of the UK as 'less attractive' included:

- overall, tighter entry control since 9/11;
- more sophisticated detection equipment at ports;
- new style UK passports, with photographs scanned in, are more difficult (and prohibitively expensive) to forge;
- greater stringency around marriage to UK citizens;
- increases in the cost of living;
- joint border controls at Calais;
- longer sentences and the confiscation of proceeds; and
- economic growth in a number of 'developing' countries has increased the opportunities to make money (particularly via prostitution) in the home countries.

### **Clients and victims**

#### **Clients of smuggling operations**

Interviewees described the types of client that were involved in organised immigration crime. Overall, people seeking entry to the UK came from a wide range of backgrounds. A number of the interviewees stated that their principal client group comprised men aged between 20 and 45 who were coming to the UK to seek work, but they also included people coming over as 'students' – who might be younger – and some female entrants. Both men and women were, in some cases, reported to seek entry in order to take advantage of the benefit system. Some people entered with their spouses, though not necessarily at the same time or via the same method of entry. Older people and children were also brought in, often to join family members who had previously entered the UK.

Specific reference was made to ‘several generations from the same family’ arriving together (although whether this is common cannot be verified).

The respondents referred to clients from a diverse range of backgrounds. In several cases, the client group would be from the educated professional classes (e.g. doctors, dentists and teachers), some would come from families with material resources such as land and/or businesses and others would be relatively poor. Some would be coming specifically to work in family restaurants or other businesses. Clearly, the ability to pay for the service would be a factor in this, with ‘debt bondage’<sup>15</sup> or courier duties constituting the only available options for the poorer clients.

### **Recruitment for smuggling operations**

Recruitment for smuggling was described as demand-driven and access to agents initiated by word of mouth – usually through friends, relatives and local networks such as the church, mosque or temple. It is common practice, according to the interviewees, for those that have already arrived in the UK to promote its advantages, recommend a route/method and put friends and relatives in touch with the agents that facilitated their own entry – agents would, therefore, come with a recommendation. The market for entry into the UK is sufficiently strong that there is rarely a need to advertise the service. Agents might operate as ‘freelance’ individuals or run the operation from a respectable front, such as a shop (or, in many cases, a travel agency) that could provide information and contacts for an extra fee to those enquiring about coming to the UK.

### **Victims of trafficking operations**

The trafficking markets that were described tended to be more specific. Originating countries identified in the study were more likely to be: Lithuania (most common by far), Ukraine, Poland, Russia, Balkans countries<sup>16</sup>, Holland, China, Malaysia, Moldova, Czech Republic, Latvia, Singapore, and the Philippines.

The descriptions of the trafficking ‘client’ group illustrated a severely disadvantaged group of young women living in impoverished circumstances. A common scenario was of poor, uneducated young girls from the poorest parts of the country (often small villages or towns) who either came from dysfunctional families or who had already broken some of their family expectations and ties by having

boyfriends, going out to clubs and who had often moved away from their homes to live and work in major towns and cities.

Most of the perpetrators in this area asserted that a reasonable proportion of the young women were already working as prostitutes in the home country and, with a prospect of higher wages, entered the market willingly. While this is a contentious point, it received some support from the ‘victims turned traffickers’ who took part in the study (although their motives could also be suspect) and should be reported alongside the other assertions of the offenders. Even more contentious were claims that some of the young women had made considerable amounts of money and returned to their home country with extensive business plans. There were also claims that, having benefited greatly from the opportunities provided by the ‘traffickers’, these women, in an act of ‘betrayal’, claimed serious mistreatment as a means of taking advantage of the services set up to help ‘victims’ of trafficking, which are regarded as particularly generous and wide-ranging in the UK.

It was routinely claimed that it was not possible to force women across borders because there were too many stages in the process and that any resistance would attract the attention of the authorities. Additionally, it was reported that in night clubs, on television, in magazines and papers in Lithuania the warnings about sex trafficking were difficult to avoid. Contradicting themselves, however, the same offenders would sometimes accuse other groups (usually Albanians) of bringing in girls by force or deception.

### **Recruitment for trafficking operations**

Recruitment may be undertaken by a range of personnel but is often undertaken by men who are engaged by a central operator within the originating country. Russian men were mentioned as being very common recruiters in the Balkans, the former USSR and Eastern Europe. Sometimes, ex-prostitutes will be employed to recruit new employees. (Indeed, Europol [2005] has noted a trend in the increased involvement of female perpetrators because of their ability to win the trust of potential victims). Young women, either working as prostitutes or not, will be targeted by recruiters and groomed for export abroad. This might involve ‘wining and dining’, ‘romancing’, talking up the prospects in the UK, or making use of debt bondage or threats to the families.

*Her father sold her [to a gang]... he drank alcohol. And when he sold her he finished the money then sold the other sister as well.*

(Albanian trafficker)

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<sup>15</sup> Where individuals are forced to work as a way of paying off the debt incurred during the smuggling operation.

<sup>16</sup> Yugoslavia, Bosnia and Herzegovina, Croatia, Macedonia, Slovenia, Romania, Bulgaria, Albania, Greece, and Turkey.



Some young women were sold along a chain of 'controllers', sent with escorts to the UK, resold and very quickly coerced into prostitution. They are reportedly watched, constantly monitored, threatened and sometimes beaten and/or raped until compliance is forthcoming.

*The men controlling them, they would say to the girls whoever moves to another place or goes to the police station, then they or a member of their family would be dead.*  
(Albanian trafficker)

It was also reported that some girls advertise themselves on the internet and get air tickets and offers of work this way. Similarly, in some cases, it was reported that potential controllers in the UK would use the internet to vet the girls on offer from overseas agents.

In Lithuania, there were reports of organised recruiting and transportation on a widespread scale undertaken by an organisation run by a Lithuanian woman (who, according to one interviewee employed her sons as 'escorts' to the UK). This woman had been recently arrested and imprisoned and was cited as a key player in the supply of young girls. Interestingly, her name was also mentioned independently in relation to a number of the cases that had been brought to prosecution in the UK, involving different sets of associates. This organisation had reputedly been trafficking girls from Lithuania and Belarus for ten years, initially into Germany, Belgium and Holland and started in the UK in around 2001.

## Activity in the market

Identifying the potential demand for a service does not necessarily identify the level of activity within that market. During the interviews, the interviewees' perspective on the activity in the market (or the 'state' of the market) was explored. Without exception, the respondents considered that the UK has a particularly active market in facilitated entry. The areas of business activity can be broken down into three principal categories: migration (transportation etc.), prostitution, and fraud.

### Migration

Many of the respondents referred to large numbers of illegal immigrants from a wide range of areas that they felt the authorities were unaware of, and indicated a regular and steady influx through popular entry points.

### Prostitution

As an incentive for the trafficking trade, respondents commented on the robustness of the UK market in

prostitution. EU expansion has certainly increased legitimate migration from the new Accession States. However, as reaffirmed by the respondents, this legitimacy has fuelled the market in sex trafficking from poor Eastern European countries by removing the potential barriers provided by previous immigration requirements.

*You've got to stop people from Lithuania – that is where it comes from – it's not people over here. They sell the girls for the first time. The Lithuanians – they've even got housing here, they bring over 15–20 girls a week and they bring them over here and keep them over here and they sell them around to people.*

(Balkan trafficker)

In addition to the removal of some of the barriers to entry, the UK was considered by a number of the respondents to have a particularly strong (and UK-wide) market activity in relation to prostitution.

As well as a steady stream of young women from Eastern Europe, women from the Far East were said by a female respondent to be 'queuing up to come,' specifically those from China, Thailand, and the Philippines.

Furthermore, prostitutes clearly have a limited career span and there is, therefore, a constant demand for new 'resources'. The women from overseas exploited in the cases identified for this study tended to be extremely young, and examples were given of women in their early twenties who had already moved on from prostitution to the recruitment and 'training' of new prostitutes. Many were also said to move on with men that they had developed relationships with, although the extent to which these relationships were exploitative is unknown.

Commentators on the 'natural price adjustment' in the market for prostitution had mixed opinions – some felt that sustained demand was evidenced by the endurance of the pricing structure, while others felt that a lack of increase in prices over the past few years (i.e. a reduction in real terms) was the result of the influx into the market. Others claimed that the impact of the trafficking trade had significantly reduced prices in some markets – namely the Albanian-run operations. As well as new girls entering the UK market from abroad, respondents referred to a brisk trade in girls across groups and networks within the UK. Girls and, sometimes fully staffed brothels, are apparently regularly exchanged between 'controllers'.

Another argument put forward was that the client base for prostitution was well populated by nationalities that

were flowing into the UK legally and illegally. If correct, the strength of the market in smuggling could well be fuelling the demand for prostitution and therefore, trafficking. Certainly, a number of the respondents referred to their own use of prostitutes.

Further estimates were given of the scale of trafficking and associated 'businesses'; as one Albanian respondent put it:

*There must be 2,000 people working in this [controlling prostitution] business but only about 20 have been caught.*  
(Balkan trafficker)

### **Fraud**

Similarly, as previously mentioned, it was apparent from the reports that the extension of the EU further east has increased the traffic in illegal immigrants from the population of neighbouring non-EU countries, masquerading as residents from the Accession States, using fraudulently produced documentation.

Additionally, some of the interviewees felt that there were considerable business opportunities in supporting over-stayers or in the abuse of the benefits system on behalf of those entering legally but making false claims (for example, for children that do not exist or that remain in the home country).

## **The trafficking/smuggling process**

As previously discussed, the market dynamics are complex and vary across a range of smuggling and trafficking-focused activities. There are a range of components that might be provided or accessed as part of the business structure which supports the facilitation of migrants into the UK, and the commentary below seeks to discuss each one. Some of these components will be sourced outside the UK.

### **Entry to the UK**

The process of entering the UK was not the primary focus of this study and has been documented reasonably widely elsewhere (Black *et al.*, 2005). However, entry to the UK can be undertaken in a variety of ways and the method of entry will be a significant feature of the business operation, linked particularly to issues of risk, customer base, costs and profits. Essentially, the entry activities can be broken down into *clandestine* and *non-clandestine*.<sup>17</sup>

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<sup>17</sup> Some journeys will involve a mixture of clandestine and non-clandestine entry, as legitimate travel using the immigrants' own documents will often take place into and across Europe and this documentation will be removed before clandestine entry into the UK.

With clandestine entry, the immigrant is brought into the country without being presented at any immigration or border controls. Common methods reported include stowing away in lorries, cars or vans and crossing through passenger or commercial ports without declaration. Less commonly, boats have been used and immigrants dropped on an open shoreline.

With non-clandestine entry, the immigrant is presented at border controls (air or sea) as a *bona fide* migrant. They will either have no documentation and claim asylum from a recognised non-safe country or they will present fraudulently obtained documentation such as a passport and/or a variety of visas (such as tourism, business or education) depending on the area they are migrating from or the method of fraudulent entry.

### **Methods of transport and entry points**

Respondents described the following transport and entry arrangements that supported the various businesses.

