



# **EU AGIS Conference**

## **17<sup>th</sup>-18<sup>th</sup> November, 2005**

**“Forum to Improve Best Practice in the Prevention, Detection, & Investigation of Trafficking in Human Beings and Examine Best Practice in Fighting & Preventing Corruption of Public Figures in the Administration of Immigration Regulations”**

### **An Examination of Best Practice in Fighting & Preventing the Corruption of Public Figures involved in the Administration of Immigration Regulations.**

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# 1. Introduction

## 1.1 Purpose

The AGIS Conference was held in the Westmanstown Sports and Conference Centre, Clonsilla, Dublin on the 17<sup>th</sup> and 18<sup>th</sup> of November 2005. One of the key themes of the conference was the prevention of corruption of public officials in the administration of immigration regulations. The purpose of this report is to provide an overview of the information relating to corruption that was presented by representatives from immigration organisations in Ireland, the United Kingdom and Hungary at the AGIS conference.

A number of workshops were also held during the conference with the aim of developing practical recommendations and generating best practice in the areas of prevention, detection and investigation of corruption. The output of the corruption workshop is summarised in section 5 of this report. A full transcription of the output of the corruption workshop can be found in Appendix 3.

## 1.2 Background

Academics have defined corruption as “*the abuse of public power for personal gain*”. Corruption has recently received global focus and now sits firmly at the top of international agendas. The continuing persistence of poverty and the spread of democracy are fuelling this interest. Corruption is now widely recognised as a threat to economic, political and social development, as well as social stability, democracy, human rights, morality and poverty reduction.<sup>1</sup>

Substantial population growth in developing and regressing countries has forced massive outward migration. Sophisticated immigration enforcement measures have made it more difficult for migrants to enter certain countries. Thus, many migrants have been thrown into the hands of criminal groups who make huge profits from people smuggling and trafficking. There are numerous examples of skills and existing infrastructures being exploited by criminal gangs to enable their people smuggling activities. This applies to the bribery and corruption of public sector employees, including immigration officers. As one area of operation is tightened up the criminal gangs exploit other more vulnerable areas. The corruption of immigration officials can lead to significant benefits for criminals such as ‘lawful’ admission to a country, residency in the country, provision of required documentation and valuable inside information. Thus, the prevention, detection and prosecution of corruption must be major priorities for all immigration organisations.

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<sup>1</sup> World Bank (2000) in “*Causes and Effects of Corruption within the Public Sector and Role of the Media, Bangladesh Case Study*” Mills (2001)

The AGIS programme is an example of international cooperation within the EU to share knowledge and develop best practice in relation to preventing the corruption of immigration officials, investigating allegations of corruption and prosecuting perpetrators.

### 1.3 Definition of Corruption

In Irish legislation, section 2 of the Prevention of Corruption (Amendment) Act, 2001 defines the offence of corruption as follows:

*“An agent or any other person who*

- a) corruptly accepts or obtains, or*
- b) corruptly agrees to accept or attempts to obtain*

*for him or herself, or for any other person, any gift, consideration or advantage as an inducement to, or reward for, or otherwise on account of, the agent doing any act or making any omission in relation to his or her office or position or his or her principal’s affairs or business shall be guilty of an offence.”*

or

*A person who*

- a) corruptly gives or agrees to give, or*
- b) corruptly offers,*

*any gift or consideration to an agent or any other person, whether for the benefit of that agent, person or another person, as an inducement to, or reward for, or otherwise on account of, the agent doing any act or making any omission in relation to his or her office or position or his or her principal’s affairs or business shall be guilty of an offence.”*

In the definitions above an ‘agent’ includes the following:

- Any person employed by or acting for another
- An office holder or director and a person occupying a position of employment in a public body
- Any person employed by or acting on behalf of the public administration of the State
- A member of the government of any other State
- A member of the European Parliament

Section 43 of the Irish Criminal Justice (Theft and Fraud) Offences Act, 2001 makes a distinction between active and passive corruption. Active corruption is defined as *“promising or giving an advantage to an official for him or her to act or refrain from acting in accordance with his or her duty or to exercise his or her functions in breach of duty which is damaging to or likely to damage the communities’ financial interest, is an offence”*. Passive corruption is defined as

*“an action of an official requesting or receiving advantage or accepting a promise of advantage to act or refrain from acting in accordance with his or her duty to exercise his or her functions in breach of duty which is damaging to, or likely to damage the communities’ financial interest, is an offence”.*

In the UK the Association of Chief Police Officers (ACPO), in their corruption prevention strategy – “Corruption Prevention Strategy: Professional Standards in Policing” have defined corruption as “*the abuse of a role or position held, for personal gain or gain for others*”. This definition is broad, and is intended to capture intentional neglect of duty as well as overt acts of corruption. It is important to note that “*personal gain*” does not necessarily indicate accumulation of material wealth. Personal gain can also be intangible, for example status, or influence in a particular community.

