

73. PEOPLE SMUGGLING

People smuggling is the organised illegal movement of groups or individuals to another country.

People pay smugglers for many reasons, including to seek protection, because of limited opportunity for legitimate migration and to pursue economic opportunity

Trafficking in unauthorised arrivals (or 'illegal entrants') is lucrative and low risk for people smugglers, and is increasingly the work of sophisticated and highly organised networks.

Australia has experienced an influx of boat people, mainly from the Middle East, a region where people smuggling networks are operating

Unlike 1998-99 where more people arrived illegally by air than by sea – 2106 air travellers compared with 921 people arriving on 42 boats, 2000-01 saw more people arrive illegally by sea– 1508 air travellers compared with **4137** people arriving on 54 boats. (See Fact Sheet 74 *Unauthorised arrivals by air and sea.*)

Background

People are identified as arriving illegally in Australia if they arrive with no travel documents, or present documentation that is found to be fraudulent.

People who arrive in Australia without authority are required by law to be placed in immigration detention until their situation is resolved. (See Fact Sheet 82, *Immigration detention.*)

Air arrivals often use their fraudulent documents for check-in purposes at an overseas airport, but then destroy their documents en route, or if the quality is high, pass the documents to an organiser after check-in.

Smuggling routes

People being smuggled go to great lengths to conceal their route and the organisation responsible for their travel.

People smuggling is dynamic and fluid. Routes and methods of arrival can change at short notice in response to action to combat the practice.

Established smuggling routes are known to exist in Amman and Bangkok. These ports facilitate

movements out of the Middle East and North Africa.

Bangkok is also known to be a major centre for the production of fraudulent documents. Kuala Lumpur and Jakarta are also important hubs for people smuggling activities.

The spate of boat arrivals have come from several departure points in Indonesia, including West Java, South Sulawesi, Kupang, Lombok, Bali, West Kalimantan and Sumbawa. The crews alternate the departure points to hinder detection.

Recent measures

The Australian Government is determined to strengthen Australia's response to people smuggling, including:

- improving Coastwatch, Customs and Navy capabilities to detect pursue, intercept and search boats carrying unauthorised arrivals. On 27 June 1999, the Prime Minister of Australia John Howard announced a \$124 million funding boost to implement the recommendations of the Prime Minister's Coastal Surveillance Task Force;
- Introducing new laws in October 2001 designed to strengthen Australia's territorial integrity and to reduce incentives for people to make hazardous voyages to Australian territories (See Fact Sheet 71, *New measures to strengthen border control*).
- prosecution of smugglers and seizing or sale or destruction of their boats. All crew members are detained and prosecuted under the Migration Act for bringing people illegally into Australia, with penalties of up to 20 years in prison and fines of up to \$220,000.
- Introducing the Border Protection Act so that vessels in international waters can be boarded and searched if suspected of being involved in people smuggling.

Publicity material is distributed throughout people smuggling source countries as well as transit countries to warn people of the risks associated with trying to enter Australia illegally and the penalties smugglers face.

The Government is sending a clear message that Australia does not tolerate illegal arrivals.

- Stopping people who have effective protection overseas from gaining onshore protection in Australia.

Costs

The International Organisation for Migration (IOM) estimates the worldwide proceeds of people trafficking to be US\$10 billion a year.

In 1999-00 the Australian Government, through the Department of Immigration and Multicultural and Indigenous Affairs, spent in the order of \$247 million on the enforcement of Immigration law.

This cost rose to \$299 million in 2000-01 and is expected to rise by a further \$43million this financial year to \$342 million.

It costs the Government on average \$50,000 for every unauthorised arrival by boat from the time of arrival to the time of their departure from Australia.

The average daily cost of keeping a person in immigration detention in 2000-01 is \$120.

From July 2000 to 31 July 2001, detention costs (excluding capital works) were approximately \$104 million.

By air

In 2000-01, 1508 people were refused entry at Australia's airports, a decrease of 11% on the previous year.

Malaysia was the largest source country for people refused clearance at Australian airports in 2000-01 (142), an increase of 24.5% on the previous year. The number from Iraq dramatically fell from 325 in 1998-99, 157 in 1999-2000 to 37 in 2000-01.

The other high source countries were South Korea (136) an increase of 25.9%, New Zealand (111) an increase of 3.7%, Thailand (100) an increase of 35.1%, Indonesia (92) an increase of 70.3%, and United Kingdom (81) an increase of 14%.

By sea

The number of unauthorised arrivals by sea has dramatically increased in recent years.

In 1998-99, there were 42 unauthorised boat arrivals carrying 921 people. In 1999-2000, there were 75 unauthorised boat arrivals carrying 4175 people.

In the financial year 2000 to June 30 2001, there has been 54 unauthorised boat arrivals carrying 4141 people. The main groups have been from Iraq (1009) and Afghanistan (2270).

Comparing 1998-99 to 2000-01, this is an increase of 349% people arriving by boat, even though only 12 more boats arrived.

