



# A comparison of Vietnamese and Chinese human smuggling networks transporting people to the UK; similarities and differences in methods used and the experience of migrants travelling to and living in the UK

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## Abstract

The smuggling of Chinese and Vietnamese nationals to the UK has garnered significant media, public and government attention. Both nationalities continue to feature prominently in reporting of modern slavery and trafficking where popular narratives indicate people from both countries are mostly forced into exploitative conditions having been tricked or compelled by circumstance to migrate illegally to the UK by organised crime groups. This article, based on research carried out over the past decade compares who, how and why people from Vietnam and China are smuggled and the types of criminal organisations involved in their movement and any subsequent criminality. It argues that whilst a minority of those smuggled may experience human trafficking, most do not and are economic migrants. In so doing it underscores the dissonance between public narratives and lived experience of those undertaking migration and demonstrates that broad brush enforcement responses to illegal migration are unlikely to be successful.

**Keywords** Snakehead · Organised crime · Human smuggling · Human trafficking · Illegal migration

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## Introduction

Chinese migrants have featured in two of the most tragic and high profile migration incidents in the United Kingdom, with 58 suffocated Chinese nationals found at the Port of Dover in 2000 and 23 migrant cockle pickers drowning in Morecombe Bay in 2004 (BBC News 2000; BBC News 2014). Therefore, when 39 people from Asia were discovered deceased in a refrigerated lorry in Kent, October 2019, it was unsurprising, but unfortunate, that Essex Police and the media initially assumed them to be Chinese nationals. In-fact they were Vietnamese nationals, exposing both the unconscious bias of initial responders (Hien 2021) and how, as will be outlined below, migration patterns have changed. Indeed, Vietnamese nationals are, at the time of writing, the largest group seeking to reach the UK via small boats (BBC News 2024). This article aims to distil the similarities and differences in the smuggling activities of two nationalities with two distinct diaspora communities in the UK and explore if and where serious and organised criminality is involved within each.

Stories of exploitation and abuse of migrants from both China and Vietnam, but particularly the latter, regularly appear in the UK media (see for example, Barnes 2019; BBC News 2021; Reed 2021; Riley 2019; The Observer 2021). In 2020 both nationalities featured amongst the top 10 nationalities referred to the UK National Referral Mechanism as potential victims of trafficking (Home Office 2021), as they had done on multiple occasions for the last decade (National Crime Agency 2018).<sup>1</sup> According to the Independent Chair of Immigration and Borders report (2023 p.18) both Chinese (7th) and Vietnamese (9th) appear in the Top ten nationalities encountered and arrested for the period 1 August 2022 to 31 July 2023. When discussing illegal migration the predominant narrative espoused by government, press and many non-government organisations is a binary one. First, there is a ‘victim centred’ paradigm that people of both nationalities are usually coerced, tricked or deceived into undertaking expensive and dangerous illegal journeys and then find themselves highly vulnerable to further exploitation in the UK. In essence, these narratives focus on people who would be considered trafficked, rather than smuggled. Secondly the ‘victims’ are portrayed as targets of nefarious and sprawling global organised crime networks such as the Triads (Duffy 2023; Edwards 2018).

In fact, it is argued here that, as Woodiwiss and Hobbs (2009) posit, such networks are often nothing more than an updated alien conspiracy theory that exaggerates the criminal threat of non-UK citizens. The ‘global conspiracy’ narratives centring on the extent of organised criminal involvement in human smuggling have been comprehensively challenged by academics (see for example, Campana 2020; Mai et al. 2021; Zhang et al. 2018). Research on Vietnamese (Silverstone and Savage 2016; Silverstone and Brickell 2017); and Chinese (Pieke 2004;

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<sup>1</sup> Although it is worth noting that Vietnamese applications are always greater than Chinese and Vietnamese children have either presented as first or second in relative position for child referrals (NCA 2018, 2019; Home Office 2022). In 2022 China was not amongst the top ten and Vietnamese numbers had dropped outside the top three nationalities for the first time (Home Office 2023).

Silverstone 2011b; Whittle 2022) illegal migration to the UK have further undermined the exploitation and ‘global conspiracy’ paradigms.

Indeed, research illustrates that irregular migration methods and approaches differ depending on the country of origin and methods used. Examples of different approaches include the ‘pay as you go’ system in West Africa outlined by Tinti and Reitano (2016) where migrants stop and work en-route to fund the next stage of their journey; which is quite different to the pre-payment model outlined by Zhang (2008) for illegal migration from China to the US. Often the journeys are undertaken voluntarily and exploitation happens on arrival and is not necessarily linked to the smugglers themselves (Pham 2023; Silverstone 2021).

There has been little focus and attention paid to comparing and contrasting migration flows and smuggling networks from different countries to understand the similarities and differences, but which appear to often result in the same outcomes for those who migrate illegally. This article will compare and contrast the motivations, methods, means and experience of people migrating to the UK illegally from China and Vietnam to the UK. In the process it aims to show that while there are similarities in the motivations and means there are some differences in terms of experience and methods.

## Terminology

There are various terms used to describe non-standard means of migrating. Illegal, irregular and illicit migration are all used to describe similar processes. In this paper the term illegal migration will be used. This decision was made as the research suggests those undertaking illegal migration from China and Vietnam generally do so knowing they will be breaking laws in source, transit and/or destination countries. This does not imply that those migrating are habitual criminals who are otherwise part of, or associated with, serious organised crime groups. They are, as will be outlined below, largely migrating for economic reasons rather than, for example, the reasons refugees may be. For example, fleeing war in Syria, avoiding open-ended national service in Eritrea or escaping Taliban repression in Afghanistan. This is an important distinction to be made as in the preceding situations it could be said that people are compelled to migrate; whereas illegal migration from Vietnam of China to the United Kingdom usually involves an element of choice.