#### **Air transport**

Transport into the UK by air is a common method adopted by both traffickers and smugglers. The growth in budget flights from Europe to the UK has been an attractive means of transport (and indeed, the cost of long haul air travel has fallen in real terms) (Schloenhardt, 2001). Flights from further afield cut down the travelling time and therefore prevent the necessity for long and arduous overland travel and multiple border crossings. In some of the cases in this study, tickets were booked (by agents) using cloned or fraudulently obtained credit card details which will increase the profit but also the risk. Travelling by air may or may not include the services of an escort, depending on the nature of the arrangement.

The choice of airline or airport of entry is often part of the assessment of profit and risk. Use of budget airlines will cut down the initial cost and provincial airports are considered to have less rigorous security and immigration measures in place. This is weighed against the advantages of the major airports where the sheer volume of people is considered to lessen the likelihood of attracting attention. Major airports are also easier to access by public transport and there are established networks at places like Heathrow and Gatwick that are involved in meeting and collecting the migrants for the next part of the process if the facilitation or trafficking service does not culminate there.

Overall, scrutiny at airports is considered to be the most extensive, which is why some operators favour other methods such as train, coach, boat or lorry.

### Train/coach

Some migrants would be brought in by train or coach and Eurostar was regularly mentioned as a means of entry. The advantages of these means of transport are that the travel is relatively cheap, can accommodate larger numbers and the immigration checks are relatively superficial (although the recent deployment of immigration officers on Eurostar had caused some concern amongst 'importers').

### Car/van or lorry

It was suggested that a large proportion of immigrants entering the UK are brought in by car or lorry via sea ports, most commonly, Dover or Harwich. Clandestine migrants will be secreted away in lorries, vans or in the boot of cars.<sup>18</sup> Lorries and vans may be especially adapted to carry hidden passengers with the complicit assistance of the lorry driver or just be rented on a casual basis. Alternatively, lorries may be broken into and the passengers concealed until they can jump out at a suitable destination. This method is more risky but removes the need to secure the driver's cooperation and to pay them. Non-clandestine passengers may travel as foot passengers or in vehicles.

Drivers and escorts were generally at the lower end of the network and often the van drivers were those vulnerable to approaches to undertake risky jobs through debts or drugs.

*For example, they target some people in difficulties with no money. They say "Do you have a British passport? Can you freely travel to France?" They use junkie people, for example drug users, heroin users...*

(UK-based courier)

Escorts would sometimes be sent with them, to help the immigrants with language difficulties, keep order, and ensure things went smoothly.

As with airports, smugglers and traffickers pointed out that a trade-off exists between using busier ports (volume reduces likelihood of attracting inspection) and smaller ports (less sophisticated immigration systems). Occasionally, smaller boats will be chartered to bring immigrants to remote coastal areas, but this is considered to be risky and requires the involvement of experienced boat handlers.

The method of entry was one of the areas where businesses tended to be flexible, with operators keeping fully abreast of changes in:

<sup>18</sup> Sometimes vans are equipped with items that would justify the journey if questioned – such as building materials for a proposed renovation exercise.

- immigration law and practice;
- enforcement regimes and priorities;
- security at border points;
- cost differentiation (air tickets etc.);
- availability and reliability of support roles (e.g. drivers); and
- changes in requirements for/style of entry documentation.

For many businesses, a varied portfolio of entry methods – with methods changed on a regular basis – represents a strategic attempt to avoid detection. The wealth of the client or payment schedule will also have a bearing on the method of entry.

### The provision of documentation

The provision of documentation to aid the entry and settlement of illegal immigrants will depend upon the business focus and the method used by the appointed agent.

The respondents described two principal reasons for the requirement for documentation.

- Clandestine immigrants with no documentation may then acquire appropriate documentation that will enable them to key into the official networks that will promote settlement in the UK. This may also apply to those claiming asylum once they have been discharged into the community pending a hearing.
- Immigrants entering on false documentation may continue to use this documentation during their stay in the UK, although it is common practice for passports to be recycled once successful entry has been achieved. Additional or different documentation will be acquired as and when deemed necessary.

There was no identifiable pattern in the distribution of nationalities across these two scenarios.

Immigrants and facilitators are keenly aware that deportation can only occur in certain circumstances and obscuring true nationality can be an effective tactic in precluding this. Adopting the nationality of an 'unsafe' country will increase the chances of an asylum claim and some countries will not receive deportees without proof that they belong there. This is very difficult in the absence of ID.

### **The provision of passports**

The use of passports (and in some cases other ID) falls into two principal categories and the type of passport used has a significant impact on the cost.

- **Illegally obtained passports** – either ‘previously issued’ passports (bought, borrowed or stolen) or ‘black and white’ (i.e. blank) passports. The latter are allegedly acquired where corrupt relationships can be formed with passport authorities in the issuing country.
- **Forged passports** – fraudulently manufactured passports that will be sold as ‘black and white’ passports for adaptation to suit the client.

The interview sample reported that forged passports were available from a range of countries, for example Spain, Portugal, Lithuania, Estonia, Poland and ‘Czechoslovakia’.

EU expansion was seen as an opportunity to cut the overheads in this area as entry could now be made on passports from the new Accession States that were generally easier to forge or acquire than those from Western European states such as Germany (or the UK). Prices for these newer passports ranged from £40 to £200 against previous prices of up to £2,000. Passports, bought, stolen or borrowed, were also currently available from a range of other countries (Holland, Norway and Spain) for around £200 (possibly suggesting that competition in the market had resulted in an overall price reduction). Occasionally, the respondents referred to non-European documents being used such as an Australian passport and visa procured for £2,000.

With ‘black and white’ passports, the name and date of birth will usually be made up. With previously issued passports the photographs will be replaced to reflect the new recipient. Physical characteristics and additional languages spoken were reported to influence the allocation of nationalities.

The use of these documents was reliant on the perceived inability of UK immigration officials to recognise the differences between different nationalities, as well as their perceived lack of knowledge of a wide range of languages.

Word of mouth was, again, the principal means of finding out where passports (and other documents) might be obtained. Passport forgery may be part of an ‘in-house’ set-up or forged passports may be bought from separate groups that have specialised in this aspect of the business, supplying a number of facilitating organisations.

Changes to passport styles such as scanned-in photographs were seen as an impediment to forgers. Changes to Lithuanian passports (a significant source of fake passports) were implemented in January 2008.

### **Other documentation**

As well as providing passports, smuggling and trafficking organisations were involved with the procurement and/or production of other forms of documentation for facilitated illegal entry or settlement in the UK, such as bank account details, criminal record checks, letters of recommendation, offers of accommodation etc. This would include the development of packages for presentation to Embassies, High Commissions and Consulates. Such packages would particularly apply to the application for false business visas.

In some cases it was claimed that current policies would ease the process of application, for example that political pressure to reduce asylum claims had resulted in the processing of false or duplicate applications.

Corrupt language colleges in the UK were reported to support bogus applications for student visas for a fee. Once the visa has been granted, students enter the employment market and make no appearance at the college.

### **Providing accommodation**

A steady influx of migrants will create a demand for accommodation. Some will be accommodated by family members, but others will require rented accommodation. A number of the respondents referred to people who were in the business of (knowingly) letting accommodation to illegal immigrants (who are unable to provide the references required by legitimate landlords). A number of these were linked to letting agencies and some were a further offshoot of corrupt employment agencies that would provide access to accommodation as well as work.

### **Providing employment**

For some migrants, access to employment or information about possible sources of employment was part of the facilitation package. This might commonly include work on construction sites, agricultural labouring or catering. In some cases, introduction to employment or potential employers had been provided for a fee. In the case of trafficking, the aim is often to put the victim to work within the sex trade. For others, employment within the UK was the goal but not, or only loosely, connected with the facilitation (e.g. work within family businesses such as shops, restaurants or warehouses). A smaller proportion of the migrants reportedly found their way into the ‘official’ labour market – either via the asylum route or by making bogus applications

for ID (such as National Insurance numbers). Others will become fully engaged within the 'shadow' economy or will make a living from crime. Fraudulent access to benefits (and local authority housing) was cited as the goal for many of the migrants, who may then supplement these with employment. This is, however, at variance with the findings from an earlier larger study which found that the decision of which country to go to is complex and influenced by many factors (Robinson and Segrott, 2002).

### **The provision of information**

Information is a key commodity traded amongst potential migrants and those in the business of facilitating their entry. Some of the information will be traded as part of a system of favour 'exchange' and some will be sold for cash. There are people linked to immigrant communities who know the benefits system inside out and who will trade the information – often for money. Others will charge for completing application forms on behalf of migrant settlers.

### **Services involving corruption and bribery**

Corruption and bribery were mentioned by a range of interviewees involved in both smuggling and trafficking as a means of smoothing the passage into the UK. This might occur within the originating countries, transit countries or in the UK.

In some cases, the corruption was not as obvious as the payment of money for services rendered but was more subtle – to do with longstanding relationships of mutual benefit (e.g. favours between people in 'useful positions'). The term 'influence' rather than corruption was used in some circumstances. But, equally, interviewees provided examples of bribery (and, naturally, the payments of bribes are included in any business costs).

Some interviewees alleged that there was corruption within immigration and border services, both here and abroad.

*There was a time in Belgium where we paid the guards [400–500 euros]; there were 20 or 30 people to get through...*  
(Albanian trafficker)

*At the Home Office [Passport Agency] you had people who worked very, very hard but... there were a few people who would help and break the law – for money, of course...*  
(Albanian trafficker)

It should be noted though that the quotes above cannot be verified. They have been added to provide a full record of interviewees' perceptions.

The provision of documentation and other supporting services is a key area of business in the 'facilitation' industry and false documentation is described as being relatively easy to produce and to acquire. Although the security features of passports for some countries are improving, the range of available passports is still seen to provide considerable flexibility in the market and the proposed Accession States might increase the available passport options.

### **What is known about trafficking/smuggling operators**

A number of the interviewees claimed that they had little knowledge of how the organisation they were linked to was structured. Whilst this might be a means of withholding information, it might also suggest that those relatively near to the bottom of the organisation (runners, transporters) are deliberately kept in the dark as a means of protecting security. Many claimed, particularly in the more sophisticated and extensive organisations, that the business was likely to be continuing, despite the arrest and conviction of some of those involved. This was, unsurprisingly, more likely in the event of lower operatives being arrested.

Therefore, only a proportion of the respondents were able or willing to describe the organisational set-up around their role. In a few cases, however, the prisoner had a leading or central role in the organisation or a sufficiently wide perspective to give a reasonable description of the entire 'business'. With a brief as broad as 'organised immigration crime', the potential complexities cannot be emphasised enough. Not only do a vast range of organisations exist but many of these businesses operate a variety of practices, partly to maximise profit and partly to avoid detection.

### **Key aspects of business organisation and structure**

The study identified some of the key features that define the organisation and structure of a facilitation business.

#### **Whether the organisation has a trans-national structure**

For a single business to operate across the whole process of facilitation, it would have to have a wide international jurisdiction. The further away from the UK the originating country, the wider the organisation might potentially be (except where direct flights are involved).