## **2. Corruption Legislation**

### **2.1 Overview**

This section provides an overview of the legislation pertaining to corruption of public officials in the countries of those presenting at the AGIS conference.

### **2.2 Summary of Legislation**

In Ireland there are 4 main legislative acts that govern the prevention and investigation of corruption criminality. These are:

- The Prevention of Corruption (Amendment) Act, 2001
- The Criminal Justice (Theft and Fraud) Offences Act, 2001
- The Prevention of Corruption Acts, 1889-1995
- The Prevention of Corruption Act, 1906

In the UK, when prosecuting immigration officials who suspected of committing acts of corruption the actual offence of corruption is not usually used. In the UK, taking forward a corruption charge requires permission from the Attorney General and obtaining permission can be a complicated process. Thus, individuals are more likely to be prosecuted for a range of other offences including:

- Facilitation (under immigration law)
- Theft
- Data protection, or
- Misconduct in public office

In Hungary, several pieces of legislation apply when dealing with cases of corruption. These are:

- Act XXXIV of 1994 (Police Act)
- Act LXXV of 1999 (Organised Crime Act)
- Government Decree No. 49/1995, amended by Government Decree No. 135/1999 (Activity and Competence of the PSLEA )
- Mol Decree No. 3/1995 (III.1)
- Mol Directive No. 28/1999 (Intelligence Activity)
- Mol Directive No. 2/2000 (BK. 3.) (Procedural Regulations)

### **3. Experiences of Corruption**

#### **3.1 Overview**

This section outlines the experiences of corruption in Ireland, the United Kingdom and Hungary as described by speakers at the AGIS conference.

#### **3.2 Corruption: The Irish Experience**

Immigration is a relatively new phenomenon in Ireland. For most of the last century Ireland had an emigration problem with millions of Irish people leaving the country to search for employment in the UK, USA, Australia and Canada. The arrival of the “Celtic Tiger” with its substantial economy growth led to a labour shortage and consequently, for the first time, Ireland became an attractive destination for migrants. In recent years there has been a massive increase in both legal and illegal immigration, and an influx of people seeking asylum. This has led to a situation where there can be strong temptations for immigration officers to commit acts of corruption. A number of contributory factors have been identified, including:

- The belief among certain nationalities that it is customary to bribe officials in public office, or to bestow gifts
- The relatively low salaries of some immigration personnel
- The inevitability that some staff members suffer from personal problems which may predispose them to becoming involved in corruption

The Garda National Immigration Bureau (GNIB) has identified this risk, and put in place a number of measures designed to prevent and detect acts of corruption. These measures are described in section 4.2 ‘Corruption: The Irish Response’ below.

### 3.2 Corruption: The UK Experience

UK Immigration Service (UKIS) personnel are involved in many varied types of work, from passport control at ports of entry all over the UK to the enforcement of immigration legislation. They can be members of intelligence units or prosecution units, and often work alongside the police and other agencies. On some occasions they are seconded into sensitive and demanding specialist posts, or work abroad as representatives of the Immigration Service within the UK Foreign Office. All of these roles require high levels of personal accountability and responsibility.

Honesty and integrity are essential qualities for all UKIS personnel. They may often find themselves in a position where the outcome of highly significant decisions is at their sole discretion, for example when deciding whether to grant a non-national leave to land. They represent the interests of the UKIS on a daily basis, and are acutely aware that their actions may directly affect the credibility of the UKIS as well public perception of immigration handling within the UK.

The UKIS has recognised the importance of understanding and managing the risks to personal and workplace integrity and security. Vulnerabilities in these areas can expose personnel to unwarranted approaches from persons wishing to abuse the power of the immigration officer for their own gain. The UKIS has identified number of triggers that predispose certain individuals to becoming corrupt. These include:

- Money
- Criminality
- Criminal association
- Family pressures
- Drugs/alcohol
- Blackmail

The UKIS presentation emphasised the need for vigilance in the fight against corruption, as the following case study illustrates. An Airline Liaison Officer (ALO) in Lagos became suspicious when he came across a UK immigration stamp on a passenger's passport. The stamp was genuine but the ALO had reason to believe that the passenger should not have been entitled to such a stamp, and was concerned about how the passenger had received this stamp.

