



## Questions and Answers: Smuggling of Migrants in Europe and the EU response

13 January 2015

### Facts and Figures on the arrivals of migrants in Europe

#### What is smuggling of migrants?

To enter the EU, irregular migrants often turn to smugglers.

**Smuggling of migrants** is commonly understood as the intentional organisation or facilitation of the irregular movement of persons across state borders, which is provided in return for financial gain (or other gain) by the migrants to the smugglers. [\[1\]](#) Smuggling of migrants generally takes place with the consent of the person willing to move. However, the act of smuggling itself is often dangerous and violent, forcing people to unsafe and inhumane travelling conditions.

This is nevertheless **distinct from trafficking in human beings**, which does not require crossing of international borders, involves physical or psychological violence, coercion, exploitation of position of vulnerability, and is aimed at the exploitation of the victim.

The distinction between these two types of crimes can however become blurred in practice because smuggled people can also become victims of violence or some form of exploitation.

#### Who are the people arriving to Europe?

In 2014, **more than 276 000** migrants irregularly entered the EU, which represents an increase of 155% compared to 2013.

Syrians together with Eritreans were the largest group of person apprehended at EU external borders trying to enter the EU in an irregular manner. Other large groups included nationals from Afghanistan, Mali and Kosovo.

#### What are the main routes used by smugglers?

Figure 1: number of illegal border-crossings (main routes)\*

	2013 (Jan-Dec)	2014 (Jan-Dec)
Central Mediterranean route (to south of Italy)	<b>45 298</b>	<b>170 816</b>
Eastern Mediterranean route (to Greece, Cyprus and Italy)	<b>23 299</b>	<b>50 561</b>
Total ( all routes)	<b>107964</b>	<b>276 113**</b>

\* source: Frontex \*\*: figures for other routes (e.g. Eastern Mediterranean countries are only available until end of November)

For a global overview, see the map presenting irregular crossings in the Annex to this Memo.

The **Central Mediterranean** has been the main route used by smugglers to enter the EU since almost a decade. Migrants have been departing from the northern coast of Libya and more recently Egypt, towards the south of Italy and Malta.

Over the last years, flows from the Central Mediterranean have increased substantially, first following the Arab Spring in 2011 and more recently, due to the difficult situation of political instability and civil war, in Libya. Many smugglers today carry out their criminal activities from Libya, where government control is very limited.

This route has been used by various African nationalities, notably Eritreans, although the numbers of Syrians using this route has significantly grown.

The **Eastern Mediterranean** route, the second most used route by smugglers, has evolved over time, showing the increasing importance of arrivals by sea from Turkey to Italian, Greek and Cypriot shores, compared to the land border-crossings between Turkey and its EU neighbours Greece and Bulgaria.

Mainly Syrian and Palestinian asylum seekers have used the Eastern Mediterranean sea route (followed often by Afghans, Iraqis and increasingly African nationalities). In total, in 2014, 50 561 irregular border crossings were registered – a sharp increase compared to 2013 (23 299).

## **New modus operandi to smuggle migrants departing from Eastern Mediterranean**

The migratory routes into Europe change over time as smugglers adapt their strategies to circumvent enforcement and border patrols. Their modus operandi depends largely on the region in which it occurs, on preventive measures applied by relevant national authorities and the needs of migrants who are paying for the service.

### **What is the new modus operandi?**

Initially, irregular departures of migrants from Turkey to the EU across the Mediterranean were essentially taking place in the Aegean Sea towards Greek islands through small vessels able to carry only limited number of persons.

This approach has progressively changed in the course of 2014, as irregular flows of migrants departing from Turkish shores have started to be directed towards the Italian Ionian shores. The transport means were wooden fishing or sailing boats with overall less than 100 persons on board.

In late September 2014, the first large cargo vessel transporting migrants across the Mediterranean was detected. Since then, 12 incidents with cargo vessels have been reported (7 in December 2014, involving 3 157 irregular migrants). A total of 4 933 people were rescued, 80% of whom were Syrians. In addition, one cargo vessel was rescued in Greece and two in Cyprus, involving 1 137 irregular migrants. In all these cases, the destination was Italy, but due to the failure of the engine or rough weather conditions, assistance was requested earlier.

The modalities used by the smugglers to embark migrants on the vessels vary from case to case, and are subject to further investigation by relevant Member States' authorities, Europol and Frontex.

Departing locations can vary, though most migrants depart from the area of the Turkish port of Mersin, on board of smaller boats (fishing boats or small cargo ships) that transport them to the cargo vessels waiting in front of the coastline of Mersin ('mother boat' method). The electronic tracking system is often turned off and the cargo vessels are detected after sending a distress call via satellite phone, between 100-250 nautical miles off the Italian coast.