The extent of the business will reflect the method. For example, in its simplest format, there could be an agent in an originating country organising travel and documentation for entry to the UK via plane whereby, on successful arrival, the migrant would be reliant on their own resources to find accommodation and financial support within the UK. At the other end of the spectrum, a single organisation might be responsible for sourcing young women, recruiting them for transfer to the UK, arranging documentation, escorting them in transit and deploying them in the sex trade.

Most of the organisations that were described had links within the relevant countries of operation but the extent to which these could be classified as part of the same organisation varied, with few operating as a single trans-national entity.

There appeared to be no standard practice regarding the location of the management 'nexus'. Where the 'management' is based clearly has implications for detection and money laundering, and some organisations had moved the organisational base from one country to another in response to actual or threatened detection. A trafficking business that was reportedly sold (because the owner wished to leave the UK) moved from being controlled from the UK to being controlled from Lithuania with people positioned in the UK, though this business subsequently ran into difficulties, raising the question of where the 'engine room' is most effectively placed in an international illegal operation.

In some examples, the business was essentially run from an originating country with organisational 'tendrils' providing mechanisms for transport and receivership based in the transit and host countries. Similarly, the business might be run from the UK with the 'tendrils' operating in the host country and providing support with the recruitment of clients or providing tickets, transport or accommodation. Alternatively, the entire (foreign-run) organisation would be based abroad relying on links with distinct business networks in the UK or vice versa.

### **Trans-national structures: differences between trafficking and smuggling operations**

#### *Trafficking: organisation in originating country*

From the prisoner sample that was interviewed, there was a strong bias towards trafficking networks run from Lithuania. Accounts of the range of organisations in Lithuania were mixed. On the one hand it was suggested that there were a number of small (family) groups operating independently. Alternatively, it was suggested that there was a small number of extensive organisations that dominated the Lithuanian supply market.

Looking at the various strands of information provided, it is possible that the truth lies somewhere between the two – with small 'family-run' organisations linked into a larger network of semi-freelance recruiters.

It has been suggested that the system of recruitment 'cells' linked into key exporters or importers is a system that operates in many countries, within and beyond Eastern Europe.

#### *Trafficking: organisation in the UK*

Many of the accounts suggested that small pockets of men are involved in 'controlling' organised immigration crime operations, using a trusted contact in the UK to make arrangements with providers in Lithuania (and a range of other countries), who would then organise the importation of the girls and move them between groups. The small but numerous groups of men, mainly of Balkan origin, buy girls (often from ports and airports) who can be sent back, sent elsewhere or exchanged if found unsuitable by the initial recipients. Between the groups a system of favours, exchanges of information and general support seems to operate.

Once in the UK, girls will be set up in 'off-street' prostitution premises such as flats, saunas or massage parlours. A space in a 'brothel' may be rented on a daily basis and different brothels used depending on space and demand. The owners of these premises will not usually be connected with the core business but are likely to be aware of the nature of the business (i.e. prostitution) being operated within them.

Little information was available on how other markets for trafficking were organised, although it was suggested by some that poor and vulnerable women from South East Asia and China will also be targeted in the home country and escorted to the UK where they will be deployed in brothels.

#### *Smuggling*

A number of smuggling operations were described as being highly organised, although there were also examples of medium- and low-level, informal operators.

A number of the smuggling operations identified in this study had a significant base in the UK. Many interviewees felt it was common for members of a particular ethnic community based in the UK to engage in the business of illegally facilitating the entry of further members of that community.

The common requirements for this would be to have a facilitator (or range of facilitators) based in the originating country who would be responsible for the commencement of the process; these operators could be relatively senior (i.e. have a share of the business) or junior (providing the initial administrative support such as booking tickets and maintaining contact with the principal facilitator). Access to the original facilitators is likely to be by word of mouth, though some will occasionally advertise their services.

In other cases, the facilitation businesses described had relatively little foundation in the UK, other than a remit to import immigrants into established ethnicity-based businesses within the UK. One example concerned an organisation facilitating the entry for Chinese and Vietnamese nationals, where the key personnel were based in Berlin and other parts of Germany. Knowledge about this facilitation business arose from the arrest of the driver (neither a UK national nor resident) who was apprehended by Immigration Control whilst transporting clandestine immigrants.

In this and other examples, clients, or groups of clients, pay a retained 'organiser' to regularly bring people in to work within their businesses. It is this set-up that will support some of those occupations traditionally run by gangmasters.

Smaller smuggling organisations would focus on bringing in (extended) family members and close associates. Directed via a contact in Europe, the UK contact would be required to collect the immigrant(s) at the point of entry and provide temporary accommodation. The key beneficiaries in these cases would be the European arrangers – though they might also be family members.

### ***The extent to which the structure is hierarchical***

A small minority of the respondents described organisations that were clearly hierarchical in that key figures took responsibility for the running of the business and were the principal financial beneficiaries of the proceeds. The organisations might be run by one person or a small group of people, often members of the same family. The movements of the business leaders were not widely known and contact with other members of the organisation would often be through intermediaries. The available evidence suggests that where hierarchical organisations exist, the structure is relatively flat with rarely more than two or three tiers of operatives including the 'owners' of the business and the casual labour.

### ***The extent to which the structure is 'closed' and/or transparent***

In a 'closed' business all, or most of the required skills or services are contained within one 'unit' and each member of the unit knows the other members. As previously discussed, the closed business may operate trans-nationally or have 'business' links with other 'closed' or 'open' businesses in the other areas of operation. The advantage of a closed business is that it is easier to control information about the business especially if focusing on a restricted market (e.g. facilitating the entry of individuals from one particular area). A disadvantage is that apprehension of one member of the business is more likely to incriminate the others. It is difficult, and therefore rare, for any business in this area to be entirely closed and descriptions from the respondents suggested that even within apparently closed operations, additional labour may be sourced on a casual basis. In some cases, businesses were described as a single entity: that is, closed businesses that could be – and in at least one case was – sold as a going concern.

In an 'open' business one or two individuals follow a method that relies on sourcing tasks from a range of semi-casual 'employees'. A bank of employees may be used and may (or may not) know each other. Sometimes runners are used to recruit other runners. The advantage of these set-ups is that although the casual employees are often more vulnerable to detection they are dispensable and may be 'lost' without compromising the central business. The disadvantage is that it is more difficult to control information about the business. Casual employees may be more likely to set up their own operations or switch to others.

In some of the businesses described there was no central structure – just a series of informally linked 'cells' or brokers offering specific roles and tasks along the chain. Similarly, some facilitators appeared to operate businesses on an individual 'entrepreneurial' basis, with occasional support acquired on an ad hoc basis.

Finally, there are sections of the business that are clearly 'discrete' and are operated as independent units that rely on facilitated entry for their business but that are not directly involved in the process of importation. These units include the flats set up for the purposes of prostitution, and passport 'factories'.

### **Whether the organisation operates from a 'legitimate' or 'semi-legitimate' business**

Some of the more closed and hierarchical businesses were run as, or in tandem with, legitimate business activities. Examples included solicitors and legal advisors with a sideline in supporting fraudulent visa applications. Some language schools were also reportedly engaged in business to support fraudulent activity and may not offer any genuine educational facilities. Travel, employment and accommodation services are other businesses that were reported to engage in activities that take advantage of the market in illegal immigration.

### **Whether the business is restricted to ethnic or national groups**

Many of the businesses operated within distinct ethnic communities, with family membership often the key link between facilitating units. Business contacts and casual labour were also networked around these communities. There was, however, some evidence of cross-national groups operating and indeed Europol have noted a change in the pattern to more mixed facilitation networks (Europol, 2006). Often UK nationals were employed as runners or transporters for 'foreign' businesses (e.g. Indian-run): on the basis that 'White' drivers were considered to be less susceptible to immigration controls. Similarly, specific skills/resources may be accessed via other ethnic groups: for example, an Albanian network sourcing passports from a Bangladeshi forgery network. Additionally, cross-national routes may be 'managed' by different nationalities at different stages. In a couple of the business operations described, it was reported that the diversification into working with other nationalities had been the downfall of the business, or at least created difficulties for it.

### **Involvement in drug and other smuggling**

Previous studies have argued that criminal organisations generally show a diversified rather than specialised pattern of operation: thus, in the case of smuggling, they will not be restricted to smuggling people. It has been asserted that there are strong connections between drug and people smuggling/trafficking activities (Schloenhardt, 1999) and Europol have identified an emerging trend in 'cross-commodity smuggling'.

Interviewees were asked to comment on the extent of cross-sector smuggling that took place as well as links with other forms of criminal activity. The responses were mixed. A number of the respondents were adamant that drug smuggling was a completely separate operation involving different networks. The avoidance of cross-sector smuggling (particularly drugs) was justified on the basis of diluting the business focus, a perception of greater risk

and harsher sentencing, higher initial investment required, greater likelihood of competition and conflict, fewer on-going profits and being morally less defensible.

Conversely, those who thought facilitating the entry of people was often combined with other forms of smuggling reported that:

- Turks, Kurds and Albanians in particular were used for smuggling drugs. Individuals could be bribed to swallow packages in return for being given a passport and other entry documents;
- guns, drugs, explosives and fake documents would be part of the cargo alongside illegal immigrants; and
- immigrants carrying small amounts of drugs had been used as a decoy (in exchange for money and family support) for others smuggling drugs (mainly heroin) in larger quantities.

One respondent referred to different groups, all of Kurdish origin, who divided up different criminal activities. One group was dominant in running protection rackets, another in people smuggling and a different group specialised in drug smuggling. However, these boundaries were not clear-cut and some activities crossed over into others.

### **Involvement in other criminal activity**

The activities most commonly reported as taking place alongside facilitated migrant entry were documentation fraud (e.g. passports and visas) and credit card fraud (e.g. card cloning and identity theft). Some respondents also suggested trafficking and facilitation gangs might be involved in extortion by offering 'protection' of businesses for money.

### **Supplementary businesses**

Overall, the interview responses suggest that facilitation and trafficking crimes may be undertaken alongside other forms of smuggling and criminality.

As well as the primary business of bringing people into the UK, a number of other businesses have arisen from the illicit entry market. Their activities are largely based around providing false documentation and information that enables the entrants to remain in the UK, and could range from illegitimate to legitimate work, such as:

- supporting fraudulent applications to stay in the UK;
- providing documentation to support alternative identities;

- providing applications for national insurance numbers and state benefits;
- providing a range of other fraudulent documentation such as passports, MOTs, driving licences, school reports etc.;
- facilitating marriage to UK citizens;
- providing accommodation; and
- arranging employment.
- contacts with someone already involved in facilitation; and
- contacts in useful official networks.

Some had set up businesses that they had no former experience in, such as language schools. It was felt that the checks involved in authorising a language school were minimal.

For those who joined an established business and worked their way up to more senior roles (or developed their own business venture), entry often required less initial expertise, with knowledge of the business emerging with experience. Entry roles identified from the study included: drivers; escorts/greeters; runners (general duties); card placers (advertising prostitutes in phone booths); security guards (at flats and massage parlours); prostitutes; interpreters; clerks (travel arrangements, basic administration); forgers (e.g. low-level document amendment such as changing photographs) and those 'providing legitimacy' (acquiring accommodation, posing as family members etc.).