A common, at times intentional, mistake that governments, the media and other actors make, is to conflate human smuggling and trafficking. This despite clear UN definitions contained in Article 3 of the UN Protocol against the Smuggling of Migrants by Land, Sea and Air where it is stated:

"Smuggling of migrants shall mean 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 a permanent resident" (UN 2000).

The same protocol defines trafficking under the ‘Trafficking in Person Protocol’ as:

“...The recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments of benefits to achieve the consent of a person having control over another person, for the purpose of exploitation...”

The regular conflation of the two terms has received significant academic comment and investigation over the past decade. At a basic level, smuggling involves at least some limited consent (Campana and Varese 2016), occurs across national borders and generally involves a crime against a country rather than a person (UNODC 2024a). In contrast, as the UN definition above and prior research notes, trafficking is an offence against the person with coercion (broadly defined) used to compel and control those migrating (Gregoriou et al. 2021).

It is important to acknowledge that there are grey areas and that in practice the legal distinctions are contested<sup>2</sup> (see Silverstone 2021). Migrants can set out willingly and then find themselves trafficked either during the journey or on arrival in a country. For example, Vietnamese migrants are sometimes coerced into exploitative working conditions within the United Kingdom in unsafe cannabis factories; some become subject to forced labour or debt bondage despite leaving Vietnam voluntarily (Silverstone 2021; Pham 2023). Apart from National Referral Mechanism<sup>3</sup> (NRM) statistics and highly publicised narratives on sexual exploitation (see for example, Pai 2008 on sex workers) there are comparatively fewer examples of Chinese migrants beginning as smuggled then becoming trafficked. Indeed, as Soudijn (2006, pp.141) noted in his research on Chinese illegal migration to the Netherlands: “*We have to keep in mind that migrants are not mere victims but consciously use the services of a smuggler in order to arrive at a preferred destination*”. Research has shown, at times, very calculated decision-making by Chinese migrants with female Chinese sex workers working in the sex industry where money can be made far more rapidly (Chin and Finkenauer 2012; Pai 2013); thus meaning they can remit money faster and ultimately return to their families in a much shorter period. Such work is, of course extremely dangerous but these examples question traditional paradigms which downplay individuals decision making and suggest those working in precarious industries must have been forced to do so (i.e. trafficked). For the purposes of this article the authors distinguish between the two based on smuggling involving an element of consent that is lacking in trafficking where coercion is present.

<sup>2</sup> For example, the European Court of Human Rights (2021) in the case *V.C.L and A.N v the UK*, found the UK courts had failed to adequately identify and protect two victims of child trafficking from Vietnam.

<sup>3</sup> The National Referral Mechanism is the UK framework to identify potential victims of modern slavery (this includes human trafficking). It is important interrogating NRM data to note the difference between the number of cases per nationality referred for assessment and the total number of confirmed cases. Often it is the former that is highlighted in media reporting which can provide misleading picture of the scale.

Another well-trodden debate surrounds what ‘organised crime’ is. As Antonopoulos and Papanicolaou (2018 p.2) note:

“...while...there is some agreement about some characteristics of organised crime, there is no complete agreement, let alone one uncontested definition of it, whether scientific or legal. The root of this confusing state of affairs is found in the different perspectives of those who are in a position to shape how the various phenomena associated with the label ‘organised crime’ are understood in society... Additionally, this understanding is also shaped by powerful institutions and organisations that actively attempt to influence how an issue is viewed and addressed depending on their interests and aims.”

Most research suggest that human smugglers / smuggling groups should perhaps be considered criminal entrepreneurs and more ad-hoc groupings rather than sprawling global networks (see for example, Chin 1999; Zhang 2008; Whittle and Antonopoulos 2020). Accurately differentiating between large organised multi-commodity crime groups which are stressed in press reports and the types of smaller flexible business orientated crime groups which emerge from our research is difficult using standard definitions of organised crime. Noting, as above, that there is no agreement on what ‘organised crime’ is and the very broad range of criminality that could come under the multiple definitions of organised crime that exist<sup>4</sup>; the authors posit that human smuggling is much closer to the flexible / ad-hoc end of the spectrum of organised crime. References to organised crime contained within this article should then be read with the caveats noted above.

## Vietnamese and Chinese migration dynamics

It is important to state at the outset that both Vietnamese and Chinese communities in the United Kingdom are overwhelmingly law abiding. In the Chinese case, its UK diaspora are better remunerated and educated than their fellow white British and most diaspora counterparts (Census 2021; Gov UK 2023a). In relation to foreign prisoners in UK prisons, the Vietnamese account for 2% of the foreign prison population with the Chinese prison population negligible (Sturge 2021). This is to illustrate the point that while it is popular for the media to lay blame for criminal activity on ‘foreign’ entities; the established legal communities of Vietnamese and Chinese are generally law abiding. Therefore, from a policing perspective both nationalities

<sup>4</sup> The United Nations Convention against Transnational Organized Crime (2024b); p1) provides a definition of an organized criminal group according to the following criteria: “a structured group of three or more persons; that exists for a period of time; and acts in concert with the aim of committing at least one serious crime; to obtain, directly or indirectly, a financial or other material benefit”. The United Kingdom definition is broader still defining serious and organised crime as: “...individuals planning, coordinating and committing serious offences, whether individually, in groups and/or as part of transnational networks” (Home Office 2023; p1). Note that the UK definition does not include a minimum number of individuals or mention a type of structure.

rarely feature in police mapping of either existing or emerging organised crime threats and extant research is limited.

