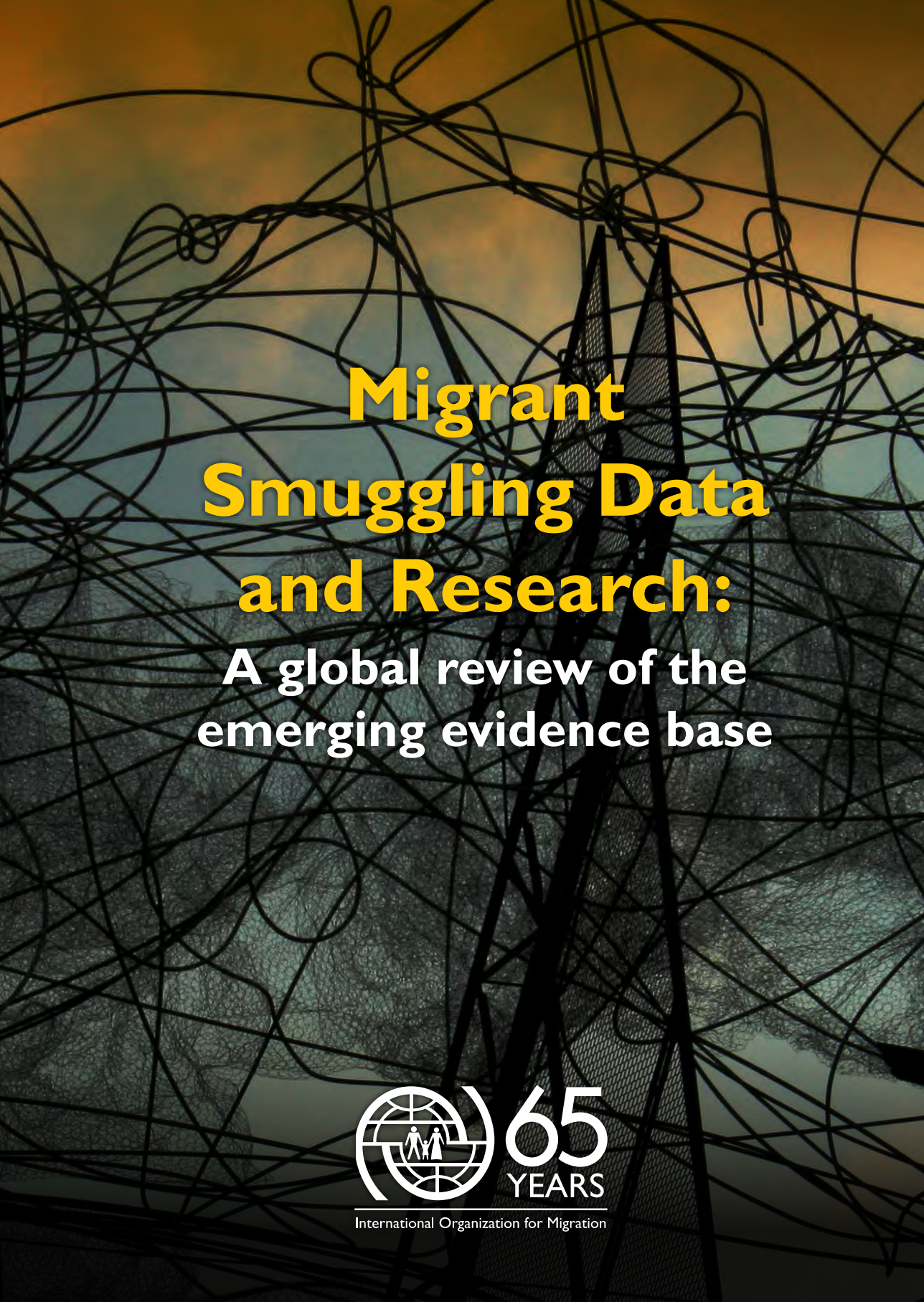

Migrant Smuggling Data and Research:

A global review of the emerging evidence base

65 YEARS

International Organization for Migration

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This report was conceived and commissioned by Dr Frank Laczko, Head, IOM Global Migration Data Analysis Centre, who managed the report project with assistance from Marie McAuliffe (as consultant), Tara Brian and Julia de Bresser. The report was sub-edited by Melissa Borlaza and the layout done by Anna Lyn Constantino under the leadership of the head of the IOM Publications Unit, Valerie Hagger, and support from Maria Paula Subia.

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IOM is committed to the principle that humane and orderly migration benefits migrants and society. As an intergovernmental organization, IOM acts with its partners in the international community to: assist in meeting the operational challenges of migration; advance understanding of migration issues; encourage social and economic development through migration; and uphold the human dignity and well-being of migrants.

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Migrant Smuggling Data and Research:

A global review of the emerging evidence base

FOREWORD

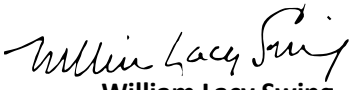
The smuggling of migrants across international borders on routes traversing land, air and sea continues to undermine migration governance and impedes safe and orderly migration. In numerous parts of the world, migrant smugglers have become an integral part of the irregular migration journey, resulting in enormous profits for criminal smuggling networks while reducing the ability of States to manage their borders and migration programmes. Given that it is often covert in nature, migrant smuggling may only become visible when tragedies occur or emergency humanitarian responses are required. Events involving people drowning or perishing inside trucks regularly capture the media's attention, but these tragedies are likely to be just the tip of the iceberg. Reliance on smugglers makes migrants particularly vulnerable to abuse and exploitation. Migrants who have experienced abuse by smugglers have little effective recourse to justice. In this ever more pressing situation, States are being severely tested in the fulfilment of their responsibilities to protect migrants' human rights and manage their borders.

Against this backdrop, it is timely that we review the current data and research on migrant smuggling, which offers a unique ability to ascertain what is being collected and what can be done to further build the evidence. The report helps to deepen our understanding of the smuggling phenomenon, and provides insights into how responses can be formulated that better protect migrants while enhancing States' abilities to manage orderly migration.

This report is the result of a collaboration between the International Organization for Migration (IOM) and researchers from a range of backgrounds and academic disciplines, and was supported by the Government of Turkey. As a host country of around 2.7 million Syrian refugees and a transit country of hundreds of thousands of migrants in 2015, Turkey – along with many other countries – is experiencing first-hand the considerable challenges in combating migrant smuggling while at the same time supporting refugees in need.

This report stemmed from an expert meeting on global migrant smuggling data and research in December 2015 organized by IOM and the Government of Turkey at Koç University in Istanbul. The meeting was attended by officials along with researchers from civil society, academia and the private sector working

on migrant smuggling and irregular migration, whose work spans Europe, Asia, the Americas, Australia and Africa. The discussion at the meeting underscored the need to better understand migrant smuggling dynamics through data and research, including the possibility of emerging trends in some regions pointing to the expanding reach of migrants smugglers globally. The resultant report is aimed at policymakers, researchers, analysts, students and practitioners working on the complex topic of migrant smuggling. It provides a review that ideally we would be keen to replicate in the years ahead in order to gauge progress on the increasingly important collection, analysis and reporting of data and research on migrant smuggling globally.



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Director General

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Marie McAuliffe is the newly appointed head of the Migration Policy Research Division in IOM Geneva. Marie has published in peer-reviewed migration journals and for policy organizations on migrant smuggling, asylum seekers and refugees, and protection in South-East Asia. She is currently editing a book on irregular migration (with Khalid Koser) due to be published in 2017 by ANU Press. Marie is also a doctoral candidate at the Australian National University, and is on leave from the Australian Department of Immigration and Border Protection.* She is a visiting fellow at the Global Migration Centre at the Graduate Institute of International and Development Studies in Geneva, and a visiting scholar at the Population Institute at Hacettepe University in Ankara. Marie has led migration research and policy teams in government and has consulted to the IOM, the ILO, as well as in the private sector, including while based in the Republic of Korea, the Russian Federation and Turkey. For three years (2012–2014), Marie directed the Australian irregular migration research programme.

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* The opinions, comments and analyses expressed in this publication are those of the author and do not necessarily represent the views of the department or any of the organizations or institutions with which the author is affiliated.

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REPORT OVERVIEW

Marie McAuliffe and Frank Laczko

Globally, migrant smuggling receives a considerable amount of media, policy and public attention, but how much do we really know about it based on sound evidence? To what extent are data and research on migrant smuggling collected, reported and undertaken throughout the world? In the project from which this report stems, we set out to answer these questions by working with researchers and analysts to review the current data and research on migrant smuggling globally. We did so for several reasons. First, migrant smuggling matters increasingly to migrants, enormously to States and is clearly critical to a great number of non-State actors, including unfortunately the smugglers and agents who operate in this illicit sector. It also matters to a range of others including non-governmental organizations (NGOs) that support migrants, international organizations working on migration, transnational crime, development and human rights, as well as the media. Enhancing our understanding of migrant smuggling improves our ability to combat inequity, exploitation and abuse by helping craft effective responses aimed at supporting safe and orderly migration policies and practices. The impacts of migrant smuggling can be many and varied but none more tragic than the deaths of people during migration, which tend to be heavily intertwined with unsafe, exploitative and unregulated migration practices often involving smuggling. The International Organization for Migration's (IOM) latest global report on migrant fatalities, for example, reported over 60,000 dead or missing migrants worldwide since 1995 (Brian and Laczko, 2016).

Second, we know that as with many other areas of international migration and irregular migration especially (Clarke, 2000; Koser, 2010; Kraler and Reichel, 2011), there is currently no data available on the extent of migrant smuggling globally. The lack of global data on migrant smuggling hinders comparative analysis, as well as the ability to inform the development of effective responses. We had a strong sense that data and research on migrant smuggling in some regions was being collected, undertaken and reported to a much greater degree than other regions, but it was unclear how much variation there was across the world, including in and around migrant smuggling "hotspots" such as across the south-west border between Mexico and the United States, the Aegean Sea

between Turkey and Greece or the Andaman Sea in South-East Asia. This review is an attempt to better understand what is available and where.

Third, recent media coverage of irregular migration highlights that the various conceptualizations of migrant smuggling, including in relation to its related form of irregular migration "human trafficking", sometimes leads to confusion and misunderstandings of the nature and effects of the phenomenon. Gaining a better understanding of how migrant smuggling is thought about and defined in different regions is a priority. Transnational issues requiring transnational and multifaceted responses can be better supported if we understand differences in concepts underpinning data, research and analytical efforts.

Fourth, we recognized that sustainable responses to migrant smuggling require long-term thinking given its enduring nature and increasingly important impact on safe and orderly migration. This review of current migrant smuggling data and research sets out to highlight positive advances and productive initiatives, as well as offer informed suggestions on how we can produce better information on the phenomenon in years to come.

Fifth, the report provides a useful benchmark with which to gauge progress in 5 to 10 years from now. Many policymakers, academics and analysts have long recognized the importance of conducting research and analysis of aspects of irregular migration, including migrant smuggling, but indications of subtle shifts in smuggling practices in recent years renders this a timely volume. Transformations in telecommunications technology and the exponential growth of Big Data (Laczko and Rango, 2014) are changing the way in which smuggling operates, placing further pressure on the international protection system (McAuliffe, 2016; McAuliffe and Koser, 2015; Zijlstra and van Liempt, forthcoming). For example, smugglers advertise their services on Facebook, and many migrants travel with mobile phones, making it much easier for them to obtain information about smuggling routes, conditions and where to seek asylum. There is growing recognition that migrant smuggling is an increasingly significant aspect of irregular migration for many regions and thousands of migrants globally.

Sixth, this report aims to inform IOM's own response to migrant smuggling, including the forthcoming Comprehensive Approach to Counter Migrant Smuggling. The approach recognizes that combatting migrant smuggling involves a multifaceted set of responses, which can be broadly grouped into four key areas: (a) provide protection and assistance to smuggled migrants; (b) address the causes of migrant smuggling; (c) enhance States' capacity to

disrupt the activities of migrant smugglers; (d) promote research and data collection on migrant smuggling.

Report Background

This project has brought together researchers and analysts working on migrant smuggling throughout the world in order to review the current state of data and research on the topic. Together, the authors who contributed to this volume bring a rich and diverse set of experiences in migrant smuggling expertise and academic disciplines, including anthropology, law, demography, international relations, economics, political science and criminology. Authors from academia, IOM, government, private sector organizations and policy think tanks contributed.

Given the thematic nature of this report, a spatial approach to the review was adopted with most chapters focusing on a single geographic region, such as Europe, North Africa or South Asia. Three chapters have been devoted to specific countries (Afghanistan, Turkey and the United States) including in recognition of the particular issues they face. Within the confines of this publication, we cover much of the globe. Part two of our review will cover remaining key regions, such as Southern Africa, Central Asia and the Middle East.

The review was undertaken within a limited time period, and has been designed as a benchmark review with particular emphasis on data and research over the last five years until the end of 2015. By working with authors with considerable existing expertise and knowledge of the subject (and of their regions), a timely review could be undertaken. Each chapter covers three broad areas: (a) overview of smuggling in the region/country; (b) review of data on migrant smuggling; and (c) review of migrant smuggling research. Suggestions and recommendations aimed at further building the emerging evidence base are also provided in each chapter (and summarized at the end of this chapter). Given the nature of irregular migration and smuggling, chapters place emphasis on different aspects of the topics depending, for example, on data collection capacities, regional and other multilateral processes focused on countering smuggling, operations of international organizations and NGOs in regions, the extent to which the grey literature has developed and/or the academic community has conducted fieldwork to inform research findings. Rather than a full evaluation or assessment of data and research of migrant smuggling, which would take considerably more time and would be much more costly (and perhaps of not much more value in the longer term give the high tempo of the field), this review provides policymakers, researchers and analysts working on

migrant smuggling highly topical information on the data and research that has been compiled in recent years. It also offers views on the gaps that remain and how they may be usefully filled.

Concepts and definitions

While there is no single agreed definition of migrant smuggling globally, the Protocol against the Smuggling of Migrants by Land, Sea and Air (the Protocol) sets out the international legal definition in the context of the overarching United Nations Convention against Transnational Organized Crime. With almost three quarters of all States being party to the Protocol, it provides the most widely recognized definition of migrant smuggling internationally. The Protocol defines migrant smuggling as "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" (Article 3). Other definitions are broader. The English Oxford Dictionary, for example, defines smuggling as to "convey (someone or something) somewhere secretly and illicitly".[1]

Notwithstanding its clandestine nature and the related attempts by smugglers and agents, as well as migrants to evade detection before, during and often following arrival in a transit or destination country, the way in which migrant smuggling is conceptualized also contributes to the difficulties in understanding and defining smuggling. Naturally, there are differences within the academic sphere, but likewise there are some differences within the policy sphere, most notably between national (and regional) jurisdictions, which may or may not be consistent with the concept of smuggling set out in the Protocol.

Salt and Stein's seminal work on migrant smuggling in 1997 involved the depiction of smuggling as one aspect of the illicit side of international migration business. Smuggling is conceptualized as a profit-driven activity within a broader business system, whereby the smugglers' main motivation is profit, and the common point of intersection with migrants is financial (Salt and Stein, 1997). Salt and Stein's model heavily favours the depiction of smugglers who are involved in delivering a service through the "exploit[ation of] legal as well as illegal methods and channels of entry" (Salt and Stein, 1997:484). Smugglers are described as "helping", "servicing", "facilitating", "providing", although Salt and Stein note that "little information is available on whether it is more common for migrants to seek out [smugglers] or vice versa" (1997:479).

[1] See www.oxforddictionaries.com/us/definition/american_english/smuggle

Financial motives are central to the business model concept proposed by Salt and Stein (1997), and are consistent with the final formulation of the Protocol. This has the effect of excluding those who assist people to gain illegal entry into a country without financially (or materially) benefitting. Indeed, some argue that a broader definition of smuggling incorporating those who operate without personal gain is required to adequately encompass refugee smuggling (Doomernik, 2001; van Liempt and Doomernik, 2006). Rather than a law enforcement framing or the business model concept, this broader definition also incorporates the altruistic smuggler who helps people to safety (Salt and Hogarth, 2000). The "altruistic" smuggler is a common theme in the literature, especially in so far as it relates to the smuggling of asylum seekers and refugees. Discussion of the nexus between smuggling and forced displacement features in several chapters of this report. There also exists an uneasy tension conceptually when the smuggler acts to profit from forced migrants. As Khalid Koser notes (2011:258):

> Helping people escape violence can be considered an invaluable service for which it is justifiable to charge a fee. From another perspective, charging a fee might be viewed as exploiting the situation of a desperate person.

Broadly then, migrant smuggling can be conceptualized in a variety of ways, including:

- Transnational criminal definition of smuggling for financial or other material benefit – this appears to be a commonly understood definition, and one that applies in international law as per the Protocol;
- Altruistic smuggling that does not involve gaining financially or in other ways, and may be construed or interpreted as a manifestation of irregular migration social processes;
- Smuggling for humanitarian reasons, including of refugees, which may or may not involve financial or material gain; and
- "Self-smuggling", whereby migrants smuggle themselves in order to enter a country without prior permission as a stowaway, for example, on a vessel or aircraft.

These broad definitions, however, are not necessarily discrete and may overlap making defining migrant smuggling challenging. Further, regional or national legislation may differ, thereby rendering direct country-level comparisons on aspects (such as arrests and prosecutions) difficult. The legal

definition in Australia, for example, requires the smuggling of another person(s) and so excludes instances of "self-smuggling". It also makes provision for aggravated smuggling involving the smuggling of five or more people, with more severe penalties. The European Union definition of migrant smuggling differs from that of the Protocol in key ways, including that it allows for an optional exemption of punishment for those providing humanitarian assistance (Article 1 of the European Union Directive 2002/90 of 28 November 2002). The intersection of the European Union directive and national legislation and policy can also be challenging. A recent report by the European Parliament found that "variation in the way in which laws are implemented in the national legislation of selected Member States … results in legal uncertainty and inconsistency, and impacts on the effectiveness of the legislation" (European Parliament, 2016:11). In addition, legal definitions are subject to change. For example, recent Canadian Supreme Court rulings of November 2015 under Canada's Immigration and Refugee Protection Act found that smuggling offences apply only to those engaged in organized crime. The court ruled that offences under the act do not apply to those who provide humanitarian, mutual and family assistance to asylum seekers, thereby narrowing the definition of "smuggler" under Canadian law.

There is also increasing recognition of shifts in smuggling processes that further blur the line between human trafficking and migrant smuggling, acknowledging that it has never been clear cut (Carling, Gallagher and Horwood, 2015). While human trafficking involves coercion[2] (whereas migrant smuggling does not), there is increasing awareness of the potential for coercion and exploitation of smuggled migrants who may find themselves in highly exploitative conditions during or after the event. What starts out as a simple transaction involving a person seeking the services of a smuggler may end up with the migrant being deceived, coerced and/or exploited somewhere along the line given the often unequal power relationships between smugglers and migrants – a smuggled migrant may quickly and unwillingly become a trafficked person. Recent research has highlighted, for example, migrants being abducted after arriving in Yemen with the assistance of smugglers. They are released only once their families pay the smugglers/traffickers, which is typically between USD 800 to 1,300 each (RMMS, 2015). Similar tactics have been used by smugglers of migrants from Bangladesh and Myanmar to Thailand and Malaysia. In light of such events, it is understandable that there have been calls for migrant smuggling to be conceptualized as a human rights issue to a much greater degree.

[2] The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children defines human trafficking 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 or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation" (Article 3).

Complexities of smuggling

Part of the difficulty in fully understanding migrant smuggling processes and practices, as well as how they are evolving is due to the number of actors involved. In a 2011 report, the United Nations Office on Drugs and Crime (UNODC) highlighted the dynamics and complexities involved in migrant smuggling and the key actors involved:

- Adaptability of smugglers and smuggling organizations is high, and organizers shift routes in response to law enforcement counter-measures (2011:37);
- Smuggling relies on corruption (in varying degrees) and a limited amount of information is currently available about the role of corrupt government officials in the smuggling process (2011:81);
- Vulnerable migrants (such as women and children) likely make up an ever-growing proportion of migrants smuggled worldwide (2011:54);
- There is a striking lack of information on smuggler-migrant relationships; access to information is particularly difficult since smugglers (and migrants) are often reluctant to be interviewed (2011:66); and
- Increasingly sophisticated networks have replaced small-scale businesses in regions where anti-smuggling law enforcement strategies are particularly robust (2011:81).

Despite the media's tendency to portray smugglers as evil characters, it has become clearer over time both from research and intelligence gathering that it is more accurate and useful to think of individual agents or smugglers as being somewhere on a "smuggling spectrum".

Figure 1: The smuggling spectrum

Source: McAuliffe and Mence, 2014.

At one end of the scale are the (irregular) migration agents, who may be legitimate travel or migration agents providing lawful services to travellers/migrants, with perhaps occasional assistance to those seeking to travel irregularly (such as fraudulent documents, contacts, information/advice). At the other end of the spectrum are the "apex" smugglers/traffickers, who oversee sophisticated transnational criminal syndicates and networks that deal with large-scale operations, often involving different types of smuggling and/or trafficking.

The diversity of smugglers has been examined in the academic and grey literature. There have been various enquiries into the breadth of the concept of "smuggler", with empirical research and analysis largely concluding that there are many types of people involved in smuggling networks ranging from organizers, recruiters, transporters (such as crew), aides and suppliers (Andreas, 2011; Schloenhardt, 2003; UNODC, 2011). Discussion of "mom-and-pop" smugglers was also present in the literature, referring to the small-scale smuggler who may not be connected to larger networked operations (Kyle and Liang, 2001).

Migrants are the primary non-State actors involved in the processes of irregular migration and smuggling. In many situations, they are able to exercise agency, although the extent to which this is possible is circumscribed by a range of structural, security, economic and social factors (Castles, de Haas and Miller, 2014; de Haas, 2011; Koser, 2010). There is also recognition, including from empirical studies, that the drivers underpinning migrant decision-making in relation to irregular migration pathways and smuggling are complex, and include protection, security, family, economic and other factors (Jayasuriya, McAuliffe and Iqbal, 2016; McAuliffe, 2013). Migrants (along with their families), however, bear much of the brunt of the negative consequences that irregular migration journeys involving smuggling can bring: increased risks of exploitation, significant

physical and mental harm, and sometimes death. Increasingly, more vulnerable groups of migrants are moving irregularly, including women and children, raising a raft of complex issues for State and non-State actors alike.

One of the more challenging issues for State actors is that of corrupt officials who can play critical roles in smuggling and trafficking networks (McAuliffe and Koser, 2015; Organisation for Economic Co-operation and Development (OECD), 2015). The UNODC has highlighted the significant role corruption plays in migrant smuggling, noting that (2011:3):

> Migrant smuggling could not occur on the large scale that it so often does without collusion between corrupt officials and criminals. Corruption seriously undermines national and international efforts to prevent and control the smuggling of migrants … [it] may occur in countries of origin, transit, or destination. It may be systemic, institutional or individual.

In some circumstances, the distinction between "corrupt officials" and "criminals" may in fact mask more dire and entrenched behaviour in which smugglers/traffickers can themselves be corrupt officials holding positions within law enforcement, justice, immigration, customs, passport offices, border police and other related government agencies. In environments of endemic corruption, people movement is just one area of regulation that can be exploited for personal gain. In some societies, extracting a bribe in exchange for a fraudulent document, a stamp in a passport, entry to or exit from a country are likely to be commonplace. Even in less corrupt societies, the opportunities perceived by some officials may be considered greater than the risks of being caught.

The media are also an important non-State actor, including as a contributors to the grey literature as a result of investigative reporting on smuggling (see discussion in Chapters 2, 8 and 9). The media is also peripherally involved in smuggling and irregular migration indirectly. First, the media plays a role in the provision of information to migrants (and potential migrants) in a range of situations: when they are considering their migration options, when they are assessing where to migrate, in determining the safest and best way to travel, and so on. Second, the media also plays a role as a vehicle in the polarization of the public discourse on aspects of migration, and irregular migration and smuggling in particular. This becomes problematic particularly when smuggling and trafficking are used interchangeably, often further confusing complex issues of movements and depicting an overly simplistic view of migrant smuggling.

Overview of data on migrant smuggling

It is often suggested in policy circles that in order to tackle migrant smuggling effectively, it is necessary to have good data (European Commission, 2015). However, in practice, data available publicly on migrant smuggling are scarce, and many countries do not necessarily have the capacity to systematically collect such data. The illicit nature of migrant smuggling means that unlike areas of regulated or licit behaviour, it is unreasonable to expect comprehensive data on the extent and nature of its various manifestations. Most data appears to be related to law enforcement aspects. However, the findings of this report emphasize that we do not really have a clear picture of even the volume of migrant smuggling globally. Only a minority of countries in the world produce comparable national data on the scale of migrant smuggling each year, and as mentioned earlier, there is no global estimate of the magnitude of migrant smuggling.

This is not to say that migrant smuggling is not significant. There is evidence in this volume indicating that migrant smuggling facilitates the movement of huge numbers of people around the world. For example, in 2015, it is estimated that there were 2.5–3 million irregular migrants from Cambodia, Lao People's Democratic Republic and Myanmar living in Thailand, with an estimated 80 per cent having been smuggled (see chapter 9). Europol (2016) estimates that 90 per cent of migrants that cross Europe's borders unlawfully do so with the help of smugglers. The Canadian Border Services Agency recently estimated that 92 per cent of all Chinese irregular migrants arriving in Canada engaged a smuggler at some stage of their journey (UNODC, 2015).

Many of the authors in this report highlight the huge sums being paid by migrants to smugglers to facilitate their passage to their destinations. For example, a migrant needs to pay as much as USD 13,000 to a smuggler to travel from Bangladesh to France, and even more (USD 16,700) to travel from Sri Lanka to Canada. Even a short journey can be very expensive. In 2015, migrants were reportedly paying between EUR 500 and 2,500 to make the short trip from Ayvalik in Turkey to Lesvos in Greece (see chapter 5 on Europe).

Nonetheless, in most regions of the world, it is hard to find reliable and comparable data on recent trends in migrant smuggling. For example, in the South-East Asia region, our review finds that "very little data is publicly available at the State level". Some countries still do not even collect official data on migrant smuggling, or if they do so, do not make the information public. Zhang, for example in his chapter on the United States in this volume, notes that "there are no publicly available data on migrant smuggling in the United States".

Probably the best data available relating to migrant smuggling are the data concerning the number of countries that have ratified the Smuggling Protocol. Information on the number of countries who have ratified the United Nations Convention against Transnational Organized Crime, and the two supplementary Protocols (the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and the Protocol against the Smuggling of Migrants by Land, Sea and Air) are easy to locate. However, it is much more difficult to find reliable information on the extent to which countries have been able to implement their obligations under these instruments or quantify migrant smuggling.

Why is there such a paucity of reliable data on migrant smuggling? First, official statistics tend to be fairly limited because they tend to only reflect the number of persons apprehended or convicted for smuggling offences. As most smugglers are usually not apprehended and/or prosecuted, this information provides only a partial picture of smuggling operations. For example, only 18 people are currently serving a sentence in Australian prisons for a migrant smuggling offence (Anderson, 2016), and yet migrant smuggling to Australia has involved many thousands of asylum seekers and other migrants in recent years. An example of the limitations of such data can be seen if we consider the recent surge in arrivals to Europe through the Eastern Mediterranean route. Despite indications that the majority of the approximated 850,000 migrants who crossed the Eastern Mediterranean in 2015 used the services of smugglers, the number of smugglers apprehended by authorities in Greece barely increased in 2015, including because unlike on other routes, smugglers did not necessarily travel the short distances involved with migrants (see chapter 5 on Europe). Law enforcement data also have to be interpreted with care; an increase in the number of irregular migrants intercepted could reflect either more effective border operations, or a real increase in smuggling, or both.

Second, as noted earlier, definitions of migrant smuggling can vary at the national level, which makes it difficult to compare data between countries. Another challenge mentioned by several authors is that authorities do not always distinguish clearly between smuggling, trafficking and other forms of irregular migration in the definitions that they use for data collection.

Third, there seems to be a reluctance among many States to share the limited data that is collected. States often report that they are concerned about making data on migrant smuggling public because of fears that such information might be used by smugglers themselves (chapter 9). But there may be other reasons why States are reluctant to release such data. Destination countries wishing to reduce migrant smuggling may give greater priority to collecting

data on migrant smuggling compared with origin countries that may benefit indirectly from irregular migration. Migrant smuggling may act to facilitate illegal labour migration, which while highly risky for migrants and their communities, may nevertheless result in some overall benefits, not least of which include the remittances migrants send back home. Another factor as mentioned earlier is corruption. In countries where officials may be involved in facilitating migrant smuggling, the challenges of collecting robust and reliable data are likely to be even greater.

This volume shows that in most regions of the world, States do not appear to share data on migrant smuggling in a systematic way. An interesting initiative in this respect is the Voluntary Reporting System on Migrant Smuggling and Related Conduct in support of the Bali Process (VRS-MSRC), which aims to collect and share information on irregular migration and migrant smuggling. It was developed by UNODC in cooperation with law enforcement authorities from Asia, Europe and North America as a means of sharing information on smuggling. According to UNODC, VRS-MSRC has proven to be most useful for collecting data on the number, citizenship and sex of smuggled migrants, but has been able to collect much less information about smuggling routes and migrant smugglers (UNODC, 2015).

It is apparent that some data on migrant smuggling is collected by law enforcement agencies but is not shared publicly primarily because of the nature of the data collected and its use in combatting smuggling operations. For example, Europol recently reported that it holds intelligence on more than 40,000 individuals suspected of being involved in migrant smuggling, but provided few details about these operations (Europol, 2016). While there may be valid and sensible reasons why States do not share and make public data on migrant smuggling, one consequence of the lack of data is that the media can make widely inaccurate estimates of the scale of migrant smuggling based on limited evidence. This in turn can create misperceptions about the real dynamics of migrant smuggling.

A fourth issue is that much of the data collected and published on migrant smuggling tends to be in the form of law enforcement statistics. It has proven much harder to find data on the risks and hardships that migrants face during their journeys, which can ultimately result in deaths. To give but one example, very few countries around the world collect official data on the number of deaths that occur when migrants try to cross borders with the help of smugglers (Brian and Laczko, 2014).

Finally, it could be argued that collecting data on migrant smuggling is still not a high priority for many countries around the world. Unlike in the case of human trafficking, there has been perhaps less political pressure on States to collect data on migrant smuggling. For example, there is no global report on migrant smuggling similar to the global report on trafficking in persons. The annual United States Trafficking in Persons (TIP) Report "represents an updated, global look at the nature and scope of trafficking in persons…. And is the U.S. Government's principal diplomatic tool to engage foreign governments on human trafficking" (US Department of State, 2015). While data on human trafficking remain patchy, the launching of annual global report on trafficking in persons in 2001 has encouraged many countries to improve their data collection efforts over the years (Laczko and Gozdziak, 2005). It has been perhaps easier to encourage States to collect data on human trafficking given its coercive nature; clearly countries do not wish to see their nationals trafficked against their will. The same view may not be as clear cut with regard to migrant smuggling, given that migrants are often viewed as making a voluntary decision to cross borders with the help of a smuggler in search of a better life (however defined).

