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Subject: **Compilation of replies to the questionnaire on illegal immigration from Afghanistan and illegal immigration via lorries - (Telex no. 4529 of 26.09.01)**

Delegations will find attached the declassified version of the above document.

The text of this document is identical to the previous version.



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 22 November 2001

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RESTREINT

**CIREFI 75
COMIX 750**

NOTE

from: General Secretariat
to: CIREFI

Subject: **Compilation of replies to the questionnaire on illegal immigration from Afghanistan and illegal immigration via lorries**
(Telex no. 4529 of 26.09.01)

Delegations will find attached replies received from Denmark, Germany, Greece, Spain, France, Italy, Luxembourg, the Netherlands, Austria, Portugal, Sweden and the United Kingdom on the above-mentioned subject.

The General Secretariat has not yet received contributions from Ireland, Finland, Iceland and Norway.

QUESTIONNAIRE

Following the exchange of information on illegal immigration and facilitation at the CIREFI meeting held on 25 September 2001, delegations are requested to send their comments on the following questions raised by the Belgian delegation:

1. illegal immigration from Afghanistan:

- Have you encountered the phenomenon of Pakistani migrants claiming to be Afghans and how (by which criteria) did you discover this?

2. illegal immigration in lorries:

- which criteria are used for the risk assessment of lorries used for illegal immigration?

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DENMARK

1. Illegal immigration from Afghanistan:

- Have you encountered the phenomenon of Pakistani migrants claiming to be Afghans and how (by which criteria) did you discover this?

The Police Service does not have sufficient data to establish whether this phenomenon has occurred in Denmark.

2. Illegal immigration in lorries:

- which criteria are used for the risk assessment of lorries used for illegal immigration?

In Denmark the Police Service is responsible for investigating the asylum-seeker's identity, nationality and itinerary. General or specific information on lorries of importance in the fight against illegal immigration and the smuggling of human beings is passed on to the Police Service's analysis department.

Denmark is subdivided into 54 police districts. Border controls and internal aliens' controls are carried out by the police in these districts. The police districts also carry out – after a specific assessment – internal aliens' controls in conjunction with the Central Customs and Tax Administration. The police districts refer current data concerning specific circumstances of relevance in the fight against illegal immigration and the smuggling of human beings to the Police Service's analysis department.

In addition, the Police Service receives information from international cooperation partners and liaison officers stationed abroad.

Such information is collected in the Police Service's analysis department. The information is then compiled and analysed. On this basis, the Police Service establishes a risk assessment.

No criteria have been fixed for establishing when a lorry or a type of lorry should be regarded as a risk. The assessment is carried out in individual cases on the basis of general experience.

Risk assessments are forwarded to national police forces and cooperation partners on a daily basis.

GERMANY

The German position on each of the questions is as follows:

1. Illegal immigration from Afghanistan:
Have you encountered any cases in Germany in which Pakistani nationals who have entered the country illegally claim to be Afghans?

The Border Police has no knowledge of any such cases.

2. Are profiling techniques used to identify lorries transporting illegal immigrants?
What criteria are used to detect such lorries or are random intercepts carried out?
In the second half of 2000 the Federal Border Guard Directorate examined all the cases of illegal immigration by lorry which came to its attention in the period from January 1998 to April 2000.
There was a total of 271 cases involving the smuggling of 6 449 persons by lorry (with a total permissible laden weight of over 7,5 tonnes).
The vast majority of cases were either discovered within the country or could be reconstructed from the accounts given by the illegal immigrants.

Due to the variety of smuggling methods (using structural cavities or purpose-built hiding places; with or without the lorry driver's knowledge), it was not possible to establish a profiling matrix.

GREECE

1. The phenomenon of illegal Pakistani immigrants claiming to be Afghan nationals has not to date been encountered.
2. The criteria used for the "risk assessment" in connection with the transport of illegal immigrants by lorry is as follows:

- (a) Country of origin and destination of vehicle

Special attention is given to the inspection of lorries (TIR) which set out from or pass through countries with a high migratory risk.

- (b) Time and place of vehicle movement

Specifically, the following movements: at a place and time when there is no justification for the presence of the vehicle, off-road, with no particular itinerary or destination for the delivery/receipt of goods, and regular arrivals and departures at short intervals in the same region.

