



Investigating Migrant Smuggling



A presentation by
Ghana Immigration Service



SHARING NATIONAL PROCEDURES


To investigate the Smuggling of Migrants with the view to Enhancing International Cooperation and possible Harmonization of approaches.



MANDATE



MIGRANT SMUGGLING

 It means the procurement, in order to obtain, **directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or permanent resident**

 “Illegal entry” shall mean crossing borders without complying with the necessary requirements for legal entry into the receiving State



FORMS of MIGRANT SMUGGLING

Fraudulently acquiring travel or identity documents



- Altered document
- Forged documents
- Documents that were not properly issued.
- Issuance of documents and permits through corruption, duress or any unlawful means

Enabling the migrant to remain in the state



- Facilitating an Overstay
- Abusing legal procedures for example sham marriages
- Harboring an illegal migrant to avoid being detected



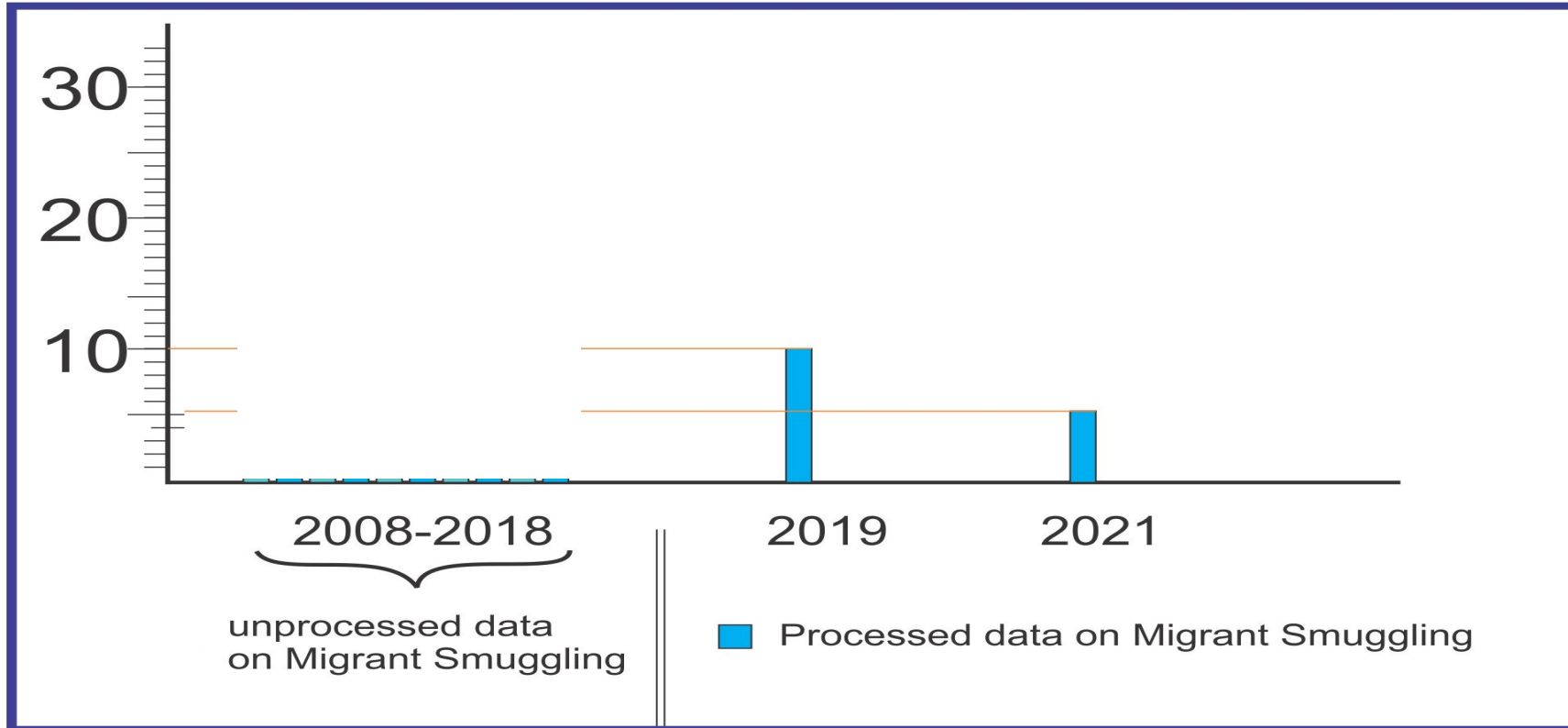
TWO DISTINCT CRIMES

With distinct elements

	SMUGGLING OF MIGRANTS	TRAFFICKING IN PERSONS
CONSENT	REQUIRED	NOT REQUIRED
EXPLOITATION	NOT REQUIRED	REQUIRED
TRANSNATIONALITY	REQUIRED	NOT REQUIRED



