Public consultation on the EU action plan against migrant smuggling (2021-2025)

Fields marked with * are mandatory.

Introduction

The New Pact on Migration and Asylum recognises that migrant smuggling very often involves the organised exploitation of migrants, showing scant respect for human life in the pursuit of profit and damaging both the humanitarian and the migration management objectives of the EU[1]. To strengthen the prevention and fight against migrant smuggling, the New Pact announces a new EU Action Plan against migrant smuggling for the period 2021-2025.

Through this consultation, the European Commission would like to hear your views on what new actions could be taken at EU level to prevent and fight migrant smuggling. Your feedback will help design the upcoming EU Action Plan against migrant smuggling for the period 2021-2025.

According to various sources, the vast majority of those migrants who arrive to the EU irregularly have made use of illicit services of migrant smugglers during various stages of their journey. Although the COVID-19 pandemic and subsequent measures introduced by national authorities lead to an overall reduction of migratory flows towards the EU in 2020[2], organised criminal groups involved in migrant smuggling have adapted their modi operandi and continued their activities[3]. Worsening economic conditions in countries of origin and transit are likely to increase migratory movements and result in continued high demand for migrant smuggling services to the EU, with increased high profits for the organised criminal groups active in this area. This is often linked to other crimes, such as trafficking in human beings. Consequently, resolute action to prevent and combat migrant smuggling is needed and should be strengthened further.

The current EU Action Plan against migrant smuggling covered the period 2015-2020[4]. It put forward a comprehensive and multidisciplinary EU approach that set out concrete actions to contribute to transforming migrant smuggling into a 'high risk, low profit' criminal activity for migrant smugglers, while ensuring the full respect and protection of human rights of migrants. The 2015-2020 EU Action Plan had four priorities: (i) Improved law enforcement and judicial response; (ii) Enhanced exchange of information; (iii) Enhanced prevention of smuggling; and (iv) Stronger cooperation with third countries. Building on ongoing efforts at EU and national level, in December 2018, the Council approved a comprehensive and operational set of measures with a focus on law enforcement, to step up the fight against migrant smuggling criminal networks[5].

This Action Plan has both comprehensively delineated the area of the EU's intervention and delivered tangible results[6]. The results include the following non-exhaustive list of actions. With regard to the

enhanced police and judicial response, these results include strengthening the counter smuggling capacity of Europol by creating the European Migrant Smuggling Centre, and increased information exchange and operational cooperation on migrant smuggling among Member States, in particular through the European multidisciplinary cooperation platform against criminal threats (EMPACT)[7]. One of its priorities is to disrupt organised criminal groups which provide illegal services that facilitate irregular migration along the main routes towards and within the EU. It particularly focused on those criminal groups whose methods endanger people's lives (such as using concealments in trucks and lorries, and using unseaworthy vessels), offering services online and making use of document fraud. Single points of contact at national level have been established to coordinate on migrant smuggling, support was provided to combatting illicit financial flows linked to migrant smuggling, a mapping of training needs for law enforcement officers in the area of migrant smuggling was carried out and a thematic group for public prosecutors regarding migrant smuggling has been created at the European Union Agency for Criminal Justice Cooperation (Eurojust).

An evaluation of EU legislation on migrant smuggling ('the Facilitators Package') was carried out in 2017[8]. In the context of the New Pact on Migration and Asylum the Commission issued guidance[9] stressing that humanitarian assistance mandated by law should not be criminalised and recommended to Member States to distinguish between activities carried out for the purpose of humanitarian assistance and activities that aim to facilitate irregular entry or transit, in order to exclude the former from criminalisation.

With regard to improved gathering and sharing of information, the Regulation on the creation of the European network of immigration liaison officers[10] was adopted in 2019, the Information Clearing House [11] and the EU Internet Referral Unit[12] were set up at Europol, Europol guest officers were deployed in Italy and Greece, the Africa-Frontex Intelligence Community was further developed, assistance was provided to combatting document fraud and migrant smuggling data was included in the regular Eurostat data collection.