Overview of research on migrant smuggling

Research has a useful role to play in enhancing our understanding of the phenomenon, particularly given the dearth of data on migrant smuggling, providing insights and analyses that can be highly relevant to policy deliberations. The research community is often better able to capture migrants' perspectives, including as they relate to understandings of risk, migration decision-making as well as experiences en route. Researchers generally find it much easier to gain access to smuggled migrants and smugglers than officials, and are much better placed to seek their views on aspects of smuggling. As discussed earlier, researchers can also offer different and broader analyses of smuggling. For example, many researchers have documented the experiences of smuggled migrants and the abuses and exploitation they face, providing valuable insights for policymakers, which may not be gleaned from law enforcement data.

In recent years, a growing number of reports and publications on migrant smuggling have been released. For example, a recent review in Asia counted over 150 studies that had been produced in the region (UNODC, 2015). However, the majority of these studies were small-scale qualitative studies, and only a small number were based exclusively on quantitative research methods (a small proportion used mixed methods). Our global review of research on migrant smuggling confirms that this picture is also typical of research in other regions. Many studies are conducted with small samples and limited budgets, focusing on one country, or at best one region. There is a lack of larger-scale comparative

research based on surveys of migrants, which can supplement useful qualitative studies able to get to the detail of smuggling processes that involve economic, social and cultural aspects but that have more limited applicability to comparative analysis of smuggling in multiple countries and regions. An interesting exception has been some of the quantitative research recently conducted in South and West Asia that surveyed households on international migration, security, protection and smuggling. As part of a broader focus, this research has usefully highlighted small but important differences in smuggling processes in different origin locations in relation to populations at risk of forced migration and migrant smuggling. For example, in one study involving large-scale surveys of around 12,000 potential migrants (discussed in chapter 9), some populations were found to have been approached directly by migrant smugglers to a much greater degree than others (McAuliffe and Jayasuriya, 2016). This would indicate that some groups are being actively sought out by smugglers, placing them at even higher risk of smuggling and exploitation.

Through this global review of studies on migrant smuggling, we have been able to identify an emerging body of evidence, but much of this information is scattered between countries and across different academic disciplines. It is difficult to find all the information that policymakers might need in one place. It is also evident that the volume and type of studies are constantly growing. This makes it difficult for policymakers to keep up-to-date with the latest global evidence on the subject of migrant smuggling. Another challenge is that while many studies may have implications for policy, they are not written in a style that makes it easy to identify their key policy messages. One of the major advantages of research that focuses on migrant decision-making and experiences is that it is migrant-centric rather than State-centric. In seeking to better understand how migrants think about and decide upon irregular migration and smuggling, research findings are able to support or refute some of the assumptions made about migrants' behaviour (and anticipated behaviour). While policymakers have greater access to a wide range of information and data than perhaps ever before, it is apparent that there still exists a level of presumption about potential and actual migrant decision-making and experiences, including that there is heterogeneity of the smuggled migrant and the smuggler. Migration research, which examines dynamics beyond the transnational crime lens, continues to be well placed to provide relevant, current and robust information on potential and actual migrants and their interactions with smugglers and smuggling practices.

As this report highlights, there is considerable information on migrant smuggling, although of varying quality and utility. Gathering the bulk of studies on migrant smuggling is no easy task given that there is a considerable grey literature on the subject. As discussed more fully in the chapter on West Africa

(chapter 2), grey literature "refers to research output that is produced outside of commercial and academic publishing and distribution channels, often by government institutions, NGOs, and the private sector" (Carling, this volume). Drawing out the policy implications from such literature can sometimes be especially challenging. While such studies can provide useful insights, they run the risk of presenting a distorted picture of realities on the ground, particularly if research methodologies are not adequate (or even documented).

Another major challenge in studying migrant smuggling is the uneven nature of the research focus, which is primarily destination country focused. While this is inevitably linked to research funding, there is a sound case for conducting research on irregular migration and smuggling that is of particular relevance to transit, host and origin countries. In chapter 9 on South-East Asia and Australia, for example, the authors found that much of the research had been funded by the Government of Australia, and often undertaken by Australian researchers. In Europe, research funding may be limited to European researchers, with implications for the development of research capacity within neighbouring regions. By improving the overall management of migration in regions, including through the support of safe migration pathways, as well as support of populations who do not wish to migrate, all countries in a region are able to benefit. Better accounting for origin, transit and host country research on smuggling, however, has been hampered by a general lack of research capacity in developing countries where smuggling occurs. For example, in sub-Saharan Africa, there are less than 50 researchers for every million persons, compared with 3,000 for every million people in OECD countries (DFID, 2007). It is perhaps not surprising therefore that a great deal of research on migrant smuggling is conducted by researchers based in destination countries in the north. In response to this challenge, a limited number of regional research centres have been established in developing countries to support data collection and studies with local research staff. An interesting example of this type of initiative is the Regional Mixed Migration Secretariat based in Nairobi (RMMS), which aims to collect data and conduct research on "mixed migratory flows". RMMS Horn of Africa and Yemen is an inter-agency initiative established by the United Nations High Commissioner for Refugees, IOM, Intersos, the Yemen Mixed Migration Taskforce and the Danish Refugee Council. The establishment of a series of regional centres for the collection and analysis of policy-relevant data and research on migrant smuggling would help to build the evidence base in developing countries. Such centres could be located in transit countries, such as Turkey or Niger where data and research on migrant smuggling are especially scarce. For example, in Turkey (chapter 6), research directly on migrant smuggling is very limited. In many countries, studies of migrant smuggling typically form part of larger research projects focusing on different aspects of irregular migration and trafficking.

Conclusions

Migrant smuggling is a dynamic and evolving phenomenon, and research and data collection are critical to informing more effective responses aimed at combating smuggling and protecting migrants. As many of the chapters in this report show, important research has been undertaken on the transnational crime aspects of migrant smuggling, including on routes, smuggling organization (such as criminal networking, facilitation), smuggler profiles and fees/payment. Likewise, there is an emerging academic literature on migrant smuggling, particularly the economic and social processes involved in smuggling, which has largely been based on small-scale qualitative research, mostly undertaken by early career researchers. Contributions from private research companies, as well as investigative journalists have provided useful insights in some regions, helping to shed light on smuggling practices. There remains, however, a sizeable gap in migration policy research and data, particularly in relation to migration patterns and processes linked to migrant smuggling, including its impact on migrants (particularly vulnerability, abuse and exploitation), as well as its impact on irregular migration flows (increasing scale, diversity and geography).

To develop more effective and sustainable responses to migrant smuggling, it is crucial that migrant-centric research continues and is expanded; the need to supplement the critical transnational crime research and data collection focus has perhaps never been more urgent given the increasing number of deaths of migrants during smuggling (Brian and Laczko, 2016). Research on how migrants think about irregular migration and smuggling, not just how they move, are central to the development of global, regional and national level policies that are better able to respond to the considerable increase in irregular migration supported by smuggling. Such research and data would complement existing information and intelligence on smuggling held by governments, as well as the research focused on smuggling as a transnational crime and as an economic-sociological process. The chapters in this report include a number of suggestions on how to further build the evidence base on migrant smuggling. The suggestions have been summarized under the broad headings of "new partnerships", "capacity-building" and "emerging/priority topics".

1. Strengthening research and analysis partnerships

- Greater attention to linking knowledge about the social and economic processes of migrant smuggling with knowledge of migrant smuggling policy and practice in order to better understanding how one impacts the other. Ideally, this would involve forging partnerships between policymakers and researchers

on aspects of migrant smuggling, including in specific (sub)regions or in relation to particular groups of migrants or at-risk migrants (such as unaccompanied minors), including those who have experienced abuse and exploitation.

- Employing partnerships and multi-disciplinary research methods to further explore the complex dynamics between irregular migration, migrant smuggling and human trafficking – the sharp distinction drawn in international and national laws risks masking the blurring that occurs across all three overlapping forms of migration.
- Encouraging greater access to data to facilitate deeper analysis of existing statistical data and other information that may be held by States, either through trusted partnership arrangements or through open access.

2. Supporting capacity-building

- Much of the research undertaken and highlighted in the report was conducted by people from outside the actual region, and there is recognition that much more needs to be done to strengthen research capacity and institutions within regions, such as West Africa, Central Africa and South-East Asia. The establishment of regional monitoring and analysis units or hubs focusing on smuggling within the broader context of irregular migration could play a useful part in regional capacity-building approach while enhancing data collection efforts.
- A greater focus on smuggling from transit and origin country perspectives, including on the role of corruption in facilitating movement and shaping the experiences of smuggled migrants. Assisting transit countries better manage the entry and stay of people, including through the development of effective migration policies and practices underpins counter migrant smuggling efforts.
- Broader and more consistent use of transnational data reporting tools such as UNODC's VRS-MSRC and IOM's Displacement Tracking Matrix (DTM). By gathering data through large-scale rapid surveys of migrants on the move, the DTM has been able to gather a considerable amount of information about migrant smuggling in real time. However, this information sometimes has to be interpreted with care, as it is often very difficult to draw a representative sample of irregular migrants. Further enhancement of DTM offers the potential for a unique data set to be built over

time on aspects of smuggling. Its potential as a powerful analytical tool is considerable.

- This report has identified a huge number of studies on migrant smuggling. This evidence is currently scattered across several countries and regions. Bringing this information together into a global database of research and data on migrant smuggling, which is regularly updated, could help policymakers to draw on the emerging evidence in a more timely fashion in the future.

3. Focusing on emerging and priority topics for research and data collection

- Striking a balance between timely data on irregular migration flows involving smuggled migrants and methodological rigour needs to be pursued as a priority. Capturing and reporting data that is not sufficiently rigorous risks potentially adding to misinformation on migrant smuggling. Non-traditional sources of migration data – especially Big Data – offer new insights into the smuggling process that have yet to be fully explored. While a growing number of migration studies have used Big Data to measure population movements and remittance flows, studies on irregular migration using Big Data are in their infancy.

- More recent efforts to combat migrant smuggling involving military-led operations, and the deployment of tactical and strategic elements is likely to open new lines of thought and add an extra dimension to research and analysis. Of particular focus is likely to be the effectiveness or otherwise of such efforts at curbing or stopping smuggling, although the impact on operational staff as well as migrants is also relevant.

- The increase in recent years in humanitarian non-State actors who may unintentionally be assisting organized criminal smuggling networks, such as those involved in the development of apps to help irregular migrants travel, needs to be further explored through targeted research, as does the potential for assistance to refugees in avoiding exploitation and abuse at the hands of smugglers.

- Migrant-centric research offers different perspectives on smuggling compared to research and analysis undertaken with a transnational crime focus, which places greater emphasis on smugglers' operations and practices and less emphasis on migrants' experiences. Assuming an understanding of how (potential) migrants think about smuggling and irregular migration, as well as how they may behave is foolhardy but perhaps more

commonplace than is readily admitted. Robust research is able to support or refute such assumptions, but there are many aspects that remain under-researched, including on migration decision-making, migrant abuse and exploitation, smuggler marketing and recruitment practices, the role of transnational connectivity in smuggling, the risks of smuggled migrants becoming trafficked victims, as well as the multifaceted reasons why people seek to migrate irregularly.

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2

WEST AND CENTRAL AFRICA

Jørgen Carling

Introduction

West and Central Africa is a major source region of unauthorized migration. Trucks overloaded with migrants, rushing north along the sandy roads of the Sahara, have become iconic images of international migrant smuggling. This particular flow is important, but only one aspect of a complex and poorly documented landscape of migrant smuggling from West and Central Africa.

As in other parts of the world, migrant smuggling involves a range of activities that are less conspicuous than the dramatic journeys across deserts and seas. In particular, much unauthorized migration takes place on regular international flights, but is facilitated by documents that are falsified, abused or unlawfully obtained. But there is also a particular geographical circumstance that makes migrant smuggling in this region elusive: the area of free movement within the Economic Community of West African States (ECOWAS). The majority of West Africans who are smuggled overland start their journeys under the provisions for free movement and violate immigration regulations only upon leaving the ECOWAS area.[3]

The external borders of ECOWAS run primarily through areas that are sparsely populated, politically unstable, and marked by general security deficiencies (Map 2.1). One indication of this geography of insecurity is provided by the travel advice issued by the Governments of France and the United Kingdom. As shown on the map, this advice currently warns against all travel to most of the Sahara and many other areas of West and Central Africa.[4] In other words, the highly populated areas from which most migrants originate are almost completely encircled by a territory deemed too insecure for travelling.

[3] There are limits to mobility within the ECOWAS area that may modify this general picture.

[4] While the advice is issued specifically for citizens of the two countries, it reflects the general security situation in the areas affected. The advice warns against all but essential travel to a larger area, including all of Chad, Mali, Mauritania, Niger and Nigeria.

The fact that overland migrant smuggling out of the ECOWAS area happens in remote and insecure areas has three important implications. First, the limited government presence and control facilitates smuggling. Second, the general insecurity, coupled with harsh environmental conditions, increases migrant vulnerability. Third, the travel warnings limit possibilities for collecting data and carrying out research. For instance, many universities in Europe and North America would not allow students or faculty to carry out research in areas covered by such warnings.

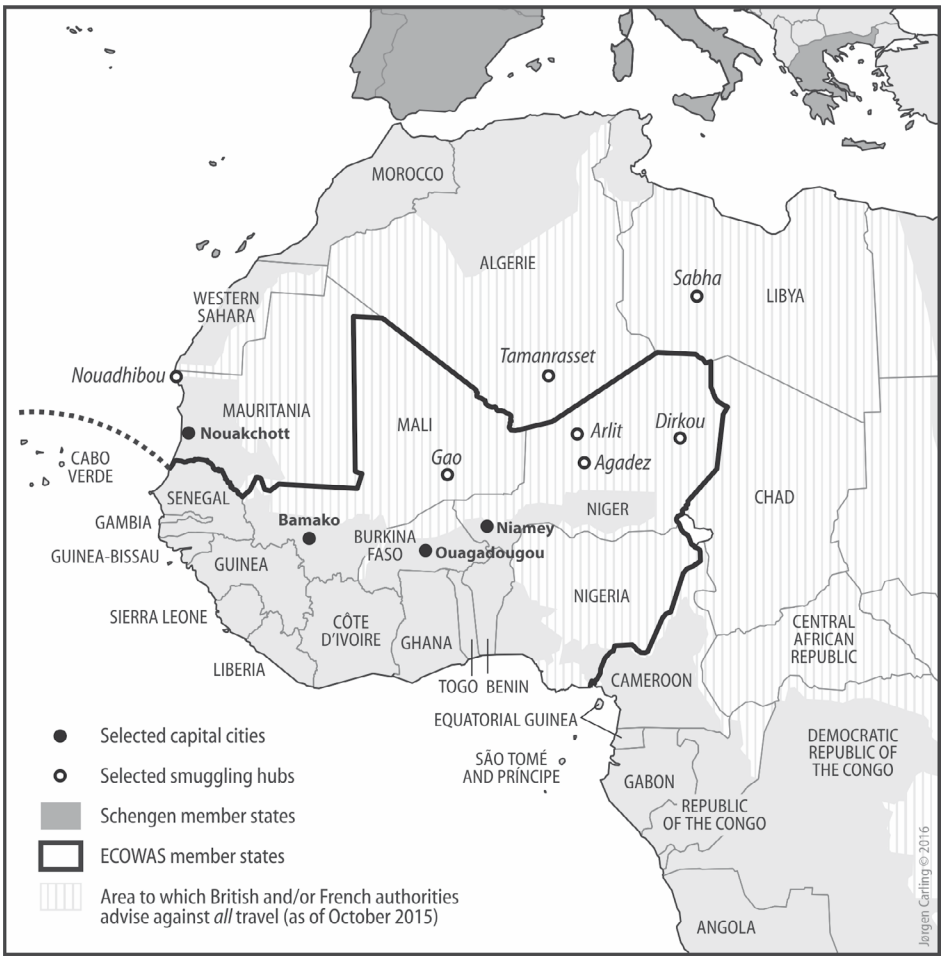
The countries of West and Central Africa differ in their capacity and dedication to migration management, but the relevant international legal frameworks are widely supported. The 2000 Protocol against the Smuggling of Migrants has been signed by every country except Chad, Côte d'Ivoire and Gabon.[5] Without exception, countries in the region have signed the following: (a) 2000 Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children; (b) 1951 Convention relating to the Status of Refugees; and (c) 1967 Protocol Relating to the Status of Refugees.

This chapter broadly covers the countries of IOM's West and Central Africa region, from Cabo Verde and Mauritania in the west to the Republic of the Congo in the south. However, the western areas of Angola and the Democratic Republic of the Congo can be said to be part of the same migration system and are also included where relevant. Particular routes and practices of migrant smuggling from West Africa are continuously shifting, but there is also a strong element of continuity, especially in the period since the 1990s. Although the emphasis here is on research from the past decade, older publications remain relevant to understanding the dynamics of migrant smuggling in the region.

In the Francophone parts of the region, the key term for smuggler is the French equivalent passeur. The term convoyeur is also used (Andersson, 2014b; Daniel, 2008). In Anglophone West Africa, a smuggler is often referred to as a connection man, a term that alludes to the smuggler's role as a service provider with particular networks and skills (Carling, 2006; Lucht, 2013). In the Gambia, where unauthorized migration to Europe has reached extraordinary intensity, this mode of migration is known as the back way to Europe (Chant, 2015; Jagne, 2014).

[5] Among the signatories, the Republic of the Congo, Equatorial Guinea and Guinea-Bissau have not ratified the convention.

Map 2.1: Map of West and Central Africa



Source: Carling, 2016.

Overview of migrant smuggling in the region

The primary overseas destination for migrant smuggling from West and Central Africa is Europe. There are also important flows to the Americas, Asia and other parts of Africa, as well as within the region. The number of West Africans being smuggled to Europe is impossible to determine with certainty, but certain indications are available. In 2014, almost 60,000 sub-Saharan Africans were apprehended as undocumented entrants at Europe's external borders (Frontex, 2015). Many originated from the Horn of Africa, but more than half were from West and Central Africa. In the same year, 73,000 West and Central Africans applied for asylum in Europe. These numbers indicate that many West and

Central African asylum seekers entered Europe either without being smuggled or without being detected.

The West and Central African experience brings out the truly multifaceted nature of migrant smuggling. Rather than thinking of "routes" as trajectories on a map, it is appropriate to approach the diversity of smuggling as a series of modes of migration with both geographical and organization aspects (cf. Carling, 2002). Migrants from West and Central Africa typically need to cross many borders to reach their desired destination, and each border can be crossed in a number of ways:

- **Visa-free entry under provisions for free movement of persons**. This is the form of mobility allowed under ECOWAS provisions, and which generally takes place without the services of smugglers. However, smugglers play a role in providing ECOWAS passports to non-ECOWAS citizens to allow for mobility through West Africa en route to Europe. Facilitators also organize parts of the journey for ECOWAS nationals that do not involve smuggling (Daniel, 2008).
- **Visa-free entry under country-specific regulations**. Migration trajectories can make use of country-specific provisions for visa-free entry to transit countries. For instance, citizens of Cameroon – which is not an ECOWAS member – can travel without a visa to Nigeria and Mali. And Malian citizens enjoy visa-free entry to Algeria. Such provisions are used legally but also create a black market for passports (ibid.).
- **Entry with short-term visa**. Visas for business, family visits or other short-term purposes can play a role in migration trajectories that also involve smuggling. Legally obtained visas can provide access to transit countries. For instance, visas to Portugal have been important transit point for Angolans who later travelled onwards to the Netherlands to seek asylum (Van Wijk, 2007). Visas from West and Central Africa to countries of destination or transit are also often obtained in unlawful ways, with or without the help of professional smugglers (Åkesson, 2013; Alpes, 2014a; Altai Consulting, 2013; Burrell, 2012a).
- **Unauthorized crossing of land borders between border crossing points**. This is the prototypical form of migrant smuggling, exemplified by overloaded trucks crossing the Sahara. While such unauthorized entry happens on foot in other parts of the world, this is virtually unthinkable along most of the external borders of ECOWAS. Unauthorized border crossings in the Sahara involve long

distances in sparsely populated areas with extreme environmental conditions. Fatalities are frequent, but their number is unknown (Altai Consulting, 2015a; Horwood and Malakooti, 2014).

- **Bribery-facilitated unauthorized entry**. Corruption plays a key role in migrant smuggling also in West and Central Africa. Even if the actual crossing of a border takes place between border crossing points, smugglers and their passengers will often have to pass military or police checkpoints on the way. Possibilities for paying one's way out of these situations – even if the purpose of the journey is obvious – can be decisive for the smuggling enterprise (Adepoju, 2011; Cherti, Pennington and Grant, 2013; Daniel, 2008; United Nations Office on Drugs and Crime (UNODC), 2013).
- **Unauthorized boat migration**. Overland smuggling from West and Central Africa to Europe usually proceeds with a crossing of the Mediterranean by boat. In the recent past, boat migration directly from West Africa to the Canary Islands has also been an important mode of migration (Hernández-Carretero and Carling, 2012).

Overland smuggling routes run north across the Sahara, in a network of trajectories that stretches from Mauritania in the west to Chad in the east (Altai Consulting, 2013; Carling, 2007b; de Haas, 2008; Frontex, 2014a; Pliez, 2011). The relative prominence of different trajectories continuously shifts in response to a host of factors, including crises in countries of origin, political unrest in transit countries, anti-smuggling measures, and the migration and asylum policies of Schengen countries along the external border. The overall structure of northbound trajectories is nevertheless well-established.

Many journeys pass through West Africa's northernmost capital cities, Nouakchott, Bamako, Ouagadougou and Niamey. These are all large cities with diverse economies, where smuggling plays a marginal role. One step further, however, are hubs that have often served as trans-Saharan trading posts for centuries, including Agadez, Arlit, Dirkou and Gao. In these towns, migrant smuggling has become a significant part of the economy. Such specialized hubs are a particular feature of geography of migrant smuggling in the Sahel and Sahara. Foremost among them is Agadez in Central Niger, where trajectories from across West Africa converge. This is also a city where migrants chose between onward routes that fan out and lead towards either Spain or Italy (Bomono, 2011; Brachet, 2005a, 2005b; European Commission, 2015; Kuschminder et al., 2015; Pliez, 2011). The cost of overland smuggling from West and Central Africa to the North African coast ranges from USD 100 to USD 1,000 (Altai Consulting, 2013, 2015a).

In the 1990s and 2000s, West and Central Africans who were smuggled to Europe often became illegal residents. Many were apprehended, but released from detention with an expulsion order before the authorities were able to arrange readmission to the country of origin (Carling, 2007a). Today, a much larger proportion of West and Central Africans who are smuggled to Europe apply for asylum. The majority have their applications rejected, but a substantial minority are given protection in Europe. In 2015, that proportion was 29 per cent for West and Central Africans in total (Eurostat, 2016). In other words, smuggling has two very different outcomes. On the one hand, it leads many people down a dead-end path to failed asylum applications, empty-handed return or illegal residence in Europe. On the other hand, smuggling provides access to protection for a large number of people who have a well-founded fear of persecution or otherwise qualify for humanitarian protection.

The hardships and dangers of overland migration through the Sahara are unquestionable, even if numbers on fatalities, assaults and other forms of exploitation are unavailable. Indeed, some migrants fear the Sahara more than the subsequent crossing of the Mediterranean. Anthropologist Hans Lucht (2011) presents four cases of Ghanaians who travel north from Agadez, recounting their experiences of robbery, deaths and the fight for water. The dangers of the journey result not only from the smugglers' disregard for migrants' welfare, but also from the presence of armed robbers and the risk of getting lost in the desert (Altai Consulting, 2013; Carling et al., 2015; Lucht, 2011; Triulzi, 2013).

Review of data on migrant smuggling

Publicly available data on migrant smuggling in West and Central Africa is extremely scarce. This is partly a consequence of the geographical circumstances described in the introduction to this chapter: many journeys involve smuggling only upon departure from the region. Systematic data collection on migrants who are smuggled out of West and Central Africa is therefore primarily carried out elsewhere, such as at the external borders of the Schengen area (e.g. Frontex, 2015). The data sources described in the chapters on Europe and North Africa are particularly relevant for smuggling from West and Central Africa.

There are essentially three types of data that can be valuable as a public resource. The first is aggregate statistics, such as time series or cross-national comparisons. Tables that present interceptions of unauthorized migrants by nationality, year or location are a case in point. For instance, Frontex publishes data on the number of unauthorized entries detected at external borders, separated by land borders, sea borders and border crossing points and broken

down by nationality.[6] These entries do not all result from smuggling, but in the case of West and Central Africans, it is safe to assume that the vast majority of entrants have been assisted by smugglers. Table 2.1 exemplifies this type of data.

Data of this type is evidently valuable but almost always comes with limitations. In particular, data is typically selected or aggregated in ways that make sense in a particular publishing context, but may limit the potential for analysis and secondary use. For instance, the border crossing data produced by Frontex is published in the form of tables of "top 10 nationalities" with the result that time series are interrupted. So although the type of data displayed in Table 2.1 is published as far back as 2008, the time series for these four nationalities cannot be extended backwards because other nationalities happened to be more numerous in previous years.

Similarly, the Frontex data exemplifies the problem that, in data by nationality, smaller countries tend to be merged in large residual category of "other" nationalities. The analytical value of the data is then reduced, especially for West and Central Africa. Migration from this region is spread across a large number of countries of origin, many of which have small populations. So even if unauthorized migration is proportionally much more important in Mauritania and Guinea than in Nigeria, for instance, the two former countries will be hidden from view, buried in a residual category. This approach to data management and publication reflects the destination-country bias with which most migration data is collected and published.

Table 2.1: Detected unauthorized border crossings between border crossing points at the external sea borders of the European Union, by nationality, 2010–2014

	2010	2011	2012	2013	2014*
Nigeria	196	6,380	575	2,870	8,490
Gambia (the)	125	511	514	2,722	8,642
Mali	23	2,484	422	2,236	9,789
Senegal	10	453	145	1,391	4,769

Source: Frontex, 2014b, 2015. Only nationalities from West and Central Africa that are among the top 10 nationalities are included.

Note: *Data for 2014 includes 26,341 "unspecified sub-Saharan nationals", which may include nationals of the four countries listed here.

Summary statistics are sometimes on the borderline of what can be considered "data". Many of the published numbers relating to migrant smuggling

[6] Frontex refers to entries as *illegal*, which can be disputed in the case of persons entering in order to seek asylum. The term *unauthorized* is therefore used here.

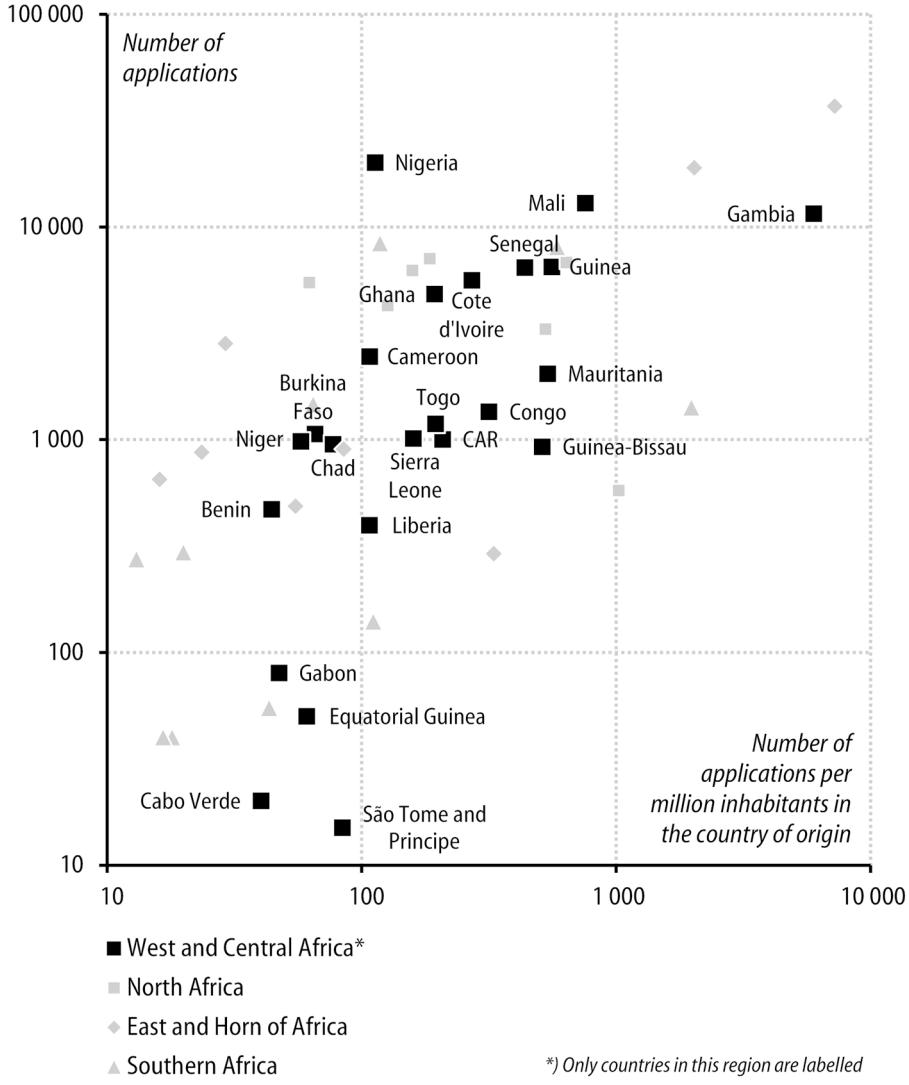
in West and Central Africa are rather a handful of data points. For instance, Massalaki (2015) reports that, according to UNODC, up to 4,000 migrants can pass through Agadez, Niger, every week. The year before, the United Nations High Commissioner for Refugees estimated that the weekly number of migrants passing through Northern Niger on their way to Libya is 750–1,000 (UNHCR, 2014). Although these are both estimates, it is hard to say how much of the difference can be attributed to an actual increase in migration. The two estimates are not exactly comparable in their geographical reference point, and there may be methodological differences in how the estimates were produced. This example illustrates the point that a call for more data on migrant smuggling is not simply a call for more numbers, but rather, for numbers that are systematically collected in a comparative way and made public together with the underlying methodology, definitions and assumptions.

Data on asylum represents an important resource, but with limitations. These data are collected, processed and distributed more systematically than any other statistical information related to smuggling. However, the relationship between smuggling and asylum is only partial; not all smuggled migrants apply for asylum, and not all asylum seekers have been smuggled. Still, asylum statistics are valuable for making cross-national comparisons in West and Central Africa.

Figure 2.1 displays the peak annual number of asylum applications launched in Europe by African citizens from 2008 to 2014.[7] The figure makes cross-country comparisons with two perspectives: (a) how prominent was each nationality from the Europe point of view; and (b) how important was asylum migration to Europe from an origin-country point of view. The figure includes all countries in Africa, but only the ones in West and Central Africa are labelled. The vertical axis represents the absolute number of applications. Nigerians, Malians and Gambians stand out with more than 10,000 applications from each in their respective peak years. The horizontal axis expresses the number of applications relative to the resident population in the country of origin. Among the countries in West and Central Africa, the Gambia is in a league of its own in terms of the intensity of asylum migration. Next in line are Mali, Guinea, Mauritania and Guinea-Bissau. With the exception of Mali, these countries of origin receive little attention in a media and policy landscape that is focused on the absolute number of arrivals from a receiving-country perspective.

[7] The number of applications fluctuates from year to year, and the peaks can have greater analytical value than the averages.

Figure 2.1: Asylum applications launched in Europe by African citizens, maximum annual figure by country of citizenship, 2008–2014



Source: UNHCR (asylum applications) and World Bank (population).