The ALO brought the matter to the attention of the UK Corruption Unit. The Corruption Unit conducted an investigation, and discovered that a Border Control Officer had been illegally endorsing the passports of her family members. She had also been harbouring some of these illegal immigrants in her home. Following an investigation the Border Control Officer was convicted of misconduct in public office and facilitation. She was convicted, and sentenced to three and a half years imprisonment. The approach taken by the

UKIS to combating corruption is outlined in section 4.3 'Corruption: The UK Response' below.

### **3.3 Corruption: The Hungarian Experience**

In Hungary there are 4 organisations that investigate corruption-related offences. The Country Police Head Quarters deal with corruption offences involving civilians. The National Security Bureau is responsible for the investigation of corruption allegations made against politicians and civil servants. The Military Security Bureau deal with acts of corruption involving soldiers, and the Ministry of Interior Protective Service of Law Enforcement Agencies is responsible for corruption offences involving employees of law enforcement agencies, including immigration officers.

Act XXXIV of 1994 on Police gave authority to the Government to establish an internal supervision service. The Government, in its Decree 49 of the 4th of April 1995 regulated the operation of the Protective Service of Law Enforcement Agencies (PSLEA). The PSLEA operates under the direct control of the Minister of Interior and is responsible for:

- The Police
- The Border Guard
- The National Directorate General for Disaster Management
- The Customs & Finance Guard
- The Penalty Executive Organisation

The PSLEA also monitor supervisory units within the Ministry of the Interior, the Ministry of Finance and the Ministry of Justice. The main tasks of the PSLEA are:

- Internal crime prevention
- Protection
- Criminal intelligence

The PSLEA operates under the direct control of the Minister of the Interior and reports to a special unit of the Prosecutor's Office. This is an independent office, under the sole control of the Hungarian Parliament.

The chart below illustrates the volumes of corruption investigations undertaken by the PSLEA. The figures in the yellow boxes show the number of open investigations, and the figures in the red boxes show the number of investigations that have resulted in prosecutions.

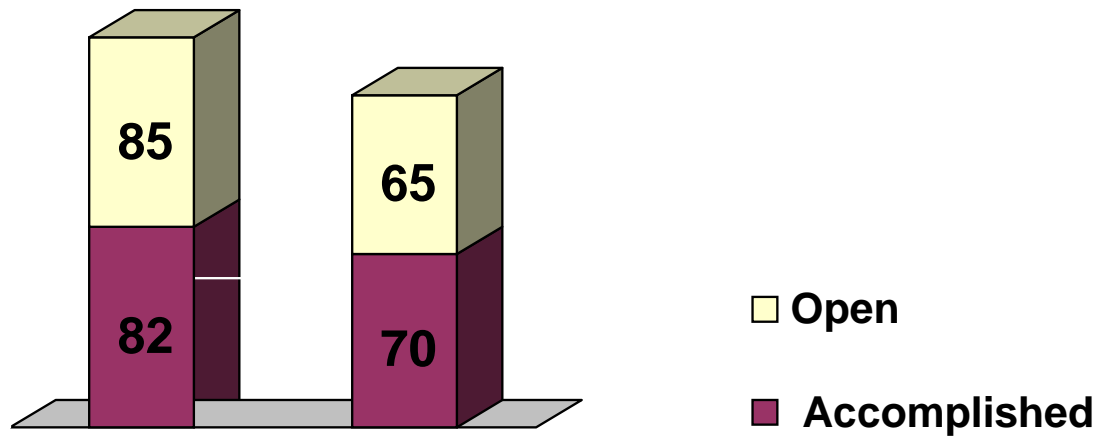


Figure 1: PSLEA Corruption Investigation Volumes

Figure 2 below shows the breakdown of successful prosecutions made by the PSLEA for corruption-related offences.