Access to these supplementary businesses was generally by word of mouth, although foreign language newspapers sold in London were also reported to advertise a variety of services. False documents were also reported by one respondent to be readily available from areas of west London such as Hounslow. Eastern European shops are reported to have adverts posted in the window in Russian, Polish, Lithuanian and Ukrainian for passports, visas, birth certificates and driving licences amongst other documents.

### **Roles and entry to the market**

Overall, entry to the market – and operation within it – often stems from networking within discrete migrant or ethnic communities.

For those setting up a business (as opposed to those joining an established business) there are a number of factors that will have influenced the decision to enter this area of business (further to it being identified as a lucrative operation). In some cases entry to the market had arisen from a move from a legitimate business (e.g. practising as a lawyer) to illegitimate business (e.g. supporting bogus applications for entry or stay in the UK). From this, there were examples of businesses expanding into wholly illegitimate set-ups. Examples included the addition of an overseas office (in an originating country) to a UK-based business. Some of the influencing factors identified included:

- an ability to speak one or more foreign languages;
- knowledge of, or links with, a country typically involved in illegal immigration through business contacts, family relationships (including marriage), or previous time spent living there;
- a background in an area that lends itself to facilitation (e.g. law, IT, forgery, boat handling, travel agency and haulage);

Many of those interviewed had been motivated into entering the 'profession' by the prospect of easy money coupled with poor employment and financial prospects arising from a lack of skills, lack of English, illicit status or criminal record. Some had given up low-paid jobs to enter the market. Some had certainly entered the market from other criminal activity including forgery, fraud and other forms of smuggling.

Social and family networks were often the key to introductions. Some prisoners reported that in certain local migrant communities there was a tacit acceptance of smuggling or trafficking as a business enterprise, and approaches for work or workers would be made within the communities. Some respondents, particularly drivers, claimed that they had not realised they were taking part in illicit activities. Others claimed that their involvement was tenuous, for example that they had merely sub-let accommodation to friends or associates and were not aware that the premises would be used for prostitution or other illicit activities.

Those involved in trafficking may start by being involved in the collection of girls arriving into the country. They may also transfer girls between UK networks or provide protection. The next stage would often be to 'run' a girl themselves from a private flat, a sauna or massage parlour. From this point, individuals might exchange or add girls to their 'portfolio' until it becomes worthwhile to acquire their own premises.

Some begin working for those who have brought them into the UK. Smuggled men had become drivers and escorts and there was evidence to suggest that Lithuanian women who had been working in the UK as prostitutes for some time graduated to become go-betweens, returning to Lithuania to recruit and escort new girls – considered to be a lesser evil than being controlled as a prostitute themselves. Further up the chain, it was suggested that one of the key suppliers in Lithuania had started out as a trafficked prostitute.

Some of the interviewees had at some point entered the UK as an (illegal) immigrant, had claimed asylum and been granted leave to stay.

The respondents did not identify any specific barriers to market entry and indicated that entry to the market was quite straightforward, relying mostly on appropriate contacts. That said, some examples of business rivalry were cited, as documented later in the report.

### Financial rewards

The previous sections have illustrated some of the complexities of the smuggling and trafficking markets. These markets have some essential differences and a range of operators may be involved in all, or part of, the business. The interviews provided a wide range of accounts of what is paid for different services. Profit levels are, however, particularly difficult to establish, partly because of incomplete information from those willing to discuss the financial benefits and partly because of evasiveness about business proceeds, particularly from respondents who were subject to confiscation orders<sup>19</sup>/forfeiture orders at the time of interview. Nearly all of those that discussed the confiscation orders applied to them claimed that their profits had been overestimated.

Although most of the prisoner sample had been convicted within a relatively recent time period, the overall range was up to five years. Accounts of costs and rewards might not, therefore, reflect the most current ‘pricing structures’.

### Smuggling

Prices for facilitation will be determined by:

- method of transfer (lorry/van will usually be cheaper than air);

- whether documentation is required (clandestine entry is less likely to involve documentation such as passports and visas);
- type of documentation (genuine passports are usually more expensive than fake ones);
- distance travelled and requirement for food and lodgings along the way;
- requirements for bribery (number of border crossings);
- level of risk to facilitator (e.g. dual importation of drugs, guns and contraband);
- staffing levels (escorts, drivers, guides);
- group discount;
- vulnerability of client;
- use of menace; and
- competition.

These variables make it difficult to establish a going rate for facilitation but quoted prices ranged from £500–£12,000 for trips from Europe. The most common charge was £2,000–£3,000 from a variety of European countries including France, Germany, Albania and Moldova. Table 7 sets out a range of prices that were quoted for journeys that varied according to the above features.

**Table 7** Quoted prices for smuggling services

Journey from	Price (range)
France	£500–£5,000
Germany	£2,000–£3,000
Albania	£2,000–£3,000
Moldova	£2,000–£3,000
Belgium (including drugs and guns)	£10,000 (for 2 people)
Romania	£1,500–£2,000
Turkey	£12,000
Iraq	£5,500
Russia	£5,000–£10,000 (same importer)
Ukraine	£2,000
India	£10,000
China	£25,000–£50,000

<sup>19</sup> A confiscation order is an order made against a convicted defendant ordering him to pay the amount of his benefit from crime. Unlike a forfeiture order, a confiscation order is not directed towards a particular asset. It does not deprive the defendant or anyone else of title to any property.



Journeys from beyond Europe were clearly more expensive, although in many cases the process was divided up into sections from the originating country to Europe and from Europe to the UK, with different, but linked, providers servicing each stage. Facilitation from the UK into the USA was, in one example, around £10,000–£12,000 and included the services of an escort.

The most expensive journeys identified were from China. Examples were given of false passports costing £10,000 with a further £15,000 for travel. The longer journeys incurred not just extensive travel costs but additional costs for the services of intermediaries. One example given involved the payment of £4,000 to an intermediary for arranging a place on a boat across the Channel. More basic introductions e.g. in securing employment in the UK, were made at a rate of £300.

The costs of other components or services were also identified. More specifically, a travel agent cited taking £120 commission per booking related to illegal immigrants' travel to the UK. In one case, where the client travelled with an escort or travelling companion, the companion would be paid between £1,000 and £2,000, plus hotel and travel costs, for their involvement. In one example, lorry drivers were approached in France with offers of between £1,000 and £1,500 to drive immigrants to the UK, although another prisoner commented that lorry drivers were likely to make only £200 or even as little as £50 or £60 in the case of drivers from places such as Poland and Greece. A car driver who acted as a guide reported earning £250 for a return journey to France, which was £100 more than he had been paid (by the same operators) for importing contraband.

It was generally assumed that immigrants would have to show evidence of funds during the initial contact with the organiser. In many cases, the clients would pay half at the point of departure and the rest immediately prior to entry to the UK, or on arrival. For longer journeys, an initial deposit might be paid and interim payments made at various stages along the way. The money was usually 'held' by the family and released on notification of arrival at the next stage. The money was often paid to an intermediary. For poorer clients, a system of debt bondage might operate. This seemed to apply particularly to Chinese immigrants who, because of the enormous cost of importation, were often reliant upon the services of loan sharks in China. On arrival in the UK, the Chinese immigrants would often be placed under the control of gangmasters with most of the earnings divided between the gangmasters and the original loan sharks. They were able to send only very little money back to the family.

More affluent clients might be able to afford the fees without recourse to loans, possibly selling land and other assets to cover the cost. One account explained a system whereby extended families in the originating country would pool resources to enable one family to enter the UK. Once settled in the UK, the migrant family would then work towards funding, for example, the transportation of a further family from the network by a process of spartan living, false benefit claims, sub-letting accommodation and casual labour.

Fees were charged in a range of currencies including pounds sterling, euros and US dollars. One or two operators expressed a preference for US dollars.

The income that can be derived from smuggling operations is dependent upon the volume of business and charges made, set against the overheads. In the case of one highly sophisticated (partly legitimate) business that specialised in false documentation for non-clandestine entry via commercial airlines, 33 per cent of the income (£1,500–£2,000 per immigrant) was said to be lost on overheads (including offices, regular staff and specialist services). The volume of this business was reported to be 600–700 immigrants over a 12-month period, accounting for a net profit of between £300,000 and £500,000+ for that time. They operated a supplementary service of providing entry by car with false documents (using a team of drivers), and this was said to provide regular trade, although not at the same level as described above. It should be noted that this was one example given during interview and should not be regarded as representative. It is included here to provide an illustration of the business context for organised immigration crime.

One operator reported importing between 10 and 20 people a month making an average charge of £2,000. The profit margins are not known in this case, but the general figures equate to a gross income of between £140,000 and £280,000 per annum.

Bringing immigrants in by lorry increases the numbers that can be accommodated in a single journey, but requires greater organisation and was reported to be facilitated on a less regular basis by single operators. However, a lorry with ten people paying £5,000 (e.g. from Turkey) would net £50,000 for a single journey, so fewer journeys would need to be undertaken. One interviewee described how some businesses within the Chinese market had adapted to take full advantage of the market over the past few years. Overland travel from China is extremely expensive and can take many months. So although the profits may be

considerable on each immigrant, the market is limited by the prohibitive pricing. Some organisers have, therefore, moved to the (cheaper) provision of false documents and passports for airport entry, to increase the volume of potential clients.

Money was also to be made from the deployment and accommodation of immigrants. Little information on the proceeds of these activities was available from this interview sample, although one landlord associated with a facilitator was reported to be bringing in £35 per week each from 70 tenants (in ten houses) who would be unable to find accommodation through a legitimate agency.

### Trafficking

Some of the financial factors relating to smuggling will also apply to trafficking, such as the cost of false documentation and transport. However, focusing on girls from the Accession States has reduced the need for false documentation. Other girls may still, however, be brought in on false passports or transferred clandestinely in vans or lorries.

Other financial arrangements, however, will be specific to trafficking operations such as the proceeds (and overheads) associated with prostitution. Different forms of staffing support are also a feature of this market. Overall, the lack of openness about the nature of trafficking (and particularly the treatment of the girls) make the financial rewards difficult to identify. Controllers would regularly deny any financial gain from their relationship with imported prostitutes or would claim that the women kept most of the proceeds, aside from a modest amount that was taken to cover the overheads.

Within the trafficking market, different groups will commonly be responsible for the initial targeting and recruitment of girls who are then introduced and processed through a central supplier who will liaise with operators in the host country. These operators will 'buy' girls who are imported to the UK by a variety of means. For this standard practice, the price showed relatively little range. Girls could be collected from UK entry points and purchased for £3,000 to £4,000 (although very occasionally figures of around £700 were quoted). This money would be paid in cash and taken back to the originating country where it would be split between the initial recruiters, the central supplier and, if applicable, the escort who ensures that the girl is delivered to the purchaser. Purchasers will then put the girls to work as prostitutes in a range of settings. These are usually off-street premises such as saunas, massage parlours and private flats.

