



Commission launches a Global Alliance to Counter Migrant Smuggling and proposes a strengthened EU legal framework

Brussels, 28 November 2023

Today the Commission is proposing new legislation to prevent and fight migrant smuggling. The Commission has also launched a Call to Action for a Global Alliance to Counter Migrant Smuggling, at the International Conference hosted today in Brussels.

Both actions follow-up on President **von der Leyen's 2023 State of the Union address**, in which she called for strengthening all tools at the EU's disposal to effectively counter migrant smuggling, by updating the 20-year-old legislative framework, reinforcing the role of EU agencies, in particular Europol, as well as intensifying cooperation with partner countries to tackle this issue globally. Together, these initiatives set out the **new legal, operational and international cooperation** framework against migrant smuggling for the years to come.

Migrant smuggling is a criminal activity that disrespects human life and the dignity of people in the pursuit of financial or other material benefits. Smuggling networks make substantial profits from their criminal activities, ranging between EUR 4.7 – 6 billion worldwide annually. The *modi operandi* of smuggling networks change rapidly, adapting to circumstances and responses by national authorities. This is why the Commission is increasing its efforts to tackle this crime at a global scale.

A modern and strong EU legislative framework

The Commission is proposing to upgrade its legislative framework, by laying down minimum rules to **prevent and counter the facilitation of unauthorised entry, transit and stay in the EU** with the following five objectives:

1. **Effectively prosecute organised criminal networks.** A clearer definition of the smuggling offence is set out to focus on activities motivated by financial or material benefit or highly likely to cause serious harm to a person. Public instigation to come to the EU without authorisation will also become a criminal offence. This covers migrant smuggling advertised through digital tools and social media.
2. **Harmonised penalties reflecting the seriousness of the offence:** Cases of aggravated offences – causing the death of one or more persons – will be punishable by a maximum level of imprisonment of at least 15 years, increased from the current 8 years in the existing EU legislation.
3. **Improving jurisdictional reach:** Member States' jurisdiction will also apply for instance, when boats sink in international waters and people die. The jurisdiction of Member States is also extended to other cases, including offences committed on board ships or aircrafts registered in the Member States and offences committed by legal persons doing business in the EU. The aim is to specifically target the criminal networks. Activities such as humanitarian assistance from NGOs, carrying out a legal obligation of search and rescue, assistance by family members, and migrants themselves must not be criminalised.
4. **Reinforcing Member States' resourcing and capacities:** Member States should be adequately resource their national authorities to ensure effective prevention, investigation and prosecution of smugglers. Member States should also work on the prevention of migrant smuggling, through information and awareness-raising campaigns, research, and education programmes.
5. **Improving data collection and reporting:** Member States will be required to collect and report statistical data on an annual basis to improve the scale, detection of cases and the response to migrant smuggling.

In addition, the Commission is proposing a [Regulation to reinforce Europol's role and inter-agency cooperation in the fight against migrant smuggling](#) and trafficking in human beings. This builds on the already successful current Europol Centre Against Migrant Smuggling, which has a track record of success with over 83 operational task forces, and €1.2 billion seized in cash since its

inception in 2016. The role of the Centre will now be elevated to a true European dimension along strategic areas:

1. **Strengthening the coordination at EU level: the European Centre Against Migrant Smuggling** will be reinforced and will be supported by Member States, Eurojust, Frontex and the Commission. The Centre will monitor trends in migrant smuggling and trafficking in human beings, produce annual reports, strategic analyses, threat assessments and situational updates, as well as investigative and operational actions.
2. **Inter-agency cooperation:** the Centre will be supported by Member States's liaison officers, as well as Eurojust and the Frontex and Eurojust liaison officers, who should be posted to Europol.
3. **Improving information sharing:** Member States' obligations to share information with Europol on migrant smuggling and trafficking in human beings will be reinforced. Europol deployment can already take place in third countries. The new Centre will identify cases of migrant smuggling that may require cooperation with non-EU countries, including by exchanging personal data in a case-by-case basis.
4. **Reinforcing resources:** Member States will need to designate specialised services to counter migrant smuggling and trafficking in human beings, connect these services to secure information exchange network application (SIENA).
5. **Stronger Europol support through staff deployments:** the Regulation updates the current legislation with concepts of task forces and Europol deployments for operational support. These are advanced tools for coordination and analytical, operational, technical, and forensic support to Member States, which have already successfully been carried out by Europol. In addition, a reserve pool of national experts will be set up, that can be placed at the immediate disposal of Europol for deployments in Member States.