The vessels used were steel cargo ships ranging between 50 and 100 meters in length. They transported from 250 to 800 migrants. It appears that the people on board have paid in most cases between 5 000 and 7 000 USD per person for the trip, and in some cases children travelled for free.

Similar smuggling operations may set sail from the area nearby the seaport of Famagusta, which is located in the northern part of the island of Cyprus not controlled by the authorities of the Republic of Cyprus.

### **Rescue of Ezadeen Cargo Vessel by Frontex Coordinated operation Triton**

The Ezadeen Cargo Vessel flying the flag of Sierra Leone was intercepted at 19:00 on 1 January 2015 at 110 nautical miles from Calabria (Italy) by Italian and Icelandic Coast Guard patrol vessel deployed to the Frontex-coordinated operation Triton. The vessel had departed from Turkey on 24 December 2014 with 360 Syrian migrants (232 men, 54 women and 74 children) on board. Inside the cargo vessel which used to carry livestock, the smugglers network had organised facilities in order to transport persons (toilet zone, cooking zone) and these areas were divided with steel cages. The lifeboats were missing from the cargo vessel and the engines and the navigation systems of the boat were damaged on purpose in order to force the rescue of the migrants.

Two migrants were arrested who had agreed with the facilitators to take over the helm in order to receive a reduction on the fare. According to the migrants' statements, the facilitators left the cargo vessels and left the migrants alone with the two migrants acting as skippers. After that, the migrants made the emergency call.

Europol sent officers to Italy in order to provide on the spot support and to collect intelligence from the investigation teams. Contacts between Frontex and EMSA are on-going.

## **EU Response**

### **Triton and the involvement of Frontex**

The Triton joint operation, coordinated by Frontex, started its activities in the Central Mediterranean in support of the Italian efforts on 1 November 2014<sup>[2]</sup>. Member States facing significant migratory pressure may request technical and operational assistance from Frontex. Frontex can launch a joint operation based on a request from the host Member State, such as in the case of Italy with regard to

the Triton operation. A joint operation is carried out by using equipment and the assistance of guest officers from other Schengen Member States. In the case of Triton, 18 **Schengen** Member States<sup>[3]</sup> as well as other Union agencies and bodies and international organizations<sup>[4]</sup> participate in the operation.

Thanks to the significant number of contributions in Triton, Frontex coordinates the deployment of 2 fixed wing surveillance aircrafts, 3 patrol vessels, 2 coastal patrol vessels, 2 coastal patrol boats and 1 helicopter in order to assist Italy in coping with the on-going migratory flows. In addition, Italian assets form part of the operation. Five debriefing teams are deployed to support the Italian authorities in collecting intelligence on the people-smuggling networks operating in origin and transit countries as well as two screening teams.

The core objective of the Triton operation is to provide assistance to the Italian authorities' efforts to ensure effective surveillance of the maritime borders and to provide assistance to any person on board a vessel in distress. However, this operation cannot and does not replace Mare Nostrum<sup>[5]</sup>. The operational area covers part of the international waters to the south and southeast of Italy. The monthly budget of Triton is estimated at €2.9 million.

Since the launch of the Triton joint operation on 1 November 2014, the participating authorities have dealt with 130 incidents of which 109 were search and rescue cases. 16402 people were detected, including 15325 persons found on boats in distress. In addition to that, 57 facilitators were arrested.<sup>[6]</sup>

Triton does not affect the responsibilities of Member States in controlling their section of the EU's external borders, and their obligation to search and rescue people in distress. Frontex, by its joint operations such as Triton, is there to support Member States in case of increased migratory pressure. However, as Frontex is not a European Border Guard Corps, it has no own equipment or border guard officers with executive power. The Agency only coordinates operational cooperation among Member States' authorities at the external borders and offers assistance to correctly implement the applicable legal framework.

Frontex coordinates joint operations for the purpose of border checks and surveillance at the EU's external borders. The objectives of these operations can for instance include the support of a Member State facing particular pressure as well as to gather further information on modus operandi of irregular immigrants and facilitators, and sharing best practices and expertise between Member States. Frontex operations are in that sense a tangible expression of European solidarity.

### **Fight against migrants' smuggling**

The fight against migrant smuggling, but also avoiding the loss of life of people has been part of the European Union's policy to address irregular migration for more than a decade.