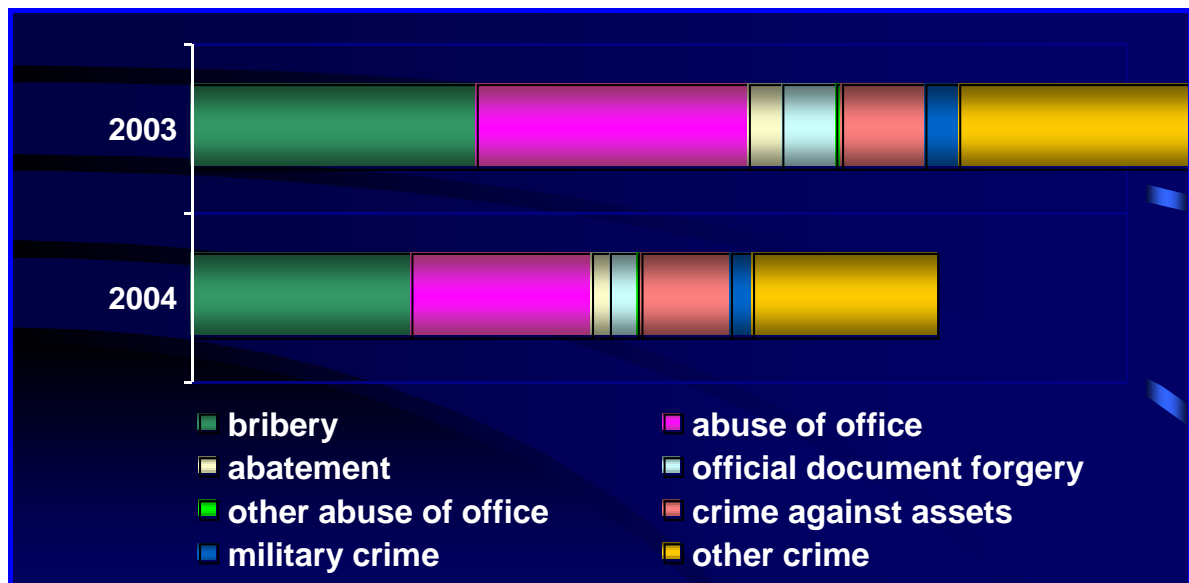


Figure 2: Breakdown of Corruption Prosecutions.

Employees of many law enforcements agencies have been subject to corruption-related intelligence gathering. The graph below provides a breakdown of this intelligence gathering by law enforcement agency.

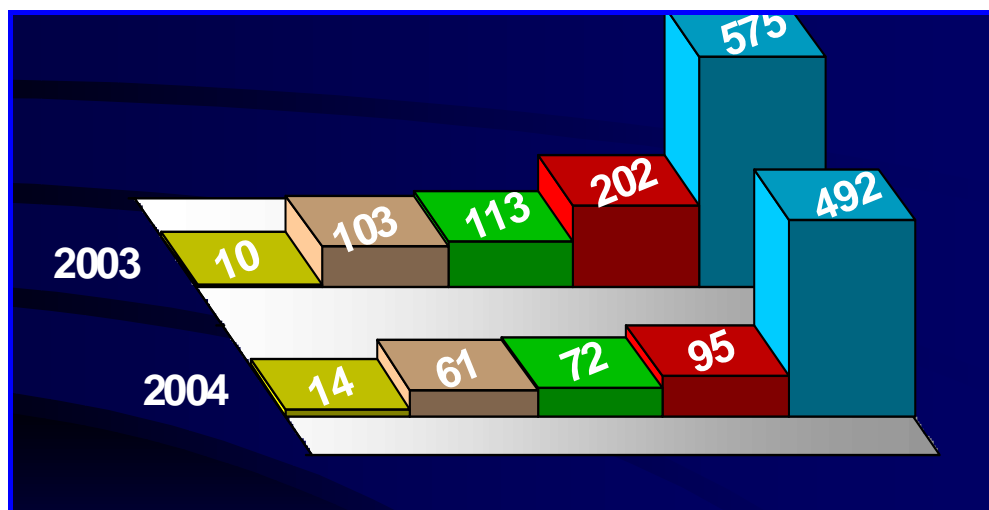


Figure 3: Breakdown of Corruption Investigations by Law Enforcement Agency

**Key:**

■	Police
■	Customs and Finance Guard
■	Border Guard
■	Penitentiary
■	The National Directorate for Disaster Management (civil protection, fire depts.)

In section 4.4 'Corruption: The Hungarian Response' the measures put in place by the PSLEA to prevent and investigate corrupt activities are outlined.

## **4. Responses to Corruption**

### **4.1 Overview**

This section sets forth the response of each participating country to the problem of trafficking.