As Barber (2015) notes, scholars have observed that there is relatively little written regarding the Vietnamese diaspora and often, as a community, they are subsumed into the broader Chinese/oriental category with only the stories of human trafficking creating a mediated image of an idealised victim. In reality, the Vietnamese diaspora, Vietnamese minorities in Vietnam and their relationship to the Chinese community is complicated. Firstly, there are fifty-three ethnic minority groups within Vietnam, and their exact size is not clear, but it is possible that ethnic Chinese population (known as Hoa) are one of, if not the largest in the country (Baulch et al. 2007, UK Visas and Immigration 2024). Many Hoa left Vietnam as part of the migration of the ‘boat people’ to the UK as refugees following persecution due to a perceived association with commercial activities after the victory of the communists. Vietnamese ethnicity and identity is then much different and more complicated than the more homogenous Chinese.

Soon after the communist victory, China invaded the North of Vietnam 1979 in (amongst other factors) support of the Khmer Rouge and fought a short but bloody war before withdrawing (Chen 1983; Nguyen 2017). Today, the border remains relevant in-terms of human trafficking with recent research suggesting that the trafficking of Vietnamese women into sex work, primarily in Chinese run brothels and as ‘brides’ to Chinese nationals, continues and forms a critical piece in understanding human trafficking from Vietnam (Le and Wyndham 2022). Victims are disproportionately ethnic minorities; a database of over 1,600 victims indicated that H’mong people are fourteen times more likely to be trafficked than Kinh Vietnamese majority people (Le and Wyndham 2022 p.44). In relation to recent analysis of all those of convicted of human trafficking in Vietnam, researchers concluded that as well as being disproportionately from the H’mong minority victims had shared vulnerabilities, such as low education levels and socio-economic poverty. The research found that those caught are:

“...relatively low-level recruiters and would not normally be considered professional criminals...Of the 206 traffickers for whom researchers in Vietnam possessed detailed information, 79 per cent had violated the law for the first time” (Le and Wyndham 2022 p.37).

In terms of the structure of the crime groups involved, traffickers often knew their victims and the groups themselves were likely to be small (Nhien 2016). Researchers contrasted the Vietnamese media’s coverage of human trafficking which focuses on strangers and the dangers of drugging and kidnapping with the evidence in the court documents. They found a more mundane reality, where the victims of trafficking were recruited via false job offers (34 per cent) and false relationship/friendship offers (26 per cent and Marriage brokers (25 per cent) as opposed to the more sensationalist headlines (Le and Wyndham 2022).

In relation to the Vietnamese illegal migration, it is far from uniform. As outlined above, the initial diaspora population in the United Kingdom were predominantly southern Vietnamese and included many Hoa. In the 2000’s migration came mainly from Hanoi and Hai-Phong and through Eastern Europe such as Czech Republic,

and Germany. But since 2010, new migrations are continuing from Hai-Phong from the Central Northern Coast provinces of Nghe Ann, Quang Binh and Ha Tinh (Silverstone 2021). The overwhelming majority of those who migrate to the UK are from the ethnic Kinh majority and are not ethnic minorities (Silverstone 2021).

Historically illegal migration from China came, almost exclusively, from specific areas of Fujian, and to a much lesser extent Zhejiang provinces (Pieke 2002). Those migrating were generally not from the poorest socio-economic backgrounds but often those with the resources, such as access to finance and requisite ‘guanxi’ (connections) to do so, or from stifled middle classes frustrated by a lack of social mobility (Chu 2010). However, as China’s economic transformation has continued apace it has been suggested that increasingly people from poorer backgrounds are feeling left behind and that their only way to become prosperous is to travel overseas (Latham and Wu 2013).

In the 1990’s illegal migration from China to the west was often via boat or through multiple countries which could often take many months. Research suggests this has now changed with a small number arriving clandestinely in boats or undertaking arduous journeys overland; with the main methods now more direct using forms of visa fraud or abuse (Whittle 2022). It has also been suggested that, similar to the Vietnamese illegal migration trends outlined above, people are migrating illegally from a far wider range of locations in China beyond the traditional hub of Fujian (Whittle 2022).

In relation to their interaction in the irregular community, the Vietnamese work within both Chinese and Vietnamese owned businesses and it has been reported Chinese organised crime groups, like other criminal groups indigenous or foreign (Albanian), employ Vietnamese nationals as cannabis gardeners. However, according to Police and community sources interviewed in our research, there are no known examples of Vietnamese crime groups employing Chinese nationals.

In the United Kingdom, the sizes of the respective communities are very different with the illegal Chinese community in the UK has been estimated to be up to 200,000 people (Wu 2009) and the Vietnamese 20,000 (Sims 2007). However, these estimates are now dated and the Chinese community estimated to have plateaued and the Vietnamese grown (HMG 2022; NCA 2022).