Moving on from summary statistics, the second form of data to consider is primary survey data. *Primary* here implies that the data is available in its most detailed form before any aggregation or analysis. For survey data, this implies data sets containing all the individual responses, possibly with modifications to ensure anonymity.

There are apparently no large-scale surveys that specifically address migrant smuggling in West and Central Africa. However, several more general surveys on migration include one or more questions related to smuggling. Primary among these are the data sets from the project Migrations between Africa and Europe (MAFE), led by the Institut national d'études démographiques (INED) in France (Beauchemin et al., 2014). The project team conducted interviews with representative samples of about 1,500 individuals (non-migrants and return migrants) in selected regions of the Democratic Republic of the Congo, Ghana and Senegal. In addition, 300 Congolese, 300 Ghanaians and 450 Senegalese were interviewed in Europe. The detailed migration histories include specification of whether or not the migrant travelled with a smuggler.

The MAFE project stands out not only by virtue of the scope and quality of the data, but also by the commitment to data sharing. The various data sets from the projects are available online, accompanied by a detailed guide that facilitates their use (ibid.). Professional funders of academic research often have requirements for making data publicly available after an embargo period. This is the case with the European Commission, which funded the MAFE project. But other agencies that commission or fund research typically have no such requirements. Consequently, a large part of the data that is collected remains inaccessible to other analysts.

This is unfortunate for several reasons. First, when there is no secondary use of the data, there is a risk that the time and goodwill of survey respondents do not produce new insights to the extent that would have been possible. Second, the conclusions drawn by the people who conducted the research are not supplemented by independent and critical scrutiny. This is particularly problematic when the authors have limited technical expertise on survey methodology or work for organizations with particular agendas. These limitations often apply to the so-called grey literature, which accounts for much of the available documentation of migrant smuggling in West and Central Africa. Finally, the research contributions to policy are not fully realized when the data cannot be re-analysed with additional perspectives or research questions. In the case of the MAFE project, the question on smuggling has not been examined in any of the project team's many publications, but this possibility is available to others because of the data sharing.

In addition to summary statistics and primary survey data sets, data on migrant smuggling could be made available in the form of in-depth interview transcripts or other qualitative data. Requirements for data sharing are increasingly also applied to such data, but this involves considerable ethical and methodological challenges. Whereas survey data can easily be anonymized,

qualitative data often contain detailed descriptions that render individuals identifiable, even if names of persons and places are removed. The confidentiality of informants is therefore ensured in the writing process. Qualitative research plays an essential role in understanding migrant smuggling in West and Central Africa, but in the form of published work rather than as raw data.

Box 2.1: Facing the risks of being smuggled

Migrants who are smuggled face considerable danger: fatalities are a common theme across news media, grey literature and academic publications about migrant smuggling (e.g. Brian and Laczko, 2014; Spijkerboer, 2007; Carling, 2007a). When the risks are so great, why do migrants resort to being smuggled? This question became prominent in West Africa in 2006, when a new migration route directly to the Canary Islands emerged. Thousands of migrants left Senegal and other countries on the West African coast in small wooden boats known as pirogues and spent a week or more at sea before reaching the Spanish archipelago. The media reported horror stories of death by starvation or drowning after engines failed or boats capsized. One pirogue was washed ashore in Barbados, on the other side of the Atlantic, with 11 desiccated corpses on board.

Hernández-Carretero and Carling (2012) examined how would-be migrants in Senegal related to the risks of pirogue migration. While some factors were specific to this form of boat migration, several psychological mechanisms could hold true for the risks of smuggling more generally.[8]

Ignorance: Some migrants were apparently unaware of the dangers that awaited them, but they appear to be a small minority. The rule here, as elsewhere, seemed to be that migrants knew very well that they were doing something potentially dangerous (cf. Sheridan, 2009).

Avoidance: Prior to departure, some migrants expressly rejected thinking or asking about potential negative outcomes, instead focusing on the possibilities of life in Europe. Such behaviour is an understandable psychological defence mechanism.

Discrediting: Much of the information about the dangers of migration came from government sources and campaigns. Some prospective migrants discredited the information by pointing to the governments' agenda of dissuading people from boarding the boats.

Distancing: Others acknowledged the risks as genuine, but distanced themselves from the danger by pointing out that others were more at risk. In particular, many prospective migrants held that the journey was dangerous for people from the inland who were not used to the sea, but not for people who had grown up in fishing communities.

Minimization: Prospective migrants pointed to a number of strategies for reducing the risk, ranging from bringing a backup GPS device to obtaining spiritual protection. All such measures reduce the sense of powerlessness in the face of danger.

[8] The headings that are used for the different mechanisms are developed for this report and not taken from the original source.

Faith: Religious faith helped overcome fear among prospective migrants in Senegal. As one of Hernández-Carretero and Carling's informants expressed it, "if you are fearful, then you disbelieve God" (2012:415). The particular belief that one's time of death is predetermined at birth made fear of dying on the way to Spain irrelevant.

Bravery: Most prospective migrants sought to escape a feeling of social stagnation and hopelessness. Risking a journey to Europe was seen as a sign of determination and taking responsibility for oneself and one's family. The fact that this demanded courage did not make it less admirable.

Realism: Prospective migrants were aware that many others had faced the dangers, succeeded, and managed to improve the lives of their families. In light of the probability of different outcomes, taking the risk was for many a rational choice.

The flow of pirogues from West Africa to the Canary Islands eventually ceased, partly as a result of speedy returns. Migrants from coastal West Africa continue to leave for Europe, but primarily travel overland to Libya and then cross the Mediterranean to Italy.

Review of migrant smuggling research

Much of the research on smuggling of West and Central Africans has been conducted outside the region, especially in North Africa and Southern Europe. Research in those regions is covered in other chapters of this report.

Research on migrant smuggling within West and Central Africa can be divided into three main types, which will be discussed in turn: (a) investigative journalism; (b) grey literature; and (c) academic research. Across the three types of publication, the prominence of smuggling and smugglers varies. There are few studies that explicitly address smuggling, but a large number that examine irregular migration more broadly and include information about the nature of smuggling. Most research focuses on the migrant journey in one way or another, either by following one or more migrants en route (Andersson, 2014b; Lucht, 2011; Schapendonk, 2011; Schapendonk and Steel, 2014), focusing on particular transit towns and cities (Hinshaw and Parkinson, 2015; Pliez, 2011; Smith, 2015), or taking more of a bird's-eye view of migration routes (Bredeloup and Pliez, 2005; Kuschminder, de Bresser and Siegel, 2015). There is a smaller body of research that examines the various forms of brokerage and fraud related to migration documents (Åkesson, 2013; Alpes, 2013b; Alpes and Spire, 2014; Gaibazzi, 2014; Landinfo, 2012; Piot, 2010b). Some of the broader research on contemporary society in the region also yields insights on the facilitation of unauthorized migration. Examples include Emmanuel Grégoire's (2010) study of Tuaregs in Niger and Jenna Burrell's (2012b) study of Internet use in Ghana.

Investigative journalism

A substantial part of research on migrant smuggling in West and Central Africa has been conducted by investigative journalists. This is not surprising, since the combination of human drama and political urgency has great journalistic appeal. Several journalists have covered African migration issues for news media for a number of years and subsequently written a book about the subject (e.g. Daniel, 2008; Gatti, 2008; Liberti, 2011).

The French-Beninese journalist Serge Daniel wrote the book *Les routes clandestines: l'Afrique des immigrés et des passeurs* (2008) on the basis of four years of research in 15 countries and a voyage of several months that took him from Lagos to Ceuta, passing through Lomé, Accra, Gao, Kidal and Tamanrasset. His work stands out not just because of its thoroughness, but also because he is born and raised in West Africa. Most other researchers and journalists whose work on West and Central African migrant smuggling has reached an international audience are European or North American.

The research that fits the label "investigative journalism" gains strength from the emphasis on physical presence and first-hand accounts, even in harsh and dangerous environments. For instance, journalists have recently files in-depth reports on migrant smuggling in Gao (Smith, 2015) and Agadez (Hinshaw and Parkinson, 2015), inside areas covered by the most severe travel warnings (cf. Map 2.1). Published pieces often combine reporting on the ground with contextual information gathered from "experts" of various kinds, such as local officials, non-governmental organization (NGO) workers, community leaders and academics, for instance.

A potential weakness of journalistic accounts of migrant smuggling is that poorly grounded affirmations from these experts become reproduced as factual truths after they are published in reputable news outlets. Many accounts also suffer from inaccuracy and sensationalist leanings. For instance, many journalists – even in leading news organizations, such as the BBC, *New York Times*, Reuters and *Wall Street Journal* – confuse trafficking and smuggling. The pressure on news media to cut costs and vie for attention in an overcrowded digital universe could harm the quality of coverage on migrant smuggling. The most valuable contributions to date have come from a combination of expensive on-site reporting and accumulated in-depth expertise that is increasingly difficult to sustain.

Grey literature

The term grey literature generally refers to research output that is produced outside of commercial and academic publishing and distribution channels, often by government institutions, NGOs or the private sector. On the topic of migrant smuggling from West and Central Africa, this type of literature includes a number of reports produced or commissioned by intergovernmental organizations (Altai Consulting, 2013, 2015a, 2015b; Barrios, 2015; Cherti, Pennington and Grant, 2013; Marie, 2004; European Commission, 2015; Finnish Immigration Service Country Information Service, 2015; Frontex, 2014a; Global Initiative Against Transnational Organized Crime, 2014; IOM, 2013, 2014; Reitano and Tinti, 2015; Shelley, 2014; UNODC, 2013). The authors – who include staff, consultants and academics – are in some cases identified and in other cases obscured by institutional authorship. These studies are often written with policy agendas in mind and valued for their policy relevance. They tend to focus on empirical documentation and sometimes have a limited shelf life.

The quality of the grey literature on migrant smuggling varies enormously. Many studies provide excellent and accessible overviews. However, a widespread weakness is that research methodology is poorly documented. The missing documentation makes it difficult to interpret the results, and leaves open the possibility of methodological flaws. Whereas academic publications are subject to critical scrutiny through anonymous peer review, there is no corresponding, consistently applied mechanism for quality assurance of the grey literature.

The close ties between grey literature and policy processes create both benefits and challenges. Grey literature can provide timely input to evidence-based policy. For instance, Horwood and Malakooti (2014) draw attention to fatalities of African migrants in the Sahara, showing that measures to reduce fatalities need to reach beyond Europe's external borders. Challenges can occur when grey literature is tied to specific policy agendas and selective perspectives and interpretations produce biased conclusions.

The grey literature has an image of being technical and objective, with "report" as the standard genre. However, such reports can also be tendentious. For instance, one recent report on migrant smuggling from Africa to Europe makes the assertion that "a far more violent and ruthless smuggling industry has emerged" and illustrates it with a drawing of a masked man wielding a knife above a person who is kneeling with hands tied behind the back (Reitano and Tinti, 2015:12). The image is clearly inspired by the execution videos released by the Islamic State in 2014 and 2015, and connections between migrant smuggling

and terrorism are mentioned in the text. But the insinuation that smugglers are now beheading their clients remains unsubstantiated.

Grey literature is, by definition, flexible in format and content. This flexibility can be used to great effect in documentation of migrant smuggling experiences. Hagen-Zanker and Mallett (2016), for instance, combine illustrative primary research, solid ties with the academic literature, and excellent research communication in their report on migrant journeys to Europe. Migration from Senegal, usually by means of smugglers, is one of the foci in the report.

Academic research

Boundaries between the literatures are blurred, since much of the grey literature is written by academics, and some academic publications provide summary overviews akin to grey literature reports. The focus in this section is on original peer-reviewed research, which is a work that draws upon primary data and has been subject to the quality assurance mechanisms of academic publishing.

The bulk of academic research on migrant smuggling from West and Central Africa uses ethnographic methods and analyses the experiences and perspectives of migrants and their communities of origin. It is carried out primarily by anthropologists, with a smaller number of geographers, sociologists and interdisciplinary Africa specialists. The resulting literature falls into four broad groups.

First, a number of recent studies have employed multisite fieldwork along smuggling routes from West and Central Africa towards Europe. Ruben Andersson (2014a, 2015b) and Joris Schapendonk (2011, 2012a, 2012b, 2007, 2014) have both followed migration routes from Senegal via Morocco to Europe. Hans Lucht (2011, 2013) have traced routes from Ghana to Italy, and, in ongoing research, Line Richter (2015) is following Malian migrants through the Maghreb. A contrast to these trans-Saharan journeys is provided by Pilar Uriarte Bálsamo (2009), who examined clandestine journeys on cargo ships from West Africa to South America, based on fieldwork in Argentina, Ghana, Nigeria, Uruguay and Venezuela.

A second strand of ethnographic research examines the experiences of West and Central African migrants at transit points on the way to Europe. Examples include Kristin Kastner's (2009, 2013, 2014) research among Nigerians in the Gibraltar region, Brigitte Suter's research among Africans in Istanbul (2012a, 2012b, 2013) and Choplin and Lombard's (2009, 2013) research on

stranded sub-Saharan Africans in Mauritania. The concentration of migrants in these locations reflects the fragmentation of journeys that depend wholly or partly on smuggling (cf. Collyer, 2007).

A third set of studies focus on societies of origin, where facilitators arrange for migration on regular international flights, and where overland or maritime journeys start. These studies shed light on the organization of smuggling, as well as the motivations of smuggled migrants (e.g. Gaibazzi, 2012, 2013; Hernández-Carretero and Carling, 2012; Vigh, 2009). The work of Maybritt Jill Alpes in Anglophone Cameroon has been important to understanding how prospective migrants and brokers navigate the regulatory dynamics of emigration (Alpes, 2012, 2013a, 2013b, 2013c, 2014a, 2014b; Alpes and Spire, 2014). Her work is part of a larger, global line of research that examines migration brokerage, recognizing that the essence of such services is independent of the legal status of particular practices (cf. Lindquist, Xiang and Yeoh, 2012). Charles Piot (2010a, 2010b) provides another in-depth view of the social dynamics of migration documents in West and Central Africa. Based on long-term fieldwork in Togo, he examines how people play the US Diversity Visa Lottery in semi-legal ways. The quest for visas is also examined by Lisa Åkesson (2013) in Cabo Verde, Cati Coe (2013) in Ghana, and Paolo Gaibazzi (2014) in the Gambia. Complementary institutional perspectives on migration documents in West Africa are provided by Francesca Zampagni (2011) in Senegal and Pieter Boeles (2003) in Ghana and Nigeria.

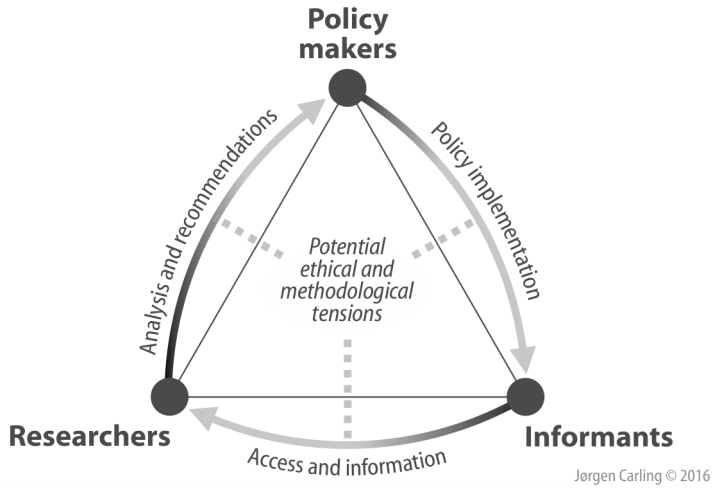
A fourth body of research examines the transnational families and networks of West and Central Africans. Facilitation of unauthorized migration is a minor theme, but emerges, for instance, in the work of Beth Buggenhagen (2012) on transnational Senegalese families and Valentina Mazzucato (2008) on transnational ties between Ghana and the Netherlands.

Migration documents play different, but still important roles for migration within Africa. Again, this is rarely a major theme in the literature, but is addressed, for instance, in Bruce Whitehouse's (2012) research on West Africans in Congo and Jesper Bjarnesen's (2013) examination of migration between Burkina Faso and Côte d'Ivoire. Whitehouse shows how the prevalence of corruption undermines the legality of migration within Africa. Immigrants who were intercepted on the street in Brazzaville were often told by the police that "we don't eat paper" and consequently concluded that the expense of a permit was a poor investment. Similarly, legal circulation within ECOWAS is often impeded by rent-seeking officials (Lucht, 2011).

Ethnographic research and policy relevance

Much of this report's insight into migrant smuggling in West and Central Africa comes from ethnographic research. Such research typically involves a triangular relationship between researchers, their research informants and policymakers (Figure 2.2). The dynamics of this three-way relationship have decisive implications for the nature of research on migrant smuggling in West and Central Africa. Informants are the individuals who provide researchers with information – through interviews or otherwise – and who are directly implicated in the processes under study.[9] In the case of research on migrant smuggling, informants could be migrants, prospective migrants and smugglers. Before any information can be obtained, however, the researcher needs access to informants. Undocumented migration and migrant smuggling are sensitive topics, and obtaining access is closely connected to building trust (Bilger and van Liempt, 2009; Kastner, 2014).

Figure 2.2: The triangular relationship between researchers, informants and policymakers in ethnographic research



Source: Carling, 2016.

Research on migrant smuggling can be valuable to policymakers, either in the form of analysis of the dynamics at work, or as explicit policy recommendations.[10] But the policies that are developed and implemented will often affect the informants, if not at the individual level, then by targeting the same group. For instance, research that draws on smugglers as informants

[9] Researchers differ with respect to their preferred terminology; informants are sometimes referred to as *research participants*, or, if interviewees are the primary data collection methods, as interviewees.

[10] *Policymakers* is a shorthand term for individuals and organizations that develop and implement policy.

could inform anti-smuggling policies and in turn harm the people who make the research possible. The same applies to research with asylum seekers and other migrants who have depended on smugglers to reach their destination; research findings could inform counter-smuggling measures that hurt future migrants by making journeys more dangerous or costly.

These connections between ethnographic research and policy create ethical and methodological challenges. It is difficult to gain access if informants perceive that the outcome of research is not in their interest. And concealing such implications can contravene ethical guidelines and convictions. Much of the ethnographic research on unauthorized migration from West and Central Africa stems from months or years of building relationships with individuals and communities, and researchers are understandably wary of betraying that trust. Researchers manage obligations to their informants first and foremost by ensuring the confidentiality of individuals (and sometimes locations). It is difficult to tell whether findings are also presented selectively so that they do not facilitate the containment of migration. Because ethnographers often sympathize with their informants, there is a fine balance between research ethics and politically motivated self-censorship.

Many ethnographers working in West and Central Africa would probably be pleased to contribute to policies aimed at reducing migrant vulnerability. However, it is a concern that anti-smuggling measures have sometimes been justified with reference to migrant protection, even when the primary objective is to contain asylum seekers and other migrants against their will (Carling and Hernández-Carretero, 2011; Crépeau, 2003; Horsti, 2012).

Besides the issues of distrust and contrasting agendas, exchanges between ethnographic and policy communities are sometimes constrained by communication gaps that neither side is able to bridge. Policymakers may struggle to see the relevance of microlevel analyses, and ethnographers may lack the familiarity with policy processes that could have helped make the relevance explicit. But successful examples of bridging the gap exist in both the academic and grey literature (e.g. Hagen-Zanker and Mallett, 2016; Schapendonk, 2015).

Much of the ethnographic research related to migrant smuggling from West and Central Africa has been carried out by PhD candidates. Some convert their dissertations into books, and others publish articles that draw upon specific chapters or summarize the dissertation as a whole. From a policy perspective, it is worth noting that the original dissertations often contain detailed empirical descriptions that are lost in the competitive process towards scholarly publishing.

Conclusion and ways forward

Migration from West and Central Africa has been important for the region's development, as well as the safety and prosperity of individuals and families. When migrants resort to being smuggled, migration can become dangerous, traumatizing and unreasonably costly. There is substantial potential for change in the direction of IOM's vision of humane and orderly migration for the benefit of all.

Migrant smuggling can be curtained by reducing either the supply or the demand. A central finding from research in the region is that migrants are defiant and determined in the face of dangerous journeys. This raises questions about the impact of anti-smuggling measures. Such measures typically reduce supply by increasing the risks and obstacles for smugglers. Consequently, the smugglers who are still in business can only offer services that are more expensive and dangerous for migrants. The question is whether this reduction in supply will reduce the volume of smuggling or simply expose the same number of migrants to greater risks and costs.

A second unanswered question is how demand for smuggling might be reduced. Logically, there are two possibilities: (a) enabling a shift to legal forms of migration; or (b) reducing demand for migration altogether. Both options are politically controversial. The requirements to succeed with either strategy are also unknown. New research can form a basis for simultaneously assessing the feasibility and desirability of measures that seek to reduce the demand for smuggling.

Closer ties between policy agendas and high-quality research could help design and implement policies that reduce migrant fatalities and suffering. Such connections are easier to forge when policies are genuinely oriented towards migrant well-being. Cross-fertilization between academia and policy could also be greatly enhanced by greater support for the open data agenda, exemplified by the European Union's European Data Portal and the World Bank's Open Data Initiative. Policy organizations that commission or conduct research on migrant smuggling could increase the value added by ensuring that primary data becomes openly accessible for additional analyses.

Most of the research reviewed here is conducted by people from outside West and Central Africa who are also based at institutions outside the region. In order to ensure cross-fertilization between migration research and policy, it is imperative to also strengthen research capacity and institutions within West and

Central Africa. In terms of methodology and research design, there is unfulfilled potential for research that explicitly addresses smuggling and carried out in a comparative fashion across several countries in West and Central Africa.

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3

EAST AFRICA

Nassim Majidi and Linda Oucho

Introduction

Migrant smuggling in East Africa originates mainly from the Horn of Africa, inclusive of Djibouti, Eritrea, Ethiopia and Somalia. Outside of the Horn, the East Africa region is governed by the East Africa Community (EAC) and its free movement zone. The Treaty for the Establishment of the East African Community (1999) brought together the governments of Kenya, Uganda, United Republic of Tanzania, and later Burundi and Rwanda, to establish the EAC. It is a regional integration initiative reaffirming the free movement of goods, persons, workers, services and capital. This agreement has led to significant internal migration in the region; as of 2009, Kenyan emigrants' major destinations in Africa, for example, were to EAC neighbours Uganda and the United Republic of Tanzania (International Organization for Migration (IOM), 2015:55). These countries have now, in turn, become major transit hubs for irregular migration and smuggling networks from the Horn of Africa.

Migrant smuggling in the region occurs through land, sea and air routes as migrants are driven out of their countries by conflict, poverty, climate and developmental changes in the Horn of Africa. This subregion is pivotal for migrant smuggling and human trafficking, which according to the Danish Refugee Council, affects up to 80 per cent of migrants from the region (Martin and Bonfanti, 2015). Although different sources capture smuggling data, there is no standardized data collection system. This reiterates the need to take stock of what smuggling and irregular migration represent in this region. The starting point is the existing legal framework. Table 3.1 shows the countries that have signed and ratified the Protocol against the Smuggling of Migrants by Land, Sea and Air. At a regional level, Rwanda, Burundi and the United Republic of Tanzania have signed and ratified the Protocol against the Smuggling of Migrants by Land, Sea and Air. Djibouti, Ethiopia, Kenya and Uganda have either ratified or signed the protocol, whereas Somalia, Sudan and South Sudan have neither signed nor ratified the protocol. Hence, the Horn remains a key subregion to the study of smuggling: both home to most irregular migrants and to an overall lack of adherence to legal frameworks on the smuggling of migrants.

Table 3.1: Signatories of the Protocol against the Smuggling of Migrants by Land, Sea and Air and the Convention against Transnational Organized Crime

Country	Protocol against the Smuggling of Migrants by Land, Sea and Air		Convention against Transnational Organized Crime	
	Signature	Year ratified	Signature	Ratification, Acceptance (A), Approval (AA), Accession (a), Succession (d)
Burundi	14 Dec 2000	24 May 2012	14 Dec 2000	24 May 2012
Djibouti	-	20 Apr 2005	-	20 Apr 2005 (a)
Ethiopia	-	22 Jun 2012	14 Dec 2000	23 Jul 2007
Kenya	-	5 Jan 2005	-	16 Jun 2004 (a)
Rwanda	14 Dec 2000	4 Oct 2006	14 Dec 2000	26 Sep 2003
United Republic of Tanzania	13 Dec 2000	24 May 2006	13 Dec 2000	24 May 2006
Uganda	12 Dec 2000	-	12 Dec 2000	21 May 2004

Source: United Nations Treaties Collection.

The importance of smuggling in East Africa is recognized both within and outside the region. Recent initiatives focus on training law enforcement on how to handle migrant smuggling. These include the European Union-Horn of Africa Migration Route Initiative under the Khartoum Process (2014), which targets both trafficking and smuggling of migrants in the region with a dual view to ending smuggling and addressing the root causes of the migration. In addition, there is the Somalia-Kenya Forced Migrant Rights Initiative (2014–2017), which targets migrant smuggling and human trafficking with the aim of creating safe environment for forced migrants and smuggled migrants. The European Union has been heavily involved in launching counter-smuggling initiatives in East Africa. The European Union's Khartoum Process aims to improve migration governance and help countries to fight smuggling of migrants and trafficking in human beings. Most recently, the European Union has launched a new fund called the European Union Emergency Trust Fund for Africa, and expanded its Regional Development and Protection Programme to tackle the root causes of irregular migration in and out of the region. One of the focus of these funds will be on the Horn of Africa. Commentators – including the Inter-agency Working Group (IAWG) on Disaster Preparedness for East and Central Africa – have highlighted the conflation of the terms smuggling and trafficking in policy discussions led by the European Union in the region (IAWG, 2015:3), and the insufficient recognition of the political and security environments that drive forced displacement.

Map 3.1: Eastern Africa

Source: African Development Bank. Available from www.afdb.org/fileadmin/_migrated/pics/map_africa_eastern_uk.gif

This is a time of increased attention to and funding of initiatives on mixed migration[11] and irregular migration in the region. Smuggling is researched as a secondary object of study, through the primary prism of irregular migration, mixed migration, population movements in and out of a wider region that is governed by different legal frameworks. This chapter highlights the low levels of systematic and specific research on migrant smuggling. It maps out routes and provides a description of the smuggler profiles and characteristics of smuggled migrants identified by existing studies. Potential gaps and opportunities for further research are shown to refocus the attention on the dynamic nature of migrant smuggling. The chapter draws from recent reports on migrant

[11] "The principal characteristics of mixed migration flows include the irregular nature of and the multiplicity of factors driving such movements, and the differentiated needs and profiles of the persons involved. Mixed flows have been defined as 'complex population movements including refugees, asylum seekers, economic migrants and other migrants'. Unaccompanied minors, environmental migrants, smuggled persons, victims of trafficking and stranded migrants, among others, may also form part of a mixed flow" (IOM's Ninety-Sixth Session, Discussion note: International Dialogue on Migration, 2008).

smuggling, most of which focus on Somali, Eritrean and Ethiopian migrants who form a majority of the smuggled migrants. Other Eastern African countries have limited data but are important as transit countries.

Overview of migrant smuggling in the region

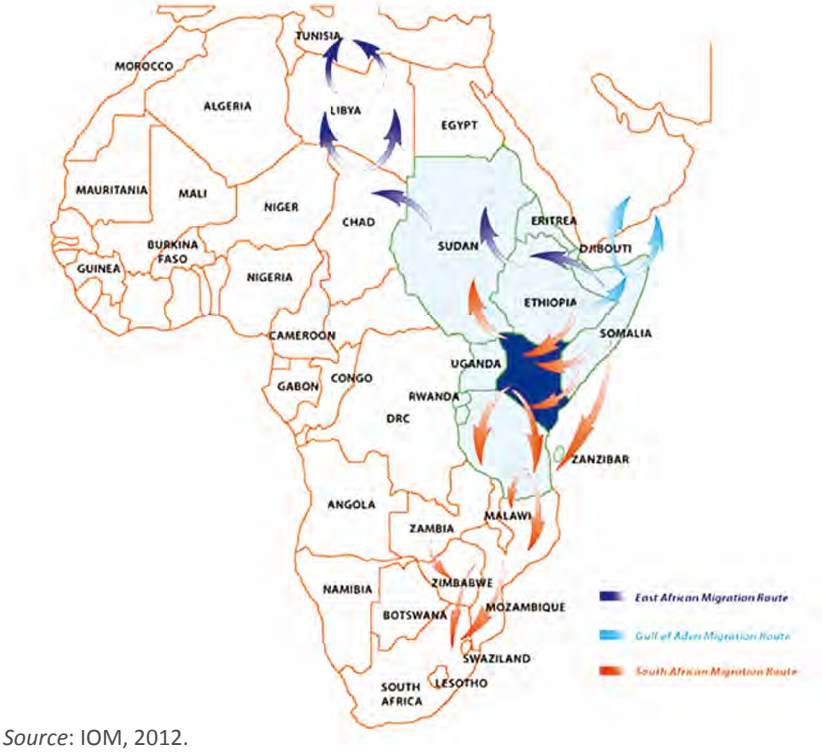
Smuggling routes

There are three main destinations for migrants from Eastern Africa, which are Europe, the Middle East and Southern Africa. The routes taken depend on the mode of transport used by the smuggled migrant.

EUROPE	Via the Sudan to Libya or Egypt where they access Europe from West Balkans via the former Yugoslav Republic of Macedonia and the Central Mediterranean route to Italy. Most of the migrants are Somalis, Eritreans, Sudanese and Ethiopians.
MIDDLE EAST	To Yemen via the Somali regions' cities of Hargeisa and Bossaso.
SOUTHERN AFRICA	Via Kenya, Malawi, Mozambique and the United Republic of Tanzania, to South Africa where majority of the irregular migrants are destined.

Smugglers use existing trade routes frequented by nomadic ethnic groups from the Horn of Africa to North Africa and beyond. For instance, the Raishaida from Eritrea continue their nomadic lifestyle moving across the border to Sudan and the Tuareg in North Africa. In contrast, the routes to Southern Africa are manned by a network of smugglers operating in the country of origin and the transit countries, both on land and sea. The choice of the destination depends on whether the migrant has networks residing in those locations (that is, family/friends) or based on the options provided by the smuggler. It is noticeable that migrants from Eastern Africa, especially Ethiopians and Somalis, prefer South Africa as a destination; however, the numbers destined for that location are unknown, unlike the figure reported to the Middle East via Yemen or Europe via North Africa (see Map 3.2).

Map 3.2: Migration routes from Eastern Africa



Source: IOM, 2012.

Migrant smuggling from source to destination

Some countries in Eastern Africa operate primarily as transit countries, whereas others are major source countries. Table 3.2 below outlines the source, transit and destination countries of migrant smuggling.

Table 3.2: Source, transit and destination countries for migrant smuggling

Source country	Transit countries/territories	Destination countries
Somalia	Djibouti, Kenya, Malawi, Mozambique, United Republic of Tanzania	Europe, Kenya, South Africa, Yemen
Djibouti		Yemen
Ethiopia	Djibouti, Kenya, Libya, Malawi, Mozambique, Puntland, Somalia, Somaliland, Sudan, United Republic of Tanzania, Yemen, Zambia, Zimbabwe	Europe, Lebanon, Saudi Arabia, South Africa, United Arab Emirates
Eritrea	Libya, Kenya, Sudan	Europe, Egypt, Israel, Kenya

Source: Regional Mixed Migration Secretariat (RMMS), 2013.