DIMIA initiatives

The Department of Immigration and Multicultural and Indigenous Affairs has put in place a range of initiatives to reduce the number of illegal entrants trying to enter Australia. They include:

- DIMIA officers stationed both in Australia and at overseas posts who are specially trained to identify fraudulent documentation.
- Specialist compliance officers in Amman, Athens, Ankara, Bangkok, Beijing, Beirut, Colombo, Dili, Guangzhou, Hong Kong SAR, Islamabad, Jakarta, Kuala Lumpur, Manila, Moscow, Nairobi, New Delhi, Phnom Phen, Pretoria, Shanghai, Suva, Taipei and Tehran. They work with local police and immigration officials to identify and report on the activities of people smugglers and counter foreign nationals who may try to enter Australia illegally.
- DIMIA officers in Denpasar, Dubai, Singapore, Kuala Lumpur, Hong Kong SAR and Bangkok airports where they train airline check-in staff to identify fraudulent documentation and to advise airlines on Australia's entry requirements. They also facilitate the travel of genuine travellers.
- Participation in cooperative activities at selected overseas airports aimed at stopping illegal entrants.
- Multi-function task forces both in Australia and overseas which coordinate investigations and collect intelligence.
- Close liaison with law enforcement agencies to investigate immigration fraud.
- Frequent updates of the Movement Alert List. (See Fact Sheet 77 *The Movement Alert List*.)

International forums

Australia is also an active participant in a number of international programs that work to combat people smuggling. These include:

- The Inter-governmental Consultations on Asylum, Refugee and Migration Policies in Europe, North America and Australia (IGC).
- Asia-Pacific Consultations on Refugees, Displaced Persons and Migrants (APC).
- Irregular Migration and Migrant Trafficking in East and South East Asia.
- Pacific Rim Immigration Intelligence Officers Conference.

Joint DIMIA/AFP Strike Team

A decision to establish a joint agency investigation unit in May 2000 to target people smuggling resulted in the formation of a joint DIMIA/AFP Strike Team. This team is a highly mobile unit based in Canberra able to be rapidly deployed to any location to pursue investigations.

The objective of the team is to identify, disrupt and dismantle organised crime elements involved in illegal immigration.

DIMIA successes

DIMIA investigations have successfully identified organisers of people trafficking, routes taken and the origin of fraudulent documents.

Boat crewmembers prosecutions – as of 30 October 2001

2001/2002 Financial Year :	Total No. of people charged since new legislation introduced on 22 July 1999	Total No. of people sentenced/ cases finalised since new legislation introduced on 22 July 1999
Total prosecutions finalised		
38	427	360

Onshore facilitators

On 11 July 2000, 23 PRC nationals arrived at Cairns on an unauthorised vessel. Following a joint investigation by members of the DIMIA/AFP strike team, five persons including three Indonesian crewmen and two PRC onshore facilitators were charged with offences pursuant to section 232A and 233 of the Migration Act 1958.

The two PRC onshore facilitators were alleged to be onshore organisers of the unauthorised boat and involved in harbouring the unlawful non-citizens. The two pleaded guilty and were sentenced to two years imprisonment.

Offshore facilitator

An alleged people smuggler arrived in Australia illegally on an unauthorised vessel on 1 November 1999. DIMIA investigators interviewed numerous passengers from several unauthorised vessels and secured witness statements in relation to the people smuggling activities of the smuggler on board.

Witnesses alleged the smuggler: collected money, acted as an interpreter, met passengers at the airport, conveyed passengers to various hotels in Indonesia and helped navigate the vessel of 355 unlawful non-citizens to Ashmore Reef.

DIMIA investigators submitted a Brief of Evidence to the Director of Public Prosecutions. The smuggler pleaded guilty in July 2001, and on 10 October 2001 he was sentenced to 4 years imprisonment for offences pertaining to section 232A of the Migration Act 1958

Offshore leader of a smuggling syndicate based in Indonesia

In the period June 1999 to August 2001, a major smuggling syndicate based in Indonesia is believed to have smuggled at least 1496 people on 17 unauthorised vessels to Australia. One of the alleged leaders of this syndicate, arrived at Perth airport on 5 October 2001. He was detected travelling on a false Turkish passport and was arrested by the Australian Federal Police.

The organisers of this smuggling syndicate have been under investigation by the joint AFP/DIMIA People Smuggling Strike team for nearly two years.

The smuggler was charged with a number of counts against each of Sections 232A and 233A along with other miscellaneous offences. The offences carry maximum penalties of 20 years imprisonment.

DIMIA also played an important role in a number of international investigations that led to the disruption of people smuggling rackets in Cambodia, Malaysia, Indonesia and Jordan.

Further information is available from the Department's Internet site at:

<http://www.immi.gov.au>

The Department also operates a national telephone inquiry line on 131 881 for the cost of a local call from anywhere in Australia.

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