

External contribution

Cross-organisational picture of Vietnamese in the Netherlands in relation to the trafficking and smuggling of human beings

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Introduction

Vietnamese have been associated with hemp farms (cannabis plantations) and nail bars in Europe for years. There is often talk of human trafficking, especially when Vietnamese are found to be staying illegally, but in practice (legally) it is often difficult to prove. This is because (illegally staying) Vietnamese are reluctant to report anything and don't see themselves as victims of trafficking. The human smuggling aspect can't be considered separately from their situation in the Netherlands and in Europe. In their search for a better life, Vietnamese often turn to people smugglers for the journey to Europe. The debts accumulated with the human smugglers remain the responsibility of family members back in Vietnam, and are subsequently used to put pressure on the migrant. This makes them extremely vulnerable to exploitation, because they don't want their relatives in Vietnam to have to live in fear. To pay off their debts, Vietnamese are forced to work in nail bars and hemp nurseries, among other places, both on the way and at the destination.

Purpose of the study

In 2019, the Expertise Centre for Human Trafficking and People Smuggling (EMM) conducted a phenomenological study, on behalf of the then State Secretary for Justice and Security, on the disappearance of unaccompanied child migrants (AMV)¹⁶⁹ and the relationship of Vietnamese with human trafficking and human smuggling in the Netherlands¹⁷⁰.

This study showed, among other things, that there is a lack of insight into Vietnamese criminal networks involved in human trafficking and smuggling. The Netherlands labour inspectorate (NLA) conducted a study on the phenomenon in 2019, pointing to a close link between migration fraud and nail bars. The investigations by both the EMM and the NLA revealed that Vietnamese people in the Netherlands are registered by various organisations in relation to (possible situations of) human trafficking¹⁷¹ or human smuggling. However, there is no clear cross-organisational picture of how this information is interlinked. This shortfall has led to the present analysis.

Aim

The aim of this analysis is to gain a better understanding, at national level, of the nature and extent of trafficking and smuggling of Vietnamese nationals in various criminal networks, as well as to identify (previously undetected) Vietnamese individuals and companies that play a central role in human trafficking and smuggling. The study covers the period from 1 January 2018 to 1 November 2020. The operational findings and recommendations for the benefit of EMM's investigative partners will be set out in a confidential national operational intelligence overview by the end of 2021. The main results of a general technical nature have been summarised in a publication available to the public and in this contribution for Myria.

¹⁶⁸ The Dutch Expertise Centre for Human Trafficking and People Smuggling (EMM) is a partnership between the national police, the Royal Netherlands Marechaussee, the Dutch labour inspectorate, the Immigration and Naturalisation Service and the public prosecutor. EMM collates signals and criminal investigations concerning human trafficking and people smuggling and translates them into operational, tactical and strategic products on the basis of which partner organisations can apply their criminal or public law prerogatives.

¹⁶⁹ Equivalent of 'MENA' (UAM) in Belgium.

¹⁷⁰ Expertisecentrum Mensenhandel en Mensensmokkel, *De vermissing van Vietnamese amv's en de relatie van Vietnamezen met mensenhandel en mensensmokkel in Nederland (2015 tot en met 2018)*, December 2019.

¹⁷¹ In the Netherlands, trafficking in human beings is punishable under Article 273f of the Criminal Code. This article punishes the person who recruits, transports, transfers, harbours or holds another person by force, (threat of) violence, extortion, fraud, deception, abuse of a dominant position resulting from factual circumstances or abuse of a vulnerable position with a view to the exploitation or removal of their organs.

Research method

For the purpose of this study, information was collected from EMM partner organisations for the period between 1 January 2018 and 1 November 2020. This includes not only information classified as trafficking or smuggling, but also information that could be related or potentially relevant in the context of (identifying) trafficking or smuggling, such as money laundering or soft drug production.

The recording of (Vietnamese) personal data is neither unambiguous nor consistent, making it difficult to superimpose and compare information (from different organisations).

To address this problem insofar as it is possible, the information used for this analysis has been compiled in a separate database within EMM. In this database, information has been duplicated as much as possible. However, if the partner organisations have been negligent or incomplete in the recording of this data, the results may be affected.