Somalia, Eritrea, Ethiopia and Djibouti have been identified as major source countries of migrant smuggling. Somalia and Djibouti also operate as transit countries for migrants travelling by sea, land or air to the Middle East and South Africa (RMMS, 2014a). Uganda, Kenya and the United Republic of Tanzania are the main transit countries given the more stable conditions than other neighbouring States, such as Somalia, Ethiopia and Burundi. There has been little evidence to show that they are source countries for migrant smuggling (RMMS, 2013). Uganda is a transit country for nationals from the Democratic Republic of the Congo, as South Sudanese accessing the country do so in order to claim asylum. Sudan is not a major source country for irregular migration, as most migrants claim asylum in the first safe country of arrival (IOM, 2011:59). Similarly, there are limited studies on migrant smuggling from Burundi and Rwanda, as these countries have produced more refugees and asylum seekers as a result of conflict.

Smuggling by sea

Migrant smuggling through the sea tends to be for shorter journeys and is favoured by migrants who lack the financial resources to fund their trip. There are two major sea routes used to smuggle migrants to the Middle East and Southern Africa. Migrants bound for the Middle East use the Gulf of Aden route exiting from Hargeisa, Bossaso, in Somalia, Puntland, Somaliland and Djibouti and transit through Yemen heading to Saudi Arabia and other Middle Eastern countries.

Migrants using the South African route exit through Kismayo and Mogadishu in Somalia by boat and travel to Mombasa, Kilifi, Lamu and other unregulated ports in the north coast of Kenya. In Kenya, migrants can opt to take another boat to Mozambique or proceed by land via the United Republic of Tanzania, Malawi, Mozambique and finally South Africa. Ethiopians have used South Africa as a transit route for the Americas, but the journey is costly as counterfeited refugee documents or fake documentation have to be purchased in transit countries. Ethiopian migrants often need resources to access their desired destination and in a recent conference in Sudan, focusing on Migration and Exile in the Horn of Africa in November 2015, Ethiopian migrants from a poor background could only afford to migrate to Sudan instead of Yemen.

Smuggling by land

Land routes are for both short and longer journeys with migrants from Ethiopia and Eritrea transiting Kenya through the porous borders of Isiolo and Moyale in northern Kenya. Several arrests have been made at Moyale, Isiolo

and Marsabit as prisons are said to be crowded with migrants (Barasa and Fernandez, 2015:39). Refugee camps, Eastleigh in Nairobi and Mombasa, are smuggling hubs that temporarily house transit migrants bound for different locations (Gastrow, 2011). Ethiopians, Somalis and Eritreans destined for Europe have been transported through Addis Ababa where they are met by brokers that transport them to Sudan on the way to Libya. Hawala agents operating in Khartoum manage the finances and transport of migrants through Ethiopia into Sudan (Sahan Foundation and Intergovernmental Agency on Development (IGAD) Security Sector Program, 2016:21). Uganda has been a transit country for nationals from Central Africa, especially nationals from the Democratic Republic of the Congo either migrating to Uganda or Kenya to seek asylum and/or settle.

Smuggling by air

Air routes have been linked to mostly Kenya as a major transit country for smuggled migrants that can afford air travel where falsified documents (that is, passports and visas) are obtained. By air, migrants can travel directly and indirectly to Europe. Indirect travel is done through other African countries, especially via West Africa or Middle East to Europe. Other destinations by air include South Africa to Europe or the Americas (International Centre for Migration Policy Development (ICMPD), 2008:63–64). In the case of Eritrea, smuggling by air is viewed as "first class treatment", where smugglers organize specific "flight connections to remote international destinations, from where European visas are obtained for their passengers" (Sahan Foundation and IGAD Security Sector Program, 2016:28).

Smuggling routes in source and transit countries are poorly regulated by authorities due to the lack of resources at border points, making it difficult for law enforcement to intercept irregular movements, especially along large coastlines such as the 110-km coastline from Likoni to Vanga, which has opened up 176 illegal entry points (Barasa and Fernandez, 2015:43). According to the Tanzanian authorities, it is "challenging for the officers stationed at these border crossing points, as the volume of crossing per day is impossible to track … the lack of computerized data capture likewise limits the ability for offices to check and verify travellers' information" (Ramkishun, 2015). The lack of effective legislation or policies to manage and police irregular flows of migration has allowed migrant smuggling to persist. This is also made worse by corrupt practices of law enforcement operational at the border points and within the country (RMMS, 2013). Furthermore, migrant smuggling is not high on the agenda for countries in Eastern Africa as more pressing issues such as security and the current refugee crisis takes precedence.

Smuggler services and networks

The services provided by smugglers in Eastern Africa are linked to well-established smuggling networks operating in the country of origin, transit and destination countries. In Eastern Africa, engaging the services of a smuggler requires the services of middlemen. These middlemen recruit potential migrants, provide information about the destination country or cost of smuggling, as well as necessary service to smugglers who lease out their services (such as renting boats or accommodation for transit migrants). These middlemen can be viewed as subsidiary smugglers as they are profiting from smuggling by supporting or promoting the services of a smuggler.

Conflict, insecurity and the lack of rule of law within countries, such as Eritrea, Ethiopia and Somalia has allowed migrant smuggling to thrive. In Somalia in recent years, insecurity caused by Al-Shabaab attacks has pushed people to seek alternative destinations beyond the region. In Eritrea, the Government instituted a "shoot on sight" policy in early 2015 along its borders to reduce the number of young people fleeing the country (Sahan Foundation and IGAD Security Sector Program, 2016:29). The continuous droughts and famines in Ethiopia becomes a recruitment ground for migrants for brokers or agents. Middlemen and smugglers take advantage of these conditions by creating a desire to migrate for a potential migrant by enticing them on job opportunities in destination countries. They also increase the costs based on the smuggling/trafficking route they take.

Characteristics of smugglers and smuggled migrants

"The typical smuggler is an 18–40 year old male of Ethiopian or Somali origin" (Barasa and Fernandez, 2015:40). Those participating in the migrant smuggling process are all seen as smugglers, inclusive of taxi, bus, lorry drivers and bush guides (Barasa and Fernandez, 2015). They are usually spread across the migration route. Somali chief smugglers are spread across the country and the Hawala system, an informal and international money transfer based on trust, is used to pay the costs to smugglers by Somalis in the diaspora. Thirty-four agents in Bossaso, Somalia, alone offering smuggling services work with several hundred people who assist in the process (Inter-Agency Standing Committee, 2008:8). According to the United Nations Office on Drugs and Crime (UNODC), "there are indicators of strong links between individuals within the local government and the migrant smuggling network" (RMMS, 2013:54). Corruption feeds into the smuggling process as officials gain a significant percentage of the smuggling revenue.

Middlemen working with or as smugglers in the smuggling network play different roles, and they have been identified in Eritrea, Ethiopia, Kenya and Somalia. They operate as:

Brokers and agents In Ethiopia, smugglers operate in Addis Ababa as brokers and agents. The brokers usually have a well-known reputation within the community, providing them with a good profile in the presence of potential migrants guaranteeing him/her clients (UNODC, 2010:74). In Sudan, Hawala agents, usually of Somali origin, are managing the finances and transport for smuggled migrants in Ethiopia and into Sudan (Sahan Foundation and IGAD Security Sector Program, 2016).

Facilitators Recently in Eritrea, facilitators have been identified by potential migrants through the Internet. The potential migrants are connected with a local contact in Asmara, and they provide transportation to Sudan or Ethiopia avoiding any immigration procedures. These facilitators in Eritrea have been alleged to be government officials (Sahan Foundation and IGAD Security Sector Program, 2016:30).

Recruiters Family members or close friends are used to establish contact with the smugglers as they are trustworthy.

Travel agents Smugglers operating in Somalia and Ethiopia view themselves as "travel agents" and do not necessarily view their activities as criminal. "They view themselves as provider of a humanitarian service, assisting persecuted populations to escape to safety" (Barasa and Fernandez, 2015:33).

Transporters Smugglers operating along the route via Kenya, taxi, bus and lorry drivers, as well as bush guides and those who enter into contracts with and accompany migrants on irregular crossings, are all considered smugglers, because they derive benefit from the movement.

Smuggled migrants, on the other hand, tend to be individuals seeking better livelihoods that their country or location at the time cannot provide for them. Barasa and Fernandez (2015:33) argued that "smuggled migrants do

not view themselves as victims of a crime, despite the abuse they experience during, and as a result of, the smuggled process". Migrant smuggling has become a survival strategy adopted by migrants who are seeking a better life. UNODC described the different types of smuggled migrants using sea smuggling services in general, but they do not describe the characteristics of the smuggled migrants from Eastern Africa. Overall, the profile of those on the move is underreported.

Men, women and children

- Families usually pull resources together for a male family member to migrate in the hope that he will support the family left behind once he reaches the country of destination. Data on irregular migration can be used as a proxy. The data collected by the Mixed Migration Monitoring Mechanism Initiative (4MI) project of RMMS draws a mainly male profile with 67 per cent of irregular migrants being men, and overall 61 per cent of migrants being single (Mixed Migration Monitoring Mechanism Initiative (4Mi) website).
- Women are roughly one third of the migrants, a sizeable minority. They migrate by sea despite the fact that it is mostly dominated by men. Anecdotes report that smugglers take advantage of pregnant women or women with infants and children, as they become part of the smugglers modus operandi enabling the women to stay at the destination.
- Children sometimes travel with their parents or one parent, while others have been sent alone. Those travelling alone face a high risk of being trafficked into labour or sex trade. However, the assumption is that if the children are caught, the law would be lenient enough to allow them to stay in the country.

Education and socioeconomic situation

- "Privileged" people, that is, those with better resources, can afford better inclusive services (such as falsified documents) to lessen the risk to safety and have a higher chance of success. Transports used by such migrants are usually direct and take a short space of time (such as by air). These people are known to be skilled professionals living in urban settings dwellers and highly educated. Recent research (Samuel Hall, 2015) reveals that the elderly are also taking irregular migration routes to Europe using land and air routes, preferring the latter for the security it provides. RMMS

found that some Somalis opt to fly to reduce the risks and dangers of travelling by land (RMMS, 2013:58).

- Poorer migrants rely on low-cost options with a high rate of failure and have a higher risk to their lives and safety. In the case of Eastern Africa, boats have been used to cross to the Middle East and Mozambique, whereas those that opt to land routes, have been confined in containers. Those smuggled by sea are young, uneducated, male of working age, rural residents and unskilled.

Refugees and asylum seekers

- The United Nations High Commissioner for Refugees (UNHCR) reports the presence of 27,500 refugees and asylum seekers in Djibouti (December 2014) the majority from Somalia, followed by Ethiopia and Eritrea. It is reported that the numbers of refugees and asylum seekers in Djibouti, looking to migrate to Yemen, has remained constant (Horwood, 2015). With the changing context in Yemen, the numbers in Djibouti are bound to rise.
- Asylum seekers and refugees turn to smugglers to access a safe country. The RMMS 4Mi project shows a sizeable group of refugees, leaving a first safe country of exile and a second group of asylum seekers pending asylum applications. Research undertaken shows that Eritrean refugees are leaving Ethiopia, prepared to give away their refugee status in the first country of exile to access a better life further abroad, in Europe (Samuel Hall, 2014). In this case, smuggled refugees turn into smuggled migrants seeking protection elsewhere.
- "The relative economic status of a person being smuggled may have implications on his or her capacity to access particular smuggling services, but does not speak to his or her protection needs" (UNODC, 2011). Some smuggled migrants have claimed asylum in transit country to access basic services, as well as prepare for their next destination using smugglers operating within the camp.

Economic and human cost of migrant smuggling

Smuggling has both a financial and human cost. The financial cost of being smuggled depends on the destination and mode of transport. Many migrants opt for the cheaper route by road and/or sea because of the high cost attached

to air travel. Although travelling by air is the most favoured and quickest route, it is also by far the most expensive as a flight from Somalia to the Netherlands in the early 1990s cost USD 1,000 and after 9/11, the cost rose to USD 7,000. Those travelling via Kenya have been assumed to have paid USD 20,000, inclusive of fraudulent passports, tickets, visa and "friendly" immigration officers (RMMS, 2013:70). Smugglers operating in Uganda take advantage of potential migrants by enticing them on the opportunities available in South Africa. Once the migrants reach the South African borders, they abandon the migrant but also increase the fee to cross the border (Endo, Namaaji and Kulathunga, 2011:18).

There have been different methods of payments, which include cash, loans, credit schemes, arrangements through brokers, working to cover the costs along the route, loans from private sources and personal savings (RMMS, 2014). Smuggling is a million-dollar business, as sources have provided different fees to be smuggled to specific destination, which profits the smugglers. RMMS reported that in 2009, a profit of USD 34–40 million was made by smugglers for smuggling Ethiopians and Somalis to South Africa. The cost of migrating to the south depends on the route that is taken and to a certain extent, the nationality. It has been noted that the costs to be smuggled to South Africa has been increasing and the profits are significantly higher than those made by smugglers operating in the eastern route to Yemen. In 2012, the smuggling business in Somalia was estimated at USD 2.7 million (RMMS, 2013:69). Profits made by smugglers operating in Djibouti have amounted to USD 11–12.5 million for those owning boats. Table 3.3 outlines the estimated fees to be smuggled by route/ destination.

Table 3.3: Smuggling fees by destination/route

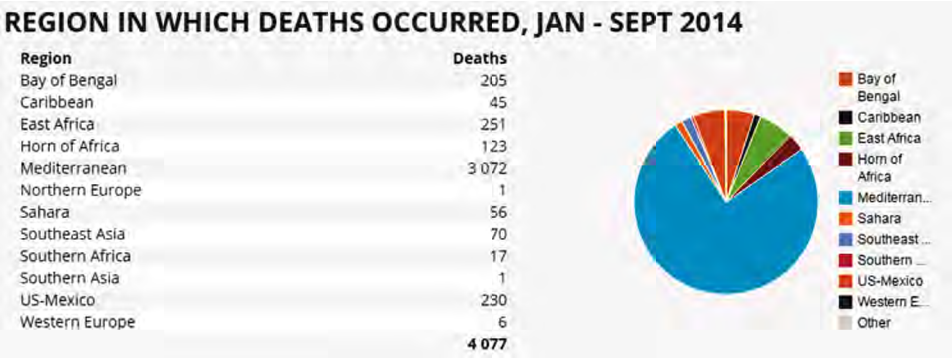
Destination or route	Mode of transport	Nationality	Fees (USD)
SOUTHERN AFRICA			
Kakuma/Dadaab Camp (Kenya) ▸ South Africa	Road	Somalis	3,000
Ethiopia ▸ via Zambia ▸ South Africa	Road	All	4,000–5,000
Ethiopia/Somalia ▸ via Malawi ▸ South Africa	Road	Ethiopians and Somalis	4,218
Ethiopia ▸ Kenya/ United Republic of Tanzania ▸ Malawi	Road	Ethiopians	850
SHORT DISTANCES			
Eritrea ▸ Sudan ▸ short distance travel	Road	Eritreans	3,000
Asmara or Massawa ▸ Khartoum	Road	Eritreans	100–150
Eritrea ▸ Sudan	Road	Eritreans	100–150

Ethiopia ▸ Sudan/ Addis Ababa	Road	Ethiopians and Somalis	500–800
Hargeisa ▸ Addis Ababa	Road	Somalis	250–500
MIDDLE EAST			
Eritrea ▸ Israel	Road and sea	Eritreans	15,000
Obock (Djibouti) ▸ Yemen	Sea	Eritreans	130–150
Mogadishu (Somalia) ▸ Djibouti ▸ Yemen	Road and sea	Somalis	350–400
Harar ▸ Yemen	Road and sea	Ethiopians	290

Source: RMMS, 2013 and 2014; IOM, 2014.

The human cost of migrant smuggling is reflected by the migrant deaths reported and the protection risks they face along the smuggling route. There has been an increase in migrant deaths along migration routes revealing protection risks of migrants crossing the Mediterranean and deserts (IOM, 2014). Interventions by European countries receiving migrants such as naval blockages and a surveillance system have not curbed the number of migrants heading to Europe. Eritreans and Somalis remain the largest populations from Eastern Africa bound for Europe. Currently, there are limited official statistics on the number of migrant deaths along the migration routes as some a small number of migrants die along the way in the desert and in the sea that are unaccounted for. Figure 3.1 shows the number of deaths that occurred between January and September 2014 across the globe, and it is noticeable that the Mediterranean leads the list.

Figure 3.1: Number of deaths between January to September 2014



Source: IOM, 2014.

Smuggled migrants also face protection risks as Human Rights Watch (HRW, 2014) reports have highlighted physical and sexual abuse of both male and female smuggled migrants. Smugglers are unconcerned about the needs of the smuggled migrants (Barasa and Fernandez, 2015), as abuse cases have been

identified along the routes to the Middle East and North Africa. Migrants heading to Europe via Libya have been abandoned in the desert when their transporters to the next destination fail to show up on time (Sahan Foundation and IGAD Security Sector Program, 2016). Others have been physically beaten and women raped by militia whereas others, especially Eritreans, have been kidnapped and experience further beatings. Their families left behind are then forced to pay a ransom for their release.

Review of data on migrant smuggling

Flows and trends

Existing data on migrant smuggling in East Africa is scarce. International organizations and research centres, such as IOM, ICMPD, RMMS and UNODC have been collecting data on or related to migrant smuggling, but the data samples are too small to be generalized. Furthermore, data is not collected regularly, making it difficult to identify changes in smuggling activities, trends, routes and recruitment practices or determine whether the legal mechanisms put in place in each country are effective. Smuggling data also gets lost in human trafficking data/research as legally, there are clear distinctions between the two acts, but conceptually, the distinction has been difficult to draw in practice. The lack of clarity between the two concepts makes it difficult to develop a national law on smuggling, as in the case of Kenya, and loopholes within the legal system allow smugglers to escape prosecution. This is reflected by the low prosecution rates of smugglers in Kenya, but also the negative impact of corruption by immigration officers (Barasa and Fernandez, 2015). Furthermore, research studies have identified smugglers separate from middlemen, yet middlemen are subsidiary smuggling agents providing a service to the smuggling activity.

In 2004, the ICMPD estimated that the number of irregular migrants from sub-Saharan African via North Africa to Europe stood at 35,000 (ICMPD, 2004). By 2006, this number had increased to 300,000 (UNODC, 2010:6). In 2012, over 100,000 irregular migrants from Ethiopia and Somalia were estimated to be destined for Yemen alone, the majority of whom solicited the services of a smuggler via Bossaso in Somalia and Obock in Djibouti (RMMS, 2013). RMMS reported in 2012 that 85,000 Ethiopians crossed into Yemen with the aim of seeking employment opportunities as casual labourers and domestic workers. Yemen is experiencing difficulties providing the necessary protection to these migrants. Table 3.4 outlines the estimated number of Ethiopians arriving in Yemen's coast between 2006 and 2013 with the number fluctuating through time (RMMS, 2015:10).

Table 3.4: Estimated arrivals to Yemen from Ethiopia and departures from Bossaso

Year	Estimated number of arrivals to Yemen from Ethiopia[a]	Departures from Bossaso[b]
2008	17,072	34,314
2009	44,814	30,185
2010	34,527	18,488
2011	75,804	31,012
2012	84,446	27,067
2013	54,574	-

Source: RMMS, 2014[a] and 2013[b].

The number of Somali migrants being smuggled increased between 2011 and 2014 from 1,513 to 8,490. Whereas, it has been estimated that 200,000 Eritreans crossed to the Middle East between 2011 and 2013 (Martin and Bonfanti, 2015:5). IOM's migration profiling exercises already conducted in Kenya, Sudan and Uganda listed removals of irregular migrants. Table 3.5 below outlines the foreign nationals arrested and deported from Uganda between 2010 and 2012. This also includes the number of nationals apprehended in foreign destinations. Sudan's migration profile focused on its nationals found to be illegally present in European Union States and those ordered to leave. Table 3.5 outlines the number apprehended between 2008 and 2009, where 345 and 465 were ordered to leave the country according to Eurostat data (IOM, 2011:60).

Table 3.5: Migrant arrests and deportations, Uganda and Sudan

Foreigners found to be illegally present in country (arrests)			Foreigners ordered to leave the country (deportations)			Citizens apprehended and abroad		
Uganda[a]								
2010	2011	2012	2010	2011	2012	2010	2011	2012
575	550	840	101	179	328	54	64	-
Sudan[b]								
2008	2009	2008	2009	2008	2009			
-	-	-	-	2,305	2,660			

Source: IOM, 2013[a] and 2011[b].

Sources and types of data

Data sources include the media and agency research reports operating in the region. There is no single agency or organization that is responsible for collecting migrant smuggling data. While governments should play a role in

collecting data on irregular migration across national borders, as is done in other regions, there is little public evidence to show that this is being carried out. Existing agencies, mostly international non-governmental organizations (NGOs), collect data on specific persons of concern including smuggled migrants, victims of human trafficking and mixed migration flows of refugees, asylum seekers and migrants. The media, in particular, captures data on smuggled migrants arrested at border points, whereas international organizations and NGOs collect data on particular areas of interest: the United Nations Office for the Coordination of Humanitarian Affairs will collect data that is related to transnational crimes to outline observations, trends and dynamics unique to a region. UNHCR records data of refugees who may use smugglers' services to access safe countries. Other international organizations, such as IOM, provide publicly accessible data in online resources or publications platform. HRW captures data on protection issues and human rights of irregular migrants in the region. The RMMS has most recently adopted the Mixed Migration Monitoring Mechanism Initiative (4Mi), which presents data using an interactive platform, and which is discussed below.

The organizations present in Eastern Africa with an interest in – but may not systematically collect data on – migrant smuggling include the following:

- UNODC;
- RMMS;
- UNHCR;
- HRW;
- Global Initiative against Transnational Organized Crime;
- Global Alliance Against Traffic in Women;
- IOM;
- Médecins Sans Frontières;
- Amnesty International; and
- International Rescue Committee.

Data collected from the region is therefore covered by organizations with a global framework for action on smuggling (UNODC), regional strategies (IOM and UNHCR), or a specific mandate to look at mixed migration in the region, including migrant smuggling (RMMS). Most of the attention has been focusing on mixed migration research, through which smuggling is partially covered. While mixed migration is related to smuggling, it is not smuggling per se.

These organizations are supported by the following:

- Independent research centres and organizations located in the region (such as the Tanzanian Mixed Migration Task Force or abroad (ICMPD));

- Regional expert groups, such as the African, Caribbean and Pacific Observatory on migration, funded by the European Union; and
- Donor initiatives including the Emergency Trust Fund for Africa and regional initiatives including the forthcoming Forced Displacement and Mixed Migration Secretariat set-up by IGAD will be looking to reinforce the state of research in the region in the coming years.

No single agency has taken up the responsibility of collecting migrant smuggling data. The existing data is collected in the process of identifying human trafficking victims, thereby not specifically focused on smuggling. This data is used as proxy indicators of migrant smuggling to understand the phenomenon in the region. Similarly, ongoing research on mixed migration has the twin focus of researching irregular migration through the prism of forced and voluntary migration, as well as methods of migration. Smuggling falls under such research themes. Hence, most, if not all, the data on smuggling is collected indirectly, with no focus on smuggling indicators but through proxy indicators.

Given the flurry of organizations encountering smuggling in the region, but not focusing on smuggling as their core area of data collection and analysis, Eastern Africa presents an opportunity for partnerships on smuggling data collection and analysis. The partnerships could involve the development of data collection tools to be adopted by partner agencies in capturing smuggling data to ensure uniformity and reduce duplication. The RMMS 4Mi initiative is a step in that direction as the data is captured by trained volunteers working along the migratory routes where information on abuses on smuggled and/or trafficked migrants or access routes are captured. RMMS' latest project focuses on migration originating from the Horn of Africa, targeting Eritrean, Ethiopian, Djiboutian and Somali people on the move, highlighted in this chapter and in the research as the main populations of smuggled migrants in the region. Hence, although the project does not focus on smuggling, it looks at "smuggler-dominated movements" (RMMS 4Mi).[12] The website's infographics section includes a section on smugglers that provides the option to filter the information by current smuggler location, origin, gender, the state of the smuggling business in their own view, and the benefits of smuggling as a source of employment in the region. Questions used aim to assess whether smuggling is a profitable business, a business on the rise or on the decline, and employment background of smugglers. The approach taken is one that is market-driven, trying to assess the cost-benefit and economic trade-offs inherent to the business of smuggling.

[12] RMMS (2016) About us 4Mi of the RMMS 4Mi website. Available from http://4mi.regionalmms.org/4mi.html

Remaining data available online include the following:

- Regional migrant smuggling data provided by UNODC and IOM. They also produce guide documents for agencies to understand the dynamic nature of migrant smuggling in Eastern Africa. IOM existing data is based on smaller samples, sometimes focusing more on human trafficking and including migrant smuggling a process by which traffickers transport their victims. Their insight has been able to identify trafficking/smuggling routes frequented by migrants. In addition, the migration profiling exercise by IOM is an important way of taking stock on migration in countries, which identifies gaps, as well as changes in trends and policy.
- Ad hoc journalistic reports on arrests, deportation and the business of migrant smuggling are made by the media (international and local).
- Think tank reports by HRW and Amnesty International highlight protection issues faced by migrants smuggled.
- Regional governmental authorities such as IGAD that recently conducted an assessment of human trafficking and migrant smuggling from Eastern Africa to Europe. Though the focus of the study was on Somali and Eritrean migrants, the report provided a snapshot of the smugglers, their networks, the smuggling routes and protection risks faced by migrants travelling through the desert and in Libya.
- International law enforcement agency Frontex captures data on smuggled people, arrests and deportations of irregular migrants. INTERPOL provides guides, tools and training related to migrant smuggling. Through the Smuggling Training Operations Programme, INTERPOL provides support to countries on border management issues. The programme trains law enforcement of Member States to detect criminal activities, including those providing fraudulent documentation to irregular migrants. In Eastern Africa, training has been provided to Kenya and Uganda in 2011 and Rwanda in 2013 giving them access to INTERPOL's resources, such as the Stolen and Lost Travel Documents Database.

Government-led research efforts have funded experts to take stock of irregular migration, and through that, of smuggling in the region. The Government of Australia's funding of a research programme and occasional paper series included a piece by Christopher Horwood in 2015 presenting an overview of irregular migration flows in the Horn of Africa, and of the challenges

and implications for source, transit and destination countries (Horwood, 2015). Within the scope of the paper on irregular migration, Horwood reviews the geographic nodes of smuggling in the region – from Kenya as a regional hub for the organization of smuggling, to Bossaso, Puntland as the "epicentre" of smuggling in the region (Horwood, 2015:42) – the role and the cost of smuggling in facilitating irregular migration out of the region. Symptomatic of the rest of the research in the region, smuggling is viewed through the lens of irregular migration research.

Box 3.1: CASE STUDY

Smuggling migrants from Mogadishu, Somalia to Europe: The case of the elderly

A close relationship made of trust and personal connections ties Somali migrants with smugglers. From the youth interviewed in Somalia to elderly returnees from Europe, all report choosing their smuggler ahead of their migration. For the youth surveyed, they often prefer not to tell their parents or relatives, and rely instead on their friends and on smugglers to inform their migration decision. For the elderly, for whom irregular migration has additional risks, the choice of the smuggler is paramount to travelling in safe conditions.

"Yes, I used smugglers. We trust them because you deposit the money, and once you reach your destination, as per the agreement, they will receive the money. The smuggler I chose has a team in every country that I needed to travel through, so they treated me well." In the words of Mohamed, 65, the smuggler enters a contract for a service in which he will only get paid for every successful completion. It is therefore in the interest of the smuggler to deliver. This includes safe travel conditions. This was Mohamed's first trip abroad, from Somalia to Norway, passing through Dubai, Istanbul and Athens. The smuggler facilitated the obtainment of a fake passport from Greece in order to then pursue the journey onward through Austria, Sweden and Norway.

Fatima, 61, left Mogadishu with her daughter and a smuggler, who was a family friend who had successfully helped others to migrate to Europe. Her travels also included fake passports and travels across the border to Kenya, and from Nairobi's International Airport by plane to Norway. Her situation as a woman travelling alone with her daughter caused additional strains that she had not expected. She was under constant pressure to add money along the route, in addition to the originally agreed-upon price. She felt threatened en route, and found the trip very challenging. "It was like gambling with your last saving and your life at the same time", she recalls. Upon arrival in Norway, the smuggler was arrested at the airport. She eventually returned to Mogadishu, with no other legal recourse in Norway.

Excerpts from research undertaken by Samuel Hall in Mogadishu, Somalia (2015)

Review of migrant smuggling research

The methods used to collect data on migrant smuggling in Eastern Africa adopt quantitative, qualitative or mixed method approaches. Quantitative methods, mainly through surveys, have been used to capture the trends of migrants at exit and entry ports (RMMS, 2013). Qualitative methods, mostly key

informant interviews and in-depth interviews with potential migrants or those who have returned, provide accounts that paint a picture of the state of migrant smuggling in the region. But they also indicate the complexity of understanding migrant smuggling and human trafficking. There is no standardized method that has been agreed upon by agencies collecting data on migrant smuggling that may increase chances of duplication and affect the quality of the data.

The research scope has focused on smuggled migrants with RMMS, providing descriptive reports on the state of migrant smuggling for Ethiopians, Eritreans and Somalis, taking focus away from other smaller migrant populations (such as Djiboutians, Kenyans, Rwandese, South Sudanese, Tanzanians and Ugandans). As there is no systematic procedure in place to capture migrant smuggling data from the region, it makes it difficult to assess any changes in terms of trends or whether protection issues have been addressed. The latest initiative from RMMS includes an innovative strategy of collecting and reporting data using the 4Mi. This online platform that collects and analyses data on mixed migration flows initially out of the Horn of Africa, which includes migrant smuggling. The primary data is collected from Djibouti, Egypt, Ethiopia, Kenya, Libya, Somalia, Somaliland, Sudan, Uganda, United Republic of Tanzania, as well as secondary locations in Italy, Malta, Mozambique and South Sudan (RMMS). 4Mi's use of infographics allows the user to narrow down searches by nationality and destination. A specific tab is available on profiles of migrants, as well as on the profiles of smugglers. RMMS has been able to record data on the following:

- Nationals (currently limited to Djiboutians, Eritreans, Ethiopians and Somalians);
- Migrant destinations in Europe, Middle East and South Africa;
- Number of irregular migrants;
- Smuggling/trafficking routes;
- Exit and entry ports;
- Hotspots with protection issues, human rights violations and corruptive process; and
- Locations known for human rights abuses and corruptive practices.

Interdisciplinary perspectives have been used to understand migrant smuggling in Eastern Africa, which include the economic and legal aspects of the process. RMMS (2013; 2014a) reports have captured the non-economic and economic costs and benefits of migrant smuggling for the smuggler and smuggled migrant. RMMS has also captured protection risks faced along the smuggling route, as well as some of the legal processes put in place to monitor migrant smuggling from previous reports and through the 4Mi initiative. Academics and think tanks have tried to put into perspectives the need for national policies to

handle migrant smuggling or assess the impact of existing policies by analysing how the policies operate in practice. Barasa and Fernandez (2015) argued that there is a need for a coordinated response between Ethiopia, Kenya and Somalia to stem migrant smuggling especially to Southern Africa. Furthermore, they argued that because Kenya is a primary transit country for nationals from Somalia and Ethiopia, it could operate as a central point where anti-migrant smuggling initiatives can be managed.