With regard to the enhanced prevention of smuggling and assistance to vulnerable migrants, information and awareness raising campaigns have been carried out in key non-EU countries on the risks of smuggling and irregular migration, and a toolkit was developed for the prevention of migrant smuggling by land for the road haulage sector.

The possibility of obtaining employment in the EU without the required legal status is one of the drivers for irregular migration and migrant smuggling to the EU. In the New Pact on Migration and Asylum, the Commission indicated it will start an assessment how to strengthen the effectiveness of the Employers Sanctions Directive[13] and assessing the need for further action. The efficient implementation of the Directive is indispensable to deter irregular migration by ensuring effective prohibition of the employment of irregularly staying third-country nationals.

Finally, as regards stronger cooperation with third countries, the EU Action Plan supported establishing operational cooperation against migrant smuggling with non-EU countries along the main migratory routes towards the EU in the form of bilateral and regional cooperation frameworks to address migrant smuggling. Furthermore, capacity building activities for police and judicial authorities in non-EU countries have been provided by developing common operational partnerships.

[1] COM(2020)609, pp. 15-16.
[2] Reports by Europol and Frontex.
[3] Joint Analysis of Secondary Movements by EASO, Europol and Frontex, October 2020.

[4] COM(2015)285 (https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/eu_action_plan_against_migrant_smuggling_en.pdf)

[5] https://data.consilium.europa.eu/doc/document/ST-15250-2018-INIT/en/pdf

[6] Together with the EU action plan against migrant smuggling (2021-2025), the Commission will present a Staff Working Document which will include an overview of the actions carried out in the framework of the EU action plan against migrant smuggling (2015-2020).

[7] The EU Policy Cycle / EMPACT is a four-year cycle creating a greater measure of continuity for the fight against serious international and organised crime. The mechanism calls for effective cooperation among law enforcement agencies, other EU agencies, EU institutions and relevant third parties.

[8] SWD(2017)117 of 22 March 2017.

[9] https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52020XC1001(01)

[10] https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32019R1240

[11] The establishment of the Information clearing house (ICH) is founded in the Malta Declaration Implementation Plan. The ICH objective is to enhance the intelligence picture on organised migrant smuggling from source and transit countries by pooling information and developing actionable intelligence packages to enable law enforcement authorities to take action and prevent the smuggling process to continue into Europe.

[12] The EU Internet Referral Unit contributes to detecting and requesting removal of internet content used by smuggling networks to attract migrants and refugees.

[13] https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32009L0052

If you wish to submit a more detailed contribution, you can upload a document (e.g. a position paper) at the end of the questionnaire

About you

*Language of my contribution

- ○ Bulgarian
- ○ Croatian
- ○ Czech
- ○ Danish
- ○ Dutch
- ● English
- ○ Estonian
- ○ Finnish
- ○ French
- ○ German
- ○ Greek
- ○ Hungarian
- ○ Irish
- ○ Italian
- ○

Latvian

○ Lithuanian

○ Maltese

○ Polish

○ Portuguese

○ Romanian

○ Slovak

○ Slovenian

○ Spanish

○ Swedish

*I am giving my contribution as

○ Academic/research institution

○ Business association

○ Company/business organisation

○ Consumer organisation

○ EU citizen

○ Environmental organisation

○ Non-EU citizen

○ Non-governmental organisation (NGO)

● Public authority

○ Trade union

○ Other

*First name

*Surname

*Email (this won't be published)

*Scope

○ International

- ○ Local
- ● National
- ○ Regional

*Level of governance

- ○ Parliament
- ● Authority
- ○ Agency

*Organisation name

255 character(s) maximum

Ministry of Justice and Security

*Organisation size

- ○ Micro (1 to 9 employees)
- ○ Small (10 to 49 employees)
- ○ Medium (50 to 249 employees)
- ● Large (250 or more)

Transparency register number

255 character(s) maximum

Check if your organisation is on the [transparency register](). It's a voluntary database for organisations seeking to influence EU decision-making.

*Country of origin

Please add your country of origin, or that of your organisation.