## Methods

This paper is based on research which has taken place by the respective authors over the period 2009–2021. This includes multiple research visits to both China and Vietnam, interviews with illegal migrants, government officials, law enforcement, civil society organisations and community leaders.<sup>5</sup> Importantly a large proportion of the evidence collected is from those in the UK illegally, or who have returned to China

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<sup>5</sup> See Silverstone (2011b), Silverstone and Savage (2010), Silverstone and Brickell (2017) Silverstone and Whittle (2016) Silverstone (2021) and Whittle (2022) for more details on methods and evidence collected.

or Vietnam having lived illegally in the UK. Meaning that the research has been informed by the lived experience of those taking part, as opposed to reliance on secondary sources and ‘expert’ opinions. These first-hand accounts were enriched by interviews with government, law enforcement, community and multilateral experts whose work gave them direct insight to the subject matter. This significant range of data and experience gathered in multiple projects over the past decade is supplemented by recent work of one author. This involved working as an academic consultant for the BBC Sounds (2021) engaging with interviews with recent Vietnamese illegal migrants ( $N=3$ ); Community Leaders ( $N=5$ ) and senior Legal and Law enforcement staff ( $N=3$ ).

## Motivations

The main drivers for illegal migration from both Vietnam and China to the UK are economic and social push/pull factors. Historically, much of the most authoritative work on Chinese (Chin 1999; Pieke 2002; Zhang 2008) and Vietnamese (Silverstone 2011a; Tan and Nguyen 2017; Luong 2020) human smuggling networks highlighted how illegal migration tended, as noted above, to come from specific areas of each country (Fujian and Zhejiang in China and Hai-Phong in Vietnam). In neither case are these the most impoverished areas of the respective countries; a nuance often overlooked in some narratives. Relative to their fellow citizens, they are often in fact better off.

With migration coming from specific sending areas this created a permissive environment for chain migration to be established as successful migrants looked to share the positive benefits of migration by assisting friends and relatives to travel too. Rather than there being stigma attached to illegal migration, in sending areas it is valued due to the amount of remittances<sup>6</sup> and prestige that are generated. Chain migration drives the development of illegal industries (such as document forgery, corruption and loan-sharking) in those areas to facilitate more people to travel (often with the support of those already overseas or having just returned). With specific sending areas this also puts in place the building blocks for further illegal migration with those overseas remitting money and using wealth demonstrably in the building of large houses or the purchase of new vehicles to further their families’ social standing; this in turn motivated others to attempt to send family members overseas. For example, in certain Chinese townships in Fujian it has been widely documented how illegal migration has led to migrants building large homes, mausoleums and other ostentatious ways of publicly demonstrating wealth which has then ‘pushed’ others to seek to improve their prospects through illegal migration (Zhang 2008; Chu 2010). Such is the normality that one expert interviewed commented that moving

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<sup>6</sup> China being the third largest destination country in the world for remittances with an estimated \$51 billion returning from abroad each year. For Vietnam remittances are estimated at about 4.6 percent of GDP in Vietnam in 2021 and is one of the 10 countries receiving the most remittances in the world (KNOMAD 2022).

from certain areas of China to the UK illegally was seen as being like the ‘gap year’ young westerners take before or after university (Whittle 2019).

There are some parallels here with Vietnam where survey and interview work has been conducted on the lives and aspirations of migrants. When writing a decade ago, the preeminent sending province and city of Hai-Phong. Hai-phong was a more prosperous province of Vietnam with an established reputation for entrepreneurship and established migration to the US (Silverstone 2011a). This has evolved with migrants now coming from some of the poorest and least developed provinces within Vietnam. However, those with the least means still tend to migrate locally to countries such as Thailand, Malaysia and China. Further key international destinations are the US and Australia with remittances making up 5% of the economy (KNOMAD 2022). Whereas those who migrate to the UK, according to Vietnamese researchers, are relatively better off. Alliance Anti-Traffic (2014 p.16), who visited returnees residences in Nghe An, reported: “*We realised that most of the returnees’ families could afford an average living standard*”. They described their backgrounds as follows:

“Wealthy families (high class), who own their own shops, cars and houses (25%). Secondly, middle class, maybe 35%, who might be land dealers, mortgage brokers. Thirdly, poorer people who did not own their own land or homes and lived with families (40%) but not without resource; families clubbed together to provide a pot of money and others mortgaged family houses” (Alliance Anti-Traffic 2014 p.16).

It is the case that for these groups, the United Kingdom remains an enduring destination with the potential to earn money, greater political freedom and language all forming part of its attraction. Two relatively large scale studies, one of 140 returnees and another of 340 returnees in key sending provinces in Vietnam concluded that for the vast majority the motivation was relative poverty and economic events (Alliance Anti-Traffic 2014; Foreign and Commonwealth Office 2014). This includes both economic reverses in Vietnam, such as job losses and perceived economic opportunities in the UK, to pay for further education and schooling.

Despite many media stories about horrific exploitation and government funded ‘awareness raising’ initiatives about the dangers of illegal migration, smuggling continues to operate, partly due to cultural factors which need briefly elucidating. According to Nguyen (2019 p.18) confusing values mean that the presentation of an “individual’s image to the public is extremely important and is referred to as ‘to keeping face’ in the Vietnamese culture”; therefore there is a cultural reticence to articulate the difficulties experienced on the journey or during their work in the UK. This has two aspects, one is a cultural reluctance to let others in the close community perceive any failure or loss of face and secondly, a reluctance to articulate the troubles to parents and other family members who may have sacrificed financial security to fund their migration. The combined influence of family and reputation cemented in strong bonds forged in settled communes in Vietnam mean that there is usually enough trust to operate transnational networks. This reluctance to share the desperate and difficult parts of a risky migration helps explain why illegal migration remains popular. Emblematic examples of this communication were evident from

those who suffocated in 2019, with one victim recording a final message to his wife and children, saying: “I’m sorry. I cannot take care of you”, and another Phm Thi Tra My who sent a final text reading “I’m Sorry Mom, path to abroad didn’t succeed” (South China Morning Post 2019).