Research on migrant smuggling shows that first, there is a persistent conceptual confusion on terms, along with a continued lack of understanding on the smuggling/trafficking nexus. Second, there are clear protection issues that emerge for smuggled migrants that need to be understood. Finally, there is a need to adapt research to the changing environment.

Conceptual confusion on terminology: Hamilton and Gebeyehu's recent study (2014) in Somaliland sought to analyse the challenges of building livelihoods for youth amidst trends of human trafficking. The research Fight or Flight was released in 2015 and retracted soon after its public launch by the Danish Refugee Council. The organization reassessed that the research was not sufficiently clear on whether the methods and findings revealed information collected on smuggling or trafficking, inferring that the trends picked up on related to the former. In Somalia, there is no specific term that translates human trafficking or smuggling, as the term *tahreeb* is often used more generally to refer to both regular and irregular movements.

Protection issues: Smuggled migrants face protection risks as UNHCR (2015) reported some protection issues faced by smuggled migrants from Eastern and the Horn of Africa, which include, but are not limited to the following:

- ***Refoulement and deportation***: 163,000 Ethiopian migrants resident in Saudi Arabia were forcefully deported through the "Saudization" initiative (2013).[13] The initiative gave a grace period for migrants to apply for the right documents, but after the amnesty period ended, those undocumented migrants were deported (de Regt and Tafesse, 2015). There were reports on abuse on deportees while in Saudi Arabia and migrants faced an uncertain future upon return to Ethiopia.

[13] Saudi Arabia developed a policy between April and November 2013 that required all undocumented migrants to regularize their residential and employment status within a period of seven months or face deportation without penalty.

- ***Risk of abduction and trafficking***: Smuggled migrants face the risk of being kidnapped, as not only are they involved in a criminal activity, they rely on the protection of their smugglers who operate as traffickers as well. HRW has reported cases of kidnappings of Eritreans who were taken to Sinai and ransomed to their families back in Eritrea (2014).
- ***Denial of asylum***: As these migrants have committed a criminal act of illegally crossing borders, they will be unable to go through the asylum process as their reasons for fleeing were economic.
- ***Violation to the right to life***: In 2014, IOM reported migrant deaths in major smuggling/trafficking routes. Between January and September 2014, 251 deaths were recorded from East Africa in comparison to 123 from the Horn of Africa. European countries have intervened using naval blockages and a surveillance system, to curb the number of migrants bound for Europe, but migration has not yet decreased.

Adapting research to a dynamic and evolving context: Research on smuggling in East Africa will need to adapt to a dynamic situation and recent changes that show how chronic events, policies and migration at large will continue to impact both smugglers and migrants' choices. There has been a change in the environment as Yemen has become a less likely transit destination due to the escalating violence in the country that has resulted in Yemeni refugees seeking asylum in Ethiopia, Somalia and Uganda (RMMS, 2015). Xenophobic sentiments are rising in Kenya due to the Al-Shabaab attacks that have taken place in Kenya with political leaders associating Somali refugees with extremism (De Bode, 2015). The xenophobia violence that broke out in South Africa in March 2015 raised concerns on the safety of all immigrants residing in South Africa including irregular migrants. Although the number of migrants destined for South Africa have not reduced, the persistent xenophobic violence in South Africa is making it an unattractive destination for irregular migrants (Horwood, 2014:141), but there are limited figures to illustrate the decline in migrant numbers to the region.

Migrant smuggling debates in Eastern Africa today

There are broad agreements on the existence of human rights violations in the smuggled journey, but donor support on mixed migration has not necessarily translated into the protection focus these trends highlight. IOM highlighted the need to focus on mixed migration flows using the southern route and bring about greater awareness on the route causes but also protection needs of

migrants bound for Southern Africa, in close collaboration with governments and organizations in the source, transit and destination countries (IOM, 2014a:11). UNHCR flagged the protection needs of migrants as they face high risks of abuse (sexual and physical), abduction and trafficking among others. The focus remains at the national level on border control capacity and smuggling routes. IOM aims to support the EAC by developing standard operating procedures that help to detect migrant smuggling, human trafficking and trafficking of illicit goods along the border crossing points in Eastern and Southern Africa (IOM, 2014a:13).

In Ethiopia, IOM proposed awareness-raising activities on migration smuggling and human trafficking, including the rights of migrants. In Kenya, IOM provided support in enhancing the security and safety of Kenya's borders by establishing an integrated border management system, building the capacities of border officials to detect transnational crimes, such as migrant smuggling and human trafficking (IOM, 2014:27).

To inform programming and policy debates, research gaps include the lack of available data on the following:

- Capacity of smugglers to create the aspirations to migrate, generating demand among populations, especially young men in rural areas;
- Links with diaspora funding and "chain" migration from Eastern Africa;
- Urban organization of smuggling networks, their links to corruption, and the role of major hubs such as Nairobi in facilitating smuggling in the region; and
- Abuses and the protection claims of smuggled migrants. Acknowledging that smuggling can lead to trafficking and high levels of violence will be needed to situate protection at the centre of attention on smuggling in the region.

Research must continue to find innovative ways of collecting data on migrant smuggling, identifying new routes or modes of transport to better understanding the phenomenon. It should refocus its line of inquiry to look at the political economy of smuggling, the emerging societal backlash through xenophobic attacks on foreign nationals, as well as policy initiatives that address the "root causes" of migrant smuggling from the source country. However, it is important to outline the loose nature of migrant smuggling networks that are harder to dismantle. This will help to distinguish migrant smuggling from

human trafficking, but also inform source, transit and destination countries how to handle migrant smuggling.

Conclusion and ways forward

Initiatives targeting migrant smuggling have provided training to law enforcement officials on migrant smuggling, targeting counter-trafficking efforts as well. These initiatives include the Strengthening Criminal Justice Response to Trafficking in Persons and Smuggling of Migrants in Ethiopia and Djibouti (2012–2014), which focused on legislative reform to combat human trafficking and promoting safe labour migration through training of stakeholders and duty bearers in the justice system in Ethiopia. Somalia-Kenya Forced Migrant Rights Initiative (2014–2017) have been adopted with the aim of creating a protective environment for refugees, victims of trafficking and smuggling, environmentally induced migrants, refugees and asylum seekers.

The European Union and the African Union Khartoum Process (2014) have an "international protection" pillar added through the signing of the Rome Declaration between the European Union, Djibouti, Egypt, Eritrea, Ethiopia, Kenya, Somalia, South Sudan, Sudan and Tunisia, but the focus still remains on root causes and ending irregular migration, rather than providing clear protection responses. The States are expected to establish and manage reception centres, collaborate with one another in the identification and prosecution of criminal networks, supporting victims of trafficking and protecting the human rights of smuggled migrants. The Rome Declaration also generally commits to promoting sustainable development in countries of origin and transit in order to address the root causes of irregular migration and mixed migration flows between Africa and Europe. However, it is completely silent on legal migration channels, which build one of the four key pillars of the other European Union's continental cooperation framework with Africa, the Rabat Process. It does not tackle the issue of the hazards and dangers to which forced migrants are exposed in many of the countries of the region in which the reception centres are based, which often are far from being "safe".

To address the knowledge gap on migrant smuggling, there is a need to boost research studies specifically on migrant smuggling. Most of the research on smuggling has been extracted from research on irregular migration, trafficking or mixed migration. Smuggling has not constituted a focus area of research in the region. One suggestion could be therefore to research smuggling through a comprehensive profiling exercise, similar to IOM's migration profiles. National/local organizations in Eastern Africa should be involved in the research process, especially civil society organizations that are on the ground and interact with

members of society who are able to identify smuggling activities. In doing so, researchers will begin to map out routes and predict potential new routes based on existing evidence on smuggler behaviour. This will require a psychosocial approach to understanding the process, relations, trade-offs of migrant smuggling from smuggler and smuggled migrant viewpoints.

Organizations will benefit from partnerships between international and national organizations with an interest in migrant smuggling that can collect, analyse and report research in this area. By developing a data management platform, it will create a focal reporting point but also allows its members to design the appropriate tools to capture migrant smuggling data, as well as discuss a range of innovative strategies of collecting data. Innovation is the key to improving knowledge on migrant smuggling in the region, and the RMMS 4Mi is a step in the right direction but a partial one only, as smuggling remains a subtopic of other research efforts. Dedicated research into smuggling is a main research gap in the region, and needs to be assessed through concerted partnerships at a time when political and security changes in Burundi, Somalia and Yemen remind us once again of the rise of smuggling as a means to cope with shocks.

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4

NORTH AFRICA

Arezo Malakooti

Introduction

This chapter provides an overview of migrant smuggling in North Africa, and presents a survey of existing literature and data on the topic. In assessing the research conducted on the topic, and the extent to which data has been collected or is currently being collected, this chapter will outline areas for further research and make recommendations for ways in which research and data can be used to inform policies and programmes. The literature review has focused on a selection of studies considered relevant in terms of methodology and date of publication but is in no way comprehensive. The writing of this chapter was also supported by a number of key informant interviews with practitioners in the countries of assessment.

Given that North Africa is a large and dynamic region, particularly from the perspective of migration flows and migrant smuggling activity, in order to do justice to the countries it encompasses, the geographic scope of the chapter has been narrowed to the countries that feed into the Central Mediterranean route. These are Algeria, Egypt, Libya and Tunisia.

Finally, the irregular migration flow to, through and from North Africa is a mixed flow comprising labour migrants, asylum seekers and refugees. This means that the people on the move are a complex group of people with differing motivations who all make the same journeys, often relying on the same smugglers. Thus, for the purposes of this chapter, the word *migrant* will be used broadly to refer to all people on the move through the region, unless a distinction is otherwise made.

Overview of migrant smuggling in the region

Migratory flows in North Africa fall within broader international migration patterns as North Africa is both a destination region for sub-Saharan African migrants and also a transit region for migrants from the subcontinent who wish to travel to Europe irregularly, with both the Central Mediterranean and Western

Mediterranean routes passing through North Africa. As sub-Saharan African migrants are also joined by North African migrants on these Mediterranean routes, it is also an origin region.

North Africa is a region characterized by mixed migratory flows and high levels of irregular migration. The demand for irregular migration, and consequently smuggling services, is fuelled by a number of factors. This includes the lack of legal pathways for migration and strict immigration policies in destination countries, the harsh terrain that needs to be traversed (particularly the crossing of the Sahara for journeys into the region and the crossing of the Mediterranean for onward journey from the region), and the lack of a legal framework for asylum in Libya. Asylum seekers who travel by land to Libya have been found to systematically travel in groups assisted by smugglers either throughout the entire journey or in key locations (Malakooti, 2013b).[14]

Traditionally, migratory flows to and through the region have been dominated by sub-Saharan Africans with the addition of some North Africans who moved to Libya for work, and in more limited cases, to board boats to Europe. From 2012 onwards, Syrian refugees began arriving in Libya in search of safe haven. In 2014, the numbers of Syrians on boats to Europe that had departed from the Libyan coast increased significantly. By 2015, they had mostly rerouted to Greece via Turkey.

Main routes

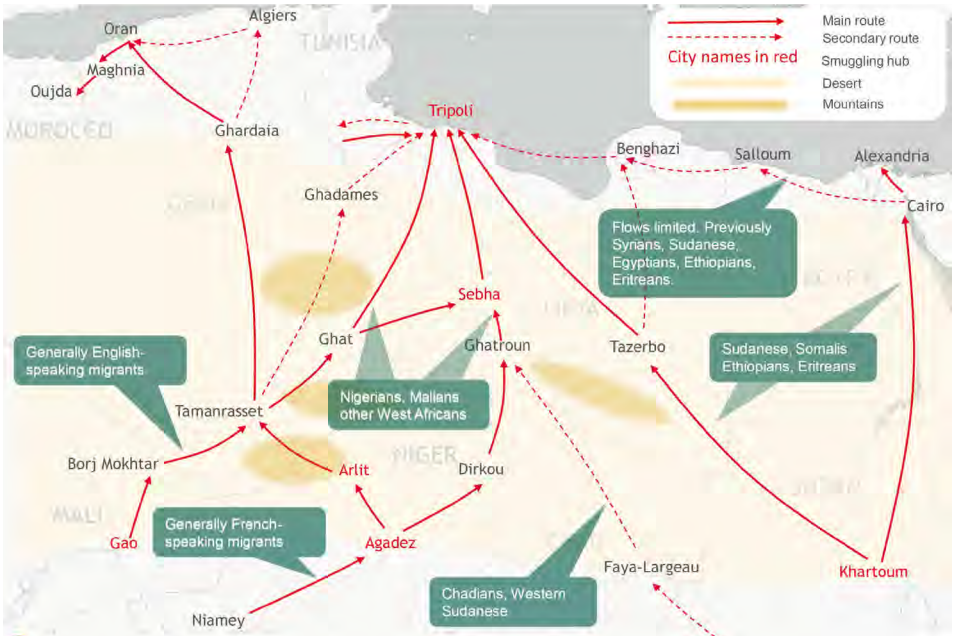
Libya is the most attractive country in the region for irregular migrants because it is a departure point for Europe, while also providing opportunities for income generation. Moreover, there has been very little control of its borders after the 2011 Libyan Revolution and particularly after the 2014 political crisis. The other countries on the North African coast are no longer viable departure points for Europe because of increased controls, and they also lack the opportunities for income generation that Libya provides, thereby decreasing their attractiveness as a destination. Even when migrants and asylum seekers in Egypt tried to resume direct sea crossings to Italy in 2013 and 2014 (mainly in response to increasing instability and risks in Libya post-2014 crisis), the Government of Egypt stepped up its arrest of anyone attempting to depart irregularly and curtailed the trend (Malakooti, 2015b).

[14] Also, the encampment of refugees in Sudan has sometimes led to refugees leaving the camps and the country, with the aid of a smuggler, in order to establish themselves elsewhere, outside of a camp (Malakooti, 2013a). The deteriorating socioeconomic conditions for refugees in Egypt has also had the same effect, with refugees leaving the country irregularly to find protection elsewhere, sometimes via direct boat crossings to Europe and sometimes to Libya to look for work or to board boats from the Libyan coast (Malakooti, 2015b).

Other countries in the region tend to be transit points for journeys to Libya, for the most part. This is with the exception of Morocco, which serves as the only North African departure point along the Western Mediterranean route, and as such, still receives some irregular inflows. The increased controls along the Spanish/Moroccan borders make it increasingly difficult to irregularly move into Spain from Morocco, which means that the inflows into Morocco, as well as the number of irregular migrants in the country, remain nowhere near as high as Libya. There is also evidence that some irregular migrants in Morocco, when they are unable to move into Spain after repeated attempts, end up moving to Libya to try their luck along the Central Mediterranean route as so do some Moroccans who wish to move to Europe irregularly (Malakooti, 2015a).

While the increased instability in Libya today and the consequent dangers for migrants have presumably made the country less desirable than prior to the 2014 political crisis, the impression is that the inflows remain strong because the migratory routes into the country and the transit routes through the country are quite well established (ibid.). Map 4.1 charts all the main smuggling routes through North Africa, with the exclusion of those moving through Morocco.

Map 4.1: Main smuggling routes through North Africa, with the exclusion of routes through Morocco



Source: Malakooti, 2013–2015.

The dynamics of smuggling

As seen in Map 4.1, migrants typically make their journey in steps. This leads to a variety of smugglers being used for the different stages of the journey, and they can be found in a variety of locations (smuggling hubs are marked in red on Map 4.1). While smuggling networks are sometimes hierarchical structures organized across countries in a top-to-bottom fashion, they are also often organized into loose horizontal networks (Bouteillet-Paquet, 2011). In North Africa, both models can be found. Trafficking networks (as distinct from smuggling networks) that move to or through North Africa tend to be more transnational and hierarchical in character. The dramatic increase in the number of migrants that moved through North Africa in 2014 also led to an increase in more organized, hierarchical, transnational structures (Malakooti, 2015b).

Some general features of smuggling networks that were identified by United Nations Office on Drugs and Crime (UNODC) (Bouteillet-Paquet, 2011) have also proven to be present in North Africa (Malakooti, 2015b; 2013a), more specifically the following:

(a) There is usually someone at the top of the network that migrants rarely see and who is native to the country within which the smuggling is taking place;

(b) Migrants deal with intermediaries that come from the same country of origin as them;

(c) Smuggling organizations can offer different packages from basic services to more complex ones for a price;

(d) Structures are highly flexible and can adapt quickly to changes in policy or law enforcement;

(e) Before the sea journey across the Mediterranean, migrants are typically held in “safe houses” where they must wait for a period of hours, days, weeks or even months for optimal weather and other conditions;

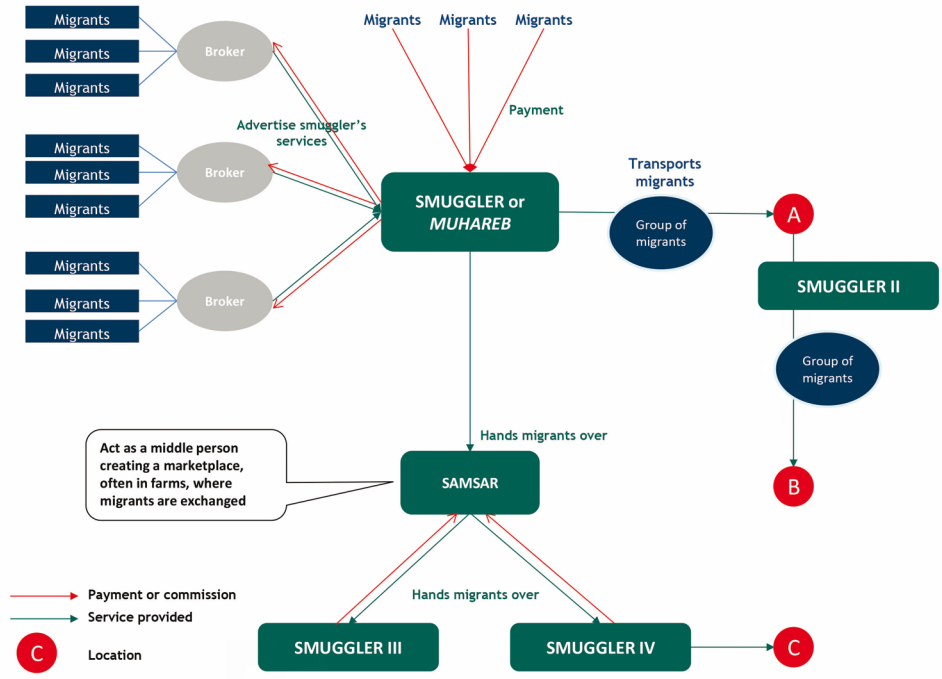
(f) Payment can be made through guarantors to decrease the vulnerability of the migrant;

(g) As migrants typically conduct the journey in stages and as they sometimes carry with them the money needed for future stages, they become vulnerable to theft from a number of individuals including smugglers, bandits and corrupt border officials; and

(h) Corrupt public officials may positively facilitate smuggling or turn a blind eye to it in exchange for a bribe payment.

Research conducted by the author in Libya in 2013 revealed that there are generally two types of smugglers along the migratory routes in the region: (a) smugglers who facilitate the journey itself (referred to as the *muhareb* in Arabic); and (b) smugglers who act as intermediaries and create the market for migrants (referred to as the *samsar* in Arabic). Usually, the *samsar* will take the migrants to a holding location, and once there are enough of them, a *muhareb* will be invited to come and offer his services to the migrants. The migrants will pay the *muhareb* for the journey, and the *muhareb* will give a proportion of the payment to the *samsar* (Malakooti, 2013a). These general features are presented in Figure 4.1.

Figure 4.1: Smuggling dynamics in Libya



Source/Note: Reproduction of a diagram initially designed by the author for inclusion in Altai's study on mixed migration to Libya (Malakooti, 2013a).

Key locations

There is much to suggest that the control of smugglers over migratory routes in the region, as well as the need for migrants to resort to the services of smugglers, remains high (European Commission, Directorate General for Migration and Home Affairs, 2015; Sorensen, 2006). Traditionally, the crossing of the Sahara, in order to move from sub-Saharan Africa to North Africa, has been facilitated by a smuggler as the harsh terrain necessitates the help of someone who is accustomed to it. This is particularly evident for journeys from Agadez to Sabha, from Dongola (Sudan) to Kufra or Sabha, and across the Algerian desert and into Libya (Tamanrasset to Djanet or Debdeb) (Malakooti, 2013a).

Moving through Libya, once one has entered through one of its southern borders, is also very difficult and requires a smuggler. This is due to the ongoing political instability, which has led to conflict in certain parts of the country and the presence of checkpoints across the country, established by both State and non-State actors (Malakooti, 2015a).

Key actors

Members of certain Saharan tribes are known to be active in the smuggling business because of their strong knowledge of the desert and familiarity with crossing it. The historic marginalization of such tribes under Gadhafi's regime also encouraged entry into the smuggling business for the sake of earning a livelihood (Reitano, Adal, Shaw, 2014:4).

Members of the Tuareg tribe tend to dominate routes through North Niger and Algeria and into Ghat and Ghadames in Libya. Members of the Tebu tribe are thought to be active on routes through the Tibesti Mountains and on some routes through the western part of Kufra (Police officers and border post officials in this area are often Tebu, which likely helps facilitate passage for smugglers). Members of the Zway tribe are believed to be controlling most of the smuggling routes to the eastern part of Kufra from Sudan and Chad. There has also been some competition between the Zway and the Tebu to control the smuggling routes in and out of Kufra, particularly because the local economy has been so dependent on this business (Malakooti, 2013a).

The effect of the conflict in Libya

There are suggestions that the conflict in Libya that began in 2014 has led to more groups entering the smuggling trade as a way to fund their activities

(Malakooti, 2015a). As such, migrant smuggling in Libya also reflects the evolution and deepening of civil conflict in the country. For example, migrants detained in Libya have reported that detention centre guards sometimes offer to facilitate their release from detention if they purchase a boat journey to Europe from a smuggler (Malakooti, 2013a; Frouws, 2014). Others also intimated that some people were put on a boat straight from detention, without having paid a smuggling fee (Malakooti, 2015a; Naik et al., 2015). Moreover, in April 2014, only 20 per cent of detention centres in Libya were reported to be official detention centres by the Ministry of Interior (IOM, 2015a). Such insights suggest that there may be State actors involved in smuggling in Libya and that non-State actors have established migrant detention centres as a way to expand the market for smuggling services.

Migrant smuggling in North Africa has traditionally been linked to smuggling of other commodities, such as weapons, drugs and subsidized goods. However, the United States Institute of Peace (Shaw and Mangan, 2014) has identified an increase in the intermingling of migrant smuggling and drug trafficking in recent years.

The economics of smuggling

Prior to 2014, journeys to North Africa and from North Africa to Europe involved standard prices (Malakooti, 2013a). In 2014, however, the price of a journey facilitated by a smuggler was dependent upon the nationality of the migrant, the smuggling ring the migrant came into contact with in Libya, and the level of service that the migrant was willing to pay for. Syrian refugees, for example, paid higher prices than sub-Saharan Africans, and for higher price, a migrant could secure a place on the top deck of the vessel and receive a life jacket (Malakooti, 2015a).

While in 2013, the most expensive journeys were around USD 6,000 (Malakooti, 2013a), in 2014, they could be up to USD 20,000 (Malakooti, 2015a). Prices increased when larger numbers of Syrians entered the market, as they tend to have greater economic means when compared with sub-Saharan Africans. The overall increase in traffic along North African routes in 2014 also had an impact on prices. Migrant smuggling from the coast of Libya is estimated to be worth between USD 255 to 323 million per year (GITNOC, 2015).

As most migrants do not have enough money for the entire journey from the outset, many work in transit countries along the way. In some cases, a smuggler might allow a migrant to continue the journey, even if they do not have the requisite funds, on the promise that they will pay off their debt to the

smuggler once in the destination country. Such practices often lead to situations of bonded labour, highlighting a fine line between smuggling and trafficking. It is also common for smugglers to direct female migrants travelling from West to North Africa, and who are out of money, to Arlit (Niger) to work in prostitution, as a way to generate income for the next phase of their journey. This makes them particularly vulnerable to being trafficked.

Review of data on migrant smuggling

While no overall estimate has been made of the number of migrants being smuggled into and through North Africa, data on migrant smuggling at the country level is also limited and hampered by a number of challenges. First and foremost, the phenomena of irregular migration in general, and migrant smuggling specifically, are hard to quantify given the fact that they are clandestine in nature. In North Africa, there is also the added complication of unstable environments, particularly in the case of Libya, which makes it difficult to conduct ongoing data collection. The current political crisis in Libya, and the consequent lack of one universally recognized national government, also prevents national government-led data collection exercises. Finally, the fact that migration flows in the region are so dynamic also makes it difficult to produce a snapshot of the scope and magnitude of the flows at any given moment. Most data in this area is based on estimates at best.

Estimating the number of migrants smuggled into the region usually occurs within the broader task of estimating the number of irregular migrants travelling into the region – irregular migration flows. There have also been some attempts to quantify the number of irregular migrants in the region in the past – irregular migrant stocks. This has been particularly so for Libya.

In 2004, for example, Libyan authorities estimated the presence of 600,000 regular foreign workers and between 750,000 and 1.2 million irregular foreign workers living in Libya (MPC, 2013c). In 2011, IOM estimated the total number of migrants who had been residing in Libya prior to the 2011 revolution at 2.5 million, including 1 million Egyptians, 80,000 Pakistanis, 59,000 Sudanese, 63,000 Bangladeshis, 26,000 Filipinos, 10,500 Vietnamese and a large population of sub-Saharan Africans mainly from Chad, Ghana, Mali, Niger and Nigeria (IOM, 2011). Considering that regular economic migrants in Libya tend to be Asian or Arab (Malakooti, 2013a), it is likely that 1 to 1.5 million of the 2.5 million were irregular migrants. The International Centre for Migration Policy Development attempted to estimate the number of irregular migrants in Libya for its 2010 study through interviews with Libyan authorities, and estimated

it at somewhere between 1 and 2 million. Altai Consulting also attempted to estimate the total number of migrants in Libya (regular and irregular) for their 2013 study (Malakooti, 2013a) for the United Nations High Commissioner for Refugees (UNHCR) by extrapolating a figure from existing data sources and estimates (combined with interviews with border officials) and fixed it at somewhere between 1.8 million and 1.9 million individuals, with an increase of 50,000 to 100,000 migrants per year to be expected in that context. In its 2015 study, Altai Consulting (Malakooti, 2015a) estimated that the inflows into Libya were likely to have decreased (but not ceased) as a result of the 2014 political crisis. At the time of writing, there are few reliable estimates available on the number of irregular migrants in Libya and the size of the inflows into the country.

Currently, the North Africa Mixed Migration Hub (MHub)[15] is working on an initiative for the ongoing monitoring of flows moving through North Africa. The Migrant Footprints project involves an online data hub and platform in which agencies, researchers, stakeholders, government, media and nominated focal points[16] can upload and download information and data on flows through the region in real time. It aims to collect data on numbers of individuals moving through the region (and thus create trend estimates of the magnitude of the flows), as well as qualitative information on the migration dynamics in the region (such as profiles, push-and-pull factors, risks and vulnerabilities).

MHub was created to improve data collection and research on the irregular migration flows in North Africa. It works on behalf of the North Africa Mixed Migration Task Force, which is supported by the Danish Refugee Council (DRC), IOM, the Office of the High Commissioner for Human Rights (OHCHR), the Regional Mixed Migration Secretariat (RMMS), UNHCR and UNODC. One of its regular activities is the dissemination of monthly trend bulletins providing updates on trends. However, the monthly bulletins do not attempt to bring the figures together to estimate overall numbers of inflows, outflows and body of migrants in the region. They are intended to provide insights on a country basis.

Agencies and organizations who are working on the ground in Libya use a number of indicators to gain an impression of how the size of the flows may be changing. For example, the Directorate for Combatting Illegal Migration (DCIM) regularly provides official numbers of migrants detained in centres in Libya to organizations, such as IOM and UNHCR. Interviews with IOM staff in Libya at the time of writing indicated that the number of migrants in detention

[15] See www.mixedmigrationhub.org

[16] Data focal points have been identified in Mali, Niger, Sudan and Tunisia and are individuals who have a good sense of migration dynamics in their area and who also generate data for the database by conducting interviews regularly in their respective locations.

increased between 2014 and 2015, which may suggest that the number of irregular migrants in the country has increased. However, even DCIM's figures are often not accurate, given the fact that there are a number of detention centres active in Libya today, some of which are non-official and maintained by non-State actors. Thus, such indicators only provide a sense of how the flows have evolved, rather than accurate data or estimates. There has also been an increase in the number of detention centres between 2014 and 2015, as well as the creation of new centres that were opened by other directorates in Libya and often called "collection centres", which may also indicate an increase in the number of migrants in the country, or an increase in smuggling activity. It should also be noted that the number of migrants in detention fluctuates greatly, presumably because of deportations and movements to Europe, thereby limiting the reliability of such an indicator.

Other indicators that shed light on the number of irregular migrants in the region (or the number of smuggled migrants in the region) include data compiled by IOM on the beneficiaries of their assisted voluntary return (AVR) and assisted voluntary return and reintegration (AVRR) programmes, asylum-seekers and refugees registered with UNHCR,[17] and rescue-at-sea operations conducted by the Tunisian coast guard. In the pre-departure interviews that IOM Libya conducts with the beneficiaries of its AVR and AVRR programmes, data is often collected on smuggling dynamics and the victimization of migrants, particularly in terms of abuse and labour exploitation.

In December 2015, IOM Libya launched a Displacement Tracking Matrix (DTM) exercise in Libya. The DTM is a system developed by IOM that tracks population displacement and the evolving needs of displaced populations during crises.[18] In Libya, the exercise will focus on generating data and knowledge on the number of internally displaced persons (IDPs), resident migrants and irregular migrants on the move and their locations, demographics and vulnerabilities. The DTM in Libya will involve key informant interviews at the municipality level and the district level. Community elders, authorities and other nominated key informants will be asked about the number of migrants and IDPs in their area, both in detention centres and the wider community. The exercise will be repeated monthly for the first two months and then weekly. By creating estimates of the number of irregular migrants in the country and the inflows (which will be generated by monitoring changes each week), this exercise will

[17] Given the lack of a national asylum framework in Libya, many asylum seekers and refugees registered with UNHCR follow the same smuggling routes as irregular migrants in their search for protection (Malakooti, 2015b and 2013b).

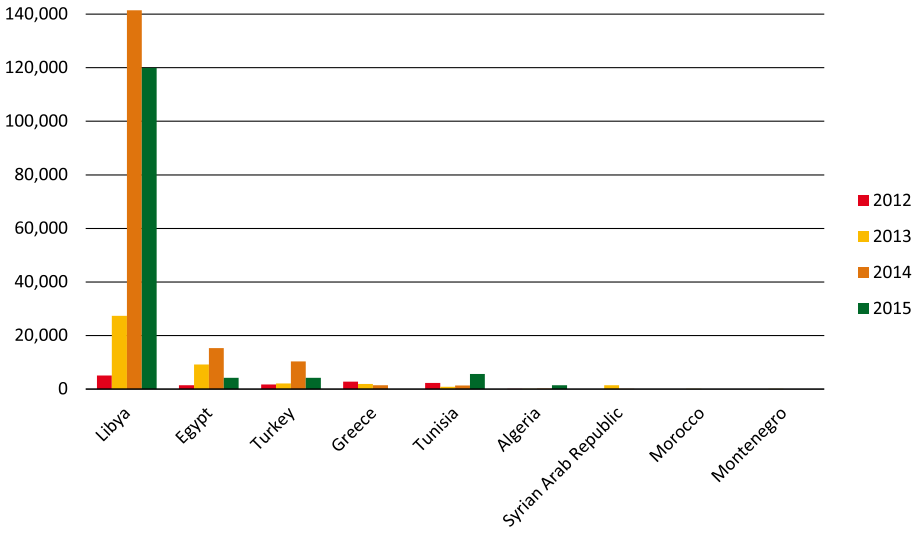
[18] The DTM model has been tried in 27 other countries and is based on a methodology that uses a variety of tools and processes, and triangulates various layers of information in order to produce estimates.

also give an impression of the number of smuggled migrants in the country. The results will be made publicly available through an online platform.