○ Afghanistan	○ Djibouti	○ Libya	○ Saint Martin
○ Åland Islands	○ Dominica	○ Liechtenstein	○ Saint Pierre and Miquelon
○ Albania	○ Dominican Republic	○ Lithuania	○ Saint Vincent and the Grenadines
○ Algeria	○ Ecuador	○ Luxembourg	○ Samoa
○ American Samoa	○ Egypt	○ Macau	○ San Marino
○ Andorra	○ El Salvador	○ Madagascar	○

			São Tomé and Príncipe
○ Angola	○ Equatorial Guinea	○ Malawi	○ Saudi Arabia
○ Anguilla	○ Eritrea	○ Malaysia	○ Senegal
○ Antarctica	○ Estonia	○ Maldives	○ Serbia
○ Antigua and Barbuda	○ Eswatini	○ Mali	○ Seychelles
○ Argentina	○ Ethiopia	○ Malta	○ Sierra Leone
○ Armenia	○ Falkland Islands	○ Marshall Islands	○ Singapore
○ Aruba	○ Faroe Islands	○ Martinique	○ Sint Maarten
○ Australia	○ Fiji	○ Mauritania	○ Slovakia
○ Austria	○ Finland	○ Mauritius	○ Slovenia
○ Azerbaijan	○ France	○ Mayotte	○ Solomon Islands
○ Bahamas	○ French Guiana	○ Mexico	○ Somalia
○ Bahrain	○ French Polynesia	○ Micronesia	○ South Africa
○ Bangladesh	○ French Southern and Antarctic Lands	○ Moldova	○ South Georgia and the South Sandwich Islands
○ Barbados	○ Gabon	○ Monaco	○ South Korea
○ Belarus	○ Georgia	○ Mongolia	○ South Sudan
○ Belgium	○ Germany	○ Montenegro	○ Spain
○ Belize	○ Ghana	○ Montserrat	○ Sri Lanka
○ Benin	○ Gibraltar	○ Morocco	○ Sudan
○ Bermuda	○ Greece	○ Mozambique	○ Suriname
○ Bhutan	○ Greenland	○ Myanmar /Burma	○ Svalbard and Jan Mayen
○ Bolivia	○ Grenada	○ Namibia	○ Sweden
○ Bonaire Saint Eustatius and Saba	○ Guadeloupe	○ Nauru	○ Switzerland
○	○	○	○

- Bosnia and Herzegovina
- Botswana
- Bouvet Island
- Brazil
- British Indian Ocean Territory
- British Virgin Islands
- Brunei
- Bulgaria
- Burkina Faso
- Burundi
- Cambodia
- Cameroon
- Canada
- Cape Verde
- Cayman Islands
- Central African Republic
- Chad
- Chile
- China
- Christmas Island
- Clipperton
- Cocos (Keeling) Islands

- Guam
- Guatemala
- Guernsey
- Guinea
- Guinea-Bissau
- Guyana
- Haiti
- Heard Island and McDonald Islands
- Honduras
- Hong Kong
- Hungary
- Iceland
- India
- Indonesia
- Iran
- Iraq
- Ireland
- Isle of Man
- Israel
- Italy
- Jamaica
- Japan

- Nepal
- ● Netherlands
- New Caledonia
- New Zealand
- Nicaragua
- Niger
- Nigeria
- Niue
- Norfolk Island
- Northern Mariana Islands
- North Korea
- North Macedonia
- Norway
- Oman
- Pakistan
- Palau
- Palestine
- Panama
- Papua New Guinea
- Paraguay
- Peru
- Philippines

- Syria
- Taiwan
- Tajikistan
- Tanzania
- Thailand
- The Gambia
- Timor-Leste
- Togo
- Tokelau
- Tonga
- Trinidad and Tobago
- Tunisia
- Turkey
- Turkmenistan
- Turks and Caicos Islands
- Tuvalu
- Uganda
- Ukraine
- United Arab Emirates
- United Kingdom
- United States
-

