

National Crime Agency—Written Evidence (PMS0010)

This is the National Crime Agency's (NCA) response to the call for evidence from the House of Lords Inquiry into the EU Action Plan against Migrant Smuggling.

A background note on the role of the NCA is at Annex A.

1. Migrant smuggling into and across the EU requires a comprehensive, cross-governmental response. The NCA's role is leading the UK law enforcement element of this focusing on tackling the Organised Crime Groups involved in illegal migration.
2. The EU Action Plan on Migrant Smuggling's goal of transforming the criminal aspects of migrant smuggling into a 'high risk, low return' enterprise is congruent with the objective the Prime Minister has set UK law enforcement: breaking the business model of the OCGs involved in this trade.
3. Similarly, the UK law enforcement response mirrors those EU Action Plan objectives that apply to law enforcement: enhanced police and judicial response, improved gathering and sharing of information, and stronger cooperation with third countries.

Joint Ministerial Declaration on UK/French Co-operation

4. On 20 August 2015 the Home Secretary visited Calais to meet her French counterpart Bernard Cazeneuve. During the visit it was announced that there would be greater collaboration between French and British law enforcement agencies in respect of irregular migration. This includes officers from the UK being based in a new command and control centre alongside their French counterparts, and Border Force personnel.

The role of the NCA

5. The NCA works in close collaboration with partners to undertake activity against Organised Immigration Crime. Recently, in response to the assessed increased threat from greater number of migrants entering the EU, and the increase in numbers of migrants in Calais, the NCA has enhanced its response. For example we have established a multi-agency intelligence cell to coordinate all intelligence relating to the current migrant pressures in France in order to establish a single threat picture.

Organised Immigration Crime Threat Group

6. The NCA organises the Organised Immigration Crime Threat Group, which brings together a range of law enforcement and other partners in collaboration to work against a mutually agreed Strategic Action Plan against the threat, assessed as a national priority. Due to the size and diversity of

the Organised Immigration Crime Threat, the Strategic Action Plan is divided into four streams of activity, each with their own lead and regular meetings to ensure collaborative effort and progress:

- Facilitation by air, land and sea;
 - Clandestine entry;
 - Use of false documentation; and,
 - Abuse of legitimate entry.
7. The Organised Immigration Crime Threat Group meets regularly to: review the multi agency intelligence fed threat picture of Serious and Organised Crime (produced by the NCA); and, review activity undertaken by a number of stakeholder agencies against that threat, in respect of assessing sufficiency and impact.

Organised Immigration Crime Taskforce

8. The NCA-led response has also involved the creation of an Organised Immigration Crime Taskforce, involving colleagues from Border Force, Immigration Enforcement, and the Crown Prosecution Service. The Taskforce has the dual objectives of: delivering a rapid tactical response that clearly demonstrates the UK's intent to target the Organised Crime Groups involved in illegal migration; and, translating this into longer term enduring successes through sustained disruptions and local capacity building. Funding for the Taskforce, for the current financial year, was agreed in mid-July 2015.
9. Officers in the 90-strong Taskforce will be based in key source and transit countries, as well as in the UK. They will be focused on Organised Immigration Crime in the Mediterranean and will: gather intelligence; identify and pursue the criminal groups, disrupting their activities; identify and seize the assets of criminal groups; and, wherever possible, prosecute them.
10. The Taskforce will include a dedicated team of experienced NCA and Immigration Enforcement investigators, supported by financial investigation experts, based in the NCA's National Intelligence Hub. This team will specifically develop investigative opportunities. Officers are also being embedded in the National Maritime Information Centre to develop and monitor intelligence around vessels suspected of being used by Organised Crime Groups.

Partnership working – internationally

11. The transnational nature of the Organised Immigration Crime threat means that effective cooperation with a range of international partners is central to any response. In particular, the NCA is working closely with Europol to enrich the overall intelligence picture. We have deployed officers to the Europol Joint Operational Team (JOT Mare) in The Hague and the Europol Intelligence Cell

in Sicily. We also have officers working alongside FRONTEX, debriefing migrants to gather all intelligence we can, feeding this back into JOT Mare and our own National Intelligence Hub. In time, this cooperation will extend into operational coordination and joint investigations.