To fulfill these objectives, the Commission is also proposing to increase the financial and human resources of Europol.

Launch of a Call to Action for a Global Alliance to Counter Migrant Smuggling

Migrants should be protected from being smuggled. The constantly changing business model of smugglers needs to be broken and transnational criminal networks should be dismantled through informed, decisive and coordinated actions of law enforcement and judiciaries. The Call to Action for a Global Alliance launched today is crucial for coming together on **prevention, response and alternatives to irregular migration**, including addressing the root causes of irregular migration and facilitating legal pathways.

The work on this Call to Action will be taken forward in a framework set up by the Commission, working closely and acting as a contact point for all global stakeholders. The Commission will convene technical Expert Groups with representatives from EU institutions, agencies, Member States, partner countries, international organisations and other stakeholders.

Next steps

The Commission's proposal for the legislation will now be negotiated by the European Parliament and the Council.

The Commission will ensure that the Global Alliance to Counter Migrant Smuggling will work at bilateral and multilateral level as well as through the work of the UNODC. Regular stocktaking at political level will be ensured, with the first event taking place in Copenhagen in the spring 2024. The Conference will be the first such opportunity to take stock of the achievements of the Global Alliance.

Background

Criminal networks take advantage of people's desperation, and this abuse often leads to loss of life. Migrant smugglers squeezing hundreds of people onto unseaworthy boats, resulted in a staggering humanitarian toll of over 28 000 people having drowned or missing in the Mediterranean Sea since 2014. The main beneficiaries are the criminals, the smuggling networks in countries of origin, transit and destination.

The current legislative framework is the Facilitators Package from 2002. Under the Facilitators Package, any person who intentionally assists the unauthorised entry, transit, or residence of a non-EU national into the EU, or, for financial gain, to reside there is to be sanctioned unless they are doing so for humanitarian reasons.

For More Information

[Directive laying down minimum rules to prevent and counter the facilitation of unauthorised entry, transit and stay in the Union](#)

[Regulation on enhancing policy cooperation in relation to the prevention, detection and investigation of migrant smuggling and trafficking in human beings and on enhancing Europol's support to preventing and combating such crimes](#)

[Call to Action // Global Alliance](#)

[Factsheet](#)

[DG HOME website on Migrant Smuggling](#)

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Quotes:

Smuggling has become a multi-billion euro business and is one of the most pressing and brutal challenges of our times. In the EU we must take steps to ensure this heinous crime is properly and uniformly criminalised. At the same time, we have to inscribe our efforts to tackle the phenomenon of smuggling on a global level and work hand in hand with our partners to close down the space in which smugglers operate.

Margaritis Schinas, Vice-President for Promoting our European Way of Life - 28/11/2023

This legislation will allow Europol to be a central part of the fight against the criminal act of migrant smuggling, in identifying trends, exchanging data and in deployment on the ground. They will work closer with EU agencies Frontex, Eurojust and with Member State authorities. Our proposal will also allow for harsher penalties and a stricter definition of the crime of migrant smuggling. We are stepping up the fight against migrant smuggling and protecting people from falling into the hands of criminals. We are going after the smugglers, not the smuggled.

Ylva Johansson, Commissioner for Home Affairs - 28/11/2023

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