			United States Minor Outlying Islands
○ Colombia	○ Jersey	○ Pitcairn Islands	○ Uruguay
○ Comoros	○ Jordan	○ Poland	○ US Virgin Islands
○ Congo	○ Kazakhstan	○ Portugal	○ Uzbekistan
○ Cook Islands	○ Kenya	○ Puerto Rico	○ Vanuatu
○ Costa Rica	○ Kiribati	○ Qatar	○ Vatican City
○ Côte d'Ivoire	○ Kosovo	○ Réunion	○ Venezuela
○ Croatia	○ Kuwait	○ Romania	○ Vietnam
○ Cuba	○ Kyrgyzstan	○ Russia	○ Wallis and Futuna
○ Curaçao	○ Laos	○ Rwanda	○ Western Sahara
○ Cyprus	○ Latvia	○ Saint Barthélemy	○ Yemen
○ Czechia	○ Lebanon	○ Saint Helena Ascension and Tristan da Cunha	○ Zambia
○ Democratic Republic of the Congo	○ Lesotho	○ Saint Kitts and Nevis	○ Zimbabwe
○ Denmark	○ Liberia	○ Saint Lucia	

The Commission will publish all contributions to this public consultation. You can choose whether you would prefer to have your details published or to remain anonymous when your contribution is published. **For the purpose of transparency, the type of respondent (for example, 'business association, 'consumer association', 'EU citizen') country of origin, organisation name and size, and its transparency register number, are always published. Your e-mail address will never be published.** Opt in to select the privacy option that best suits you. Privacy options default based on the type of respondent selected

*Contribution publication privacy settings

The Commission will publish the responses to this public consultation. You can choose whether you would like your details to be made public or to remain anonymous.

◉

Anonymous

Only organisation details are published: The type of respondent that you responded to this consultation as, the name of the organisation on whose behalf you reply as well as its transparency number, its size, its country of origin and your contribution will be published as received. Your name will not be published. Please do not include any personal data in the contribution itself if you want to remain anonymous.

○ **Public**

Organisation details and respondent details are published: The type of respondent that you responded to this consultation as, the name of the organisation on whose behalf you reply as well as its transparency number, its size, its country of origin and your contribution will be published. Your name will also be published.

☑ I agree with the personal data protection provisions

SECTION 1: DEFINITIONS

Migrant smuggling: The facilitation of unauthorised entry, transit and residence, as defined in Council Directive 2002/90/EC[1]. This means that Member States must adopt appropriate sanctions on:

- any person who intentionally assists a person who is not a national of a Member State to enter, or transit across, the territory of a Member State in breach of the applicable laws on entry or transit of that Member State;
- any person who, for financial gain, intentionally assists a person who is not a national of a Member State to reside in the territory of a Member State in breach of the applicable laws on residence of that Member State.

A Member State may decide not to impose sanctions for cases where the aim is to provide humanitarian assistance to the person concerned. In the context of the New Pact on Migration and Asylum the Commission issued guidance[2] stressing that humanitarian assistance mandated by law should not be criminalised and recommended to Member States to distinguish between activities carried out for the purpose of humanitarian assistance and activities that aim to facilitate irregular entry or transit, in order to exclude the former from criminalisation.

[1] https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:32002L0090
[2] https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52020XC1001(01)

Non-EU country: a country that is not a Member State of the European Union.

Third-country national: Any person who is not a citizen of the European Union within the meaning of Article 20(1) of the Treaty on the Functioning of the European Union and who is not a person enjoying the

European Union right to free movement, as defined in Article 2(5) of Regulation (EU) 2016/399 (Schengen Borders Code).

Trafficking in human beings: Trafficking in human beings is a different crime which can be interlinked with smuggling. The main difference between migrant smuggling and trafficking in human beings is that in the former, migrants willingly engage in the irregular migration process by paying for the services of a smuggler in order to cross an international border. In the case of trafficking, people are trafficked for exploitation purposes, they are victims who are in need of assistance and support. Trafficking does not necessarily involve the crossing of a border. The two phenomena are not easy to disentangle as persons who start their journeys in a voluntary manner can also be vulnerable to networks of traffickers for labour or sexual or other exploitation purposes.

Digital smuggling: The use, in particular by organised criminal groups, of modern information and communication technology to facilitate migrant smuggling, including advertising, organisation, collecting payments, etc.