After collecting and duplicating information, information clusters are created to address the issue from an inter-organisational perspective. These clusters aim to gather information that matches; in this case, gathering information from the perspective of Vietnamese persons¹⁷², companies or incidents. In other words, the information clusters highlight the link between Vietnamese persons and/or companies and different forms of crime (related to human trafficking and smuggling). For capacity reasons, only the content of the most important clusters was analysed.

Study results

The biggest clusters provided an overview of several main categories of incidents involving Vietnamese. These categories are named and explained here.

Hemp farms and criminal exploitation

In the past few years, Vietnamese have regularly been spotted (as suspects) on (several) hemp farms in the Netherlands.

Sometimes, these are Vietnamese living in the Netherlands, but there have been several incidents where illegally staying Vietnamese have been found on a hemp farm where there are indicators of human trafficking. As the Vietnamese are a homogeneous community, it comes as no surprise that Vietnamese living in the Netherlands are often linked to these incidents. Vietnamese with residence status in Poland or the Czech Republic are also involved. (Illegally staying) Vietnamese in a possible exploitative situation are reluctant to make a statement, for various reasons.

In-depth investigations (digital, financial) can lead to the identification of persons playing a role in facilitating the employment of (illegally staying) Vietnamese in hemp cultivation, or to the identification of connections between different hemp-related incidents. However, it has proved difficult to obtain information on those who play a role in facilitating the travel and illegal stay of Vietnamese in the Netherlands.

Persons who have disappeared from secure reception centres and human smuggling

Almost all of the Vietnamese (minors) who are housed in secure reception centres after being caught climbing into a lorry, or discovered during a smuggling operation, seem to disappear from these centres. Human smuggling organisations are suspected of playing a role in this. England appears to be the destination for the majority of this group of Vietnamese.

Nail bars and labour exploitation/human smuggling

Signs of labour exploitation (human trafficking)¹⁷³, sham relationships, bogus jobs and forgery are particularly prevalent among Vietnamese in nail bars. However, Vietnamese are also affected by abuses of the programme for highly skilled migrants ("kennismigrantenregeling")¹⁷⁴. In the above-mentioned cases, a stay is obtained illegally and they may have to provide a 'quid pro quo'. This position of dependency means that the risk of exploitation is certainly present.

¹⁷² Vietnamese persons are defined as persons recorded in the collected sources with Vietnamese nationality or Vietnam as their country of birth.

¹⁷³ Labour exploitation is one of the forms of trafficking punishable under Article 273f of the Dutch Criminal Code. Other forms are sexual exploitation, criminal exploitation, forced begging and the forced removal of organs.

¹⁷⁴ In the Netherlands, a 'kennismigrant' is a highly qualified migrant, for example a teacher, a scientific researcher or a doctor. A non-European highly skilled migrant can come to the Netherlands to work under certain conditions. The employer must be a referrer approved by the Immigration and Naturalisation Service (INS). The INS processes residence applications for highly qualified migrants in a fast-track procedure.

Hard drug production and trafficking

In a number of clusters, Vietnamese are involved in the trafficking and production of synthetic drugs. In some cases, there is a link to the Czech Republic and/or Germany or to Vietnamese living there. The clusters analysed didn't reveal any signs of human trafficking. Belgium and Germany also stress that Vietnamese are involved in the trafficking and production of synthetic drugs in their countries.

In several information clusters examined, Vietnamese are associated with cash finds, (illegal) gambling and/or casinos and suspicious financial transactions.

Conclusion

The cross-organisational picture of Vietnamese in the Netherlands shows that they are involved in various forms of crime related to human trafficking and smuggling. Criminal exploitation is regularly highlighted, especially when Vietnamese residing illegally in the Netherlands are found on hemp farms. As regards nail bars, Vietnamese often show signs of labour exploitation (human trafficking), sham relationships, forgery, bogus jobs and abuse of the Highly Skilled Migrant Programme. It is difficult to know who is involved in smuggling Vietnamese to the Netherlands. Human smuggling organisations are suspected of being involved in the disappearance of Vietnamese (minor) from secure reception centres in the Netherlands.