As indicated earlier, some controllers argued that the girls had actively sought entry to the UK to work as prostitutes and had accepted the facilitation fee as their own debt. They might be lent £1,000 to get to the UK, where they would be expected to repay around £1,500 from their earnings. 'Boyfriends' were also said to pay the entry fee for young women on the understanding that the outlay would be recouped through prostitution.

The money that could be earned from prostitution in these circumstances ranged from between £150 and £1,000 a day. Rates for prostitution varied according to the location; prices were higher in London than the provinces and higher in certain parts of London. The amounts that the girls were allowed to keep were said to range from 25–50 per cent, although some suggested that ten per cent was more likely and that the girls were required to earn back the initial investment before they were given any takings. For those that claimed the women were complicit, it was stated that the purchase price paid would hold the girls to a minimum contract period of up to six months, after which they were free to move to another 'employer' or leave the profession. Buying and selling of girls took place within UK networks, generally for the same rates of £3,000 to £4,000. Controllers might start with one girl adding to the business gradually. It was indicated that as many as 24 girls could be working in one 'sauna' and the sums involved could be large depending on the number of clients.

It was stated that more money was to be made from taking a cut of the girls' earnings than from selling girls as the margins between buying and selling would rarely exceed £500. However, once the initial investment had been recouped and additional earnings added, selling girls on provided a healthy one-off payment.

In terms of competing markets, there was a commonly held view that the influx of Eastern European girls had undercut some of the traditional markets in prostitution. The ability to undercut had largely arisen from the harsher treatment of these girls (requirements to service larger numbers of clients) and lower 'wages'.

The trafficking business employed a range of supplementary staff including brothel managers, receptionists (e.g. £50 per shift), security guards (e.g. £50 per shift), card boys (£10 per round) and general helpers who would assist in collecting girls and transferring them between networks. General 'helpers' were cited by a number of prisoners as earning around £200 for each (transfer) job. There was no information, however, on how

many jobs would be conducted over any defined period. One respondent indicated the profit on a 'flat' in South Kensington to be around £900 a week.

### **Use of the proceeds of smuggling/trafficking**

Despite recent initiatives to combat money laundering, transferring money abroad was not considered to be difficult. Money was regularly transferred using Western Union, although some avoided this method because it was too 'official' and could be traced. Other methods included *bureaux de change* (although this is expensive) and money exchange outlets. Money would also be laundered through casinos and bookmakers. In a substantial number of cases, cash was transported in suitcases etc. Payment for girls collected from entry points would be paid in cash to the escorts and immediately taken back to the originating country. Finally, relatively small amounts of money would be deposited in multiple bank accounts on a regular basis and then transferred *en masse*.

*When we were making false passports, putting on a different surname, then we would open an account and put money in there.*

(UK-based smuggler)

The proceeds from facilitation were often returned to the home country where land and property were bought. Facilitators based in the UK might be well-established, long-term residents in the UK and, therefore, kept the bulk of the money in the UK for income purposes and investment in property and businesses such as shops, hotels, restaurants and sweatshops. Further investment in illegal businesses such as drug importation was also a possibility. Sometimes the money was used to fund lavish lifestyles, though ostentatious displays of wealth will be avoided by some, for fear of drawing attention to themselves.

### **Operators' perceptions of the economics and business risks in the market**

As with any business, there will be risks associated with the operation that could ultimately threaten the survival of the enterprise. Some of those risks will arise from, or be exacerbated by, the illicit nature of the business that requires the organisation to avoid the attention of the authorities.

#### **Competition and rivalry in the market**

Overall, from the respondents' accounts it seemed that competition was not a huge issue, largely because of the health of the market and the fact that there was so much business to go around. With trafficking, movement

of girls across or between networks was often part of the arrangement, so reasonable relationships were an important background to business flexibility. Territory was often determined by default, in that many of the operators focused on specific areas (e.g. smuggling versus trafficking, or facilitated entry from distinct regions). This would be different to the drugs market, where the 'retail' area may be locally defined and fiercely fought over.

Potential rivalry and conflict (sometimes fatal) could, however, arise from disputes over market share; disputes over territory; price undercutting; poaching of assets (i.e. staff and prostitutes); ethnic/cultural conflict; and debt. Within this illicit form of business, the options for settling disputes are largely reliant on threat or monetary compensation.<sup>20</sup>

*...you know like a Chinese guy will bring ten Chinese guys over and he'll tell them you have to pay this much, you know 20,000 of whatever... this Chinese come to me and I didn't know that and I did a service for him and the gang leaders used to come in my office and threaten my life and so I said, ooh, sorry I didn't know, no one told me. They said they belong to me, they're not allowed to go... I just started like closing the door... so I left that area, I didn't bother with it, it's a dangerous area the Chinese...*

(UK-based smuggler)

In other words, the apparent cooperation was often secured by an undercurrent of menace that ensured that those who threatened or disrupted an existing business would be harshly punished. There were accounts of hostile approaches to members of facilitation businesses, often from gangsters intent on extortion via protection money or taking over the business without payment. Some of those higher up within organisations employed bodyguards, suggesting that violence was a real possibility.<sup>21</sup> However conflict, turf wars and fighting was bad for business and groups mainly cooperated in order to manage the overall business most effectively.

Sometimes the management of conflict between rival groups would reflect the codes of behaviour common to specific communities, such as arbitration by the 'elders' of the community. Generally discussion and negotiation would resolve any difficulties arising from competition and rivalry but occasionally violence could be used.

<sup>20</sup> Although one courier started to undercut the people who had employed him and believes this resulted in him being identified to the authorities – and subsequently convicted.

<sup>21</sup> Men were employed as security guards at a number of brothel premises and in some cases carried guns. Robbery was viewed as a problem in brothels where large sums of cash might be accrued.

One respondent gave an account of a member of an organisation learning the skills of forgery from a supplier at the request of his boss. Once the skills had been acquired the boss then obtained the documents from him at a cheaper rate than he had from the original source. A compensatory payment was, however, paid to the original forger to avoid conflict with him. Similarly, poaching girls from other controllers was said by some parties to invite retaliation unless compensation was paid. Others said that girls who absconded would not be pursued as this might attract the attention of the authorities.

### **Non-payment**

Non-payment for services was reported to be a rare occurrence, albeit one smuggler reported that every arranger would have experienced an 'abscondee' who does not pay the 'arrangers' and these are the people who are more likely to go to the authorities and disclose.

Punishments for non-payment were reported to be harsh; in at least one instance it was stated that if payments were not made the client would be killed. But there were a number of methods in place to ensure that payment was made including payment up front, staged payment (with continuation of the journey dependent upon the next instalment) and debt bondage. In the sex trade, money is paid to an intermediary (such as a receptionist) and the girls paid from that. With some smuggling operations, the final payment would be paid/released on safe arrival in the UK. In this respect, a failure to get across the UK border would compromise earnings/profits.

Selecting particular clients was a guard against non-payment as well as detection. One operator said that he would always try to select 'quality' clients who could pay and would not cause problems or trouble once they arrived in the UK.

### **Reputation**

Reputation was seen as an important business asset in that it secured a steady stream of clients and would ward off competition. Developments in mobile phone technology and the internet have made feedback on the relative merits of 'importers' more readily accessible.

### **Attitudes towards risks and morality**

One of the main factors that needs to be considered by those entering the market is an assessment of the risks posed by the regulatory authorities. The views and experiences of these risks are summarised below, as well as interviewees' assessments of the morality of their actions.

### **Moral perspective**

It has already been mentioned that many of those interviewed had denied their involvement in the offences. Those that had admitted their crimes (albeit partially) expressed little sense of wrongdoing. Indeed, many were keen to assert the benefits of their actions. Smugglers claimed the credit for cutting down on asylum claims; assisting people in the realisation of their goals; contributing to a reduction in labour shortages; and ultimately increasing tax revenue. Within the 'source countries', emigration was considered a reasonable and normal ambition. It was maintained that many smugglers were revered by the clients and communities that they served.

Traffickers routinely claimed that the girls wanted to come to the UK to work as prostitutes, that they were not mistreated and that they earned themselves significant amounts of money.

*When I went into prostitution, in my eyes it is not illegal. I don't do nothing wrong, I don't steal from anybody and obviously I don't hurt anybody... It was more like a business... it wasn't a crime.*

(Lithuanian trafficker)

Previous victims of trafficking who had become active in trafficking themselves were less inclined to present a sanitised picture but still managed to distance themselves from moral responsibility by claiming a lack of (real) choice in their career development.

### **Arrest and conviction**

#### **Police enforcement activity**

Clearly, the nature of the study meant that the sample group had all been arrested and convicted. Many of the 'trafficking' respondents had been detained as the result of special operations under the Reflex strategy or by police forces that had developed expertise in this area such as South Yorkshire Police and the MPS (e.g. Operation Maxim). A number of the cases had been triggered by victims or those that had witnessed and reported abusive activity. As such, the risk of arrest (and imprisonment) was understood by interviewees.

Despite this, interviewees generally perceived the likelihood of apprehension as low and were critical of UK law enforcement generally (despite the fact that they had been caught and convicted themselves). It was said that the scale of activity was far beyond the level appreciated by the authorities and that the dispensable 'foot soldiers' were caught, while the major players often escaped conviction

– either by being too clever, or by situating themselves outside the UK. It was also said that those that were caught in the UK would be unlikely to incriminate others for fear of reprisals to themselves or their families.

Many of the respondents had a view on relative risks of detection for different countries and the severity of the penalties. In a couple of instances, businesses had moved from mainland Europe (e.g. France and Germany) to the UK following convictions there, and France in particular was mentioned as a place where the perceived risk of detection was greater (even if the sentences were lighter).

The comment was made that it would be very difficult for law enforcers to acquire knowledge of foreign criminal gangs because of linguistic and other cultural barriers to understanding their methods of operation.

Many of those involved in running brothels felt that the police ‘turned a blind eye’ as long as there was no associated trouble. Raids on brothels were thought to arise from the pursuit of specific individuals and often for other offences such as drugs or firearms. Some controllers of prostitution would ensure that only one girl worked in a ‘flat’ at any one time so that it could not be defined as a brothel. Occasional police raids would result in the girls being deported but they would be quickly replaced by new girls.

Other common practices to avoid detection included constant change and general evasiveness: for example, trafficking offenders might move around from city to city setting up different businesses. Mobile phone numbers would be changed regularly and, in more than one instance, discarded completely at the end of each ‘run’. Cars and vans would be changed regularly or hired and premises would be rented. It was common for the interviewees to have (or claim to have) limited knowledge about the other people involved in the network (usually on a ‘need to know’ arrangement). Routes and methods of entry might also be varied, so that one organisation wouldn’t necessarily be identifiable by their operating method.

One interviewee who moved people by boat across the Channel remarked that the evasion of detection partly relied upon ‘never picking up or dropping off at the same place twice’ and picking up in daylight as this was safer and less obvious. The boat had been adapted to evade detection by radar, and a larger engine increased the ability to undertake longer journeys (and thereby the capacity to land at ever more isolated stretches of coastline).

The perception of ‘people smuggling and trafficking’ as a lower-risk activity than drug smuggling has been discussed earlier. That said, respondents were genuinely shocked by (and therefore previously unaware of) the severity of the sentences that the offence carried.

