



EMN Ad-Hoc Query on COM AHQ on Updating the publically available crime statistics on migrant smuggling

Requested by Salvatore SOFIA on 5th August 2016

Irregular Migration

Responses from Austria, Belgium, Blocked / Unknown, Croatia, Cyprus, Czech Republic, Estonia, France, Germany, Latvia, Lithuania, Luxembourg, Netherlands, Poland, Portugal, Slovenia, Sweden, United Kingdom, Norway (19 in total)

Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

Background information:

The Action Plan against migrant smuggling adopted on 27th May 2015 included as one of its key aims the enhancement of the EU's police and judicial response to tackling migrant smuggling. Within this, is the commitment to evaluate the application of the existing EU legal framework on facilitation of irregular migration, which is composed of Directive 2002/90/EC and Framework Decision 2002/946/JHA, by the end of 2016.

In this context, the Commission intends to gather updated information on publicly available crime statistics (arrests, prosecutions, convictions) related to the facilitation of unauthorised entry, transit and residence of third country nationals. The information will underpin the above-mentioned evaluation and could be used in a statistical annex, aimed at providing a concise overview of public data on migrant smuggling across the EU.

At present, the Commission has compiled a table collecting data on prosecutions within Member States for the offences of unauthorised entry, transit and residence of third country nationals, from several publically available sources (table below). Therefore, Member States are kindly asked to review, update and supplement the table below, by providing the exact definition of what the data provided represents. If possible, breakdown by type of offense (facilitation of unauthorised entry, facilitation of unauthorised transit and facilitation of unauthorised stay) would be useful to communicate.









Besides data on the number of prosecutions, for which a first collection has been made in the table below, we are also looking to collect data on apprehensions of suspected facilitators and convictions within Member States for the offences of unauthorised entry, transit and residence of third country nationals. If possible, breakdown by type of offense (facilitation of unauthorised entry, facilitation of unauthorised transit and facilitation of unauthorised stay) would again be useful to communicate.







Questions





1. Q1. Please provide the statistics on smuggling of migrants, as requested in the word document in attachment. To reply, please upload your document with the required statistics.

Responses

	Country	Wider Dissemination	Response
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	Austria	Yes	1. Please see attachment.
	Belgium	No	
	Blocked / Unknown	Yes	1. -
	Croatia	Yes	1. Please refer to the attached document.
	Cyprus	Yes	1. Please see attached
	Czech Republic	Yes	1. Please see the file attached.
	Estonia	Yes	1. In Estonia the information on crime statistics on migrant smuggling is collected, however it is not publically available. Please find in attached document the answers to the Question 1. on updated numbers for prosecutions of facilitators of unauthorised entry, transit and residence (and related offences). However the statistics is not publically available, it can be published. Answer to Question 2. is still on progress. Answer to Question 3. is not available.
	France	Yes	1. see document attached please note that the data initially included in the document do not correspond to any data provided by the Ministry of Justice
	Germany	Yes	1. Year 2009: Suspects 2.274 Year 2010: Suspects 2.228 Year 2011: Suspects 2.030 Year 2012: Suspects 2.342 Year 2013: Suspects 2.846 Year 2014: Suspects 3.221 Year 2015: Suspects 5.226 The figures above provide details regarding the numbers of suspects gleaned from the German Police Crime Statistics (PKS) – the total number of suspects regarding the following criminal areas „The smuggling of foreigners in accordance with § 96 German Residence Act“ and „Smuggling resulting in death; commercial and gang smuggling of foreigners in accordance

			with § 97 German Residence Act“. The PKS tables have been compiled on the basis of the individual data records received from the Criminal Investigation Offices of each German Federal State and of the Federal Criminal Investigation Office in accordance with fixed regulations. The PKS table represents the so called baseline statistics. This means that this table only depicts crimes known to and processed and finalized by the police including any punishable attempts to commit a crime and the drug-related crimes processed by the customs authorities and where the statistical recording only takes place after the matter has been handed over to the prosecution. Excluded are crimes against the German State, traffic offences (excluding infringements of §§ 315, 315b German Criminal Code and § 22a German Road Traffic Act), crimes committed outside of the Federal Republic of Germany and infringements of German Federal State laws with the exception of any infringements of relevant German Federal State data protection laws. Crimes that do not belong to the areas of responsibility of the police (e.g. financial and tax crimes) and/or crimes that have been reported directly to the prosecution and that are processed exclusively by the same (e.g. testimony crimes) are also not included in the PCS.
	Latvia	No	
	Lithuania	Yes	1. Please find the document enclosed.
	Luxembourg	Yes	1. See attached document.
	Netherlands	Yes	1. See attachment.
	Poland	Yes	1. Please to verify the attachment
	Portugal	Yes	1. -

	Slovenia	Yes	1. Please refer to the document uploaded. Data includes only suspects. The rest of data is not available.
	Sweden	Yes	1. To the knowledge of the Swedish EMN NCP, there are no reliable and/or publicly available statistics on the phenomenon of smuggling of migrants in Sweden. Therefore, the Swedish EMN NCP can neither confirm nor correct, nor update the existing figures.
	United Kingdom	Yes	1. Please see attached document
	Norway	Yes	1. See attachment.