While the exercise is based on estimates and informant-based reporting, by cross-referencing the estimates of a number of informants at a number of layers, it allows for a strong estimate. Moreover, repeating the exercise on a weekly basis not only allows figures to be regularly updated, but it also allows for trends to be identified, which could allow for future forecasting too. In the current context of Libya, that is, an environment that is changing rapidly, a good estimate that is updated frequently is much more realistic and useful than an actual counting exercise that would attempt to create an accurate figure. This is because a counting exercise would need to be longitudinal in nature for it to yield an accurate figure (it would need to be conducted over a year, at a minimum, in order to account for seasonal variations), which means it would be time and resource consuming. Moreover, given the ongoing insecurity in Libya and the fact that communities are likely to keep moving in this context, the figure that it yields may not be relevant by the time it is realized. The current context in Libya also makes a counting exercise near impossible, given the security limitations.

As North Africa is also a transit region for migrants moving to Europe, data on irregular migration in the region is sometimes extrapolated from official data sources in receiving countries on the other side of the Mediterranean. For example, data on irregular arrivals in Italy, Malta and Spain collected by national governments, UNHCR, IOM and Frontex gives a sense of the number of irregular migrants that moved to Europe through the various North African countries. For example, Figure 4.2 charts arrivals in Italy between 2012 and 2014 according to the country of departure and thus, provides official data on the number of migrants that were smuggled from North Africa across the Mediterranean.

Figure 4.2: Irregular arrivals on the Italian coast by country of departure, 2012–2015



Source: Italian Ministry of Interior. Available from www.magistraturademocratica.it/mdem/upy/farticolo/1.DATI%20IMMIGRAZIONE%20MIN.%20INTERNO%202014-2015.pdf
Note: The year 2013 also saw 7 arrivals from Morocco and 8 arrivals from Montenegro.

In terms of data collection on smuggling specifically, GITOC has developed an initiative called the Smuggling Monitor, which monitors changes in smuggling networks.[19] More specifically, it keeps track of the cost of being smuggled, incidences of violence against migrants (or associated with migration), and the challenges of entry into the smuggling market. By focusing on these indicators, it aims to develop a better understanding of how smuggling networks and markets are functioning and ultimately, to measure the extent to which criminality is involved. That is, it focuses on the criminal aspects of smuggling rather than the migration aspects or drivers.

The Smuggling Monitor is not a traditional data collection exercise in that it does not aim to quantify the smuggling market or collect figures or data points. Rather, it brings together a number of qualitative information sources, including primary qualitative interviews but also secondary literature and media articles and pieces and continually adds to its number of sources. In this way, it formalizes and systematizes qualitative information.

[19] See www.globalinitiative.net

Review of migrant smuggling research

Research that is focused specifically on smuggling is rare. Most research on smuggling has been conducted within broader research on irregular migration. One of the few organizations that has conducted research on smuggling specifically is UNODC. While UNODC has looked at smuggling as a general global issue (for example, McAdam and Nicot, 2011; Bouteillet-Paquet, 2011), it has also conducted research on smuggling in, from and through North Africa specifically (for example, UNODC, 2006; Monzini, 2010). However, the last UNODC study of this nature was conducted in 2011, and the migration and smuggling dynamics in the region have changed significantly in the last five years; first, after the Libyan Revolution of 2011, and then after the ongoing political crisis of 2014 in Libya (Malakooti, 2015a).

In fact, there is little research, specifically primary research, conducted in the region post-2014 when Libya became increasingly unstable. Most of the research post-2014 draws on secondary research and, where interviews have been conducted with individuals in Libya, it is usually remotely and not with migrants or smugglers themselves (for example, Abdel Aziz, Monzini and Pastrone, 2015; Toaldo, 2015a and 2015b; Wolff, 2015; Reitano, Adal and Shaw, 2014 and 2015). While there are some post-2014 studies that include primary research in Libya (see Malakooti, 2015a) most omit Libya altogether (see European Union Directorate General for Migration and Home Affairs, 2015). Even IOM has had challenges conducting research in Libya in recent years (see IOM, 2015a).

Coinciding with the Libyan political crisis of 2014 was a large increase in the number of migrants transiting through North Africa on their way to Europe, or moving from North Africa to Europe in the same year.[20] This led to a situation that started being termed as the "Mediterranean Crisis" and thus, led to a proliferation of research and analysis on the Mediterranean that looked at North Africa as a transit region for journeys to Europe. The New-Med Research Network was presumably established for this reason and produced quite a few papers in 2015 for this purpose (see also Malakooti, 2015a; Townsend and Oomen, 2015). However, when analysing smuggling dynamics, such research tends to focus on entry points into Libya and then boat journeys across the Mediterranean with little regard for intraregional smuggling dynamics.

[20] It is very likely that some of these migrants had been living in Libya for some time and were pushed out of Libya and to Europe in 2014 because of the instability in Libya (see Malakooti, 2015a).

In terms of research focused on smuggling specifically in the post-2014 period, the United States Institute of Peace (USIP) and GITNOC have made sound contributions. Unlike most of the research in this area, these two organizations focus on the criminal drivers of smuggling in North Africa. That is, rather than looking at smuggling as a facet of migration and smugglers as individuals who fulfil a demand for irregular migration, they look at smuggling as a transnational crime and part of the illicit economy. The USIP study, while not providing a great deal of information on its methodology, was apparently based on more than 200 qualitative interviews across Libya. GITNOC does not necessarily base its work on primary research; it tends to bring together a lot of secondary sources, including the work of journalists and anecdotal evidence provided by the media, with little critical assessment of its sources. In any case, both organizations have attempted to size the criminal economy linked to smuggling in Libya and outline the links between migrant smuggling and other forms of smuggling in the region.

Across the body of research, what is lacking is primary research. The research can be categorized according to rapid updates and papers more akin to policy briefs and research based on more sound methodologies. The policy brief type research tends to be based on secondary research only with little critical assessment of sources. The impression is that organizations active in this area favour regular updates over rigorous research (GITNOC, New-Med). More sound methodologies include primary research modules (see Altai, MHub and RMMS), although most primary research that exists is in the form of primary qualitative research. Most of it is conducted with migrants who are asked about their experiences with smugglers (see Altai, RMMS and MHub). Some of it involves interviews with smugglers, but this is not usually conducted systematically; if conducted at all, it is usually a handful of smugglers that are interviewed among a bigger sample of interviews with migrants (see Altai and RMMS).

There is dearth of research based on primary quantitative research or samples larger than a few hundred interviews. While the qualitative research that exists has been successful in identifying the trends and major dynamics, the lack of quantitative research means that there has been no effort to quantify any of these dynamics after 2006. It should be noted that Altai's Libya study of 2013 (Malakooti, 2013a), and RMMS' 2014 study did build upon quantitative research that had been conducted for other studies but did not include quantitative modules of their own.[21]

[21] In the case of Altai, it was 600 interviews conducted with tribal groups in the south of Libya in 2013, and in the case of RMMS, it was a survey conducted by DRC with over 1,000 migrants in 2013.

In terms of lines of enquiry, the research tends to be destination focused, in terms of European destinations along Mediterranean routes, with little research along the chain. This is presumably because of the challenge in conducting research in Libya post-2014, as well as the tendency to focus on the Mediterranean post-2014 (as previously mentioned). It is likely to also be linked to the availability of data at destination (because of arrival statistics that are kept by European arrival countries) and the ease with which interviews can be conducted with migrants at destination. The effect of this is that smuggling routes and dynamics from North Africa are better documented than smuggling routes to and within North Africa, which means the issue is not comprehensively addressed.

Moreover, when research is specifically focused on North Africa, it tends to focus on Libya. There is little research that has been conducted in recent years on other countries in the region. While Libya is the main country in North Africa when it comes to migration and smuggling and thus, does warrant the focus of the bulk of the research in the region, the lack of research on smuggling dynamics in other countries in the region and smuggling dynamics at transit points does make it challenging to develop interventions to address smuggling in other locations in the region.

In terms of lines of enquiry more specifically, research areas that have been well addressed include the mapping of irregular migration and smuggling routes throughout the region (see Malakooti, 2015a, 2015b and 2013a; Collyer et al., 2016) and the profiles of the smugglers and dynamics of smuggling in the region (Reitano, Adal and Shaw, 2014; Toaldo, 2015b; Naik et al., 2015 and 2016; Frouws, 2014; Malakooti, 2015a, 2015b, 2013a and 2013b). There has also been some attempt to map the economics of smuggling; that is, the pricing of smuggling routes in terms of what migrants are paying for smuggling services (Malakooti, 2015a, 2015b, 2013a and 2013b) and the sizing of the smuggling economy in terms of the revenues it generates (USIP, UNODC, GITNOC).

While these areas have been well addressed, what is lacking is ongoing research and analysis. The region is quite dynamic, and the instability in Libya causes much change in the trends. Research that supports trend analysis would be beneficial to policymakers and programme managers, and also provide some forecasting ability over time.

There is also little research on the individuals that sit at the top of smuggling networks in the region. Most studies agree that these networks are headed by individuals who are rarely seen, but none of them reveal much about them. More research dedicated to smuggling specifically, and particularly from the

perspective of the migration dynamics, rather than looking at it within broader studies would also be useful. Finally, as it is well documented that certain trans-Saharan tribes are prominent in the smuggling routes into Libya and in the south of Libya (Malakooti, 2013a; Reitano, Adal and Shaw, 2014), more research among these communities and in terms of better understanding their motivations for entering the smuggling trade, would be useful.

Conclusion and ways forward

There is a lack of data on smuggling and irregular migration in the region. As the region is dynamic, with numbers shifting regularly, more initiatives are required that provide rapid, regularly updated, rigorous estimates.

Initiatives such as the Migrant Footprint Database and the Smuggling Monitor show promise for the bringing together of information about smuggling in the region, but for rigorous estimates to be generated on the number of irregular and smuggled migrants in the region, a methodology is required that interviews a number of key informants at a number of levels at regular and frequent intervals.

For this reason, IOM Libya's DTM exercise shows promise for developing rigorous estimates for Libya and, depending on how the pilot phase eventuates, it might be beneficial to replicate the same exercise in other countries in the region. Having said that, the majority of smuggling in the region is occurring in, to and from Libya. Thus, generating more accurate data for Libya would prove beneficial to the entire region. Once a better sense of the scope of the phenomenon in Libya is attained, it will be easier to gauge whether more data is required for the region.

In terms of research, most of the previous research in the area has focused on Libya, or on European destinations on the Central Mediterranean route. More research in other countries in the region, particularly Egypt – which is probably the most dynamic after Libya – and more information about the dynamics at transit points would be beneficial. Also, in terms of smuggling routes in the region, most mapping exercises have focused on routes to Libya, routes from North Africa to Europe, and routes from other countries in the region to Libya. There is little research on the routes into the other countries in the region.

Finally, more ongoing analysis of the development of smuggling networks, and the entry of new players in the smuggling market in Libya, particularly as the conflict unfolds and becomes more intertwined with migrant smuggling,

would allow better responses to migrant smuggling, better understanding of the motivation of the smugglers and would allow for the better forecasting of future trends. More research among Saharan tribal groups who have been prominent in smuggling in the region for decades would also reveal a lot of useful information about the root causes of migrant smuggling, whether it be economic-, criminal- or migration-related.

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5 EUROPE

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Introduction

Since the 1980s, irregular migration to Europe has rapidly expanded. The perceived economic advantages, particularly in Western European countries, large-scale conflicts in Asia and the Middle East, the effects of global poverty especially in the south but also increasingly restrictive migration policies barring access to the labour market are some of the many converging factors behind the growth of this rather complex phenomenon. Over the past few years, the political turmoil in the Arab world and in particular the ongoing crisis in the Syrian Arab Republic have further exacerbated the number of undocumented migrants reaching Europe (Triandafyllidou and Maroukis, 2012; Shelley, 2014; Kuschminder, de Bresser and Siegel, 2015; McAuliffe, 2013; Salt, 2000). According to the International Organization for Migration (IOM), in 2015, over 1 million irregular migrants and refugees arrived in Europe (IOM, 2015) from developing countries in Africa and Asia – the highest migration flow since the Second World War. Frontex, the European Agency for the Management of the European Union's External Borders reported an unprecedented number of over 1.5 million irregular border crossings, the overwhelming majority of which took place at the Greek–Turkish sea border (Frontex, 2016a). In response to these developments, countries in Europe have kept their eyes fixed on their borders; managing the growing numbers of migrants entering into the continent and discouraging the influx of irregular flows has nowadays evolved into a primary policy objective (Fargues and Fandrich, 2012; Fargues, 2014).

The connection between irregular migration and migrant smuggling as a violent and ruthless business is relatively recent and was mainly established in Europe during the first major refugee crisis in the mid-1990s. Up until then, migrant smuggling was neither punished nor treated as an important act of crime as it is today. It even had a positive connotation; a legacy of the heroic acts of smuggling Jews to safety during the Second World War. There was also no common policy to combat migrant smuggling (van Liempt, 2016; Doomernik, 2013). In 2000, the preparation of a proposal for a Council on the Framework Decision on Strengthening the Penal Framework for Preventing the Facilitation

of Unauthorized Entry and Residence laid down the first ground for European Union Member States to join forces against migrant smugglers (van Liempt, 2016; O'Neill, 2011). The same year, the adoption of the United Nations Protocol against the Smuggling of Migrants by Land, Air and Sea (hereafter Smuggling Protocol) acknowledged the gravity of the phenomenon and officially included migrant smuggling in the fight against organized crime (van Liempt, 2016).

Since then, European States have increasingly invested considerable amounts of resources to counter migrant smuggling and punish the offenders. Among the most notable developments was the 2015 adoption of a common Action Plan against Migrant Smuggling, which laid down a comprehensive strategy to this purpose (COM (2015) 285). In the course of 2016, Europe's commitment reached new levels with the deployment of North Atlantic Treaty Organization (NATO) vessels in the Aegean Sea to help crack down criminal networks, in a way literally militarizing the war on smugglers (Emmott and Stewart, 2016).

Even though migrant smuggling is not a recent phenomenon in Europe, understanding its different forms and dynamics remains a complex task. Despite a growing number of studies, knowledge about migrant smuggling is limited to those cases that have actually been detected (Salt, 2000). Gaining an in-depth understanding of migrant smuggling in Europe entails additional challenges given the particularities of the geopolitical context. Notwithstanding the small size of the continent and the established commitment to a common policy, European countries are in their overwhelming majority still quite divergent in the way they define, understand and counter the crime of migrant smuggling (Carrera, 2016).

The aim of the present chapter is essentially twofold: first, on the basis of existing knowledge, the authors seek to unfold the scale of migrant smuggling in Europe, provide an overview of its main characteristics and ultimately contribute towards bringing together information that to this day lies in large fragmented. Second, and most important, the authors seek to shed light, as well as probe some of the main assumptions underpinning the current understanding about migrant smuggling by inquiring into the methodological considerations that underpin existing knowledge and scholarly analysis. The ultimate purpose is to help advance discussions about migrant smuggling not only by identifying potential gaps but also by delineating and raising better awareness about the scale and limitations of the knowledge itself.

The chapter will have the following structure: the first part provides an overview of the key features and characteristics of migrant smuggling in the European region. The part presents the main routes and figures, describes the modus operandi and profile of the smuggling networks and traces recent

developments. A holistic approach addressing not only movement into Europe but also within Europe is taken. In the second part of the discussion, the focus is shifted to the analytical frames underpinning the current knowledge. The main sources of information are identified, and the main methodological considerations framing existing knowledge is reviewed. Particular focus on data collection processes is given and the manner in which these are applied across the different jurisdictions and delineate the scope and main contributions of existing research is compared. In the final part, the main findings are summarized, and recommendations for the way forward are given.

Overview of migrant smuggling in the region

In the context of Europe, the discourse on migrant smuggling to and within the continent goes hand in hand with the discussion about irregular migration. It is estimated that roughly 90 per cent of all migrants that cross Europe's external or internal borders unlawfully rely at some point of their journey on the services of a smuggler (Europol, 2016).[22]

During the last decade, irregular migration to and within Europe has typically developed along two main axes: (a) from south to north; and (b) from east to west (Triandafyllidou and Maroukis, 2012). Undocumented migrants into Europe have mostly come from developing countries in Asia and Africa, particularly the Syrian Arab Republic, Pakistan, Afghanistan and Iraq, as well as Senegal, Somalia, Nigeria and Morocco. According to Europol – the European Union's law enforcement agency – in recent years, there has also been a persistent flow of irregular migrants from India, Bangladesh, China and Viet Nam (Europol, 2016).

The journey of an irregular migrant into Europe typically starts from the European Union's external south and eastern land and sea borders, in particular Greece, Italy, Malta, Spain, and continues therefrom towards western and northern European countries. The preferred destinations are Germany, Sweden and the United Kingdom. There is also evidence of transatlantic irregular migration in particular towards North America; albeit its occurrence seems less common (Europol, 2015a). According to Frontex, there are eight main paths through which unauthorized migrants enter into Europe. Out of those, Frontex reports, smugglers have in recent years made increasing use of three main routes: (a) the so-called Western Mediterranean route, from Morocco to Spain; (b) Central Mediterranean route from Libya to Italy and Malta; and

[22] It should of course be noted that the majority of irregular migrants present in Europe have arrived legally and then overstayed or abused their terms of entry/stay.

(c) Eastern Mediterranean route, from Turkey to Greece. A smaller percentage has steadily entered through the Eastern land borders to the European Union, via the Russian Federation, Ukraine and the Nordic countries (Frontex routes map; Triandafyllidou and Maroukis, 2012).

The Eastern Mediterranean corridor, notably via Greece's land and sea border with Turkey, remains one of the most travelled points of entry to the European Union. According to Frontex, this route is mainly used by irregular migrants from the Syrian Arab Republic, Afghanistan, Pakistan but also Iraq and Somalia. In 2015, a record number of around 885,000 irregular migrants arrived into the European Union via this path (Frontex, 2016b). One of the main features of this route has been the alternating shifts in the flows between the land and sea borders. While in 2008–2009, sea crossings from the Turkish coasts to the Aegean islands (Samos, Lesvos and Chios) were the preferred routes, towards the end of 2009, there was a sudden change: irregular migrants apprehended at the Greek–Turkish land border quintupled, while those apprehended at the sea borders fell by 70 per cent. In 2012, the routes have shifted again; apprehensions fell dramatically at the Greek–Turkish land borders, but tripled in 2013 and quadrupled in 2014. The same trend was maintained also in 2015; the sea border and in particular the island of Lesvos accounted for almost all irregular crossings into the country.

The Central Mediterranean route is reportedly mainly preferred by sub-Saharan populations and in particular Eritreans, Ghanaians, Nigerians, Senegalese and Somalis. Despite some recent fluctuations, this path has been registering high numbers of irregular arrivals throughout the last 15 years. Italy registered peaks in apprehensions at its sea borders in 2006–2007, then hit an all-time low in 2009–2010 after the accords of the Government of Italy with the Gheddafi regime in Libya to push back people who had set off the Libyan coast to Italy. Numbers climbed dramatically in early 2011 and again in 2013–2014. Arrivals remained high also in the course of 2015, although there was a relative drop in the total number of irregular crossings compared to the year before (Frontex, 2016c; Europol, 2016).

The Western Mediterranean route originates in sub-Saharan Africa and mainly goes through Morocco to Spain, via the Spanish cities of Ceuta and Melilla in North Africa or the Canary Islands or indeed directly across the Gibraltar straits to mainland Spain. About a decade ago, this route was mainly used by Moroccan and Algerian migrants seeking better job opportunities in Europe. In the mid-2000s, it became a preferred route for irregular migrants from sub-Saharan Africa driven northwards by regional conflicts. However, over the past five years, it has lost in significance and has been to some extent abandoned. In 2015, the

overall number of detected arrivals dropped further, while Syrians accounted for most known cases of irregular border crossing (Frontex, 2016d).

A further path, the so-called Eastern European land route, crosses into Europe via the Russian Federation and then Finland, Norway or Ukraine. This path has typically accounted for a small albeit persistent flow of irregular arrivals into Europe – averaging over the past eight years – 1,500 detections on an annual basis (0.01% of all arrivals). Since 2015, it has however started gaining significance. This path is mainly followed by Georgians, Russians, as well as Afghans and Somalis who aim to reach Europe through the eastern borders. Until 2015, Ukraine was the main transit country. Over the past year, however, the flows have started shifting towards the artic route and in particular via the Russian Federation to Norway and Finland. Although the flows have remained relatively stable over the past eight years, in 2015, there was a relative increase in the number of detected border crossings (Frontex, 2016e).

Irregular migrants arriving in the southern and eastern borders of the European Union typically continue their journey towards Western European countries, although for some nationalities, southern countries are the primary destination. For many Pakistanis, for instance, Greece is the destination country (Kuschminder, de Bresser and Siegel, 2015). Secondary movements within Europe normally develop along a wide diversity and constantly change paths, without there being any known key trajectories as within Europe. It is also common for irregular migrants to cross into Europe with the aid of a smuggler, but then continue their journey alone. Nonetheless, depending on the embarking point, some common key trajectories are the following:

- The journey for those arriving to Greece routinely continues via the Western Balkans. Irregular migrants practically exit the European Union through Greece's northern-western borders and seek re-entry via the Croatia, Serbia, Slovenia and the former Yugoslav Republic of Macedonia – in different combinations – and to a lesser extent via Bulgaria, Hungary and Romania (Jandl, Futó and Karsakova, 2005). From there, they reportedly continue their journey to Austria and Germany via land. Prior to the refugee crisis, the Balkan route was of lesser significance and mainly saw numbers rise in 2013, when around 20,000 migrants made of changes in border control policies to cross into the country and apply for asylum. They then continued their journey onwards to Northern Europe. The majority were Syrians, Somalis but also

nationals of UNSC resolution 1244-administered Kosovo.[23] In the course of 2015, this route became particularly popular among Syrian, Iraqi and Afghan irregular migrants and asylum seekers (Frontex, 2016f).

- A second key trajectory crosses from Greece to south Italy, through the ports of Patra, Igoumenitsa and Corfu. This secondary movement typically constitutes the first leg of a longer journey towards Western European countries starting from Italy (Triandafyllidou and Maroukis, 2012).
- Another important trajectory from Southern to Western Europe departs from Italy, goes mostly through Milan and from there continues to Northern Europe via Switzerland, Austria and Germany, one of the top destination countries. Other migrants continue their journey from Germany onwards to the French Channel ports and the United Kingdom; or via France, Czech Republic and Germany to the United Kingdom. A small number appears to continue their journey from the United Kingdom to North America or Canada (Europol, 2011, 2012 and 2013; Kuschminder, de Bresser and Siegel, 2015). More specific paths, as is the case in the context of smuggling into Europe where the trip between Ayvalik and the south and north shore of Lesvos accounted, for instance, for most irregular border crossings in 2015, are not discernible from the available data.

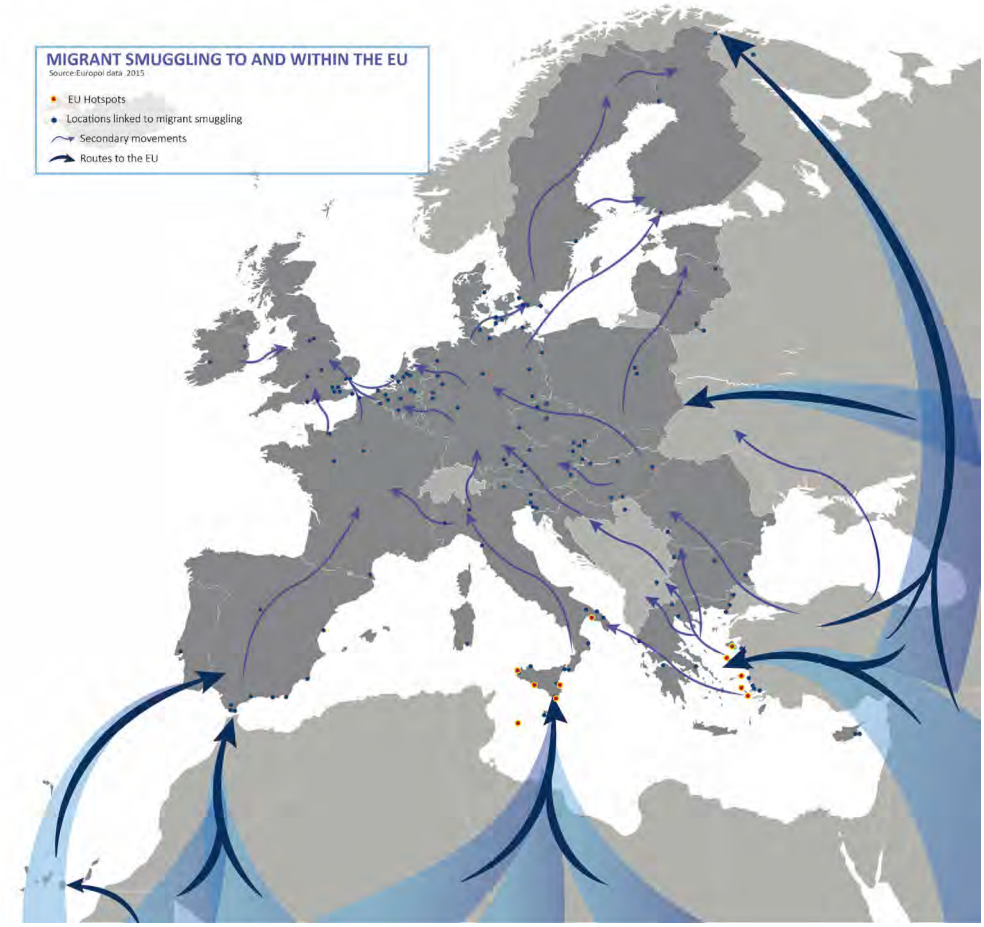
Even though Frontex reports that irregular migrants rely heavily on facilitators for their entry into the European continent, the same does not apply for intra-European movements. Many migrants continue their journey with their own means, via buses, railway lines or with the support of family and friends, often taking advantage of migration regimes. Among those who resort to smugglers, there is again further divergence as some rely on smugglers throughout their journey and others for specific legs of their itinerary. The precise extent in which smugglers are involved in irregular movement varies significantly, making it difficult to draw accurate estimates. According to the national statistics of Germany, for instance, between 2010 and 2014, a total of 154,282 migrants entered the country unlawfully, but the total number of smuggled migrants was 31,816 (Federal Criminal Police Office of Germany (BKA), 2014).

[23] Hereinafter referred to as Kosovo/UNSC 1244.

While the ratio between the two total figures appears relatively stable throughout the years, there are significant variations among the different routes. For instance, in 2014, the route via Poland ranked sixth in the annual statistics on irregular border crossings (1,693), but third in the context of detected smuggled cases (343). In Austria, on the other hand, in the context of irregular migration, the reliance on smugglers seems much higher. Between 2010 and 2014, the total number of detected irregular migrants (60,069) was almost as high as those who were smuggled into the country (62,108). Notably, even though irregular entries were typically higher compared to detected smuggling cases, in 2014, there was a remarkable shift. The total number of smuggled migrants (20,768) significantly surpassed the number of those who had entered and were staying in the country unlawfully (12,791) (BMI, 2014). In the absence of systematic comparable research into these data, there is a significant knowledge gap on cross-country migrant smuggling trends within the region.

Typically, a migrant's journey consists of many intermediate stop-overs, the so-called hotspots, where one can access specific services, such as accommodation and transport. Europol has identified 230 such hotspots, among which Istanbul, Athens, Berlin, Budapest, Calais, Copenhagen, Frankfurt, Hamburg, London, Madrid, Milan and Vienna (Europol, 2016). Depending on the available funds, a facilitated migrant may also stop on the way at urban or semi-urban regions and work for a while, so as to pay off debt or collect money to pay for the remainder of the trip. A journey within Europe can thus last from a few days to a few months, depending on the funds of the migrant, as well as the kind of obstacles encountered on the route. In cases where an irregular migrant decides to travel one leg at the time, onward movement may take up to several years, depending on the number of stop-overs and the possibility to work and fund the rest of the trip (Europol, 2016). In a recent study, Europol mapped the main smuggling paths into and within Europe as seen on Figure 5.1.

Figure 5.1: Smuggling routes into and within the European Union



Source: Europol, 2016.

When it comes to the details of the actual transfer, the means and ways vary greatly depending on the leg of the journey and many more converging factors. In recent years, most smuggling to and within Europe has primarily taken place by land and/or sea. Even though travel by air is currently of limited use, Europol estimates that it will increase in significance the further security controls on the land and sea routes are tightening (Europol, 2016). As regards payment, this is normally made in cash in advance or in halfway instalments; if migrants fail to pay, smugglers may extort the families in the country of origin. Payment via labour may also be demanded (Europol, 2011, 2012a, 2013, 2015b).

Smuggling into Europe through the Mediterranean sea routes typically takes place on unseaworthy fishing boats or small overloaded rubber dinghies. These vessels are generally poorly equipped, prone to capsizing and often lack the necessary fuel to reach Europe (Frontex, 2016). The size of the vessel and the number of passengers depends on the distance that has to be covered and the funds available. A refugee dinghy crossing from the Turkish coast to the Aegean Islands typically carries 50 to 65 people; a wooden boat from Libya to Italy can carry up to a few hundreds (Kingsley, 2015). It is noteworthy that smugglers themselves do not normally board the boats but reportedly assign pilot duties to one of the passengers. The sums due vary depending on a variety of factors. Each leg of the journey is normally associated with a specific fee range, the precise height of which is influenced by additional factors, such as the weather conditions, the risks involved, the facilities in the receiving country, as well as social considerations (nationality, age, family status). In 2015, for instance, crossing from Ayvalik to Lesvos reportedly cost between EUR 500 to EUR 2,500 with the lowest fees reported during windy winter days. Overall in the smuggling industry, travel by sea under such conditions is generally considered among the most dangerous and accounts for the highest number of deaths (University of Amsterdam, 2016).

Subsidiary movement within the European continent typically takes place by land, through private vehicles and concealed departments in trucks and train freights. The precise mode depends (among other things) on the quality of the road, the length of the journey, the financial possibilities of the client and also the migration policies in place (e.g. Schengen). Compared to movement into Europe, the available options here appear to be much broader, rendering the analysis of the trends particularly complex. While data have not been systematically collected, travelling in hidden spaces in trucks and buses has been frequently reported in the context the ferry crossings from Greece to Italy (Triandafyllidou and Maroukis, 2012). Travelling in concealed departments in vans, trucks and minivans is also a commonly reported method in the context of the Western Balkan route, in particular from Bulgaria via Romania, Slovakia and Hungary to Vienna. According to the Austrian authorities, travelling from Greece to Austria typically costs between EUR 3,000 to EUR 5,000; from Serbia to Austria between EUR 700 to EUR 1,200 per person. Onward movement from Austria to Germany entails a further EUR 1,000, while Scandinavia is a further EUR 2,500. Overall, travel inside a truck has proven a rather perilous mode of transfer as there is a real risk of suffocation. In one notorious case in 2015, 71 migrants were found dead inside a lorry at the Austrian–Hungarian border (Harding, 2015).