*I know I’m guilty of this because getting involved and that, but never in my life, I never deserve these years. You know what I deserve for this mistake? Alright, four years. Four years, enough to pay for what I did. I got 21 years, I could have killed someone.*

(Albanian trafficker)

Sentences in supply countries (such as Lithuania) and transit countries (such as France) were considered to be much more lenient. A key player for the supply of young girls from Lithuania was cited by a number of the UK respondents: she had received a three-year sentence in Lithuania having run an extensive trafficking operation for over ten years. Many commented that they now considered themselves to be under-paid given the potential sentences and that the risks had been understated by those procuring their services. A minority of the respondents said that had they known about the heavy sentence they would receive, they would not have become involved and that this would deter some people if made more widely known.

*That’s the problem, because if I knew there was 14 years for this, I would never do this. They should advertise this more... Then, I think they would think twice.*

(French courier)

However, in a few cases, the interviewees had already served previous sentences for similar activities, demonstrating that this had not been a deterrent. Where linked associates had been convicted, there was often a feeling that the sentences had not fairly reflected the relative roles within the organisation. A number of respondents claimed that they had offered to provide information on associates to the police but that this had not been taken up.

The common message conveyed was that enforcement activity (including arrest) might result in a change of practice or a temporary lull in activities but would not form a deterrent or a prompt to cease activities altogether. It was felt that there were plenty of other people ready to take advantage of ‘vacancies’ (possibly from within the operation) and that the perception of low risk and ready money would be the guiding principle.



Finally, demand for entry to the UK was considered to be so great that the business opportunities would always appeal, regardless of the risk. It was also pointed out that the risk (and penalties) of being caught as an immigrant was also not a sufficient deterrent (many had made multiple attempts at entry) and this also fed demand.

#### *Exposure by victims*

The likelihood of 'victim exposure' was considered to be low, even in relation to trafficking. On one hand, it was regularly claimed that girls entered the prostitution market willingly and would have no reason to go to the police as long as they were treated fairly. On the other hand, it was claimed that fear (of reprisals) and shame were key factors in preventing girls from approaching the police. Modest payments were sometimes sent back to the families in support of accounts of legitimate work. It was also pointed out that girls brought to the UK often could not speak English which made them more dependent on their controllers or fellow prostitutes and less likely to be able to break free.

With smuggling, the risk of exposure via clients was also perceived to be extremely low. Illegal immigrants are complicit in the process and risk prosecution or deportation should they alert the authorities. As such, there were a number of reports of migrants being the victims of deception, fraud or incompetence on the part of putative facilitators.

#### *Exposure by others*

The risk of exposure by others was seen to be more tangible: some of the cases had come to light following reports to the authorities from concerned bystanders such as cleaners in buildings that contained 'flats' or saunas and one very successful smuggler's activities came to light following disclosure about visa 'scams' from 'whistleblowers' (in the IND [now UKBA]) and the embassy in Bucharest. Occasionally, lorry drivers who had discovered human cargo in their vehicles had reported this to the authorities.

Although a couple of the respondents reported being identified by former (or occasionally current) associates, a lot of effort usually went into ensuring loyalty. As one respondent said:

*A lot of bribery is used to secure loyalty and smooth necessary relationships.*

Also, while bribes were common, threats were not unknown.

Overall, respondents regarded the likelihood of apprehension by the police as low, despite the fact they themselves were currently in prison. Networks were considered well able to cope with, and adapt to, changes in enforcement practices and by operating as linked but independent cells, the organisation as a 'whole' entity was less vulnerable. Exposure by victims was considered to be unlikely – even in relation to trafficking offences – but exposure by others was believed to constitute a greater risk.

#### *Risks during immigration activity*

Escorting or transporting migrants over a border is one of the potentially risky roles and a number of those interviewed had been apprehended while undertaking this duty.

The interviewees demonstrated a considerable degree of consistency in their views of the risks from immigration activity and the 'soft' points for entry. Overall, regard for the effectiveness of immigration controls was low.

From the respondents' accounts, variations in the levels of border surveillance are widely known – with the previously mentioned trade-off between busy entry points with sophisticated equipment and quieter provincial entry points with less robust systems as critical to the decision-making process. The introduction of joint border controls at Calais was mentioned by a few respondents as making entry more difficult.

The universality of the English language was key to 'minimal' risk at border controls. It was pointed out that immigration staff do not always have the skills or knowledge to routinely 'test' an immigrant's skills in the language of the country from which they claim to come.

Offenders had adopted a range of practices that were aimed at reducing the likelihood of attracting attention from immigration staff. One smuggling operator that brought people in by air would make a point of using passports of different nationalities if more than one person was coming in at a time. Thus, if one immigrant was stopped, they would be less likely to be linked with the others. Others mentioned taking more mundane precautions: noting that, at ferry ports, it was considered risky to transport carloads of people holding passports of different nationalities.

With both forged and genuine passports, there would be some effort to match the physical characteristics of the applicant with the national/racial characteristics of the passport country.

### Asset recovery

Relatively few of the respondents had been aware of the Assets Recovery Agency until they were arrested, although a number had been aware that there might be an attempt to recover some of the money. Indeed, a number of the respondents were currently subject to recovery processes. However, this was not considered to be a sufficient deterrent as most businesses were (deliberately) cash-based – as cash was considered more difficult to trace – and, more significantly, because of the notion that detection was unlikely.

Significantly, in a number of cases, money relating to facilitation to the UK would never enter the UK, having been raised by families in the home country and paid to facilitators based outside the UK.

## 4. Summary and implications

This final chapter of the report brings together both the broad findings and the implications relating to the main purpose of the research study – namely, to understand the market relating to illegal facilitated entry into the UK. It also addresses its subsidiary purpose, that of exploring how far interviews with convicted respondents can be helpful and reliable. The heritage of such studies is relatively small and it was recognised that the complexity of this area of criminality would set it apart from previous studies aimed at interviewing more homogenous groups of offenders, such as burglars.

### Broad findings

The commentary provides a very wide range of views and perspectives on this market. Specific findings relating to the key research questions are presented in the Executive Summary, but the broad picture needs to be set out before some of the implications are explored.

The overall picture conveyed is that trafficking and the facilitation of illegal entry to the UK constitutes a profitable business. However, there is acknowledgement that there are considerable obstacles such as tighter immigration controls that make gaining illegal entry and settlement more difficult. Economic and social ‘pull

factors’ create a high demand for entry to the UK from more disadvantaged areas of the world, supporting the smuggling trade. A profitable sex trade within the UK fuels the trafficking business which also takes advantage of the UK’s ‘pull factors’ in the recruitment of vulnerable young women. Previous immigration, and the resulting establishment of immigrant communities in the UK, has provided the infrastructure to facilitate the illegal entry of foreign nationals. This increases the attractiveness of the UK as a destination and provides the infrastructure to receive and deploy incoming foreign nationals.

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

The overall picture of business organisation is consistent with that obtained from previous studies. The structure of smuggling and trafficking organisations varies widely but most are informal ‘cellular’ structures with a few core members. The interviews suggest that both smugglers and traffickers tend to organise their business within family or close social (especially ethnic) groupings, which only extend beyond the core group to secure peripheral services.

The cost of paying for facilitated entry into the UK varies according to the service offered but shows some consistency across similar services. That the costs may be high (for example in the Chinese context), may be seen to reflect the economic benefits of settlement in the UK. Without evidence of this, the journey and any consequent risks would not be undertaken. In the case of trafficking, the victim may not have paid for entry to the UK. For example, transit may have been funded by the traffickers and recouped through the profits from prostitution. Or alternatively, debt bondage (to cover the transit costs) is used as an effective means of maintaining control of victims. Some victims, however, will have paid their own transit to the UK in the expectation of finding legitimate employment, only to be coerced into the sex trade on arrival. In the case of trafficking young women from the Accession States the need for illegal facilitation is negated so only transit costs will be incurred (although in some cases an arrangement fee, for travel or deployment, might also be added).

The perceived risks of being arrested and punished for both trafficking and smuggling are relatively low, despite the fact that those interviewed had been caught and punished and, in a number of cases, were surprised by the severity of their sentences. Illegal entry across UK borders is also considered to be relatively straightforward. Competition and rivalry between different organisations does exist and is sometimes brutal. However, for the most part, the (extensive) market is distributed across organisations that operate within separate niches, or cooperate within the same area in the belief that conflict will attract attention.

In essence, the facilitation business is considered to be one which confers low risks and high profits. Furthermore, nearly all smugglers/traffickers interviewed did not see their actions as immoral, seeing themselves as offering an honest service to those who wish to advance their prospects.

## Implications

Those interviewed in the study were convicted in 2005 for crimes committed during or before that date. Much has changed since then, but the implications for 'what could be done' to stem the market are still relevant. Interventions are required at every stage of the smuggling/trafficking process. However, the broad range of countries of origin means that strategies to target points of departure or transit would need to be instigated in a significant number of countries which do not necessarily have the same motivation to act.

Overall, the complexities of the market require a coordinated cross-discipline approach that will identify the 'weak' spots that support the market and, significantly, that will anticipate how potential facilitators might respond to the various initiatives. Recent policy initiatives have begun to address many of the issues raised in this report and for this reason, the report does not include specific recommendations.

SOCA was set up in 2006 with a remit to prioritise action against organised immigration crime second only to tackling organised crime networks behind class A drugs. Among its law enforcement programmes are initiatives that target source and transit countries, prioritising action with those that present the highest risk. The multi-agency UK Human Trafficking Centre was also set up in 2006. There have been two nationwide police-led, multi-agency anti-trafficking campaigns – the Pentameter operations – the latest of which in 2008 identified 167 victims of trafficking, made over 500 arrests and seized in excess of £500k.

Taking a coordinated approach, the two key initiatives are the UK Action Plan on Human Trafficking (2007 updated in 2008), which included ratification of the Council of Europe Convention against trafficking; and the Immigration and Nationality Directorate (IND [now UKBA]) Enforcement Strategy (2007). However, a number of tensions do exist in this area – notably the sensitivities around targeting enforcement activity within minority communities, and increasing the potential penalties and risks for 'victims'. Care also needs to be exercised to ensure that, in promoting awareness of initiatives to reduce the 'pull factors' of the UK as a destination, they do not offer would-be facilitators the information required to adapt their practices.

The discussion below highlights four specific spheres which will continue to require attention and seeks to assess – in the light of what has been learnt from the interviews – what more could be done.

## Reducing the 'pull factors' encouraging entry to the UK

The UK has sought to work with international partners, bi-laterally and through international forums such as the EU and UN to reduce the 'push factors' – such as poverty, hardship or religious and social intolerance – that drive people to escape their countries of origin e.g. the Department for International Development's work in the Greater Mekong basin. However, it is clear that although the UK can influence these 'push factors', it cannot expect to control them.