### **4.2 Corruption: The Irish Response**

The GNIB have put in place a robust set of systems and procedures designed to minimise the risk of corruption occurring, and uncover any acts of corruption that do take place. There are a number of aspects to the GNIB response to corruption. These are outlined below:

#### **1. Robust IT System**

The GNIB Information System (GNIB-IS) was introduced in 2001. It contains information entered at ports of entry, registration and deportation offices, as well as data from various external agencies. The GNIB-IS facilitates the processing of registration applications by non-EEA nationals, and the printing of registration cards. The registration of a non- EEA national is a 2-person transaction. When the non-EEA national presents him/herself for registration a GNIB registration officer takes his/her details and checks his/her documentation. This information is processed on the GNIB-IS. A second registration officer verifies the information entered by the first officer, ensures that there are no inaccuracies and then prints and issues the registration card to the non-EEA national. This 2-person process minimises the risk of a corrupt registration officer registering an individual who is not entitled to be registered.

The GNIB-IS also provides an audit trail for every task processed. Thus, should the need arise, the registrations processed by a particular registration officer can be traced and audited.

#### **2. Spot checks**

Immigration personnel are subject to random spot checks to ensure that they are complying with GNIB procedures and acting in accordance with Irish legislation.

#### **3. Procedures Manual**

A comprehensive Procedures Manual is issued to all registration personnel. This manual contains information and directives on the procedures that must be adhered to when registering non-nationals. The procedures are based on the legislation contained in the Immigration Act, 2004. Also included in the manual are copies of 2 Acts:

- Prevention of Corruption Act, 2001
- Official Secrets Act, 1963

#### **4. Corruption awareness training**

GNIB personnel receive corruption awareness training to ensure that they recognise of the dangers of corruption, understand the warning signs they should look out for, and are aware of the penalties associated with becoming embroiled in corrupt activity.

#### **5. Randomness of procedures**

Registration procedures are random. For example a non-EEA national cannot make an appointment to see a particular registration officer. S/he must come to the registration office, take a ticket, and wait until his/her ticket is called. The non-EEA national has no control over who registers him/her.

#### **6. Rotation of staff without notice**

Employees are subject to rotation to a different role without notice.

#### **7. Use of human intelligence services**

Corruption-related intelligence obtained from members of the public via phone or personal visit to GNIB is fully investigated.

#### **8. Lockdown of defined staff roles**

GNIB employees have clearly defined roles, and do not have the scope to operate outside of these roles. This makes the concealment of acts of corruption extremely difficult.

#### **9. Full investigation of attempts of corruption**

All alleged acts of corruption are fully investigated by an independent investigator.

#### **10. Full background investigation prior to arrest**

When investigating allegations of corruption a full background investigation of the individual concerned is conducted. Full use is made of all available resources, for example phone checks, bank enquiries, IT audits etc.

### **4.3 Corruption: The UK Response**

The majority of UK immigration officials operate with honesty and integrity. However the possibility of infiltration by criminal group cannot be ignored and immigration organisations are acutely aware of the need for vigilance. They know that trust in the integrity of the service is essential to their reputation. The UKIS recognise that corruption does exist, and that the only way of dealing with this is to create an overt policy and implement a robust corruption prevention strategy that is incorporated into individual unit business plans.

The UKIS subscribe to the ACPO corruption strategy – “*Corruption Prevention Strategy: Professional Standards in Policing*”. This strategy is designed to enable both corruptors and those vulnerable to corruption to be identified and confronted and consists of 5 strands:

1. Promoting knowledge and understanding
2. Prevention
3. Intelligence
4. Detection
5. Mutual assistance

The UKIS have also identified a number of key areas where focus must be directed to prevent corruption. These are outlined below.

### **1. Training**

The UKIS have recognised the importance of anti-corruption training, particularly for new recruits and managers so that they understand their responsibilities, and the standards expected of them. Training on how to conduct proper investigations and disciplinary actions is also important.

### **2. Awareness**

Staff must understand the implications of becoming involved in corrupt activity and be aware of the measures and sanctions that have been put in place to prevent corruption. The presence and remit of the Immigration and Nationality Department Intelligence Section (INDIS) and the Operational Integrity Unit (OIU) is widely advertised.

### **3. Culture**

A ‘reporting atmosphere’ is promoted and there is zero tolerance of cultures that are likely to encourage corruption.

### **4. Intelligence**

There is an emphasis on good quality and well-managed intelligence that can be used to facilitate meaningful inquiries into corruption allegations. Intelligence can then be amalgamated into ‘intelligence packages’ and passed on to operational teams.