Whilst Vietnam has weathered the covid storm well, and the economy continues to expand, this expansion is uneven and often dependent on family connection. Despite the recent tragic deaths and the many unsuccessful migrations, there are obvious signs of success, in relation to large houses and cars that at least give the impression to others of the worth of going to the UK and migrations continue.

There are some striking similarities here with China. Within Chinese culture people greatly fear ‘losing face’ so, in the context of illegal migration are reluctant to admit difficulties or failure to migrate illegally and / or earn money overseas. This is to the extent that some migrants did not even tell their friends or family they had returned to China after unsuccessful life in the UK (Whittle 2019). As already noted, those migrating from both countries are attracted by the apparent success of relatives or peers who project their success through social media and through remittances; inspiring others to seek to emulate them.

Another similarity between Vietnamese and Chinese smuggling is the means. Broadly, people from both countries usually base their choice of smuggler on recommendations from friends or family or by approaching smugglers known in the local community. This is contrast with what could be said to be the ‘predatory narrative’ whereby smugglers supposedly approach naïve migrants and trick them into undertaking dangerous journeys. In both China and Vietnam the process is similar. Migrants pay the fee or deposit, often with the support of family members, who sell land, borrow money or rely on relatives already overseas to sponsor them. Borrowing can be from illegal lenders but not always with friends or family contributing. This undermines the common narratives put forward by media and policy makers about debt bondage.

Whilst these business relationships are voluntary, it doesn’t mean that they cannot include elements of exploitation with high interest rates and deleterious consequences for families whose relative is deported quickly when they have not earned back the fee. In Vietnamese cases there exist two longstanding fee structures for migrants (Tan and Nguyen 2017; Pham 2023). First, the premium fee which promises to take the migrant expeditiously to the United Kingdom. How this occurs varies over time but usually, before BREXIT at least, involved exploiting a visa vulnerability<sup>7</sup> within Europe such as in France, Ireland and Serbia before arriving in the UK. The most common route is though, a long one which involves a legal visa from Vietnam to China, on to Russia and then an often both, arduous and extended journey across Europe utilising multiple transport methods. This can involve long stays, sometimes including working, in transit countries such as Ukraine, Germany and France. In France, Vietnamese migrants are assembled in private accommodation or

<sup>7</sup> A visa vulnerability, pre-Brexit, might have meant obtaining a ‘soft visa’ (see next footnote) or abuse of a legal route. For example, using fake documents or similar to obtain a legitimate student or tourist visa with the intention to overstay or work otherwise in accordance with the reason the visa was issued.

in make-shift camps like other migrants depending on the intensity of French Policing interventions and then most recently make their way across the channel on small boats.

There is a difference here with the experience of Chinese migrants. The most recent research suggests that migrants now use shorter and more direct routes to get to the UK; using either a ‘soft visa’<sup>8</sup> or by abusing legal routes (see Whittle 2022). This was backed up by data which showed that 2010–2017 less than ten Chinese people per year were identified attempting to enter the UK clandestinely, that is, hidden in a vehicle or container (Whittle 2022). Historically research indicated that illegal migration from China involved much longer clandestine journeys taking months in boats or across multiple countries (see Chin 1999; Zhang 2008). So, this appears to be a difference between Vietnamese and Chinese illegal migration where the latter has evolved to, most likely, meet customer demand for shorter and less arduous methods.

### Organised crime or crime that is organised?

One of the policing narratives concerning serious organised criminals is that they are large organisations who are multi-commodity brokers and will move into whatever generates income (NCA 2020). However, the lives of those who facilitate migration from both China and Vietnam do not accord to this hypothesis. Chinese and Vietnamese facilitators of illegal migration follow segmented working patterns primarily servicing demand of their fellow nationals and are often in other legitimate employment at the same time.

Law enforcement officers interviewed recently ( $n=3$ ) did not support the contention that Vietnamese facilitators are involved in brothels or as sex workers. This despite the National Referral Mechanism recording consistently high numbers of Vietnamese who have allegedly been trafficked for sexual services. It appears to be the case that those who organise the migration are separate networks from those who offer (illegal) employment in the UK. For example, the trial of those who orchestrated the fatal smuggling operation in 2019, offered an insight into how the business is structured and the amount of money and constant activity involved. Those involved made at least four successful journeys and were paid £13,000 per migrant. As the judge concluded:

“...there was evidence of four such transportations...(the operation was a sophisticated, long-running and profitable conspiracy to smuggle mainly Vietnamese nationals across the channel. The conspiracy amounted to professional organised crime, with the use of largely unregistered phones, committed to make a profit” (Nica Rv et al. 2021 p.17).

<sup>8</sup> A ‘soft visa’ is where a migrant obtains a visa for a Schengen country that perhaps has less robust visa checks. They then use that visa to travel to the UK. Given the UK has now left the European Union this may have altered this method of travel.