Document fraud: Any travel or identity document:

1. that has been falsely made or altered in some material way by anyone other than person or agency lawfully authorised to make or issue the travel or identity document on behalf of a State; or
2. that has been improperly issued or obtained through misrepresentation, corruption or duress or in any other unlawful manner; or
3. that is being used by a person other than the rightful holder.

Financial investigation and asset recovery: It is an important tool to detect money laundering, terrorist financing and other serious crimes, including migrant smuggling. It can be used against all criminal markets and bears a proactive and preventive added value. In many cases, financial investigations are necessary to develop evidence against sophisticated, high-level criminals with a view to dismantling transnational and organised networks.

Joint Investigation Team: It is an international cooperation tool based on an agreement between competent authorities – both judicial (e.g. judges, prosecutors, investigative judges) and law enforcement (e. g. police) – of two or more States, established for a limited duration and for a specific purpose, to carry out criminal investigations in one or more of the involved Member States and / or in third countries.

SECTION 2: ACTIONS

*Q 1. Which types of actions should be intensified in order to prevent and fight migrant smuggling? Please indicate maximum 5 answers.

at most 5 choice(s)

☐ Exchange of information among law enforcement authorities

☑ Law enforcement, notably Police, cooperation

☐ Judicial cooperation

☑ Addressing 'digital smuggling' (i.e. involving the use of social networks, how to effectively break the narrative of the smugglers and reporting or blocking contents that promote illegal services)

- ☐ Addressing new phenomena related to migrant smuggling (other than 'digital smuggling')
- ☐ Prevention of irregular migration through information and awareness raising campaigns (i.e. targeting potential migrants in countries of origin and transit, returnees, and diaspora in the EU on the risks of irregular migration and on relevant alternatives, such as economic, academic or legal opportunities)
- ☐ Protection of migrants' rights
- ☐ Fighting document fraud
- ☑ Financial investigation and asset recovery
- ☐ Cooperation with non-EU countries and international organisations
- ☑ The development of targeted counter migrant smuggling partnerships between the EU and non-EU countries, as part of broader partnerships with key non-EU countries (e.g. capacity building of law enforcement and judicial authorities, exchange of information, common operations and joint investigation teams)
- ☑ Establishing and further developing partnerships and cooperation with civil society and the private sector
- ☐ Supporting evidence-based research on the nature and span of organised crime groups engaging in migrant smuggling

Q 2. Which specific initiatives—and by which actors—could be taken in relation to:

Q 2.1. Exchange of information among law enforcement authorities

2000 character(s) maximum

Improve gathering and sharing of information in particular between law enforcement and judicial stakeholders. It is important that there is the willingness to share information that gives us an insight in the organizations and mechanisms that are behind the MS phenomenon. In this context we have to fully implement the relevant measures of the EU action plan of 6 December 2019 (Enhancing the response to migrant smuggling networks: a comprehensiveand operational set of measure). In addition we could look for better procedures that all relevant information is shared and can be used for (intern)national (joint) investigations. A way could be that the information gathered in operations is also directly shared, preferable via Europol network, with MS involved in that operation and to whom the information is relevant. The routing through Europol is necessary to ensure the overview and the cross checks and analysis of relevant information and data of migrant smuggling.

Setting up of a network of law enforcement colleagues and/ or public prosecutors (magistrate) officers can also be an instrument to a better procedure of information sharing. And we have to explore more possibilities to use the information which is already in the hands of Europol or EU/UN missions eg EUNAVFORMED Operation. It is also important to realise that institutions such as Frontex and EUNAVFORMED can be in possession of relevant information for investigations but are not able to share this with law enforcement authorities of EU or third countries. Such institutions must, if possible, be taken into account by such a network. In this context is desirable to develop a procedure and if necessary a legal framework with the aim that relevant information on migrant smuggling which is gathered in EU or international operations or EU/UN

missions can be quicker provided to national investigation authorities so that they can make the necessary interventions.

Q 2.2. Law enforcement, notably Police, cooperation

2000 character(s) maximum

The law enforcement cooperation could be enhanced by fully implement the EU operational action plan of 6 December 2019 (Enhancing the response to migrant smuggling networks: a comprehensive and operational set of measures). In addition the cooperation could be enhanced by the development of a procedure and if necessary a legal framework with the aim that relevant information on migrant smuggling which is gathered in EU or international operations or EU/UN missions can be quicker provided to national investigation authorities so that they can make the necessary interventions.

