

Multilevel fights against migrant smuggling

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The role of the Hawala system in the facilitation of illegal immigration

The aim of this paper is to outline the salient features of the phenomenon of aiding and abetting illegal immigration and related activities.

In the Italian legislation on the subject, there have been a multitude of regulatory interventions, which have, lastly, resulted in the elaboration of the Consolidated Act on Immigration.

The latter, in Art. 12 co. 1, punishes the crime of aiding and abetting illegal immigration and also provides in co. 2 an exemption to the conduct of aiding and abetting, in the case of relief and humanitarian assistance activities provided to foreigners in need, who are in the territory of the State. In this context, it also notes the preponderant role of transnational organized crime, which is attracted by the huge profits from these activities.

Among the criminal conduct engaged in by it are those of abusive payment service activities and transactions carried out through automatic cash deposit systems and aimed at money laundering.

Closely related to aiding and abetting illegal immigration is the use of hawala, an informal funds transfer system, which is the main means of payment for migrants' journeys and the price of their release.

This system, proposing to carry out a variety of remittance and money transfer activities, through untraceable transactions, makes it difficult to detect and thus combat.

Ultimately, the provision of appropriate sanctioning responses is essential to curb the spread of this criminal phenomenon related to the facilitation of illegal immigration and protect migrants, who are its victims.