12. The NCA has a strong working relationship with the French OCRIEST. Border Force similarly works closely with the French PAF (Police aux Frontier).
13. The NCA has an extensive Liaison Officer network; officers work closely with their host country against Serious and Organised Crime threats including Organised Immigration Crime. Recognising that Organised Crime Groups operate at all stages of the migratory routes, we are deploying NCA Liaison Officers to source and transit countries across Europe and North Africa. We are bolstering existing posts where necessary and establishing new posts in countries where we need to develop our own capacity including helping those countries to attack some of the criminal groups at source. This is already increasing our intelligence coverage and generating opportunities to disrupt Organised Crime Groups before migrants reach EU borders. In the longer term, we will develop local i.e. host nation law enforcement capacity to independently dismantle these criminal networks.
14. The fragmented and often chaotic nature of the organised criminality underpinning illegal migration gives the threat a high degree of flexibility. Smuggling routes and patterns quickly evolve in response to law enforcement activity. Our response reflects this flexibility: the breadth of our overseas deployments and our commitment to Europol's JOT Mare will enable our intelligence collection and analysis capabilities to keep pace with criminals' adaptability. Similarly, the mobility of our dedicated investigation team will allow us to project our investigative capacity across different routes and countries, subject to host nation consent, as Organised Crime Groups adapt to disruptions.
15. This flexibility also extends to the range of disruption tactics the Organised Immigration Crime Taskforce will be using. We will exploit every opportunity available to us, including targeting formal and informal money flows, and using social media as both a source of intelligence and a means of disruption. Our intelligence picture shows that money launderers are not commodity specific and will facilitate the handling of money coming from a range of organised criminal activity including Organised Immigration Crime.
16. The NCA continues to work closely with international partners to tackle international money laundering. This includes engagement with Financial Intelligence Units overseas and through the Liaison Officer network. We recognise that money laundering is a key enabler of almost all forms of Serious and Organised Crime. Therefore robust operational activity against large scale international money launderers will inevitably disrupt those Organised Crime Groups engaged in the smuggling of migrants.

17. Our overarching objective is to protect lives. As law enforcement agencies, we are delivering this by targeting the Organised Crime Groups that place migrants' lives at risk, and acting on risk-related intelligence swiftly and decisively. Whilst it is clear that individuals being smuggled by Organised Crime Groups will include victims of human trafficking, migrants are generally viewed as commodities by the smuggling groups; they make no distinction between willing participants and victims of trafficking. As such, the opportunity for the Organised Immigration Crime Taskforce to identify trafficking victims arises during debriefing. We work with local partners to ensure that Taskforce debriefing officers have a clear process in place for referring migrants assessed to be potential victims of trafficking into local safeguarding arrangements.

National Crime Agency

August 2015

Annex A

The National Crime Agency - background briefing

The Crime and Courts Act (2013) provides the legislative basis for the NCA. The NCA's remit is described in Act as securing that efficient and effective activities to combat Serious and Organised Crime (a National Security threat) are carried out whether by the NCA, other law enforcement agencies, or other persons. The NCA has two key statutory functions: a 'crime-reduction function' of securing that efficient and effective activities to combat organised crime and serious crime are carried out (whether by the NCA, other law enforcement agencies, or other persons); and, a 'criminal-intelligence function'.

The overall mission of the NCA is to lead the UK's fight to cut Serious and Organised Crime. The NCA:

- Has a multi-skilled workforce with the specialist capabilities to undertake operations to cut Serious and Organised Crime across the UK, and to provide specialist support to UK operational partners;
- Has a wide remit to tackle Serious and Organised Crime across a range of threats including Organised Immigration Crime. The NCA provides leadership in these areas through: CEOP Command; Economic Crime Command; National Cyber Crime Unit; Organised Crime Command; and, Intelligence and Operations Directorate, including Intelligence and Tasking, Intelligence Collection, Investigations, Borders, International and Specialist Support.

- Works with partners to maintain an authoritative UK intelligence picture of Serious and Organised Crime (the National Strategic Assessment¹) to drive joined-up operational activity. This is undertaken by a multi-agency National Intelligence Hub within the Intelligence and Operations Directorate, incorporating the national Organised Crime Fusion Centre;
- Ensures that the UK's response to Serious and Organised Crime is joined up by coordinating and tasking the national response, enabling the NCA to prioritise its effort and effectively deploy its resources locally, regionally, and nationally, as well as at the border and overseas;
- Has an international leadership role, working with partners to cut serious and organised crime through a network of International Liaison Officers; and,
- Delivers operational results with partners through the use of operational capabilities, flexibly deployed across the threat areas identified in the National Strategic Assessment, delivering criminal justice outcomes, asset denial, prevention and other disruption activity.

24 August 2015

¹ Organised Immigration Crime is identified as a national priority in the National Strategic Assessment 2015.