Travel by air through falsified documents or sham marriages, directly from the country of origin or within Europe, covering part of the journey, has also been documented, although to a lesser extent. In the period 2013–2014 in Germany, for instance, travel by air accounted for around 15 per cent of all detected cases of irregular smuggling. In general, travel by air is considered a safer but more expensive option.

Selected accounts from the Europol data illustrate the complexity of the crime in the context of Europe. In one case, for instance, irregular migrants from Viet Nam were offered two travel options to reach the United Kingdom – an economy and a VIP package ranging between EUR 18,000 and 35,000 per person. The migrants were provided with valid Polish or Czech tourist visas and once in Europe, they were housed in safe houses in Paris or Angers. From there, they were smuggled to the United Kingdom via trucks or cars. In another known case, Albanian migrants were smuggled from France across the channel to the United Kingdom through the expensive and rather atypical mode of rented private yachts. In another case, in 2013, a network that smuggled migrants from India to Europe through forged documents issued in Portugal was dismantled. The migrants received their forged documents and then dispersed to other countries, such as Denmark, Germany, Italy and Spain, in private cars and vans. The fee from Lisbon to Paris was reportedly EUR 250 (Europol, 2011, 2013 and 2014).

As regards to the profile of the smuggling networks, these may be large-scale organizations involved in direct transcontinental smuggling, but most commonly they are smaller loosely connected criminal groups, which control movements in an organized and sophisticated manner. A smuggling network typically comprises smaller regional criminal networks and local hubs, as well as individual entrepreneurs active in a variety of countries (Europol, 2016; Futó, Jandl and Karsakova, 2005; van Liempt, 2007). The organizers or leaders of the network are usually located in key migration hubs and responsible for the overall coordination. They operate remotely and maintain contact with a limited number of members. Regional and smaller networks function autonomously. Their tasks vary depending on the network they form part of. Regional leaders normally act as local coordinators, such as making the necessary travel arrangements and setting the prices; smaller local units are routinely responsible for ensuring that travel and other services are provided within their territory before the migrants are passed to the next associate along the route. They are often assisted by freelancers and opportunistic individuals who act as local recruiters, drivers or document falsifiers (Europol, 2016; Triandafyllidou and Maroukis, 2012).

With the exception of criminal groups active in the Nordic countries, smuggling networks typically comprise different nationalities – both European Union and non-European Union nationals. The latter are most often based in countries of transit or destination acting as local coordinators or orchestrating the smuggling activities (Europol, 2016). The age of the smuggler is normally related to the position he/she holds in the organization. In 2015, the average age of arrested smugglers was 36 years. Smugglers from Western Balkan countries and European Union Member States were the oldest in age; Romanian nationals were the youngest ones (Europol, 2016).

Links to other forms of crime are not uncommon. According to a 2016 study by Europol, in 2015, 22 per cent of all suspected smugglers were linked to drug trafficking, 20 per cent to trafficking in human beings and 20 per cent to property crime (Europol, 2016).

Review of data on migrant smuggling

Data on migrant smuggling in Europe are only partially available and in large highly fragmented. In addition, there is quite a divergence among the different countries in the manner in which data are collected. This limits the ability to fully comprehend the scale and dynamics behind the crime.

In principle, official data on migrant smuggling are collected by national law enforcement agencies (police, coast guard, border authorities). They most commonly consist of figures of annual apprehensions. Together with national court records, these provide the primary source of information on migrant smuggling. Statistical analyses may also be found in the data of international organizations and European Union agencies, such as Europol and Frontex, but also data collected through surveys. An important source of information within this context has been the work of the International Centre for Migration Policy Development that has consistently kept records of the main smuggling trends in Central Europe. The basic advantage of the information provided through these sources is that it is often of a broader scope, allowing a better overview of trends and patterns in the region. However, the main limitation lies in the fact that the findings are largely based on estimates derived from the official statistics. In this sense, some of the main shortcomings applicable to the former extend also here.

There are significant limitations to the kind of knowledge outlined above. First, the scope of information is typically narrow as it is based on detected cases and restricted to the national jurisdiction. Second, in the particular context of Europe, not all countries are willing to publicize their data. France, Belgium and

Czech Republic, for instance, do not disclose their national statistics (European Migration Network, 2014). Third, there are significant discrepancies in the manner in which data are collected, as well as in the years that the data are shared. The diversity of the methods and indicators used renders the verification and comparability of the available data particularly difficult.

Countries with particularly detailed statistics are Germany and Austria. These two countries share not only the annual apprehension figures of suspected smugglers, but also those of smuggled migrants, nationalities, gender and conviction rate. By way of illustration, between 2010 and 2014, Germany arrested a total of 11,130 persons suspected of facilitation of entry. During the same period, Austria apprehended a total of 1,713 suspected smugglers (Table 5.1).

Table 5.1: Apprehensions of suspected smugglers in Germany and Austria, 2010–2014

Year	Germany	Austria
2010	1,876	327
2011	1,653	288
2012	2,049	235
2013	2,558	352
2014	2,994	511
Total	**11,130**	**1,713**

Source: Federal Criminal Police of Austria, 2014; Federal Criminal Police of Germany, 2014.

The majority of the suspects in Germany were non-nationals of the European Union and mainly came from Hungary, Italy, Romania, Serbia and the Syrian Arab Republic; 11 per cent were women. The main nationalities of suspects in Austria were Hungarian, Serbian, Syrian, Romanian and those from Kosovo/UNSC 1244; 4 per cent were women (BKA, 2014; BMI, 2014).

The Greek statistics, on the other hand, only report figures and occasionally the nationalities of the suspected smugglers. Between 2010 and 2014, a total of 4,738 persons were apprehended (Table 5.2).

Table 5.2: Apprehensions of suspected smugglers in Greece, 2010–2014

Year	Number
2010	1,150
2011	848
2012	726
2013	843
2014	1,171
Total	**4,738**

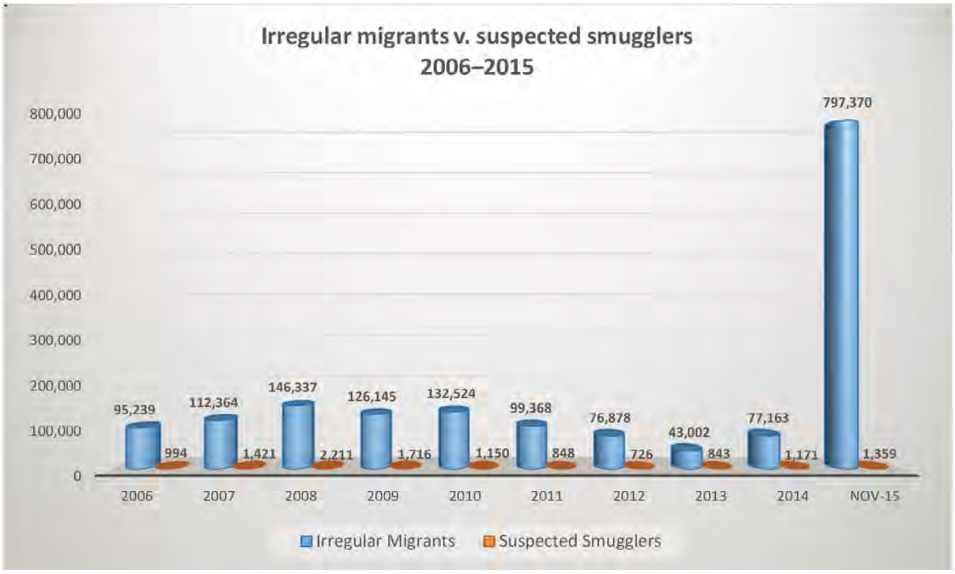
Source: Hellenic Police, 2016.

On the basis of the available data, the majority came from Albania, Greece, Syrian Arab Republic, Bulgaria, Afghanistan, Iraq and Turkey (Hellenic Police, 2016).

A different approach is followed by the Swiss authorities, which publish processed data, mainly in the form of percentages (Federal Police of Switzerland, 2015). In 2014, for instance, a total of 364 case files of migrant smuggling were registered in the country. The majority of the smugglers came from Kosovo/UNSC 1244 (29%), followed by Eritrea (15%) and Syrian Arab Republic (8%); most victims were from Kosovo/UNSC 1244 (28%), Albania (10%) and Syrian Arab Republic (8%). Switzerland also reports that false or stolen documents were used in only 22 per cent of the cases.

Italy, on the other hand, only shares statistics on smuggled migrants, but not smugglers themselves. The latter are included within a general category of immigration-related offences without further segregation (Carrera, 2016; European Migration Network, 2014). The United Kingdom only publishes data about persons who have been prosecuted for assisting unlawful migration; between 2010 and 2014, this was tantamount to 1,860 persons (Carrera, 2016; European Migration Network, 2014).

Figure 5.2: Apprehensions of irregular migrants and suspected smugglers in Greece



Source: Hellenic Police, Ministry of Interior and Administrative Reconstruction, 2016.

Next to the lack of comparable and comprehensive data, the accuracy of the available information is hard to assess, as little is also known about the data collection and registration processes themselves. National authorities in Europe provide little – if any at all – information about the tools and procedures employed mainly at the operational level to register the data. Standardized procedures, for instance, and indicators are normally absent. Some insights on the circumstances under which information is retrieved can be found within the judicial files, once a suspected smuggler is brought before a court and a public hearing takes place. The court records reveal that more often than not, the identification process and collection of evidence is carried out within a particularly difficult context, for instance, at a remote border location, in the open sea at night, during a rescue operation or in the face of multiple arrivals. Individual police testimonies on observed events are frequently the primary or even only source of information. The extent to which information gets lost or personal biases and presumptions may further obscure the assessment of a situation is a gap in the authors' knowledge (Shelley, 2014; Salt, 2000; Carrera et al., 2016; European Commission, 2015).

A review of the Greek statistics helps illustrates the concern. Figure 5.2 illustrates the number of irregular migrants and the number of suspected smugglers apprehended between 2006 and 2015. Interestingly, while the flows of irregular arrivals have significantly fluctuated, the number of arrested smugglers has remained relatively stable. What is probably most surprising is that despite the dramatic increase of irregular arrivals in 2015 – from 77,000 to 800,000 – the number of detected smugglers hardly changed.

In addition, and independent of the dramatic shifts in the flows through the land and sea borders over the past five years, each year more than half of all suspected smugglers were arrested at the Greek–Turkish land borders (Hellenic Police, 2016). Although, as noted earlier, smugglers reportedly do not travel with the refugee boats, this only partly answers the quest. In the absence of any additional information, verifying what proportion of the overall phenomenon the above data represents becomes almost impossible.

Collecting consistent data on migrant smuggling in the European context presents the additional difficulty that there is little consensus across the national jurisdictions on the definition of migrant smuggling itself. In practice, this means that different situations may qualify as migrant smuggling across the region, as each authority follows its own definition and rules (Salt, 2000). Nonetheless, collecting national data would allow at least for checking trends within each jurisdiction even if comparison would have to be done with caution.

In particular, the understanding of the notion of migrant smuggling in Europe derives in large from the international Smuggling Protocol, which defines migrant smuggling as "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". The UN Protocol has been ratified by all European countries but also the European Union as a legal entity (Council of the European Union, 2006; United Nations, n.d.).

European countries that are also Member States to the European Union find further guidelines on the definition of migrant smuggling in Directive 2002/90/EC and Framework Decision 2002/946/JHA, aptly referred to as the Facilitators' Package, which seek to harmonize the penalization of migrant smuggling in the region. The above-described documents prohibit the following types of behaviours in the context of migrant smuggling:

- Assisting a non-European Union country national to enter or transit through a European Union country, in breach of laws; and
- Assisting intentionally, and for financial gain, a non-European Union country national to reside in the territory of a European Union country, in breach of laws.

Optionally, an exception can be made if the aim is to provide humanitarian assistance to a person in distress.

At the scholarly level, the above-described framework has been rather critically received both on account of legal ambiguity and its great divergence from the UN Protocol standards. Among the most important differences is the requirement of financial profit; while the UN Protocol necessitates the element of financial gain for the conduct to be punishable, the Facilitators' Package does not (Alssopp and Manieri, 2016). Other controversial aspects include the non-binding nature of the "humanitarian assistance" clause, but also the omission of any reference to the role of family and personal relations (Carrera and Guild, 2016). Next to this, the Facilitators' Package grants Member States a wide discretion to frame their national laws. In practice, European countries have followed diverse and at times inconsistent approaches towards criminalizing migrant smuggling.

Austria, France, Greece, Italy, the Netherlands, Spain, Switzerland and the United Kingdom follow a broad definition and penalize the facilitation of entry irrespective of the financial gain involved; Germany and Belgium, however, necessitate the element of "financial gain" as an additional requirement (Carrera et al., 2016; Federal Aliens Law of Germany (AufenthG), 2004; Federal Aliens Act

of Austria (FPG), n.d.; Federal Act on Foreign Nationals Act (FNA), n.d.; Greek Code on Migration or Greek Law N.4251/2014); a similar approach is followed by the former Yugoslav Republic of Macedonia (European Migration Network, 2014). The so-called humanitarian clause, absolving from criminal liability those who assist persons in distress, is only foreseen in the Greek and Spanish legislation. The United Kingdom has transposed an analogous provision but has restricted its scope to persons acting pro bono on behalf of a human rights organization (Carrera, 2016).

Even wider disparities are present when it comes to criminalizing the facilitation of unauthorized "stay" in the country. A 2016 survey of national laws revealed that France, Greece and the United Kingdom do not require financial gain to punish facilitation of stay; the opposite approach is followed by Germany, Hungary, Italy, the Netherlands and Spain. Likewise, France, Germany, Italy and the Netherlands exempt from criminal liability those who facilitate unauthorized stay for humanitarian purpose; France only exempts those who assist family members, while Germany entails exemptions only for those who conduct specific professional duties (Carrera, 2016).

As regards the type and severity of punishment, also here a great variety of sentences have been identified, ranging from a fine and 1–2 years imprisonment (such as Austria, Germany and Spain) to 10 years in the case of Greece and 14 years in the United Kingdom. Some national orders, such as Italy, entail different sentences for facilitation of unauthorized stay and entry carry different sentences, while others, such as Greece and the Netherlands, do not make such a distinction (AufenthG, 2004; FPG, n.d.; FNA, n.d.; Greek Code on Migration; European Migration Network, 2014).

Finally, the territorial scope of the definition also varies. Some European countries sanction not only the facilitation of movement and stay in their own country but also in other Member States. Even then, the approaches differ. Hungary, for instance, sanctions only the facilitation of transit and stay in another Member State. Italy only sanctions the facilitation of entry and transit. Spain and the United Kingdom sanction all three categories (Carrera, 2016). Germany punishes the facilitation of entry into, transit and stay in any other Schengen country, while the Netherlands sanctions the facilitation of entry, transit and stay in any country that is a party to the UN Protocol against Smuggling (Carrera, 2016).

Once theory is translated into practice and in the absence of standardized procedures, there are significant divergence across national jurisdictions in the way situations are interpreted and data registered, the precise extent of which is

rather unknown (Carrera, 2016). In Greece, for instance, where the element of financial benefit is not required, all drivers of all types of vehicles are potentially criminally liable (L.4251/2014§30). In practice, arrests have been carried out against tourist buses and taxi drivers for allowing undocumented drivers on board (Hellenic Police, 2015a, 2015b, 2015c, 2015d, 2015e, 2015f and 2016; Kathimerini, 2015). Migrant smuggling charges have commonly also been pressed against unauthorized steering of a refugee dinghy that carried the captain's family members (Efimerida Syntakton, 2015). Volunteer lifeguards searching for a boat that was presumed to be in distress were also arrested (Kathimerini, 2016). In Spain, a photojournalist was arrested for carrying undocumented migrants in her car towards Melilla. In Germany, on the other hand, a migrant who helped his fiancée enter the country irregularly was acquitted of the smuggling charges (Carrera et al., 2016).

In 2016, in an effort to improve its overall legislative framework, the European Commission launched a public consultation (European Commission, 2016). Its impact remains to be seen.

Review of migrant smuggling research

Migrant smuggling to and within Europe has been the subject of a growing number of studies in recent years. To analyse the crime, scholars have employed a broad spectrum of theoretical angles, analytical frames and orientations. The variety of the approaches is reflective of the difficulty to comprehend the complexity of the phenomenon (Baird, 2013a; Baird and van Liempt, 2016; Salt, 2000; van Liempt, 2007).

While literature of migrant smuggling in Europe is quite diverse and vast, for the purposes of the present study, two broadly defined axes to review contemporary contributions will be used: (a) the so-called criminological approach, which focuses primarily on the modus operandi of the smuggling process as an illicit business; and (b) the sociological perspective, which investigates the social dynamics and relational dimension of migrant smuggling (United Nations Office on Drugs and Crime) (UNODC), 2011; Baird, 2013a; Baird and van Liempt, 2016). Given the different nuances attributed to each term within literature, this chapter will broadly outline the key features of each category as used here before presenting the scope and some key limitations and strengths of each approach.

The criminological dimension, the origins of which are often accredited to Salt and Stein's seminal 1997 work "Migration as Business", places migrant

smuggling within the wider frame of irregular migration as a market and conceptualizes migrant smuggling as an illicit, profit-making activity. Depending on the specific theoretical model applied, two ancillary overlapping approaches may be further discerned: (a) analysis of migrant smuggling from a primarily economic perspective as a business; and (b) understanding of migrant smuggling as a basic criminal structure and security threat (Salt, 2000; Baird, 2013a). To analyse the phenomenon, scholarly contributions that fall within this category mostly focus on the organizational aspect of migrant smuggling: the structure of the networks, the routes, the prices, the flows and trends, estimation of the "stocks" and even the likelihood of capture (Baird, 2013a). The overall scope adopted may be however quite broad and place the discussion within the global context of the migration industry and its politico-historical background (ibid.).

The literature that has developed along this strand is vast. A major limitation in the analysis provided has been the little consideration paid to the input of the migrant, who is frequently perceived as a victim trapped and moved around within a network of associates rather than a decision maker (UNODC, 2011). Next to this, there is a certain degree of imbalance in the geographical focus. While ample has been written on the flows, trends, estimates and modus operandi of the smuggling networks in the European Union's southern external borders and in particular the dramatic Mediterranean border crossings, less attention has been paid to intra-European movements. Contributions mapping and analysing the process of migrant smuggling from the south towards Western European countries are relatively limited.

One of the earliest studies, carried out by Ulrich in 1995, focused on migrant smuggling in the Nordic and Baltic countries by employing border apprehensions and asylum data, among others. Among the most interesting findings in terms of transport methods was the airlifting of 29 migrants via helicopter from the Russian Federation into Poland (Ulrich, 1995). In a more recent study focusing on Austria, Bilger, Hoffman and Jandl in 2006, followed a market-oriented approach to analyse the structure and tactics of the smuggling networks operative in the country. They concluded, among others, that Austria was mainly acting as a transit country dominated by a multitude of providers offering differentiated services (Bilger, Hoffman and Jandl, 2006). Research conducted in Central and Eastern Europe revealed the continuously changing patterns of migrant smuggling through Bulgaria, Hungary and Poland by means of forged documentation, abuse of the asylum system and concealment in hidden compartments in vehicles, as well as the organization of smuggling networks into smaller, collaborating individual groups, which the analysts resembled to an "octopus" – rather than a pyramid – structure (Futó, Jandl and Karsakova, 2005). In her study of the Netherlands, van Liempt traced the paths followed

from three different geographical border areas into the country and established different types of small-scale smugglers, not of all which were readily associated with migrant smuggling (such as churches and travel agencies). Interestingly, for many smuggled migrants, the Netherlands was a destination country of "coincidence" rather than choice (van Liempt, 2007).

The 2016 opening and closure of the land border between Greece and the former Yugoslav Republic of Macedonia has provided new incentives to advance discussions about intra-European migrant smuggling; its long-term impact, however, remains to be seen. Very interesting studies, such as Altai Consulting and IOM's *Migration Trends Across the Mediterranean: Connecting the Dots* (2015), speak of the Western and Central Mediterranean route analysing the smugglers' operations that take place mostly in North Africa. The same is true for the most recent study of Monzini, Abdel Aziz and Pastore on *The Changing Dynamics of Cross-border Human Smuggling and Trafficking in the Mediterranean* published by IAI as part of the New-Med Research Network in late 2015. It is only the Médecins Sans Frontières report – *Obstacle course to Europe: A policy-made humanitarian crisis at the EU borders*, published in December 2015 – that briefly comments on the Balkan routes. Its focus is less on migrant smuggling but rather on how State policies and particularly the gaps in the reception systems of Italy and Greece and the closure of borders at intervals, in different places, create a domino effect and sharply increase the vulnerability of the people on the move, who face extremely harsh conditions without adequate assistance.

A second strand of literature, labelled here as sociological perspective, focuses on the relational dynamics of migrant smuggling. The primary aim here is not as much to map the routes and trends but rather decipher the psychosynthesis of the humans involved within the smuggling process. In this sense, it adopts a more subjective lens to analyse smuggling. While the primary focus is on the interaction between the smuggler and the smuggled, the wider social environment within which this relationship is embedded is commonly also included in the analysis (such as family, friends, community and ethnic networks). Migrant smuggling is thereby perceived as a complex interactive process and less associated with its criminal dimension.

Qualitative analyses of the above are considered to offer particularly valuable insights in understanding the modus operandi of migrant smuggling that often escapes studies with a statistical focus. They also run a lesser risk of building their analysis upon incorrect estimates and data. Their main limitation lies in the rather narrow scope of the information they provide as their findings are normally based on a small sample of respondents or interviewees (UNODC, 2011). Even studies that involve a wider range of participants are prone to this

critique, as the overall number remains small when compared to the presumed scale of phenomenon. Further criticism concerns the rather narrow focus adopted, as most studies explore the social dynamics from the perspective of the smuggled migrant, while less attention is paid to the reality of the smuggler (Baird, 2013a; UNODC, 2011).

One representative study of this kind was for instance conducted by van Liempt in 2007. Drawing from 56 interviews conducted with smuggled migrants, van Liempt analyses the importance of trust in the choice to rely on the smuggling services, as well as the influence of one's social network in the decision-making process. While smuggled migrants may have limited choice in certain respects, they still enjoy a certain degree of agency that is embedded in a web of close social relations. Most of the interviewees in her case study had found their smuggler through friends, family members and acquaintances. At the same time, smugglers have developed their own strategies to cultivate a favourable reputation and build upon this relationship of trust, for instance by allowing payment in installments (van Liempt, 2007). In his analysis of migrant smuggling in the Netherlands, Staring argues that migrant smugglers "bear less responsibility than is commonly assumed"; the social networks in the destination country and in particular the presence of family and friends ready to help, offers the necessary support that render the use of smuggling business less attractive (Staring, 2004). The importance of kinship to family and friends is also underscored by Herman, who argues that the strength of the ties is more important to the size of the network (Herman, 2006).

Of particular significance in advancing discussions about migrant smuggling has been an interesting article that has just been published by Baird and van Liempt (2016), titled "Scrutinising the double disadvantage: knowledge production in the messy field of migrant smuggling", which discusses some of the conceptual and methodological problems in investigating migrant smuggling. The authors point out that the criminological perspective has probably been privileged in the past, but point to a number of different perspectives necessary to capture the complex nature of smuggling, notably the business aspect, the role of networks, the challenges for human rights and smuggling as part of a global political economy. Indeed, their discussion of these issues shows that there is a need for a combined approach to smuggling (even if there is agreement about a common definition based on the Palermo Protocols) that takes into account its different facets and brings together different types of data that can range from interviews and non-participant observation and field notes to legal materials, policy texts and statistical data of various types.

Conclusion and ways forward

When it comes to evaluating the understanding of migrant smuggling in Europe, the present study confirms some important knowledge gaps and also draws attention to new emerging ones.

There is wide agreement among scholars that there is a general lack of data that contemporary research and data collection methods have thus far been unable to overcome. The scale of the phenomenon, the specific modalities of intra-European movement, its interconnection with other forms of crime, the involvement of women, the scale of the smuggling industry and its interconnection with other forms of crime and in particular trafficking in human beings are some of the established factual knowledge gaps (UNODC, 2011; Europol, 2016; Baird, 2013a). The impact of the recent Syrian crisis and the European response to an apparent incessantly growing threat has opened however new strands of thought.

Irregular child migration has been known to take place in Europe for several years now (European Union Agency for Fundamental Rights, 2011). Over the past few years, a growing number of children have been travelling alone. There is also strong speculation that many children are sent by their parents or smugglers, on their own or with adults they are not related to, in order to make it possible for the rest of the family to follow later by taking advantage of reunification schemes. However, in 2016, Europol raised the alert on the fate of around 10,000 children that had gone missing, 5,000 of whom were estimated to have disappeared in Italy alone and 1,000 in Sweden (Townsend, 2016). However, only few studies have explored the prevalence of minors also within the smuggling process. Among the most informing contemporary contributions in tracing the profile of smuggled children but also providing insights in their decision-making process has been a 2005 study conducted by Derluyn and Broekaert, on the basis of 1,093 data files of minors intercepted in Zeebruge, one of the main Belgian ports. The children, primarily teenagers from Asian and Eastern European countries, were transiting to reunite with family members, find work or escape a dire situation at home (Derluyn and Broekart, 2005; Baird, 2013a). Nonetheless, pertinent questions both in terms of facts and doctrinal implications remain unanswered. For instance, little is known about the extent of their exploitation, the degree in which they act themselves as smugglers or even guardians of other minors. Notions of agency, coercion and victimization in the context of migrants smuggling become particularly complex when reviewed in light of childhood (Baird, 2013a).

Inadequate attention is currently also paid to how cultural traits impact on the smuggling process. Existing research indicates that the cultural and ethnic factors play a major role in the strategies adopted and that the presence of ethnic communities in the destination country can act as drivers for irregular migration. Less however is known about their role in the context of the movement itself. The smuggling routes from and via North Africa to Spain and Italy or to Turkey and then Greece have catered for the same population – mainly sub-Saharan African young men from a wide array of countries of East, West and Central Africa. These routes have only rarely been used by migrants from Asia (such as Pakistanis or Indians). The routes to North Africa and then Italy, Spain or Malta are occasionally used by families with children, but overall this is rarely the case (Triandafyllidou and Maroukis, 2012). The route from South Asia (Pakistan, Bangladesh and Afghanistan) via the Islamic Republic of Iran, Turkey and then Greece is used by young men from these countries and to a large extent by Afghan families; however, families among Pakistani and Bangladeshi are not encountered (Triandafyllidou and Maroukis, 2012). The role of consent and trust are likely to play a major role within this context. Existing data on smugglers reveal also little about the interconnection between the different nationalities within the smuggling business itself. In their review of Europol's activities, Carrera and Guild conclude that "the nationalities of the smugglers is puzzling"; on the basis of the available data smuggling groups emerge as disparate groups, with little connection to one another, often with little in common and without a common language. They speculate that it might be that specific nationalities are linked with specific services (Carrera and Guild, 2016).

The recent militarization of the fight against migrant smuggling in Europe, primarily triggered by the deployment of NATO vessels in the Aegean Sea, is likely to open new lines of thought and cut across a series of disciplines, although it may not prove much more effective than current approaches (Triandafyllidou, forthcoming). More than ever, the doctrine on migrant smuggling has come closer to the discourse on the war on terror. At the same time, growing fears about the use of the main smuggling paths by Islamic State fighters to enter Western European countries and spread violence has further fuelled on the debate between securitization and human rights. Within this wider context of fear, insecurity and geopolitical turmoil, the recent decision by the European countries to return to Turkey all irregular migrants and potential asylum seekers crossing into the European Union through the Greek–Turkish borders is likely to have repercussions of a much wider breadth. In the context of asylum and migration, it may generate new flows of people in search of basic human security; and at the same time open up new "business opportunities" for both smuggling and criminal networks (Triandafyllidou, forthcoming). It is also likely, however, to start a new chapter on human rights (also Baird, 2013b). The danger that

inviolable human rights will be trampled in an effort to combat migrant smuggling has become more than real. The axiomatic principle of non-refoulement is the first to be put to the test. Reframing the discourse on migrant smuggling in terms of human rights is a doctrinal challenge that lies imminently ahead.

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6

TURKEY

Ahmet İçduygu and Sebnem Koser Akcapar

Introduction

There is a long history of migrant smuggling in Turkey and its immediate neighbourhood, which started with the irregular flows of migrants from Afghanistan by the end of the 1970s following a series of events, namely the following: (a) the Soviet invasion, civil wars, Taliban regime; (b) in the early 1980s from the Islamic Republic of Iran after the regime change and persecution based on religion and political opinion; (c) end-1980s from Iraq due to Saddam's attacks on Kurds followed by American occupation in 2003 and the civil war; and (d) more recently from the Syrian Arab Republic fleeing from civil war that erupted in 2011. Apart from these flows, Turkey has transformed into a transit migration hub for migrants hailing from Africa and South Asia thanks to the dynamics of globalization and increasing mobility.

Undoubtedly, migrant smuggling in Turkey is closely associated with irregular migration issues. As seen in other parts of the world, one reason for this connotation is that mixed flows of migrants are involved in migrant smuggling in the region. These migrants are as follows: (a) transit migrants who enter the country usually from South Asia, Africa and Middle East with the intention of using Turkey as a springboard to migrate to another country in the West, mostly in Europe; (b) irregular economic migrants who come to Turkey with the objective of living and working without valid documents; and (c) asylum seekers who are stranded in the country longer than they expected and rejected cases who are not accepted as refugees.

What makes migrant smuggling more complicated in the region is that migrants in all three categories listed above may resort to the same human smugglers either for entry or exit from Turkey. Besides, the boundaries between these three categories are often very blurred.[24] The geographical limitation on the 1951 Geneva Convention on Refugees that Turkey withholds – that is, not allowing non-European asylum seekers who are accepted for refugee status to settle in Turkey permanently – has further direct implications in migrant smuggling, forcing some asylum seekers who have access to more resources opt for human smuggling.[25] Ironically, however, all asylum applications made in Turkey to the United Nations High Commissioner for Refugees (UNHCR) are from non-European countries, and those accepted as refugees instead wait for resettlement in a third country.[26]

In line with the response of the international community in combating migrant smuggling and trafficking, Turkey adopted two United Nations Palermo Protocols on 18 March 2003, thereby accepting the broader definitions of human smuggling and trafficking. For the first time, Turkish decision makers then introduced heavy penalties for the crimes committed.[27] Accordingly, in the Turkish context, two different categories fall under the field of smuggling: (a) migrant smuggling; and (b) human trafficking. These two notions are considered different crimes, since migrant smuggling is considered a crime against the nation-State, whereas human trafficking is a crime against an individual (International Centre for Migration Policy Development (ICMPD), 2015). When compared with the organized criminal networks of trafficking in persons, migrant smuggling networks in Turkey tend to be more randomly organized with different people doing diverse jobs, very mobile and spontaneous, and yet exploitative.