Yet despite the established nature and criminal robustness of this organisation there was no evidence of evidence to control migrants once they arrived. Indeed, it was also the case that at least some of those involved in this fatal conspiracy were also working in legitimate haulage in addition to their criminality (Mackin 2021). Therefore, it appears the perpetrators were involved in smuggling (i.e. facilitating the illegal movement of people) alone, with no evidence of human trafficking through forced labour on arrival or some of the other criminality that smugglers are often associated with.

It is a similar story with Chinese facilitators. Zhang (2008) and Chin (1999) found very limited evidence that those who facilitate human smuggling from China, generally termed 'Snakeheads', were involved in other types of transnational criminality. In addition, as noted above, while illegal migration is socially acceptable within the sending areas of China, engaging in wider forms of criminality is not. Research suggests that Snakeheads transporting people to the UK exclusively offer smuggling services and are not involved in other types of organised crime, nor do they have significant criminal links (Whittle 2022). They could be better characterised as travel agents for illegal migration. Reuter (1983) wrote about 'disorganised crime' and the small, entrepreneurial ad-hoc groupings that come together to facilitate a specific type of criminality. Snakeheads would seem to fit well into this mould but whereas Reuter's work focussed on geographically localised criminality Snakeheads operate transnationally. A Snakehead smuggling 'network' can be as simple as just a single person who is able to, for example, use their resources to obtain a fraudulent visa to enable a migrant to travel. As both Chin (1999) and Zhang (2008) found, Snakeheads often had other jobs and were not full time smugglers but instead used their resources and links to facilitate illegal migration as a side operation.

Therefore rather than large flexible and potent organised crime groups, the mundane reality is that illegal migration from both countries is brokered by fairly non-descript, but effective, facilitators.

In the UK the structure of Vietnamese organised crime is unclear including the types of criminality that they are involved in. However, what is clear though is the Vietnamese are active in the niche illegal cannabis cultivation industry but they are not involved in the distribution of meta-amphetamines as they are in the Czech Republic (Kraus and Nozina 2020). Vietnamese groups are well known for cannabis cultivation in Canada, Australia and the UK, gaining a reputation for diligence and sophistication (Giang 2022). Both police and academics have noticed the increasing engagement of all types of organised criminals with cannabis cultivation, and this may also increase the likelihood that people involved, which can include migrants on arrival, are exploited or coerced (NPCC n.d.; Kirby and Peal 2015; Ancrum and Treadwell 2017). Cannabis cultivation entails the commercial growing of cannabis and the abstraction of electricity. Around this are many other supporting functions, such as importing and distributing hydroponic equipment, renting and buying both commercial and residential properties. Cooking meals for gardeners and distributing cannabis at wholesale level.

A niche and legitimate industry that the Vietnamese diaspora specializes in is the nail industry. Whilst one of the few successful prosecutions for human trafficking was of Vietnamese nail bar owners (Batha 2016), it is now thought that

most employment in the industry is not exploitative. Instead, it is now accepted that journalists have exaggerated the numbers of Vietnamese involved and the risks they face (Chalabi 2013). In both industries, nails and cannabis, the lack of research makes it difficult to know exactly what the circumstances of those involved are, however, it is argued here that, on balance, the vast majority of those involved in nail bars are treated well and can make a living which, as long as they are not arrested, makes their migration worthwhile (Silverstone 2021). In relation to cannabis cultivation the picture is more complicated. There are many credible cases where Vietnamese nationals have been arrested in dire conditions and others where the allegation has been that they have been exploited, running risk of fire, victimization and trafficking. An example of which, was the four ‘gardeners’ recovered from the derelict Chilmark Nuclear Bunker in Wiltshire in 2017 (Gentleman 2017). However, there are also first-hand accounts of gardeners making large amounts of money from harvests and cannabis growing on an industrial scale (Giang 2022). Therefore, those involved in running multiple cultivations will meet the criteria of serious and organised criminals (Luong 2021); however, the link between growers and those facilitating people to migrate is not clear, and there is no research suggesting growers are also smugglers. As such, currently it is impossible to know definitively how large these (cannabis cultivating) organisations are and indeed how they are usually structured in the United Kingdom.

Chinese migrants have also been associated with cannabis cultivation but not on the scale of the Vietnamese. A major investigation by a UK Regional Organised Crime Unit found evidence of Chinese nationals, many of which were in the country illegally, being involved in cannabis cultivation, massage parlors and money laundering involving millions of pounds each year (Whittle 2019). There was no apparent link though suggesting the group were involved in facilitating illegal migration.

Concern about Chinese organized crime and both its operations in, and impact on, the UK has been growing. Media reporting suggests that the Chinese state now works with and through Chinese criminal groups in Europe to further its aims in a mutually beneficial relationship (see, for example, Rotella 2023). This is alleged to include criminal groups pursuing persons within diaspora communities on behalf of the state; and Chinese banks facilitating money laundering in a convenient quid pro quo. A UK National Crime Agency assessment highlighted the emergence of the threat of Chinese underground banking and money laundering activities (NCA 2019). While research in the US has suggested migrants often use underground banking; with New York’s Chinatown a ‘haven’ for underground banking (Zhao 2013) to date only anecdotal published information exists on the subject in the UK. It seems likely though that illegal migrants will rely on underground banking to remit money back to China; this could then be an area where migrants could interact with organised crime; out of necessity to remit funds back home. In general though, Chinese migrants have not been linked to specific types of criminality and exploitation in the UK beyond ‘ideal victim’ (Hoyle et al. 2011) narratives around exploitative working conditions in restaurants and brothels. The scope for links between organised crime and Chinese migrants is perhaps then less direct than with Vietnamese counterparts who, as noted above, are well-known to cultivate cannabis.