Investigating Migrant Smuggling in Ghana



GHANA'S LEGAL INPUT - LAW AND CONVENTIONS

- Ghana's Human Right Law Ghana's Constitution - Article 12 (1, 2 and 13)
- United Nations Convention against Transnational Organized Crime(UNTOC)-2000
 - ✓ Protocol to Prevent, Suppress and Punish Trafficking in Persons especially women and children
 - ✓ Protocol Against the Smuggling of Migrants by Land, Sea and Air

GHANA'S LEGISLATION-MIGRANT SMUGGLING

- In June 2012 Ghana criminalized migrant smuggling by passing the Immigration Amendment Act 848, this was an Amendment to the Immigration Act 573(2000)
- Human Trafficking Act, 2005 (Act 694) This is an act for the prevention, reduction and punishment of human trafficking, for the rehabilitation and reintegration of trafficked persons and for related matters.
- Human Trafficking Prohibition (Protection and Reintegration of Trafficked Persons Regulations) L.I 2219



THE '4P' and '5R' RAPPROACH

The Ghana Immigration Service in pursuit of its mandate to fight Migrant Smuggling use the “4P” and “5R” approach.



- ❖ **PREVENTION**
- ❖ **PROTECTION**
- ❖ **PROSECUTION**
- ❖ **PARTNERSHIPS**



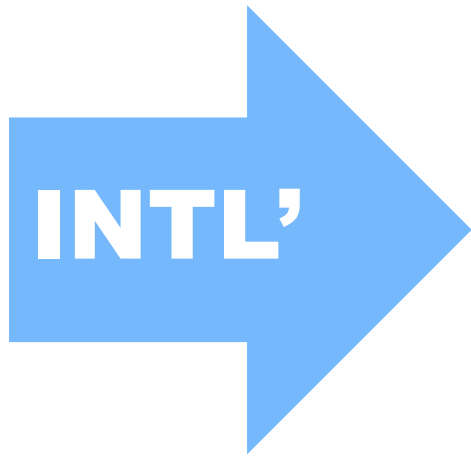
COLLABORATION



- ❖ Ghana Immigration Service,
- ❖ Ghana Police Service, EOCO,
- ❖ NIB(BNI), National Security,
- ❖ Ministry of Gender, Children and Social Protection
- ❖ Labour Department,
- ❖ Attorney Generals Department and other allied Government Agencies



COLLABORATION



- ✓ IOM
- ✓ EU
- ✓ Embassies and High Commissions
- ✓ ECOWAS
- ✓ INTERPOL
- ✓ NAPTIP(Nigeria)
- ✓ Media partnerships, CSO's and NGO's



CHALLENGES

1. Logistics and Resources for extensive awareness creation
 - a. Digital resources to investigate digital means being used by Migrant Smugglers
 - b. Modern document fraud detection gadgets capable of functioning at remote BCPs (Border Crossing Points) identified as prone to smuggling
 - c. Sustained capacity building of border staff
 - d. Training of Prosecutors specialized in Migrant Smuggling cases
2. Shelter to house rescued of intercepted migrants
3. Lack of collaboration between border officials on either sides
4. Regional legislations, agreements and protocols to tackle peculiar cases with a given enclave



RECOMMENDATION

1. Will ensure Principal best practice approaches to combatting migrant smuggling: Law enforcement activities, Educational programs and efforts to protect the rights of migrants.
2. Shall identify and strengthen, to the extent possible, such border controls as may be necessary to prevent and detect the smuggling of migrants.
3. Shall consider taking measures that permit, in accordance with its domestic law, the denial of entry or revocation of visas of persons implicated in the commission of offences established in accordance with this Protocol.



RECOMMENDATION

4. Shall consider strengthening cooperation among border control agencies by, inter alia, establishing and maintaining direct channels of communication.
5. Shall ensure that acquisition of Travel, Identity and Source documents are properly streamlined and proper records is kept and made accessible for authenticity checks by Border Crossing Points (BCPs) at all times.
6. Shall build Capacity of Border Officials, and leverage it with the deployment of modern equipment/technology in combatting Cross-Border Crimes.



THANK YOU