### **Existing EU legislative framework**

The EU legal framework on smuggling (so-called "facilitators package") was adopted in 2002<sup>[7]</sup>.

The [Council Directive](#) provides a common definition of the offence and requires Member States to adopt effective, proportionate and dissuasive sanctions on any person who intentionally facilitates the irregular entry, transit or residence of individuals for financial gain.

The [Framework Decision](#) specifies and harmonises to a certain extent the sanctions and provides the rules on jurisdiction and prosecution across the EU.

The two legislative acts have been transposed in all Member States and their implementation is being currently evaluated in view of a possible future strengthening of the current EU penal framework.

### **On-going actions**

A number of concrete actions to tackle migrant smuggling at EU level have been carried out in the past months. These include:

- Implementation of joint operational actions by Member States law enforcement authorities with support of EU Agencies (Europol, Frontex, Cpol and Eurojust) resulting in disruption of organised criminal groups involved in the facilitation of irregular immigration. For example, a Vietnamese organised criminal group that facilitated the irregular entry into the EU of Vietnamese migrants was dismantled. This criminal group used real or forged passports and counterfeit identification and residence documents, and was involved in people smuggling. Another example was Operation Archimedes, which was led by law enforcement authorities from 34 countries, and coordinated and supported by Europol. They targeted organised crime groups and their infrastructures across the European Union, and the operation led to the arrest of 170 smugglers.
- Reinforcement of Europol's team (Focal Point Checkpoint) dedicated to intelligence sharing and supporting joint investigations on the facilitation of irregular migration. The Focal Point has 24 participating EU Member States and 7 third parties such as EU Agencies and non-EU countries. A dedicated maritime intelligence centre (Joint Operation Team MARE) was established to better

identify and track smuggling networks operating in Mediterranean. The scope of JOT MARE (a Europol project on fighting organised crime gangs facilitating irregular migration through the Mediterranean) is to target organised criminal groups in countries of origin, transit and destination.

- Expanding debriefing mechanisms by training and deploying debriefing teams by Frontex during joint operations to gather information about modus operandi, departure points and routes used by smugglers.
- Launch of a pilot project by the European Asylum Support Office (EASO) on information gathering during the asylum determination process.
- Strengthening and more strategic use of the Network of Immigration Liaison Officers set up by the [Council Regulation](#) in 2014. Liaison officers being deployed by EU Member States in priority third countries of origin and transit gather and share intelligence on modus operandi and routes used by smugglers that can be subsequently used by law enforcement authorities during the investigation of criminal groups facilitating irregular migration.

## **The future: a need for a comprehensive approach to fight against smuggling**

Despite the efforts taken so far, an increasing proportion of irregular migrants arrive in Europe through human smuggling. Smugglers are finding new routes to Europe and are employing new methods to exploit vulnerable people. It is therefore clear that common efforts need to be reinforced to counter criminal networks of smugglers around four main priorities:

- **Enhanced prevention of smuggling** by intervening and informing at an earlier step of the migrant's journey; addressing abuse of legal entry and stay; reducing demand for irregular migration and protecting and assisting vulnerable migrants;
- **Enhanced intelligence** by increasing knowledge on *modus operandi*, routes, profiles and networks of smugglers; improving cooperation and exchange of information among key actors and increasing data analysis and visibility;
- **Enhanced investigation capacity and prosecution** of smugglers by revisiting the existing EU legal framework; promoting an integrated, multi-disciplinary and inter-agency approach to counter smuggling; ensuring proactive financial investigations and supporting capacity building of law enforcement authorities;
- **Enhanced cooperation with third countries** by pursuing existing and launching new political dialogues with priority countries of origin and transit, and increasing capacity of third countries to fight organised criminal networks of smugglers.

## **Assisting migrants in need of protection**

### **Processing asylum applications**

There is a consensus among EU Member States that Syrians should not be returned to Syria, regardless of their residence status in the EU. Forced returns are not being executed and there are no facilitated returns. The recognition rate among genuine Syrians in all Member States is close to 100%. The Syrians who appear as 'rejections' in statistics are usually either found not to originate from Syria, or are genuine Syrians who can be transferred to another Member State under the Dublin Regulation.

Since the start of the Syrian crisis (May 2011), over 185 000 Syrians requested asylum in the EU, mainly in Sweden and Germany, while the number of requests in Italy – being one of the main routes of entry to the EU – is limited (410 between January and September 2014). In 2014, Syrians (101 500) were the largest group of asylum-seekers in the EU, followed by Eritreans (34 495), Afghani (32 425) and people from the Western Balkans (14 495).