As stated in Q 2.1. it is important that there the willingness to share information that gives us an insight in the organizations and mechanisms that are behind the MS phenomenon. In this context we have to look for better procedures that all relevant information is shared and can be used for (intern)national (joint) police cooperation and/or investigations . A way could be that the information gathered in operations is also directly shared with MS involved in that operation and to whom the information is relevant or by setting up of joint operational centres eg the operational in Austria.

Furtermore the operational projects of the Europol EMPACT illegal immigration is also a good example of law enforcement cooperation.

Q 2.3. Judicial cooperation

2000 character(s) maximum

The NL is of the opinion that the judicial cooperation could be strenghten by further elaboration and/or implementation of the recommendations in report of Eurojust of April 2018.

Also the setting of a network of prosecutors could contribute to enhance the cooperation and information exchange.

Q 2.4. Addressing 'digital smuggling' (i.e. involving the use of social networks, how to effectively break the narrative of the smugglers and reporting or blocking contents that promote illegal services)

2000 character(s) maximum

The NL is of the opinion that social media are increasingly being used by people
smugglers to advertise their services, which require new investigative techniques. In addition, predictive analytics can help law enforcement authorities sort through big data sets to identify potential targets for intervention, prevent future criminal offences or investigate past crimes. The development of tools and methods to accurately filter and identify potentially useful internet content is thus critical, as is the establishment
of effective partnerships with internet and social media service providers. We could start a mapping exercise on the ways in which social media are used for the purpose of migrant smuggling. The possibilities of using counter narratives on social media e.g. pop-up windows or automatic redirection to websites about the reality and dangers of the journey. could be explore. We could also explore possibilities of improving cooperation on referral requests to private companies and using other technologies to hamper the work of smugglers on social media on EU level.

At national level we already use public data on migrant activities on social media for predictive analysis on migrant flows and consequent shift in smuggling activities in order to able to implement prevention- or counter-measures against smuggling networks;

Q 2.5. Addressing new phenomena relating to migrant smuggling (other than 'digital smuggling')

2000 character(s) maximum

Migrant smuggling can be regarded as a business model, this requires a comprehensive approach. The NL has developed a barrier model on migrant smuggling. This can be used also on an international level. The roles of the different participants to build this barriers has to be assessed on an international level so cooperation will be ameliorated in building barriers on an international level. This model provide insight into the various means of intervention available for governments and (inter)national organisations/agency's to counter migrant smuggling.

We also have to look for more innovative instruments to disturb the business model of migrant smugglers networks, such as initiatives to impose sanctions on know criminal smugglers and traffickers of migrants. Intensified cooperation between MS and/or well functioning Identity & Screening procedures (I&R) in countries of orgin, transit and in MS are essential to address, secundairy movements, the abuse of asylum procedures and short legal stay in MS as a modus operandi for organized smuggling of migrants.

Q 2.6. Prevention of irregular migration and awareness raising (i.e targeting potential migrants in countries of origin and transit, returnees, and diaspora in the EU on the risks of irregular migration and on relevant alternatives, such as economic, academic or legal opportunities)

2000 character(s) maximum

The NL have several awareness raising campaigns in third and transit countries. We are of the opinion that information campaigns must be targeted at specific groups, and also should contain a balanced message (not only negative). Effective information campaigns alone do not work. Always attach campaigns to a broader set of measures,like development or other legal options for migration. Campaigns should have a short time span – fast and responsive. Also possibilities to campaign through diaspora could be explore. And it is important to measure effectiveness of campaigns, if possible.

Q 2.7. Protection of migrants' rights

2000 character(s) maximum

The human rights of migrants are effectively protected in practice in the Netherlands, the right are well protected in the criminal procedures. Furthermore the conditions on human rights, like the right to asylum family live, the right to emergency healthcare are laid down in the Alien legislation (alien act/decree /regulation).