### **5. Mutual Assistance**

It is important that agencies work together to combat corruption and provide support to each other when required.

#### **4.4 Corruption: The Hungarian Response**

The PSLEA have found that most of the incidences of corruption amongst members of law enforcement agencies at border cross-points involve individuals from more than one country. Thus, international relations play an important role in the PSLEA's anti-corruption activities. They give priority to two tasks:

- Cooperation with neighbouring countries
- Cooperation with EU member states.

In cross-border corruption cases members of the anti-corruption agencies in both Hungary and the other countries involved work closely to support each other's anti-corruption activities. Hungary cooperates with both its neighbouring countries and EU member states to combat corruption. To facilitate cooperation with neighbouring countries Hungary has a number of bilateral agreements in place. These consist of inter-agency agreements between the protection services in various countries. The PSLEA also cooperates on an operational basis with agencies in other countries. The Central European Regional Forum of Internal Protection Services also has an important role to play in cross-border investigations of corruption.

The PSLEA also has a number of bi-lateral agreements in place with various EU member states and provides operational support to these countries when required. A number of twinning programmes have been implemented which also assist in multi-state corruption investigations. Vital support is also provided by organisations such as the Interpol Group of Experts on Corruption, European Partners Against Corruption and various anti-corruption conferences.

Within the Hungarian Border Guard the following corruption-related allegations have been investigated:

- Bribery
- Abuse of office
- Forging a public document
- Smuggling
- People-smuggling
- Anti-property crimes
- Military crimes
- Links with organised crime groups

In the course of their investigations the PSLEA have identified a number of reasons why individuals engage in corrupt activity. These include:

- Financial gain
- Inadequate knowledge of the law
- Improvement of the quality of work life
- Lack of expertise/professionalism
- Inadequate leadership
- Poor decision-making
- Personal problems

## **5. Conclusions**

### **5.1 Overview**

This section draws together key conclusions from the conference presentations and the output from the workshop sessions. Conclusions are presented under 4 headings: Prevention, Detection, Investigation and Prosecution. A full transcription of the workshop output may be found in appendix 3. Details of workshop participants can be found in appendix 1, and the introduction to the workshop session in appendix 2.

### **5.2 Prevention of Corruption**

Central to prevention of corruption is the implementation of a robust anti-corruption strategy and mission statement. This has the added benefit of sending a clear message to employees that the organisation has a 'zero tolerance' approach to corruption. The strategy should be supported by clear ethical and disciplinary codes.

Operating procedures should be clearly defined, and documented in a procedures manual distributed to all employees. Random spot-checks should be implemented to monitor compliance with defined procedures. Staff roles should be clearly defined, and the scope for acting outside of prescribed duties minimised. Staff roles should be rotated on a regular basis.

Where possible, processes should involve more than one person, for example in the issuing of registration cards. This helps to minimise the risk of a corrupt individual subverting the process. Building a degree of randomness into procedures, for example not allowing appointments to be made with specific immigration officers, can also help to minimise the risk of corruption.

Training also has an important role to play in preventing corruption. Training helps to build awareness of the threat of corruption amongst immigration staff. Training emphasises what is expected of staff and provides them with

guidelines on how they should behave if an individual tries to engage them in corrupt activity. It is also important to make immigration staff aware of the indicators of corruption so that they can be vigilant for signs of corruption in their colleagues.

### **5.3 Detection of Corruption**

There are a number of signs that can indicate that an individual is involved in corruption. These include changes in lifestyle or work habits and practices. It is important to be vigilant of such changes as vigilance can often lead to detection. Data from IT audits can also help to uncover corrupt activity. For example, an audit could disclose that an employee has been logged on to the system outside of office hours. A secure IT system with audit capability has a vital role to play in all aspects of the fight against corruption.

Spot-checks and work audits are also useful tools for detecting corrupt activity. Implementing a reporting 'hotline' provides a secure means of obtaining intelligence, and can enhance the detection process. Encouragement of an anti-corruption culture, in which all allegations of corruption are taken seriously, enables staff to come forward if they have suspicions about a particular individual.

### **5.4 Investigation of Corruption**

A number of difficulties are typically encountered in the course of investigation of allegations of corruption. These difficulties include determining whether the allegations are genuine, obtaining the proof required for a successful prosecution, and maintaining secrecy. Thus, it is vital that allegations of corruption are thoroughly investigated, where possible by investigators external to the organisation.