- (c) Special vehicle characteristics

Typical characteristics are: the construction/configuration in general of the vehicle's coachwork, the lack of number plates, their authenticity, any inscriptions, the breaking of seals, tyre pressure not in relation to the declared product carried, the type and method of transport/placing of the goods (covered or not; condition of awning), open air-holes or open "flaps" in the coachwork, any smell given off, detection of carbon dioxide with the appropriate devices.

- (d) Documentation in driver's possession

Certificate of registration, driving licence, consignment notes for the goods transported and their authenticity, check on the existence of the consignee and of the relevant company, etc.

- (e) Conduct of drivers and drivers' mates during the inspections

For this criterion, the officers performing the inspections clearly require relevant experience.

SPAIN

With reference to telex No 4529 concerning illegal immigration from Afghanistan, the Spanish delegation can report that its authorities responsible for border control and illegal immigration have not detected any cases of Pakistani nationals, or nationals of other neighbouring countries, attempting to pass themselves off as Afghan nationals.

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FRANCE

1. Illegal immigration from Afghanistan

The French police forces that are faced with the pressure of illegal Afghan immigration, and in particular the DDPAF (border police) of the Pas-de-Calais, are having trouble in materially verifying the nationality of immigrants who claim to be Afghans. This is because most of them have no documents specifying their nationality of origin. Since they come from the same immigrant pool as the Pakistanis, with common dialects or language, and are similar in terms of physical appearance and clothing, it is proving extremely difficult, both for the police and for the interpreters who are needed, to establish objective criteria or even a set of clues that would allow definite identification of true Afghan nationals.

In this context, it is significant that for the first 5 months of the year 2001, 14 170 persons in irregular circumstances claiming Afghan nationality were intercepted by the DDPAF of the Pas-de-Calais, compared with 17 claiming to be Pakistani.

2. Illegal immigration via lorries (assessment criteria concerning lorries that could be used for illegal immigration)

There are no objective criteria that would make it possible to establish that a lorry may be transporting illegal passengers, other than specific prior intelligence or suspicious driver behaviour.

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ITALY

1. There have been no cases of illegal Pakistani immigrants claiming to be Afghans.
2. These are the criteria generally applied for the risk assessment of lorries used for illegal immigration:
 - countries of provenance, transit and final destination of the lorry (and the goods);
 - carrier (check whether it is on the list of alerts or whether it has been involved in previous incidents of the kind);
 - driver (check whether he is on the list of alerts or whether he has been involved in previous incidents of the kind) and close surveillance of his behaviour;
 - type of goods being carried;
 - check on vehicle documents, goods documents and driver's travel document;
 - check on any customs seals fixed to the goods.

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LUXEMBOURG

The Luxembourg delegation informed that it has not yet encountered the phenomenon of Pakistani migrants claiming to be Afghans.

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THE NETHERLANDS

1. The Netherlands also has knowledge of cases involving Pakistanis claiming to be Afghans. During asylum seeker hearings at reception centres, considerable attention is given to both the travel routes taken by and the identity of aliens wishing to be considered for asylum status. Where necessary, an analysis of language may be carried out. In addition to the information obtained during such hearings, the Immigration and Naturalisation Department also stores a fund of country information at a "knowledge centre". An asylum seeker's actual nationality can in such cases be ascertained on the basis of all the sources of information mentioned.
2. The starting point for subjecting lorries to closer inspection is the presence of factors and circumstances which give rise to the reasonable suspicion that criminal offences are being, or will be, committed. Experience-based data will clearly play a major role here. Since the Netherlands has no land borders, no formal risk assessment needs to be formulated.

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AUSTRIA

Question 1:

There have been no cases in Austria in recent weeks of Pakistanis claiming to be Afghan nationals or where such a claim could not be proved.

Question 2:

Smuggling by lorry is certainly part of smuggling by road.

In recent years, comprehensive checks of lorries using the latest technology such as CO2 probes and laser distance-measuring devices have led to a significant drop in cases of attempted smuggling in this area. In Austria the percentage of facilitations by lorry out of the total number of apprehensions decreased from approximately 1,6 % in 1998 and 0,6 % in 1999 to 0,4 % in 2000.

A small risk continues to exist, since in some cases immigrants can be smuggled in so-called closed containers which are very difficult to check, such as cold storage lorries with temperatures around -18°C or tank container chambers (for liquid foodstuffs etc).