The NL is also of the opinion that in the NL no additional and specific actions are needed to protect the rights of migrants. At this moment there is no need to change EU legislation relating to the humanitarian clause. Such a clause would lead to difficulties in evidence gathering. The Dutch legislation offers enough possibilities to not sanction in cases of

humanitarian assistance (unlawfulness of the act might be excluded by acceptance of a corresponding defence).

Q 2.8. Document fraud

2000 character(s) maximum

The NL is the opinion that document fraud should also be adressed effectively because migrant smugglers are often using false or falsified documents to smuggle migrants into the EU. In the context the expertise of documents of private stakeholders could be improved by training. Also the a specific expertise centre on document and Identiy fraud in MS of third or transit countries could be helpfull to adress document fraud and migrant smuggling. Furthermore the implementation of the new and recast of EU regulation (EES, EU VIS and Interoperablity) will contribute to fight document fraud.

Q 2.9. Financial investigation and asset recovery

2000 character(s) maximum

The NL is of the opinion that financial investigations should be used pro-actively in principle in every migrant smuggling case for the purpose of evidence gathering, mapping criminal organisations, gathering fi nancial intelligence and identifying
criminal assets. Bridge knowledge gaps on financial schemes at national and EU level and with third countries by including all relevant stakeholders such as relevant EU agencies, FIUs, banking and related private entities such as an overview of the FIUs work in the field of migrant smuggling. The multidisciplinary cooperation could be strenghted by making full use of available tools of EU agencies, in particular the European Migrant Smuggling Centre. Furthermore raise awareness on financial aspects of migrant smuggling, including in the framework of investigations and encourage more cooperation between FIUs and law enforcement agencie. The sharing of information from Member States in all cross border cases to EU agencies should be enhanced. Foster the exchange of best practice in tackling illicit financial flows from other crime areas such as money
laundering and THB financing.
Also general provision on the freezing and confiscation of migrant smugglers's
assets is preferable. Consider in conjunction with EU-directive 2014/42 EU on
the freezing and confiscation on proceeds of crime.

Q 2.10. Cooperation with non-EU countries and international organisations

2000 character(s) maximum

Also more pro-active cooperation with third countries is needed. A liaison magistrate of Nigeria is stationed in the NL to strengthening the cooperation to address migrant smuggling. The cooperation with third countries and international organisation could be enhanced by mutual deployment of magistrate liaison officers or law enforcement liaison officers in MS and third countries.
Also supporting of capacity building projects of IOM of UNODC could contribute to enhance the cooperation with third countries.NL is financing several capacity projects in third countries to address migrant smuggling.

Q 2.11. The development of targeted counter migrant smuggling partnerships between the EU and non-EU countries, as part of broader partnerships with key non-EU countries (e.g. capacity building of law enforcement and judicial authorities, exchange of information, common operations and joint investigation teams)

2000 character(s) maximum

We have to look for innovative ways to collaborate with third countries, especially with source and transit countries. A start of could be a mapping of third countries which have ratified the UN protocol against the smuggling of migrants and based on the mapping exercises the form of operational cooperation can be decided. Even so, if some countries did not ratify this protocol, initiatives can be undertaken to stimulate ratification or if needed, other possibilities of judicial cooperation instruments could be examined. Whether

cooperation with third countries can be established of course depends also on whether trustworthy organisations can be found in those countries.

Also the possibilities for Frontex could explore to (further) support/adopt certain initiatives in source countries from its mandate. As a European agency Frontex has the capacity/resources at its disposal. FX could providing training.

Q 2.12. Establishing and further developing partnerships and cooperation with civil society and the private sector

2000 character(s) maximum

The NL is of the opinion that the private sector also have a relevant role in preventing and combating migrant smuggling,in cooperation with public authorities and other stakeholders. Engament with business operators is necessary to
detect and prevent migrant smuggling, in particular in those sectors most at risk such as road transport and shipping. Such cooperation can make a significant difference in anti-smuggling efforts.
In this context the dialogue, support and trust, as well as cooperation with the private sector to prevent migrant smuggling should be strenghten by designated contactpoints in a MS. Further development of codes of conduct, handbook and/or guidelines for operators in the transport sector could also be helpfull.