## Smuggled or trafficked?

Overall, the (limited) evidence points towards most migrants of both nationalities being smuggled, with the caveat that in the Vietnamese case due to the long migration journey and propensity to be involved in cannabis cultivation that they are legally (in the eyes of the law in the UK, if not the migrants themselves) subject to trafficking at some point. With regards to Vietnamese illegal migration a smuggling network can become a trafficking network, as though the migrant consented to leave the country, the terms of the contract were not as anticipated, they had to work in exploitative work to raise funds on the journey and so on. Or, whilst wanting to work in cannabis cultivation, they found themselves trafficked, in that they are moved to cannabis cultivation, not paid for their work and find themselves working excessive hours, in cramped, dangerous conditions and ultimately not being paid what was agreed.

It is worth noting here that the National Referral Mechanism and the welcome defences provided by Section 45 in the Modern Day Slavery Act, are open to abuse by both nationalities. Originally, viewed as an important innovation in the monitoring and protection of victims of human trafficking, the process has sustained criticism from different viewpoints and has undergone several iterations (Gadd and Broad 2018; Home Office 2014; IASC 2020). The uniformity of practice ought to have improved with decision makers working to the single competent authority under the auspices of the Home Office. However, compared to the criminal courts it has a relatively low bar for its balance of proof at both reasonable (on the balance of probabilities) and conclusive grounds (more likely than not) decision stages and the import of its conclusions lost credibility with the recently declared inadmissibility in court cases (Brecani RV 2021). Whilst its purpose was to find a tool sympathetic to victims who have been already potentially been traumatised, the lack of an interview between the decision maker and the victim means the victims narrative goes unchallenged with the caveat that actionable intelligence, such as address of the perpetrators, circumstances in the country of origin should be checked.

As outlined above the quality of the decision making and the veracity of the reports has not been subject of research. It is worth noting that in 2021 the competent authorities issued 12,665 reasonable grounds decision of these decisions, 90% (11,387) were positive and 10% (1,278) were negative. At conclusive grounds stage, approximately another 10% are declined (Home Office 2022 p.1). Similarly, in 2022 only 49% of cases referred to the NRM involved offences solely in the UK (Home Office 2023). Secondly, as has been observed by His Majesty's Inspectorate of Constabulary, Fire and Rescue Service (2020), it is the case that criminal organisations in relation to County Lines, know how to misuse the process and deliberately advise, people to fabricate the extent of their victimisation. The reality is that Vietnamese applicants are no different. The improbable stories of orphans and sudden and violent abduction circulate whereas the Chinese narrative tends to involve omnipotent Triads, victims of sexual exploitation or the persecution of minorities / religious sects.

## Challenges to tackling illegal migration

It is argued here that there is often a segmentation between the migration brokers in the source country and the activities of migrants in the United Kingdom. Secondly, that for the vast majority the decision to migrate to the United Kingdom is voluntary (although there may be some deception over the terms of the arrangement). This means the enforcement paradigm focussing on supply (of illegal services by supposed ‘organised crime’) rather than demand (people wanting to move with no legal means of doing so) is unlikely to achieve its goals.

Publicly, one of the UK’s National Crime Agency’s (2022 p.1) aims is to eradicate modern slavery and human trafficking as one of its highest priorities by ‘pursuing and targeting offenders’. There have been some high profile successful investigations, including of those who orchestrated the smuggling of 39 who died in the lorry (See Nica RV 2021); the conviction in 2019 of Tran and the Nguyens for human trafficking and modern slavery offences involving young Vietnamese women and nail bars (Batha 2016); and a recent conviction by Police Scotland of a variety of defendants for the forced prostitution of a Chinese national (COPfS 2022). However, while promising these are a handful of high profile cases.<sup>9</sup> The United Kingdom law enforcement community has multiple organisations engaged with targeting human trafficking, and illegal migration, the police, Immigration Enforcement, Border Force and even the Royal Navy. Both the National Crime Agency and Home Office International Operations have officers based overseas to address immigration crime and other types of criminality. The Home Office has dedicated officers engaging with key communities<sup>10</sup> and it is clear that heads of trafficking units in the Police Service are well informed in relation to the above issues.

Yet beyond the rhetoric, the reality is that both Chinese and Vietnamese serious organised crime groups are very challenging to investigate with language and culture acting as a shield to criminality. For example, it is estimated that hundreds of cannabis gardeners will be located within either industrial units or more likely residential places within UK (Silverstone 2021). The latter more popular as the loss of one ‘house’ can be offset by the success of another. Intelligence gained from the suspect and / or the NRM will at best be logged as a crime but will not then be investigated. Instead, in some police areas, junior members of criminal conspiracies will be eventually released, whilst others will be charged with for example, drug trafficking offences and abstraction of electricity and will eventually go to prison. It is currently extremely difficult for UK law enforcement to recover criminal assets given the types of crime (such as cannabis cultivation) that groups are involved in and there are already huge demands on an overstretched law enforcement community.

<sup>9</sup> As the US State Department (2023 p.1) reports the “Courts convicted 282 traffickers in 2022, a decrease from 332 convictions in 2021 but an increase on previous years with the exception of 2021 (compared with 191 in 2018; 251 in 2019; and 197 in 2020)”. These figures are in stark contrast with aforementioned NRM figures of trafficking victims at 10,000+ per annum.