Human intelligence and data from IT systems are essential to the investigative process. In addition, data from all available sources should be fully utilised, for example, phone checks, bank enquiries etc. Intelligence should be well-managed and of high quality. This facilitates the development of 'intelligence packages' that can be passed on to operational units.

The investigative process could be enhanced by greater sharing of intelligence, investigative techniques, and case studies by EU partner states. The fact that many corruption cases have cross-border aspects makes inter-state cooperation all the more important.

## **5.5 Prosecution of Corruption**

There was a general consensus that adequate anti-corruption legislation and prosecutorial mechanisms were in place in all of the participating countries. However, it was felt that the prosecutorial process could be enhanced by greater cooperation and coordination between states when working together to achieve successful convictions in cross-border cases. It is also essential to utilise key resources such as the Interpol Group of Experts on Corruption, European Partners Against Corruption etc.

It may not always be possible to prosecute individuals involved in corruption. There are a number of factors that may hinder the prosecutorial process, for example difficulties gathering and supporting evidence, intimidation of witnesses and potential damage to the reputation of the organisation. In cases where prosecution is not appropriate it is important that there are other sanctions that can be implemented, for example demotion, dismissal, fines etc.

## Appendix 1: Best Practice Workshop Participants

### EU AGIS CONFERENCE DUBLIN 2005 Day Two

Workshop Friday 18th November 2005  
 Chaired by Detective Superintendent John O' Driscoll

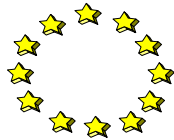


GROUP ONE	GROUP TWO	GROUP THREE	GROUP FOUR
Beech suite	Willow Suite	Mulberry Suite	Sycamore Suite
Prevention	Detection	Investigation	Prosecution
Chairperson Brendan Burke	Chairperson Wal Ingham	Chairperson John Gilligan	Chairperson Tom Dixon
Facilitator Adelina Otera	Facilitator Ciaran Walsh	Facilitator Peter Weerdenburg	Facilitator Reinis Janevics
PARTICIPANTS			
Vlastimil Rehak	Philip Ryan	Paul Fountain	Gerard Cadden
Niall Mc Kiernan	Pat Lordan	Paud Curran	John Foudy
Frank Mc Grath	Jozsef Nahalko	Sean Cullen	Peter Cullen
Michael Kennedy	Joe Deignan	Neil Curran	Martin Donohue
Simon Duignan	Seamus Boland	Ray Jackman	Gerry Connor
Eamon Hession	Paul Burns	Steve Gray	Alistair Woolley
Hazel Bourne	Tamara Meelo	Gererd Overmars	Sujitha Trowsdale
Nick Kinsella	Mick Cryan	Tony Davis	Andrea Mlcochova
Peter Gallagher	Simon O'Connor	Attila Gyongyosi	Gabor Balogh
Frankisek Salavec	Angela Willis	Edvardas Cerniauskas	Agnes Kertesz
Richie Mc Grath	Giedrius Strikulis		Peter Zambo

## Appendix 2: Best Practice Workshop Introduction

**EU AGIS CONFERENCE DUBLIN 17<sup>th</sup> & 18<sup>th</sup> NOVEMBER 2005**

**DAY TWO WORKSHOP**



### **PREVENTION OF CORRUPTION OF PUBLIC OFFICIALS IN THE ADMINISTRATION OF IMMIGRATION LEGISLATION**

The purpose of the workshop is to improve best practice aimed at fighting and preventing corruption of public figures in the administration of immigration regulations.

You are asked to discuss the topics relevant to your group and come up with recommendations to improve best practice.

The workshop that you are involved in is aimed at examining the following issues:

#### **Group One**

**PREVENTION** – What can immigration agencies do to prevent corruption within their service? What structures and checks need to be in place to assist the prevention of corruption? What guidelines should be in place to prevent corruption of officials involved in the immigration process?

#### **Group Two**

**DETECTION** – Are there any indicators that an individual or group is involved in corrupt activity? What are the best methods for detecting corruption? What guidelines / legislation can be used to assist the detection of corrupt activity?

#### **Group Three**

**INVESTIGATION** – What difficulties have been encountered in the investigation of corruption of immigration officials? What best practices are in place in relation to investigating officials suspected of corruption? Is there a role for EU partners to exchange best practice methods in the investigation of corrupt activity involving immigration officials?