### **Resettlement**

So far, the EU Member States have offered over 36 300 resettlement places (of which 30 000 by Germany), making it the largest pledge in the history of EU resettlement efforts. The European Commission supports the resettlement request made by UNHCR, and calls on Member States to increase their resettlement efforts. For this, the European Commission offers Member States continued financial support under the Asylum, Migration and Integration Fund (AMIF).

### **Assistance to refugees in third-countries**

Since the start of the conflict in Syria, the EU has mobilised around €3 billion in humanitarian, development, economic and stabilisation assistance for Syria and its neighbouring countries. Approximately €872 million has been mobilised by the Commission to help to respond to needs within Syria and its neighbouring countries hosting large numbers of refugees (Lebanon, Jordan, Turkey and Iraq).

### **Funding for migration, asylum and borders**

An important concrete tool of EU solidarity with Member States facing considerable migratory pressure is financial support.

For the period 2007-2013, almost €4 billion were allocated from the EU under the four Funds in the area of Migration (the so-called "SOLID" Funds, i.e. European Refugee Fund, European Fund for the Integration of Third Country Nationals, European Return Fund and External Borders Fund).

For the period 2014-2020, €6.901 billion are available through two consolidated funds: €3.138 billion under the Asylum, Migration and Integration Fund (AMIF) and €3.764 billion under the Internal Security Fund (ISF).

The financial support through **AMIF** will help Member States to receive and assist every migrant or asylum seeker. This can range from establishing adequate reception centres, with adequate conditions for families, minors, and other vulnerable groups, to integration support mechanisms in the Member State or, when justified, to ensuring their safe and dignified return and reintegration in their countries of origin.

**ISF** support will be provided to ensure effective border management and surveillance of the EU external border, including also search and rescue operations that will save many lives. This fund will also play a crucial role in assisting EU Member States, when necessary in cooperation with third countries, to fight criminal organisations active in smuggling of migrants and trafficking of human beings, which make huge profits out of migrants and asylum seekers' distress and desperation to leave their countries of origin.

Most of these funds will be allocated to and managed by the EU Member States under their respective national programmes (currently being prepared). As it happened with former SOLID funds, Italy, Spain and Greece will be amongst the biggest beneficiaries of these funds. In fact, a large part of the available resources are allocated proportionally depending on the responsibility borne by each Member State to manage migration flows and the external borders on the basis of objective criteria laid down in the Regulations.

Figure 2: EU funding for 2007-2014 and 2014-2020, in EUR millions.

Member States	2007-2014 SOLID fund*	2014 -2020 AMIF	2014-2020 ISF
Italy	478, 7	310	212
Greece	420	259	187
Spain	485	257	249
Bulgaria	52	10	72
Cyprus	56	32	42
Malta	85	17	61

Both AMIF and ISF can provide emergency assistance on the basis of an "emergency reserve". For 2014, the amount available was € 25 million for AMIF and approximately € 8 million for ISF, with similar amounts foreseen for 2015.

Moreover, resources are also available for Member States who have pledged to resettle under the AMIF (an amount of approximately € 280 million is in principle set aside for this, for the period 2014-2020, with each MS receiving up to € 10.000 for each person resettled under the pledging exercise).

Such funding will provide a substantial contribution to Member States' efforts to cope with increasing migratory pressures.

## Annex 1: Illegal Border-Crossing by Route

[1] The EU definition of smuggling covers both the facilitation of unauthorised entry and transit, as well as of *residence*.

[2] [http://europa.eu/rapid/press-release\\_MEMO-14-609\\_en.htm](http://europa.eu/rapid/press-release_MEMO-14-609_en.htm)

[3] Austria, Belgium, Estonia, Finland, France, Germany, Iceland, Latvia, Malta, Netherlands, Poland, Portugal, Romania, Sweden, Switzerland, Slovenia, Spain, United Kingdom

[4] EASO, EFCA, EMSA, EUROPOL, FRA, UNHCR, IOM and EEAS/CSDP Mission " EUBAM LYB"

[5] Mare Nostrum was a search and rescue mission launched by the Italian Ministry of Defence following the dramatic events in Lampedusa on 3 October 2013 where 311 migrants drowned. The operation was on-going close to Libyan coast with Italian naval assets and its estimated costs were around €9-12 million per month. The EU has supported the operation financially with €1,8 million from emergency actions under the External Border Fund.

[6] Frontex data as of 12 January 2015

[7] Council Directive 2002/90/EC defining the facilitation of unauthorised entry, transit and residence and Council Framework Decision to prevent the facilitation of unauthorised entry, transit and residence.

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