<sup>10</sup> These are ‘National Community Engagement Leads’ whose role is to build links between the Home Office and communities who have significant diaspora communities with whom Immigration Enforcement Teams have regular contact.

It is highly unlikely that any organised crime groups that do exist will meet demanding thresholds for action with regard to, risk, harm and threat and therefore most if not all sustained investigations will be reactive, after someone is discovered to be trafficked or more likely killed. More positively, it is the case that whilst there have been no successful proceeds of crime investigations, co-operation between UK law enforcement and the Ministry of Public Security in Vietnam is effective in terms of locating the families of fatalities, deportation of convicted criminals and identifying suspects involved in homicide. The degree of co-operation is such, that despite human rights concerns pre-covid two officers from the Ministry of Security were seconded to Police Scotland. Yet, it could be argued that Vietnamese authorities are not doing all they could. They do not investigate or prosecute those involved with human smuggling. It is noteworthy that those convicted for their involvement in the 2019 tragedy only received sentences ranging from 2.5 to 7.5 years substantially less than those handed out by in the UK. Therefore, the UK government is investing in public education campaigns encouraging safer migration. Although it is hard at this stage to know if they are effective as they are thought to be elsewhere (Tjaden et al. 2018).

Cooperation with Chinese law enforcement on any type of criminality has been a long-standing challenge and is seemingly much less developed than the cooperation with Vietnamese counterparts outlined above. The Chinese legal system is opaque with regular examples of human rights abuses. The joint briefing by the head of Mi5 and the FBI in 2022 also makes very clear the threat the UK sees from China (Mi5 2022). More specifically, Chinese government interest in countering illegal migration has always been limited given its benefits, in terms of remittances, and that in such a large country, it is simply not a problem if tens of thousands of people depart each year for western countries. More broadly, as it is a practice that is widely accepted, particularly in traditional sending areas in parts of Fujian, the government may not wish to create discord within those areas. In such a context it makes government and law enforcement cooperation highly challenging.

## Conclusion

The desire to improve one's family prospects by migrating is perennial. The opportunity to claim asylum from regimes which persecute minorities is enshrined in UK law. Those involved in the above migrations are not seeking asylum but are seeking better economic prospects broadly defined. The binary paradigm of serious organised criminal versus hapless exploited victim that has developed, whilst predictable, has not assisted with our understanding. The reality in Vietnam and China, according to those involved (both migrants, organisers and authorities) fits with Hobbs's (2013) cannon of work which sees what is labelled as serious and organised crime is in fact entrepreneurial spirit, and business acumen. This does not mean that there are not predatory networks involved at different levels, in transportation, money lending and supplying work but that they are the minority not the majority. Indeed, by the very act of illegally living in a country a person makes themselves vulnerable as they have very limited means of legal redress.

This is also not to obscure the difference, in the context of Vietnamese migrants, between growing cannabis and working in a nail shop. First-hand accounts of those who do, indicate that people know the difference, and if they embark on the former, they wrestle with the morality and risks of working in what is an entirely illegal world (Giang 2022). Whereas those coming from China are less likely to be involved in such an overtly criminal industry.

While there are similarities in the motivations and means used by Vietnamese and China facilitators, there are some differences in terms of experience (outlined above) and methods. Vietnamese nationals, as was tragically demonstrated in 2019, still arrive in containers and other clandestine means. While Chinese illegal migration is generally quicker and done through abuse of legal routes (i.e. having a legitimate visa but acting otherwise in accordance with its terms).

Migration remains a politically sensitive issue. To change some of the major drivers of migration, such as inequality, socio-economic and cultural influences take time. Whereas there are political imperatives for swifter action. One method which could have an impact on flows is closer and engagement with diaspora communities in the UK. Trusted connections within the community might encourage the sharing of the genuinely criminal and predatory networks which exist amongst the myriad of those who are essentially entrepreneurial networks selling and often delivering the shared dream of a better (or wealthier life), something that appeals to the citizens of two of the remaining socialist countries. To respond effectively law enforcement will need more resource and capability (particularly language skills) to investigate the intelligence that is gathered from arrests, de-briefs and encounters. Government could also attempt to tackle the problem from a more oblique and less law enforcement focussed angle. For example, the current government has recently substantially increased the penalties for employers for employing illegal migrants and is increasing its inspections (Gov 2023b), further emphasis could be on toughening and then using health and safety criteria, such as fire regulations or health and safety to shut down and confiscate property or businesses housing or employing people illegally. This latter point is though politically sensitive with raids alone in London's Chinatown having resulted in significant adverse media coverage (Marsh 2018). The other possibility is new public information campaigns, which allegedly have had some success in Albania and have now been launched in Vietnam (BBC Sounds 2024). However, given the relative political power of China they are not likely to be agreed to, whilst in Vietnam their impact is yet to be felt.

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**Data availability** The datasets on which this article is based are available by following the relevant links to cited works. The exception is Whittle (2019) which is not publicly available.

## Declarations

**Ethics approval** Evidence relied upon in this paper is from over a decade of research involving multiple institutions. In each instance permission was granted by the ethics committee of the relevant institution. The procedures used in this study adhere to the tenets of the Declaration of Helsinki.

**Conflict of interests** The author has no relevant financial or non-financial interests to disclose.

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