#### **Group Four**

**PROSECUTION** – What are the best methods or procedures for gathering evidence of corrupt activity? What legislation is required to effectively prosecute those involved? Are there any other sanctions for those involved, other than prosecution? What difficulties have been encountered in prosecuting persons involved in corruption?

## **Appendix 3: Best Practice Workshop Output**

A number of workshop sessions were held during the AGIS conference to identify best practice in the areas of prevention, investigation and prosecution of corruption offences. Participants were assigned a number of topics and asked discuss these topics with a view to generating practical recommendations and best practice. The output of each workshop session is detailed below.

### **Workshop 1: Prevention**

#### **Q. What can immigration agencies do to prevent corruption within their service?**

The group identified a number of key initiatives that could be implemented to prevent trafficking. These are:

- Having an anti-corruption mission statement
- Implementing a code of ethics, discipline code and anti-corruption sanctions
- Education and awareness-raising on the dangers of corruption
- Having a robust anti-corruption communication strategy
- Good investigative capability

#### **Q. What structures and checks need to be in place to assist the prevention of corruption?**

The group listed the following structures and checks:

- Security checks, e.g. vetting prior to employment
- 'Cradle to Grave' culture
- Secure IT systems and audit capability in all processes
- Defined operating procedures with inbuilt checks and balances
- Concern for health and welfare
- Proactive approach to intelligence sharing
- Remove the temptations
- Facilitate the reporting procedure, e.g. have a 'hotline'
- Implement personalised asset seizure audits
- Rotate staff on a regular basis

## **Workshop 2: Detection**

### **Q. Are there any indicators that an individual or group is involved in corrupt activity?**

The group identified the following indicators:

- IT audits – audits are essential to maintain the integrity of the system and to conduct checks on the activities of personnel. For example, if an employee is logged into the system outside of office hours this fact should be disclosed by an audit and this might lead to the prevention of corrupt activity.
- Life style changes
- Changes in work habits and practices
- Tax complaint

### **Q. What are the best methods for detecting corruption?**

The group came up with a number of methods. These include:

- Work results analysis
- Strict supervision of staff
- On the spot checks
- Regular audit
- Use of standard investigative techniques

### **Q. What guidelines/legislation can be used to assist the detection of corrupt activity?**

**Suggestions included:**

- Management training
- Code of ethics
- Integrity testing
- Duty to report

### **Workshop 3: Investigation**

#### **Q. What difficulties have been encountered in the investigation of corruption of immigration officials?**

Difficulties outlined by participants included:

- Co-accused/co-worker conflict
- Determining the scale of the problem – is it a genuine case?
- Obtaining the required proof
- The need for secrecy
- Malicious and anonymous complaints – determining their credibility

#### **Q. What best practice is in place in relation to investigating officials suspected of corruption?**

A number of examples of best practice were identified. These include:

- Internal reporting system
- Special external investigative Unit
- Flagging of suspects using IT system
- Use of technical aids for investigation
- Consideration given to transfer or suspension of subject
- Financial checks
- Internal informants
- Use of a corruption triggers template.

#### **Q. Is there a role for EU partners to exchange best practice methods in the investigation of corrupt activity involving immigration officials?**

The group highlighted the need for the exchange of case studies between EU partners to assist in the investigation of corrupt activity and to share techniques for dealing with corruption. The group also felt that there should be greater awareness of potential cross-border corruption cases. They also recognised the need for sharing intelligence alerts regarding corruption.

## **Workshop 4: Prosecution**

### **Q. What are the best methods or procedures for gathering evidence of corrupt activity?**

The group suggested that the best methods for gathering evidence are:

- Having an independent investigation team – i.e. following the Hungarian and Dutch model where an internal affairs section sits outside law enforcement.
- Setting up a new independent commission
- Implementing covert intercepts and IT and financial audit trails
- Effective and easily available ‘whistle-blowing’ systems
- Anonymous callers

### **Q. What legislation is required to effectively prosecute those involved?**

All participants agreed that adequate legislation was in place in their countries.

### **Q. Are there any other sanctions for those involved, other than prosecution?**

The following sanctions were identified:

- Warnings
- Natural justice, proportionality
- Demotion
- Dismissals
- Fines
- Transfer – tenure
- Suspension

### **Q. What difficulties have been encountered in prosecuting persons involved in corruption?**

Participants highlighted the following difficulties:

- Potentially damaging the reputation of the organisation
- Difficulties gathering and supporting evidence
- Risk of unfair dismissal tribunal
- Witness intimidation
- Possible connection to organised crime.