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RESTREINT

ENFOPOL 88

NOTE

from: German Presidency

to : Working Party on Drug Trafficking and Organized Crime

No. prev. doc.: 7862/94 ENFOPOL 83

Subject: Questionnaire to ascertain the current situation in the Member States as regards combating illegal immigration networks and illegal immigration

Delegations will find attached the above questionnaire. At its meeting on 1 July 1994, the Working Party on Drug Trafficking and Organized Crime approved the questionnaire and asked delegations to send their replies to the Presidency and the Council Secretariat by 1 August 1994.

**Questionnaire to ascertain the current situation
in the Member States as regards
combating illegal immigration networks and illegal immigration**

I. Legal bases

1. Is the smuggling in or out of aliens - particularly to other European Union Member States - (immigration crime) a punishable offence? If so, what range of penalties does it incur?
2. Is the recruitment, supply and illegal employment of aliens a punishable offence?
3. Is it possible to arrange for financial profits and other pecuniary advantages earned from such smuggling of aliens to be forfeited? In that event, with whom does the burden of proof lie?
4. Can the system of turning queen's evidence be used in connection with combating such smuggling of aliens?
5. Is the mailing of false or falsified travel documents and visas a punishable offence? Are any rules on this planned?
6. If it is possible for forgeries sent by mail to be confiscated, by what rules, if any, is the procedure governed?
7. Is it legally possible to have radio and phone messages intercepted in connection with the prevention and prosecution of immigration crime?
8. Is there any legal obligation on employers and other "hosts" of aliens to meet costs incurred for their stay and, where appropriate, expulsion?

II. Administrative measures

1. Is there any central body for compiling, assessing and directing the flow of information in connection with illegal entry of aliens?
What are that body's specific tasks?
2. Do individual States have statistics and analyses of illegal migration flows and can they be made available to other Member States?
3. Have central expulsion bodies been set up?
How are travel documents obtained for aliens to return home?
In the case of which States does this give rise to no problems, prove extremely difficult or require no documents?
4. Is training provided in the recognition of false or falsified documents for:
 - foreign border police,
 - overseas representations, and/or
 - carriers (airlines, shipping lines and coach operators)?
5. Are border-police liaison officers, e.g. as documentation advisers, posted to the main countries of origin?
6. Are border-police liaison officers exchanged with other European Union Member States or with other States?
7. Is visa issue in individual cases subject to the deposit of a financial security?
8. Are "warning lists" kept of persons and firms suspected of aiding and abetting the fraudulent obtaining of visas?
9. What view is taken of the creation of transnational investigation groups for special cases?

10. Have any centralized and decentralized investigation bodies been set up to combat immigration crime and related offences?

What form does co-operation with other authorities take?

11. Are criminal proceedings accompanied by immediate assessments in order to arrive at preventive measures?

III. Existing/planned bi-/multilateral agreements

1. Are there any arrangements with the main countries of origin of illegal immigrants or with other States for the exchanging of information and intelligence or are any such arrangements planned?

2. Are there any agreements with the Governments of Central and East European countries to combat immigration crime and related offences or is it intended to conclude any?

3. Are there any agreements with the Governments of Central and East European countries on co-operation to combat organized crime or is it intended to conclude any?