Q 2.13. Supporting evidence-based research on the nature and span of organised crime groups engaging in migrant smuggling

2000 character(s) maximum

The NL is of the opinion that further research could be helpfull, especially on how migrant smuggling hubs develop and grow, in order to allow for more effective combatting of the phenomena.

Q 3. In your opinion, are there other areas or actions that the new EU Action Plan should examine?

2000 character(s) maximum

The NL is of the opinion that a proposal to change the legislation in terms of extending the jurisdiction for migrant smuggling should be assess.Currently at national level a proposal to change legislation in terms of extending the jurisdiction for migrant smuggling
is being discussed. The discussion at the EU level could feed into the discussion at national level, taking into account of the administrative burden, success rate etc. The jurisdiction of trafficking in human beings has been expanded as a result of the
implementation of Directive 2011/36/EU. Memorandum of explanation: "Where in
other international legal instruments, the establishment of jurisdiction for
trafficking committed outside the country could still be subject to certain
conditions, the directive obliges to establish unconditional jurisdiction over
trafficking committed by nationals (Article 10)." In this context the
possibilities for a similar procedure for migrant smuggling could be further
assess on EU level

Q 4. In your opinion, what are the key drivers for irregular migration towards the EU?

2000 character(s) maximum

The increasing dysfunctioning of the CEAS is the main pull factor for irregular migration. Migrant smugglers make effective use of the various gaps in CEAS, allowing them to make credible promises to their clients of a succesfull migration outcome. Gaps include non- or imperfect registration because of the outdated Eurodac system, the possibility of secondary migration from the MS of first arrival to the MS of choice, the generous right to reception even even for safe country nationals, the many legal possibilities to lengthen /obstruct/preclude procedures, the lack of an effective return deterrent. The push factors are more diverse, with armed conflict, instability and economic hardship in the Middle East and North Africa as obvious drivers. Smugglers take advantage of the large number of migrants willing to take risks in search of protection or better life prospects, when they cannotaccess legal channels of migration. These smuggling networks are increasingly organised and able to rapidly adjust their modus operandi to law enforcement and policy responses, offering "services" of facilitating clandestine entry or "secondary movements" throughout the EU and/or unauthorised stay.

SECTION 3: STAKEHOLDERS

Q 5. How important are each of these stakeholders in preventing and combating migrant smuggling?

	Not important at all	Not important	Neutral	Important	Very important
EU Member States (national governments)	○	○	○	○	●
EU Member States (law enforcement and judicial services)	○	○	○	○	●
Regional and local authorities of EU Member States	○	○	●	○	○
National and regional authorities of non-EU countries	○	○	○	●	○
International organisations	○	○	○	●	○
Civil society organisations at local, national, European, or international level	○	○	○	●	○
Migrants' organisations and diaspora	○	○	●	○	○
EU institutions	○	○	○	●	○
EU Common Security and Defence Policy missions and operations	○	○	○	●	○
EU agencies (Europol, Frontex, Fundamental Rights Agency, etc.)	○	○	○	○	●
Private organisations	○	○	○	●	○
Other (If "other", please specify)	○	○	○	○	○

Other

1000 character(s) maximum

SECTION 4: OTHER

Q 6. Do you have other comments, suggestions or observations you would like to share?

2000 character(s) maximum

Addressing migrant smuggling is like at the EU-level also a priority of the Dutch government.Smuggling criminal networks are increasingly organised and able to rapidly adjust their modus operandi to law enforcement and policy responses, offering "services" of facilitating clandestine entry or "secondary movements" throughout the EU and/or unauthorised stay at great costs and associated risks. Against this backdrop, a multidisciplinary approach, including close cooperation amongst Member States and with other relevant stakeholders, as well as third countries, is essential to effectively implement actions to prevent and disrupt smuggling activities and networks.
An effective returnproces is also of importance to maintain credibility of migration policy and to prevent migrant smuggling, we should make progress on a true EU return system;

Please upload your file

Only files of the type pdf,txt,doc,docx,odt,rtf are allowed

1284709b-16e5-4ce2-b70d-3119d8164166/Dutch_barrieremodel_mensensmokkel_flyer_ENG__3___2_.pdf

Contact

[Contact Form](#)