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PORTUGAL

1. In Portugal's case, illegal immigration from Afghanistan is not significant. However, the presence of a fairly large Pakistani community has prompted the authorities to be particularly watchful, especially in establishing or confirming the nationality of its members, although there have not to date been any recorded cases of Afghans or Pakistanis purporting to be of other than their original nationality.
2. Illegal immigrants entering Portugal do not usually travel by lorry. Special attention has, however, been paid to lorries registered in eastern European countries.

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SWEDEN

Illegal immigration from Afghanistan.

Sweden has, between January and September 2001, received 422 asylum applications from Afghan nationals. Almost all of them are improperly documented. We do have knowledge that some of them might be from Pakistan. One of the problems we have is to judge whether a person is Afghan or Pakistani. Sweden use language tests for this judgement and because of the fact that they speak the same language (pashtun) we perform two independent test when there are reasons to doubt on Afghan nationality. There must also be some additional criteria indicating that the person is from Pakistan.

Illegal immigration in lorries.

Sweden has information from asylum seekers that lorries have been used as mean of transport for entering Sweden. Today we do not have special criteria for assessment of certain lorries (profile). After entering the Schengen co-operation we have noticed an increase of the number of asylum seekers applying inside the country indicating that other Schengen states are used as transit countries.

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UNITED KINGDOM

1. The UK has had considerable experience in recent years dealing with Pakistanis claiming to be Afghan. So far 56 individuals have been prosecuted, and one was recently sentenced to 18 months imprisonment for his part in this deception. Most of the information received has come from within the communities involved, by means of denunciatory information. An ongoing enquiry, Operation Melgrove, is being co-ordinated by Chief immigration Officer Paul Fitzpatrick. (Tel 0121-606-7311). He is happy for colleagues to contact him for further information.
2. Profiles of Vehicles Used to Smuggle People into the UK.
 - **Transit vans and box vans** – are mainly used by organised facilitation groups. The vans are usually hired and will have been obtained specifically for the purpose of transporting clandestines. The driver is often found to be complicit.
 - **Canvas / soft sided lorries** – are a common target for both opportunist clandestines and facilitators. This is primarily because, in contrast to the hard-sided lorry, a canvas-sided lorry offers a variety of ways in which it can be breached. The seal at the back of the lorry can be broken, the tilt cord can be cut and super-glued back together or the canvas can simply be cut on the side or the roof of the lorry in order to allow entry. Both facilitators and opportunist clandestines target lorries without tilt cords, whereas the vehicles with tilt cords need an accomplice who is able to super-glue the tilt cord back together from the outside. All of this can be done with or without the driver's knowledge and so in these instances it is difficult to ascertain whether a driver is involved or not! Soft-sided lorries are also vulnerable to people who jump onto the lorry, cut the roof in order to enter and consequently leave no obvious sign of entry when viewed from the ground.
 - **Hard-sided lorries** – these vehicles are regarded as a more difficult option for the opportunist facilitator. However, an increasing trend is emerging whereby the hard sided lorry is now targeted by facilitators who cut the padlock at the back and then super-glue it back together to disguise the breach. This trend has probably developed because facilitators believe that hard-sided vehicles cannot be probed in the way that the soft-sided lorry can. In terms of driver complicity, if the lorry doors are sealed, the padlock has not been cut and illegal entrants are found inside, it is difficult to argue that any clandestines could have gained entry without the knowledge of the driver. However, if the seal is unbroken suggesting that the clandestines were sealed inside, the driver will often be able to say that he was not present at the loading stage and that the seal was intact for the duration of his trip. Hard-sided lorries are also more likely to be the vehicles used if the inside is modified to conceal people.

- **Refrigerated lorries** –are only targeted by officials if the temperature is above -20°C.
- **All vehicles** - Most lorries used for long distance journeys will be left unattended by the driver at some time or other. These lorry rest points are often poorly lit and are also difficult to secure. Groups of potential illegal entrants will wait and then target the lorries **that are the easiest to enter**. Consequently, an obvious profile for any vehicle is the unsecured vehicle with no padlock or tilt-cord. Opportunists are basically taking advantage of what is available to them. It is also more likely to be an individual opportunist who will hang onto the axle of a vehicle. This is a method that can be used on any large vehicle, soft or hard sided.
- **In summary** – For all of the reasons outlined briefly above, it is extremely difficult to profile any particular vehicles in relation to opportunists or complicit drivers. The profile is constantly changing. However, with the exception of organised groups that create new trends, the vast majority of clandestines can be relied upon to use the easiest, most accessible method available to them.

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