There will be little incentive to affect the basic 'pull factors' to the UK – namely its strong economy, its diverse society, and the English language. The interviews did, however, point to the fact that, in the eyes of some, the UK had become less attractive recently as a result of its tighter entry controls since 9/11, the use of more sophisticated detection systems at ports, the introduction of new-style UK passports and the general clampdown on false marriages with UK citizens (marriages of convenience). Given that the UK is perceived by some interviewees to be 'soft' on enforcement and immigration control, it may be of some benefit to better present a tough stance on illegal immigration and to increase awareness of existing and proposed initiatives to stem organised immigration crime. Similarly, a clampdown on the potential areas of benefit abuse and entry to the 'shadow' economy may serve to reduce the overall pull factors.

A number of initiatives have been introduced since the research was conducted, including ongoing programmes to 'fix identity' through the use of biometrics in visa issuing posts and through the roll out of identity cards for foreign nationals in the UK, which is making it harder to avoid compliance with immigration law. The Immigration, Asylum and Nationality Act (2006) introduced harsher penalties for employing illegal workers and a civil penalty regime of up to £10,000 per illegal worker to discourage the employment of illegal migrants.

## Police enforcement activity

The most conventional starting point would be to look at traditional enforcement practices – the activities of the police in particular – about which respondents expressed a number of different views. The key themes were that:

- the risk of being apprehended for engaging in the range of related offences was perceived by the interviewees to be generally low, and many of the respondents were generally critical of UK law enforcement;
- enforcement activity was seen as more robust in other parts of Europe than in the UK (although sentencing in the UK is more severe);
- the likelihood of victims exposing facilitated entry activities was considered to be low;
- when arrests are made they tend to be of dispensable (and replaceable) 'foot soldiers', while the major players invariably escape conviction – either by being too clever, or by situating themselves outside the UK;
- smuggling and trafficking networks were considered well able to cope with, and adapt to, changes in enforcement practices.

The extent and nature of prostitution can also present challenges for the UK authorities. Prostitution exists in most towns and cities, sometimes on the street, but largely in commercial premises and private residential properties. So much is hidden from view, that it is difficult to be precise about the scale. Prostitution itself is not illegal, although many of the activities associated with it are: the criminal law focuses both on the nuisance associated with the sex market (particularly on-street), as well as on the commercial sexual exploitation of others.

The route to the better identification and investigation of such offences must lie in breaking the wall of silence and – once 'foot soldiers' are arrested – in fully exploiting the opportunity to use their inside knowledge to identify the major players. Additionally, the introduction of a multi-agency framework (or 'National Referral Mechanism') from April 2009 to identify and support victims of trafficking is expected to encourage more victims to co-operate with the police.

## Immigration Service activities

Interviewees were critical of the immigration authorities. Key themes were:

- regard for the effectiveness of the Immigration Service was very low;
- it is reportedly very easy to acquire information about customs and immigration by simple observation, and particularly easy to smuggle people (and other commodities) in container lorries;
- the universal nature of the English language was key to the perception that risks at border points are minimal, as it was very difficult for immigration staff to challenge people about their professed nationality;
- each of the possible methods of entry to the UK has its relative advantages and disadvantages, and operators will utilise a considerable range of options. Operators will exercise flexibility in selecting options according to price and risk.

On the other side of the coin, at other points during interviews the effectiveness of immigration controls were noted: for example, the introduction of joint border controls at Calais was mentioned by a few respondents as making entry more difficult.

The implementation of EURODAC (2003) (fingerprinting of asylum applicants) has coincided with a reduction in the number of multiple asylum claims but increased border security can increase the 'market' for forms of clandestine entry which can constitute a greater risk to the migrant (Europol, 2006).

## **Influencing the moral viewpoint amongst host immigrant communities**

There is evidence that some host immigrant communities are tolerant (and indeed supportive) of the process of illegal immigration and they should be made more aware of the potential harm caused by such practices. Further work could also be done on raising the awareness of potential clients/victims of the perils and potential penalties of entering the UK illegally.

## **The feasibility and utility of research based on prisoner interviews**

Researching patterns of, and the motivation for, offending by means of interviews with offenders (even for such wide-ranging and multi-layered activities as people smuggling/trafficking) is an effective method of eliciting their perspectives, and of discovering key themes that can prompt preventive activity. The study showed that offenders convicted of organised immigration offences could be identified and located in the prison system, and that the majority were willing to participate in the interview programme. It should of course be borne in mind that theirs are subjective accounts which could not usually be validated factually. They may reflect both personal bias and an intention to underplay the extent of their own involvement and criminality, by transferring guilt to associates and the alleged incompetence of UK law enforcement.

Specific methodological issues are outlined below.

- Identifying the prisoners for the study was problematic from an administrative perspective, as some of the respondents' offences were recorded under their most serious or 'index' offence.
- Movement around the prison estate was significant, and tracking down the whereabouts of prisoners was, on occasions, difficult.
- Like similar studies, securing access to prisons was less problematic than anticipated, and the response rate from prisoners (including serious offenders) was much better than expected.
- As anticipated, the prisoners on the list varied significantly in their involvement in organised immigration crime.

- This variety in the 'type' of respondent, and in their range of experiences, meant that numbers from each potential category were small, compromising what could be said with authority about specific markets or activities.
- The prisoner sample was not representative of the whole organised immigration crime market and exhibited some notable omissions, such as child trafficking.
- More generally, only a small proportion of offenders active in organised immigration crime are in prison, and the sample interviewed is therefore unlikely to be representative of these offenders as a whole. This will limit the extent to which firm conclusions can be drawn.
- The little information that was available (e.g. details of conviction offences and press articles) was not always consistent with the account given by the prisoner and thus the accounts given by the prisoner were difficult to validate with factual information.
- Even those who had been convicted of (and pleaded guilty to) relevant offences tended to deny/downplay their involvement – preferring to implicate associates and to denigrate the immigration authorities.
- The interview schedule was difficult to apply rigorously to a few respondents who presented themselves as clients of smuggling operators, or as having lesser/disputed involvement in smuggling/trafficking.
- The use of interpreters did not appear to create problems for the interview process.
- Despite efforts to the contrary, some respondents misunderstood the purpose of the interview and were disappointed that it would have no bearing on their case. This may well have influenced their accounts.

## **The implications for further research into prisoners' perspectives**

From the experience gained in the current research, those conducting similar work in future may wish to take account of some key points that can enhance the benefit of such an approach.



- Research the method for identifying prisoners that are suitable to the study, before embarking on a full-scale research programme.
- Ensure that the mechanisms offer a sufficiently quick turnaround in pursuing prisoners that are liable to move around the prison estate.
- Be clear about the objectives of the study and emphasise the level of confidentiality that can be offered.
- Obtain prior information on the prisoner where possible – as a means of understanding how to ‘pitch’ the interview and in what areas the prisoner may have a contribution to make.
- Allow the prisoner to ‘tell their story’. This helps to develop rapport and allows information to be gained with minimum interference from the interviewer.
- Ask the prisoner to distinguish between what they ‘know’ and what they ‘think’.
- Be mindful of seeking to determine the veracity of what has been said, by probing for plausibility and consistency within accounts.

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## Appendix A: Offences defined as relevant to the study

Home Office Counting Rules for Recorded Crime April 2005

### 78 Immigration Acts Classification (1 of 2)

The offences below are prioritised in terms of importance with the most relevant first, followed by subsequent offences.

#### Most relevant

- 78/1 Knowingly concerned in making or carrying out arrangements for securing or facilitating the entry into the UK of anyone whom he knows or has reasonable cause for believing to be an illegal entrant. *Immigration Act 1971 Sec 25(1)(a)* (as amended by *Asylum and Immigration Act 1996 Sec 5*).
- 78/2 Knowingly concerned in making or carrying out arrangements for securing or facilitating the entry into the UK of anyone whom he knows or has reasonable cause for believing to be an asylum claimant. *Immigration Act 1971 Sec 25(1)(b)* (as added by *Asylum and Immigration Act 1996 Sec 5*).
- 78/13 Trafficking in prostitution. *Nationality, Immigration and Asylum Act 2002. Sec 145*. (Offence 78/13 repealed wef May 2004).
- 78/19 Trafficking people into the UK for the purpose of exploitation. *Asylum and Immigration (Treatment of Claimants) Act 2004 Sec 4 (1)(5)*.
- 78/20 Trafficking people within the UK for the purpose of exploitation. *Asylum and Immigration (Treatment of Claimants) Act 2004 Sec 4 (2)(5)*.

### 72 Trafficking for Sexual Exploitation

#### Classification (1 of 1)

Legislation introduced under the Sexual Offences Act 2003 with effect from May 2004.

- 72/1 Trafficking into the UK for sexual exploitation. *Sexual Offences Act 2003 Sec 57*.
- 72/2 Trafficking within the UK for sexual exploitation. *Sexual Offences Act 2003 Sec 58*.
- 72/3 Trafficking out of the UK for sexual exploitation. *Sexual Offences Act 2003 Sec 59*.

#### Subsequent Offences

- 78/3 Knowingly concerned in making or carrying out arrangements for securing or facilitating the obtaining of leave to remain in the UK by means which he knows or has reasonable cause for believing to include deception. *Immigration Act 1971 Sec 25(1)(c)* (as added by *Asylum and Immigration Act 1996 Sec 5*).
- 78/11 Helping asylum seeker to enter UK. *Immigration Act 1971 Sec 25A (4)* (as amended by *Nationality, Immigration and Asylum Act 2002 Sec 143*).
- 78/12 Assisting entry to UK in breach of deportation order. *Immigration Act 1971 S25A (4)* (as amended by *Nationality, Immigration and Asylum Act 2002 Sec 143*).
- 78/16 Possession of Immigration Stamp. *Immigration Act 1971 Sec 26B* (as added by *Nationality, Immigration and Asylum Act 2002 Sec 149*).

- 78/5 Person who provides immigration advice or services in contravention of Sec 79 (provision of immigration services) or of restraining order. *Immigration and Asylum Act 1999 Sec 86(1)*.
- 78/7 Obtain benefits or advantage for himself or anyone else by making dishonest representations. *Immigration and Asylum Act 1999 Sec 102(1), (2)*.
- 78/10 Assisting unlawful immigration to member state. *Immigration Act 1971 Sec 25(4-6)* as amended by *Nationality, Immigration and Asylum Act 2002 Sec 143* (was offence 194/11 and 194/12).
- 78/15 Registration Card (has false registration card in possession, has article within para (f) or (g) in possession without reasonable excuse). *Immigration Act 1971 Sec 26A (3)(c)(h) and 6* (as added by *Nationality, Immigration and Asylum Act 2002 Sec 148*).

## Legal definition: Assisting Illegal Entry, and Harbours

### **Immigration Act 1971 Sec 25(1)**

‘Any person knowingly concerned in making or carrying out arrangements for securing or facilitating the entry into the United Kingdom of anyone whom he knows or has reasonable cause for believing to be an illegal immigrant ...’

- 78/14 Registration Card (makes/uses or attempts to use a false registration card; alters or attempts to use, a registration card; makes article designed to be used in making false registration card or altering card). *Immigration Act 1971 Sec 26A (3)(a)(b)(d)(e)(f)(g) and 5* (as added by *Nationality, Immigration and Asylum Act 2002 Sec 148*).

