

# Organised immigration crime (Appendix F)

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Organised immigration crime (OIC) is a **collective term for the activities of individuals and/or criminal networks** that “facilitate the illegal entry or arrival to, or exit from, the UK in contravention of immigration law”. It also includes the “enabling of an individual to remain in the UK by illegitimate means”.

OIC can be broken down into three key threat areas:

- facilitation by land, sea and air (predominantly using clandestine methods)
- production and supply of fraudulent or fraudulently obtained documents
- the abuse of legitimate means to enter, arrive in or remain in the UK, including illegal working and marriage abuse

The modes by which illegal entry can occur include the use of:

- maritime vessels (including small boats)
- aircraft
- vehicles transported by ferry or the Channel Tunnel
- fraudulent identity documents
- fraudulent entry clearance, deception or other **exploitation of immigration rules**

Law enforcement agencies should be mindful that there are several reasons why an individual could illegally cross the UK border, beyond seeking improved prosperity or humanitarian protection. These include:

- the intention to arrange or commit crime and/or escape justice
- to carry out extremist activity
- testing law enforcement response
- the intention to transit to another country
- extending a family group in the UK or another location
- assisting others or returning to repeat OIC

- the intention of exploiting others

Modern slavery and human trafficking (MSHT) can be linked to OIC. OIC can be seen as the criminal activity that leads to some foreign nationals becoming victims of MSHT in the UK. When victims of MSHT are also illegal migrants, police need to consider how they arrived in the UK. 'Upstream' enquiries need to be carried out.

There are differences between the two crime types, which investigators should understand.

- MSHT is a crime with a victim. OIC is a crime against the state, therefore there is no victim.
- OIC, sometimes referred to as people smuggling, involves the illegal movement of people across an international boundary with their consent. They pay or owe money for that movement. It is prosecuted under the **Immigration Act 1971**, as amended by the **Nationality and Borders Act 2022**.
- MSHT does not need to include an international boundary.
- Victims of MSHT may or may not consent to being moved. The key is that they are being moved for the purposes of exploitation. Unfortunately, they do not always realise they are vulnerable to exploitation in the future. Therefore, a person who has been smuggled into the country may become subject to exploitation and therefore may be viewed as a victim of MSHT.
- The status of someone as a victim of crime such as MSHT takes priority initially over that person's status as an illegal migrant.

Organised crime groups (OCGs) use different business models in this area of crime. More sophisticated OCGs may be responsible for smuggling people into or out of the country or providing false documents before exploiting them. They use debt bondage, threats and/or immigration status as controlling factors. Others may deal solely with transport before handing migrants on to another OCG who will exploit the victims to earn money.

In general terms, the relationship between an illegal migrant and a people smuggler ends when the illegal migrant reaches their intended destination. However, there may be continued contact with UK-based smuggling gangs once they have entered or arrived in the UK. The relationship between a victim of MSHT and their exploiter continues once they arrive 'in country', as they work to pay off debts and accommodation costs.

Police need to understand how these crime types can overlap when investigating MSHT. If a number of foreign nationals are encountered in an MSHT-related incident, there may be victims of MSHT and immigration offenders among them.

As human trafficking and OIC are both examples of SOC, the initial and subsequent investigation should be thorough and should involve relevant expertise to support it.

## Tags

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