## 78 Immigration Acts Classification (2 of 2)

- 78/21 Trafficking people out of the UK for the purpose of exploitation. *Asylum and Immigration (Treatment of Claimants) Act 2004 Sec 4(3)(5)*.
- 78/22 Employing a person subject to immigration control who has attained the age of 16 (was 194/35). *Asylum and Immigration Act 1999 Sec 8* as amended by *Asylum and Immigration (Treatment of Claimants) Act 2004 Sec 6*.
- 78/23 Failure to comply with a requirement to take specified action as the Secretary of State required. *Asylum and Immigration (Treatment of Claimants) Act 2004 Sec 35(1)(3) &(4)*.
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## Appendix B: Interview schedule

### Introduction

Introduce yourself and ensure that respondent is comfortable.

I am currently conducting some research for the Home Office. You will see from the background information that we are interested in finding out what you know about how people are brought illegally into the UK. We are interested in why people come here, what they do when they get here, how much it costs, the risks of doing so and what you think might stop people coming here. We are also interested in the process of how people are brought to the UK, including how people make arrangements for this to take place, what type of people come here and how they are transported.

We do not require any information on the specifics of your case. We are interested in any *general* information that you can provide me on this topic.

As is stated in the background information that you have seen, anything you tell me will remain confidential. We will not be telling the prison or anyone else anything that you tell us. So as to make an accurate record of what you tell me, I would like to tape record the interview which we will then destroy. Remember you are here from your own choice and if you do not want to answer a question you do not have to do so. The interview should last for approx. one and a half hours.

Are you ready to start?

Ask general background questions to build rapport with the interviewees.

### 1. The market

The aim of the first section of the questionnaire is to learn about the market dynamics of bringing people into the UK. Particularly in relation to the type of people that come to the UK, why people choose to come to the UK, how people get here, what they do once they are here and other general market questions.

#### **The type of people that come into the UK**

1. What type of person do you think is likely to come into the country illegally (*prompts to include men, women, younger/older people, children etc.*)?
2. Which countries do/did clients come from?
3. Are particular types of client targeted (*age, gender, nationality, ethnicity, language*) and, if so, why (*political, religious, or terrorist reasons*)?

#### **Why people choose to come to the UK**

4. Why do you think people come to the UK illegally (*prompts: for work – i.e. cockle pickers, hotel work, sex work, family problems, homelessness, to avoid persecution, religious reasons, terror reasons. Does this change over time?*).
5. Do the clients know where they are destined for? Do they have a choice of destinations?
6. Do the clients know that they will be entering the country illegally (do they mind)?

### **How do people get to the UK**

7. How are they recruited/procured?
8. How is the service advertised/promoted in the host country?
9. Are the clients always willing participants? With unwilling clients, how is cooperation achieved? Is violence sometimes used?
10. How much do the clients pay? Does the cost vary for different clients and, if so, why?
11. How do they pay (*is payment made in stages, do they still owe the agent money once they have got to the destination*)?

### **What people do once they have reached the UK**

12. Do the clients know what they will do when they get into the country? What happens when they get there – (*prompts to include whether they are sold on; who organises work; how do they evade the authorities; extent to which offender still involved in the process*).

### **General market information**

13. Who makes the most money out of the process?
14. What are the advantages of bringing people into the UK rather than other commodities – like drugs?
15. Is there competition amongst people/groups for establishing a business in this area (*i.e. are you aware of business 'rivals' that compete for a share of the market? If so, how do these different businesses compete. What are the risks that rival groups might pose*)?
16. Based on your opinion, do you think the market for illegal facilitation is growing or shrinking? Give reasons for your answer (*prompts such as increased/reduced law enforcement activity and, if relevant could you try and elicit their market share of the particular aspect of the business*). How does this affect the way they carry out their business?
17. How do people enter this market (*how do they set up their business, how do they make contacts*)? Are you aware of any barriers to market entry?
18. How do people then establish and grow their market share?
19. Does the market change – for example, the demand from different countries/areas? Are you aware of a demand for different services?
20. How do these individuals and markets respond to the arrest/imprisonment of key people? How do they recover market share when re-entering the business?
21. Do certain individuals operate across the whole transit route or just part of it? How does this vary?

## **2. The risks faced in facilitation of illegal entry into the UK**

This section is looking at the risks in terms of people's perceptions of getting caught and what the expected punishments may be.

22. What are the risks of bringing people here illegally?
23. How do people rate the risk of getting caught (*i.e. high, medium or low*)?



24. How do they manage this risk? What do they do to try and stop them getting caught?
25. What happens if someone gets arrested for bringing someone here illegally?
26. Do people change the way that they behave in relation to increased law enforcement in some areas? Why? How does this work?
27. Are you aware of any risks – for example, clients absconding without paying?
28. Are there stages/points in the processes that are more risky than others? Why?
29. Does the risk vary in different countries, and how do the penalties differ if you are caught?
30. What are the risks/threats from others involved in bringing people here illegally? Have you experienced any threats/attacks from rivals, and if so – what form did this take?
31. Are you aware of the Asset Recovery Agency? What impact would it have if people thought any money they made from bringing people here would be taken if they were caught?

### **3. Costs**

This section is looking at costs incurred by people bringing people into the UK, costs to the client and profit made.

32. What are the main costs involved at each part of the process (*Which part is the most profitable*)?
33. How is the money processed? Where is the money processed? Are there 'legitimate' parts of the business? E.g. lawyers, landlords, employment agencies, gangmasters.
34. Are those involved paid a 'wage' – or a share of the profits?
35. How do they view their competition; does this affect their pricing? How do they arrive at their prices? What sort of flexibility do these individuals have to adjust their prices?

### **4. The role of the offender in the process of bringing people here illegally**

These sections are dependent on time. Ask only if time permits.

I am now going to ask you questions regarding the process of how people are brought over. We know that there are many stages involved in bringing people here illegally into the UK. Someone needs to find people who want to leave their home country; someone needs to arrange the documents for them. Transportation needs to be arranged for their journey here. Is there an area of the process of bringing someone here illegally that you have experience of or knowledge about?

Depending on answer, ask questions from the relevant sections.

#### **Arranger/investor**

36. How does the process of bringing someone here illegally work?
37. Why do people get involved in bringing people into the UK illegally?

38. How are documents obtained (*what are these documents; passports, visas/work permits? Who/where are they acquired from? How? Did the smuggler use a single source for the documents/multiple sources depending on the type/price of document*)?
39. How much do the documents cost ?
40. Who do you have to pay for the documents?
41. Are these people involved in any other forms of smuggling/trafficking or any other types of crime?
42. Do they work in collaboration with anyone else? If so, what were their roles? Where are they based (*prompt are these people from the same country or is there are network of people across different borders? What are the nationalities/ ethnic backgrounds of the others involved? Is there a hierarchical structure within this process and how does this work*)?
43. Are people involved in organising and running smuggling/trafficking ever coerced into this activity?
44. How do they invest their profits (*Do the profits go to fund other criminal or terrorist activities*)? What do they spend their money on?
45. How long are these individuals generally involved in this activity for? If they stop doing it, why do they stop?
46. Are these people involved across the whole process or just part of it? How does this vary?
47. Do these people compete to bring people here?
48. How do these individuals contact others who are involved in the same business? Do you have any suggestions on what approaches might be effective at disrupting such contact?

### **Transportation**

49. Which countries are the people brought here through?
50. Do you know the specific route (*ports, airports etc.*) used? Why is that route(s) chosen?
51. What means of transport are used? Why (*if by sea, are they in a vehicle, are they concealed*)?
52. How well are people 'looked after' during their journey – while in transit and at any stopping points?
53. Do they travel as an individual or as part of a group?
54. How are the clients moved through border controls?
55. Are the people hidden in transit?
56. Do people carry false documentation (*what are these documents; passports, visas/work permits? Who/where are they acquired from? How? Did the smuggler use a single source for the documents/multiple sources depending on the type/price of document*)?
57. Are they escorted?
58. Which places have the weakest border controls?
59. Are officials bribed to let clients through?

60. Where are the easiest places to enter the UK?
  61. What happens to the clients when they enter the UK?
  62. What can you tell me about people that are involved in the transportation and obtaining false documentation in relation to:
    - How many people they work with
    - How long they have been involved in this type of 'work'
    - Any other serious criminal offences being committed?
  63. Are these people involved in bringing people here illegally or any other types of crime?
  64. Do they work in collaboration with anyone else? If so, what were their roles? Where are they based (*prompt are these people from the same country or are there networks of people across different borders? What are the nationalities/ ethnic backgrounds of the others involved? Is there a hierarchical structure within this process and how does this work?*)?
  65. How long are these individuals generally involved in this activity for?
  66. Why do people become involved in bringing people here illegally?
  67. Do those people who bring people here illegally operate across the whole transit route or just part of it? How does this vary?
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## Appendix C: The pilot study

It was agreed that the pilot would involve six to nine interviews and would provide an opportunity to review the methods of access, prisoner participation and the viability of the interview schedule (the number of interviews in the pilot was subsequently increased to 11 to 14 after consultation with RDS). The pilot study was carried out between January and March 2006.

### Key lessons from the pilot study

- Identifying relevant prisoners for the study was a complex process requiring a multi-faceted approach including: interrogation of Home Office databases; consultation with enforcement agencies e.g. Reflex and CPS; and press and media searches.
- As anticipated, a number of identified offenders had been transferred to new prisons and others had been discharged, deported or absconded.
- Of the 16 prisoners that were available to approach, 11 gave their consent to be interviewed and five refused. Amongst the refusals were two offenders who refused on the grounds that they had not been involved in facilitating immigration and would not, therefore, be able to answer questions on this subject.
- Of the 11 prisoners interviewed – seven were identified as immigrants rather than facilitators and were subsequently removed from the overall study.
- There were, therefore, four valid interviews in the pilot study.
- For the individuals interviewed in the pilot it was not possible to obtain background information from the CPS, despite the active cooperation of CPS contacts (provided via RDS and 'Reflex'). The central issue was the lack of time available to locate and access the requisite files between the prisoner giving consent and the interview taking place. To delay the interview would have increased the risk of the prisoner being moved or discharged before the interview.
- Press reports on some (of the more serious) offenders were available from internet searches. Although naturally these were treated with some caution, in the absence of CPS details, they provided some useful context on some of the offenders interviewed.
- While the interview schedule covered all the issues, it was long and inevitably included sections that were not universally relevant. However, given the diversity of the target audience, there was little to recommend redrafting the schedule, as no 'set' of questions would be universally applicable. The schedule gave a comprehensive outline of the potential areas for discussion and – used with discretion – was an effective tool.
- The most productive form of interviewing was to combine discussion on an individual's specific status and experience within the market with their views of the market more widely.
- The invitation to the prisoner to provide some background to their circumstances provided a means to assess the level of involvement (and therefore degree of authority in the responses) and the areas of the market that individual respondents would be most able to report on. As most of the prisoner sample had entered the UK as illegal immigrants themselves, they were able to give further insight into a number of the features of the market from both sides.
- Some prisoners had misunderstood the purpose of the interviews and felt that it might have some bearing on their case, despite assurances to the contrary.

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