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[24] For example, a transit migrant may apply for asylum after some time and stay in Turkey much longer while at the same time, work in Turkey without proper documentation. When a rejection notification is received, an asylum seeker in Turkey turns into an irregular migrant automatically – either face deportation or resort to human smuggling – and becomes another transit migrant. The blurred boundaries between the asylum system and transit migration is partly attributed to the asylum regime in Turkey and partly due to the increasing securitization of migration in Europe (see Baldwin-Edwards, 2006 for a similar discussion in North Africa).

[25] Turkey is signatory to the 1951 Geneva Convention Relating to the Status of Refugees and its associated 1967 Protocol, but one of two countries in the world maintaining the geographical limitation clause that only makes it possible to consider asylum applications of persons from European countries. Turkey also uses it as a political tool to negotiate Turkey's stalled European Union membership process.

[26] Asylum seekers in Turkey generally wait for a long time for their applications to be accepted with no guarantee whatsoever to settle in Turkey. Once accepted as a refugee, resettlement options are also very limited.

[27] "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" whereas "trafficking in persons shall mean 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 of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation."

Turkey's efforts in the European Union membership process and harmonization with the European Union acquis in migration-related issues led to a series of national, international and regional counter migrant smuggling measures to be taken within the last decade. Within this framework, Turkish authorities took some important legal and administrative steps in curbing and controlling irregular migration, smuggling and trafficking. While some of these measures are directly related with migrant smuggling, some are indirectly correlated. For instance, a direct outcome of these efforts was the adoption of Article 79 of the new Turkish Penal Code Law number 5237. The said article that was put into force on 1 June 2005 provides detailed definition of migrant smugglers and introduces a provision stipulating penalties of 3 to 8 years of imprisonment and 10,000 days judicial fines to migrant smugglers. If proven that human smuggling is carried out by perpetrators who are associated with a criminal organization, the penalty to be imposed would increase. Article 79 also provides for coercive measures, such as confiscation of assets on legal entities involved in human smuggling. According to an amendment made in the article in 2010, even if the human smuggling was at the stage of attempt, it would still be considered as a crime fully committed, and consequently they would be charged with the highest penalty possible. Other than criminalization of migrant smuggling and imposing heavy penalties for those involved, the Law on Work Permits for Aliens was put into force on 6 September 2003. The Ministry of Labour and Social Security of the Republic of Turkey is authorized to issue all types of work permits for foreigners to ensure better management and control over the process.

In order to reduce irregular migration and halt human smuggling and trafficking, a series of legal and administrative arrangements, which were indirectly related with migrant smuggling, were also taken. The Road Transportation Law came into force on 19 July 2003, and the Road Transportation Regulation became effective in 2004. This regulation states that transportation permit will not be renewed for three years, and the vehicles will be seized if the person is sentenced for migrant smuggling. Another indirect development was the Action Plan on Asylum and Migration adopted by Turkey in March 2005. The Action Plan laid out all the necessary tasks and timetable for the harmonization of Turkey's migration and asylum management system, as well as border and visa regulations, asylum and migration issues and regulated migrant smuggling and human trafficking issues. As sustainable management of migration became a political priority, Turkey assumed the presidency of the Budapest Process – a consultative forum with over 50 governments and 10 international organizations – in 2006.

In recent years, Turkey has also made progress towards the better management of migration and curbing irregularity of migrants. The enactment of the Law on Foreigners and International Protection in April 2013 introduced a new legal and institutional framework for a migration and asylum management system with enhanced police and judicial cooperation in line with the European Union standards, thus allowing non-Europeans applying for asylum to acquire temporary protection status. A series of twinning projects within the last decade were implemented on irregular migration issues, including integrated border management and combating migrant smuggling. In addition to managing irregular migration issues, Turkey is also cooperating with the International Organization for Migration (IOM) in combating human trafficking.[28] Additionally, Turkey participated in the intergovernmental dialogue initiatives to manage irregular migration and human smuggling, including the Hague Process on Refugees and Migration and the Bali Process on People Smuggling on People Smuggling, Trafficking in Persons and Related Transnational Crime.

On the international and regional front, readmission agreements are effective instruments in managing irregular migration and encouraging States to take serious measures against this phenomenon. To this end, Turkey signed Readmission Agreements with some source (Syrian Arab Republic,[29] Kyrgyzstan, Ukraine, Pakistan, Russian Federation, Nigeria and Yemen) and some destination countries (Greece, Romania, Bosnia and Herzegovina, Republic of Moldova, Belarus and Montenegro) in the past to fight against irregular migration. Furthermore, Turkey and the European Union signed a readmission agreement in 2013, which necessitates the return of undocumented migrants who enter the European Union through Turkey.[30] The European Union–Turkey readmission agreement is expected to come into force as of June 2016. Obviously, the readmission agreement will bring more migrants back to Turkey. In return, Turkey demands visa liberalization for Turkish citizens in the Schengen zone and more burden-sharing with the European Union on irregular migration as most apprehended cases in Eastern Europe transit through Turkey by using either sea or land routes. Another significant regional initiative on migrant smuggling was the Silk Route Partnership for Migration that was adopted in 2013 with the participation of Turkey, Afghanistan, Bangladesh, China, Islamic Republic of Iran, Iraq and Pakistan. Consequently, it was decided that these countries would cooperate closely to prevent irregular migration, as well as combat migrant smuggling and trafficking in human beings.

[28] Turkey became a member of International Organization for Migration (IOM) on 30 November 2004.

[29] Readmission agreement between Turkey and the Syrian Arab Republic is not active since 2011 due to humanitarian reasons.

[30] Turkey readmits its own nationals in accordance with its constitution and passport law. It also readmits aliens with valid Turkish residence permits. If it is proven that third-country nationals have departed from Turkey through unconventional methods, they will be readmitted if returned by the same or a subsequent flight in accordance with the International Civil Aviation Organization rules and practices.

Overview of migrant smuggling in the country

Turkey is certainly at the crossroads for irregular migrant flows originating in the Middle East and beyond. It also acts as an active hub of migrant smuggling where human smugglers operate across three old continents – Africa, Asia and Europe – and throughout the Mediterranean basin. As classified in Frontex reports, there are three main smuggling routes in the greater Mediterranean basin: (a) Western Mediterranean route, from North Africa and Western African coast to Iberian Peninsula; (b) Central Mediterranean route, from parts of Africa to Italy and Malta; and (c) Eastern Mediterranean route, from Middle East and Turkey targeting Greece, Cyprus and Bulgaria both by sea and by land near Evros River (Frontex, 2013; 2014). Until 2014, the majority of the flows to Europe were coming through the Central Mediterranean route, and specifically through Libya (Frontex, 2013). In 2015, it shifted to the Eastern Mediterranean where Turkey is located right at the centre as a transit zone – with more than 1 million arrivals in the European Union, including men, women and children. Some migrants and/or migrant smugglers coming from the other two routes also preferred this third route through Turkey to make entry to Europe.[31] Therefore, due to its location, irregular migrants transiting Turkey with human smugglers travel not only from south to north but also along the east-west axis – from Bangladesh, Pakistan, Islamic Republic of Iran, Turkey and ultimately reaching Europe (ICMPD, 2015).

In order to take a clear snapshot on migrant smuggling flows and trends in Turkey and the Middle East, this chapter refers to the apprehension figures in Turkey since the actual number of flows on human smuggling is not available. Between the mid-1990s and early 2000s, the number of apprehended cases of irregular migrants increased from 11,000 in 1995 to 94,000 in 2000 (İçduygu, 2004). Between 2001 and 2013, with some fluctuations over the years, an average of 56,232 irregular migrants was apprehended annually from different nationalities (İçduygu and Aksel, 2015).[32] There is clear evidence suggesting the sudden rise of irregular migration in Turkey after 2011, apprehensions reaching as high as nearly 150,000 by 2015.[33] Recent research findings on irregular migration in Turkey inform that not all these apprehension cases involved migrant smuggling though. It is estimated that only half of those apprehended are subjected to smuggling (İçduygu and Yükseker, 2012).

[31] See ICMPD's Report (2015) funded by the European Commission for a detailed analysis of how Nigerian nationals used air travel through Turkey to Bulgaria.

[32] It should be noted, however, that it is very likely that the scale of irregular migration into and through Turkey and the number of human smugglers operating in the region is much higher than the apprehensions.

[33] Directorate General of Migration Management (DGMM) of Turkey. Homepage (n.d.) (in Turkish). Available from www.goc.gov.tr/icerik6/duzensiz-goc_363_378_4710_icerik

Although the apprehension statistics do not differentiate between different types of irregular migrants, it is possible to create an informed estimate on the volume of transit migration and the use of human smugglers by analysing the breakdown of data on the countries of origin. Between 2000 and 2010, the top five migrant originating countries were as follows: Iraq (94,000); Pakistan (66,000); Afghanistan (59,000); Islamic Republic of Iran (22,000); and Bangladesh (17,000) (İçduygu and Aksel, 2015).[34] Some of these irregular migrants used migrant smugglers either for entry into Turkey, exit from Turkey or both. In 2015 alone, a growing number of irregular transit migrants with diverse backgrounds from different countries of origin were apprehended. Out of the 146,485 irregular migrants, nationals from the Syrian Arab Republic topped the charts with 73,422 individuals, followed by those from Afghanistan (35,921); Iraq (7,247); Myanmar (5,464); Pakistan (3,792); Georgia (2,857); Islamic Republic of Iran (1,978); Eritrea (1,445), Uzbekistan (1,393); and Turkmenistan (1,241). According to the reports by the Turkish National Police events, the Syrian Arab Republic, Afghanistan, Myanmar, Pakistan, Eritrea and Iraq were the highest reported nationalities of those apprehended during counter-smuggling operations in 2014 (ICMPD, 2015). The number of migrant smugglers apprehended between 2010 and 2015 were approximately 12,000. Those apprehended in 2015 comprised one third of all apprehended migrant smugglers since 2010.[35]

Figures on irregular migration further indicate that over the last years nearly four fifths of irregular migrants were caught near the borders of Greece and Bulgaria, while the remaining one fifth at the long eastern borders between Turkey and the Islamic Republic of Iran.[36] It is possible to observe that similar trends still continue with higher number of Syrian and Iraqi nationals getting apprehended along the western land and sea borders (İçduygu and Aksel, 2015). Over the last two years, the land and sea borders between Greece and Turkey gradually transformed into one of the most active irregular migration and smuggling corridors in Europe. In the Aegean Sea alone, it is estimated that 1 million migrants left Turkey for Greek shores, and more than 3,771 migrants,

[34] Some Pakistani nationals enter as irregular migrant workers whose aim is to transit through Turkey to reach other European countries. Afghani nationals consist a group with mixed motivations entering Turkey either directly from Afghanistan or from the Islamic Republic of Iran. Some of them apply for asylum, whereas some with more resources choose to leave immediately. Both are mainly male-dominated flows, but some travel with other immediate family members.

[35] DGMM (n.d.).

[36] One of the primary reasons for this situation is the stricter surveillance on Turkey's western borders, in comparison to its eastern and south-eastern borders.

including small children, lost their lives or reported missing in such perilous journeys.[37]

Main departure points used by migrant smugglers along the land borders are Kırklareli and Edirne provinces, whereas Çanakkale, Balıkesir, Aydın, İzmir and Muğla provinces located along the upper and lower Aegean Sea are the main exit zones for crossing by boats (İçduygu and Karaçay, 2011). There is clear evidence from the incidents that boats used by migrants usually face the danger of getting shipwrecked as they are of very poor quality to reduce the costs of operation in case of confiscation, operated by inexperienced crew, and overcrowded with many small children and women not able to swim.[38] Moreover, boats are reported to sail especially on days when visibility is poor and the sea is rough to avoid coast guards at either side. Research on migrant smuggling across the Aegean between Turkey and Greece points to human rights abuses, as migrants are sometimes pushed back instead of being rescued at sea.[39] The city of Mersin in Southern Turkey by the Mediterranean emerged as a new route of migrant smuggling over the last years through the use of large vessels (ICMPD, 2015). The joint operation of Turkish and German special police forces with the codename Operation Wave in January 2016 against migrant smuggling networks in the region indicates that both Syrian and Turkish smugglers cooperate to recruit migrants.[40]

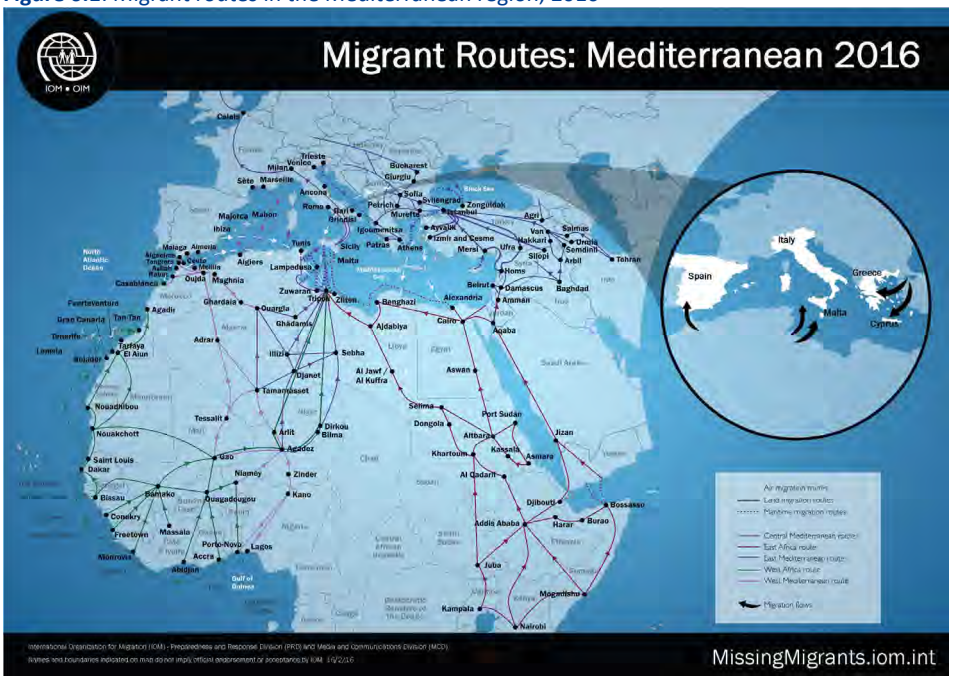
[37] According to IOM figures, nearly 2,000 people arrive in Europe on a daily basis – 10 times higher than 2015. The total number of migrants reaching Europe between 1 January and 7 February 2016 increased more than six-fold when compared with the same time period in 2015; the 92 per cent of them reached Greece (IOM, "IOM Counts Latest Mediterranean Arrivals in 2016", Press release, 8 January 2016. Available from www.iom.int/news/iom-counts-latest-mediterranean-arrivals-2016).

[38] T. Brian and F. Laczko (eds.) (2014) *Fatal Journeys: Tracking Lives Lost during Migration*. IOM, Geneva. Available from https://publications.iom.int/system/files/pdf/fataljourneys_countingtheuncounted.pdf

[39] See European Union Agency for Fundamental Rights (2013) and the report titled Greece: Frontier of Hope and Fear, Migrants and Refugees Pushed Back at Europe's Borders (Amnesty International, London, 2014. Available from www.amnesty.org/en/documents/EUR25/004/2014/en/) by Amnesty International documenting Greek officials are pushing back migrants at sea back to Turkey.

[40] The operation resulted in the arrest of 5 smugglers in Germany and 10 in Turkey. This network smuggled more than 1,700 mostly Syrian refugees from Turkey to Germany. See Milliyet website for details (www.milliyet.com.tr/operation-wave-against-refugee-en-2192601/en.htm).

Figure 6.1: Migrant routes in the Mediterranean region, 2016



Source: IOM Missing Migrants project (www.reliefweb.int/sites/reliefweb.int/files/resources/Migrant_Routes_Mediterranean_2016_16_Feb.pdf)

As seen in other parts of the world, there are two major organizational structures of smuggling networks in Turkey and its immediate neighbourhood: (a) the mafia-type, with higher charges and which is relatively less prevalent in the region; (b) more informal smuggling networks, which is more widespread and less costly than the first. Earlier research indicates that smuggling networks operate in a complicated manner with different actors assuming different roles (see İçduygu and Toktaş, 2002:36–45). The existence of migrants' social networks (kin and friends living in destination countries and wide web of human smuggling networks operating in Turkey and beyond) is also effective in determining the next phase of the migration journey heading Europe and even finance border crossing with migrant smugglers.[41] These social local and transnational networks are very fluid and changing depending on the availability of limited resources and other variables at the macro, meso and microlevels (see Akcapar, 2010; Wissink, Düvell and van Eerdewijk, 2013). Apart from these two types of organizational structures in migrant smuggling, there is anecdotal evidence that some migrants initiate their own journey across the Aegean, especially after the recent mass influx of refugees from the Middle East and South Asia into Turkey.

[41] Turkish newspapers also report that some opportunistic people from the Turkish security forces may consent or extend help to smugglers in exchange for monetary gain.

Another important point to be discussed within this context is the extent of exploitation and abuse by smugglers leading to the death of migrants. The Turkish Coast Guard saved more than 91,000 migrants/refugees in 2015 (quoted in Akgül, Kaptı and Demir, 2015:14), but 3,605 people drowned while trying to reach European shores in the same year (IOM, 2015). Earlier reports pointed out the strong interpersonal trust between migrant smugglers and those smuggled in Turkey (Yılmaz, 2003; European Union Agency for Fundamental Rights (FRA), 2013). However, the heavy human toll at sea demonstrates that the human security is endangered by migrant smugglers. According to an ethnographic study on migrant smuggling in Turkey, irregular migrants were reportedly under heavy pressure, and they described migrant smugglers as aggressive, rude and sometimes physically violent (İçli, Sever and Sever, 2015:3–4). It is obvious that due to the Syrian crisis and large numbers of migrants entering Turkey within the last years, the unprecedented levels of migrant smuggling has surely surpassed the capacities of the Government of Republic of Turkey to address this problem alone (Akgül, Kaptı and Demir, 2015:14).

The financial and other costs to migrants in human smuggling vary in accordance with the smuggling operation, namely the starting and destination point, the routes taken, and the mode of transportation. Therefore, the prices paid to the migrant smugglers depend significantly in the ease of access and risks involved during border crossings. For example, smugglers charge only USD 100 for single border crossing from one side to another, from neighbouring countries along the eastern borders to the nearest Turkish towns. Border crossing at the western provinces of Turkey to the European Union countries is more costly though – it starts from USD 500 or USD 1,000 and can be even as high as EUR 20,000 per person if air travel and fake passports are involved. There are also reports suggesting that crossing the Aegean Sea from Turkey to Greece in a luxury yacht costs a migrant EUR 3,000 whereas travel in a simple inflatable raft is much cheaper (ICMPD, 2015). If the smuggling is a package deal, that is, if the migrant is taken from his/her hometown to a destination point in the west, it may reach up to EUR 5,000 or higher depending on the final arrival.[42]

[42] Those migrants taking the long route are known as *uzuncu* in Turkish.

Review of data on migrant smuggling

Obtaining reliable and comprehensive migration data in general, especially on irregular migration and migrant smuggling, is very challenging due to its clandestine nature. The data on migrant smuggling in the region is often regarded as a part of the phenomenon of irregular migration. As mentioned earlier briefly, it is widely known that the three main groups of migrants who are subject to smuggling are the following: (a) irregular transit migrants; (b) those who opt to live and work in the country without any valid documentation; and (c) rejected asylum seekers who are stranded in Turkey. The data, however, differentiating between these three groups crossing borders and using Turkey as a transit country with the help of human smugglers is not very clear. First of all, there is only partial statistics pertaining to nationalities, which can be roughly estimated based on the apprehension figures of irregular migrants. Second, limited data is collected and/or made public regarding the gender and age of those apprehended. Third, according to public officials, there are often false identifications of nationality and age by the migrants themselves. Ethnographic research on the topic of migrant smuggling indicates that the earlier flows were usually male-dominated in their early and late 20s (İçduygu and Toktaş, 2002). More recent research and reports released by non-governmental organizations (NGOs) on the issue point out that not only families but single women and even unaccompanied minors are involved more and more in these migratory flows, and they also resort to human smuggling networks (UTSAM, 2012; Ay, 2014). Among the overall refugee population in Turkey, 75 per cent of them constitute women and children, and female-headed households are quite common within the Syrian refugee community with 22 per cent (CTDC, 2015:9).

As is the case in other regions, data on migrant smuggling comes from various government agencies that are dealing with this issue particularly. Within this context, there are four main agencies in Turkey that collects the related data: (a) Directorate General of Migration Management (DGMM); (b) Turkish Coast Guard; (c) Turkish Gendarmerie operating in rural areas and armed forces at land borders; and (d) Turkish National Police through the Department of Anti-Smuggling and Organized Crime. While border crossing data has been available on a daily basis by the Turkish General Staff (TGS) since 2006, there has been a limitation of publicized data over the last two years. More recently, DGMM started to disseminate limited statistics on irregular migration, migrant smuggling and human trafficking, and the Turkish Coast Guard began making its data on sea border passages available on their websites (İçduygu and Aksel, 2015). In their annual reports, the Turkish Coast Guard, the gendarmerie and the Turkish National Police provide limited data on irregular migration and migrant smuggling. Currently, government agencies of Republic of Turkey neither

distinguish in their data between smuggled and other irregular migrants, nor do they inform whether apprehensions are made at the borders or inside the country.

There has never been an established tradition of collecting data on migrant smuggling in Turkey, and irregular migration figures were made partially accessible to public in Turkey. However, the collection and dissemination of data on this issue have become even more problematic in the recent years. Although a more systematic collection of apprehended irregular migrants and migrant smugglers were made in Turkey between 1995 and 2010, reaching accurate data to make an informed and comparative analysis for scientific research has become more difficult. It is observed that ever since the outbreak of the Syrian refugee crisis in 2011, it has become more difficult for government agencies to keep a reliable and up-to-date data partly due to security concerns and partly due to the inflow of great number of refugees especially from the Syrian Arab Republic and Afghanistan. Therefore, it would not be wrong to suggest that figures available on apprehended cases of irregular migrants and migrant smugglers may not represent the entirety of the overall flows and intensity of the situation.[43] Moreover, there might be some overlapping or multiple entries of nationalities. Dissemination of data is only at the national level, even though it is collected at the provincial level, making comparisons between provinces impossible.

The most recent establishment of the Department of Human Smuggling and Trafficking in Persons by the Turkish National Police proves that there is a political will to tackle with the issue more seriously at the national level. Another welcoming recent development is the decision to improve migration-related data, including migrant smuggling in and out of Turkey via Turkish Statistical Institute and DGMM.

In addition to government agencies of Turkey, various international organizations have been active in collecting and compiling data on irregular migration, trafficking and human smuggling. The European Union harmonization process and IOM's efforts in obtaining data through close collaboration with government officials and NGOs working in migration issues paved the way for access to basic data on migrant smuggling. Other agencies that are also active on similar issues, such as Frontex and ICMPD – a Vienna-based international research centre – are good sources for collecting data on irregular migration and human smuggling.

[43] Several studies in the past, such as those published by the Turkish Academy of Science (İçduygu and Toktaş, 2005) and the Turkish Statistical Institute (Sirkeci, 2009), discussed the unavailability of reliable migration data in Turkey.

The Turkish Criminal Code (Article 79) defines migrant smuggling in Turkey as "unlawful entry of a foreigner in the country or facilitate stay in the country; unlawful transfer of Turkish citizens or foreigners abroad". The person who facilitates illegal entry or exit is considered a migrant smuggler, even if it is a failed attempt and will be prosecuted under criminal law and subject to imprisonment from 3 to 8 years and punished with a punitive fine up to 10,000 days. If this criminal activity puts migrants' lives in danger and/or there is any exploitation, physical or emotional abuse detected, and if the human smuggler is affiliated with an organization, then the punishment to be given will be harsher.

Despite detailed definitions provided by two Palermo Protocols and Turkish Criminal Code on trafficking in human beings and migrant smuggling, there was an initial confusion about the terminology in Turkey. So, these two terms continued to be used as synonymous by researchers, policymakers and even by the law enforcement agencies for some time. Within the last decade, Turkish security forces have become more informed about the concepts of irregular migration, human smuggling and trafficking in human beings. Nevertheless, the tendency to refer to migrant smugglers as *kaçakçı* (Turkish word for any smuggler with no differentiation whether it is smuggling of goods, drugs or persons) and/or *organizatör* (organizer) still continues.

Review of migrant smuggling research

The research on migrant smuggling in Turkey as part of irregular migration started in the mid-1990s. Research directly on migrant smuggling, however, is very limited with some exceptions (İçduygu and Toktaş, 2002; İçduygu, 2004; Narlı, 2006; Şeker and Erdal, 2009; Baird, 2014; İçli et al., 2015). There are also a number of commissioned IOM research projects. The first one was a pioneer in the field of irregular migration and smuggling and trafficking issues and introduced the term of "transit migration" in Turkey for the first time (İçduygu, 1995). The second IOM Report on Irregular Migration in Turkey included for the first time a number of face-to-face interviews with apprehended migrants, as well as human smugglers, and underscored the complexity of migrant smuggling in Turkey and the Middle East targeting the European Union (İçduygu, 2003). Another commissioned report by IOM was on the relationship between irregular migration and women trafficking in Turkey, as well as its media coverage and public perceptions (Erder and Kaşka, 2003). The third IOM Report on Irregular Migration in Turkey focuses on the policy changes and developments between the years of 2006 and 2011 (İçduygu and Aksel, 2012).

Within the last two decades, a series of master and PhD dissertations were written in various disciplines, mainly in sociology, geography and social

anthropology, concentrating on certain specific groups living in Turkey temporarily. They are more qualitative in nature, providing invaluable ethnographic details regarding different groups of migrants present. Akcapar (2006; 2010) focused in different parts of Turkey (İstanbul, Ankara, Van, Kayseri) and in Western Europe (Belgium and Germany) on the relationship of migrant networks and the use of human smugglers among the Iranian asylum seekers, rejected cases and transit migrants. De Clerck (2013) carried out fieldwork for her PhD dissertation with Senegalese in Istanbul, and she points out how a transit country may become a place of destination when some transit migrants with aspirations to go to Europe changed their minds after failed attempts. In his study on African migration towards Turkey, Fait (2013) incorporated discussions on the relations between irregular migrants and migrant smugglers. Deniz (2000) and Yılmaz (2014) further took up the intertwined problem of asylum, irregular migration and human smuggling and trafficking. Another ethnographic study in İzmir province portrays the relationship of migrant intentions and human smuggling networks (Wissinck, Düvell and van Eerdewijk, 2013). Based on ethnographic research with human smugglers and migrants, Baird (2014) analysed human smuggling between Turkey and Greece as a survival strategy for international migrants.

There is, however, limited research carried out in international relations and political science disciplines. There is even less research carried out within the perspective of demographics, economy and legal studies. Several police academy researchers in Ankara conducted studies focusing on the criminal aspect of migrant smuggling, often portraying the abuse and coercion of migrants at the hands of human smugglers (Çiçekli, 2005; Şeker and Erdal, 2010; UTSAM, 2012; İçli, Sever and Sever, 2015). Some police officers and military personnel conducted graduate research on the topic focusing on criminal aspects of migrant smuggling and human/migrant security considerations (Kahya, 2012; Ay, 2014).

Growing awareness on the topic recently paved the way for the establishment of migration research centres at several universities.[44] These centres organized workshops and conducted interdisciplinary research projects on migration in general. ICMPD's reports (2015) also focus on the relationship between migrant smuggling and irregular migration analysing different routes taken by migrants through Turkey. These studies combined desk-based research with mainly secondary data and were interdisciplinary in character, as a number of researchers and scholars were involved from different academic institutions and backgrounds.

[44] MiReKoc at Koç University, Istanbul, Migration Center at Istanbul Bilgi University and HUGO at Hacettepe University in Ankara, Turkey.

Regarding mixed survey methods using quantitative and qualitative data on migrant exploitation, abuse and/or deaths, survey or other data on migrants' views on smuggling, there are reports released by certain NGOs and international NGOs: Amnesty International (2015), Human Rights Watch (2008), Helsinki Citizens' Assembly (2007), GLOBAL: Policy and Strategy think-tank (2015), and the Association for Solidarity with Refugees (Mülteci-Der) (2007). As far as the policy utility of the research on irregular migrant and smuggling, it can be concluded that although those conducted for international organizations and compiled by NGOs and international NGOs include some policy recommendations, related academic research has almost never been policy-oriented.

CASE STUDY: Smuggling Syrians from Turkey to Greece

The massive exodus of Syrian refugees creates a grave migrant smuggling problem spanning from the Middle East and Turkey to Europe and even further. The Syrian civil war is, unfortunately, in its fifth year and does not look to end anytime soon. Even as this chapter on Turkey is being written, more than 100,000 Syrians from Aleppo are at the doors of Turkey. It is expected that this would create a significant spillover effect on Europe and other destination countries as well. Here is one case of a Syrian family who was smuggled from Turkey to a Greek island:

Aziz and his family are from Homs, Syrian Arab Republic. Due to the civil war and escalating violence, they left their country in 2013 and came to Turkey. They belong to the majority of Syrians who were not settled in refugee camps. They got temporary refugee status in Turkey. After staying a short while with friends in Gaziantep not far from the Syrian border, they found accommodation near Aksaray, Istanbul. Soon enough, they realized they were going to stay in Turkey much longer than they expected. However, when their savings ran out, as Istanbul is very expensive, Aziz found a job in the informal economy with the help of another Syrian refugee. By the end of 2014, he made up his mind to go to Greece with human smugglers and then to Germany to start a new life. He heard many stories from his friends who took the land route to Greece and Bulgaria and knew it was a difficult journey to cross the Evros River that involves lots of walking at night and hiding during the day. With two small children, he decided to take the shorter and cheaper sea route instead, despite the perils involved. The first smuggler ran off with the money. So, the second time, they wanted to find a "trusted" smuggler and contacted one Syrian national with good reputation in social media. The use of social media – such as Facebook, WhatsApp and Viber – is quite common among the migrants in Turkey who would like to use the service provided by human smugglers. In the spring of 2015, the smuggler took him and his family to Izmir by bus. There were many others with them in the bus, including a Bangladeshi refugee (possibly a Rohingya), two Iraqis, some other Syrians, and an Afghan family. The Afghans tried to cross the Aegean twice on their own with no success. First, their boat was caught by the Turkish Coast Guard and confiscated. Then, the second time, they could not inflate the boat they purchased from the local market. They changed places regularly and were told to be ready to leave anytime. Since it is not the high season, they were asked to pay USD 1,400 for the two of them. The children would travel free. During the summer months when the sea is calmer, the prices soar greatly and go up as high as USD 1,500 per person. Refugees and asylum seekers from the Syrian Arab Republic spend large sums of money and are desperate to take the risks to reach Europe. He understood that this Syrian smuggler – a refugee himself with good command of Turkish as far as he could tell – was only an intermediary and in communication with others involved in the smuggling business. Aziz gave half of this money in Istanbul to the Syrian intermediary, and the rest was deposited to an office called Secure Your Money along with a password. They were then transferred

from Izmir to a coastal small town (probably Çesme, Bodrum or Assos) by another man. After a short waiting period, they got on the small rubber boat very early in the morning while it is still dark with 25 others and reached Greek island after 45 minutes. Only then he gave the rest of the money alongside with the password to the smuggling network. He and his family were then transferred to Athens and then eventually found their way to Germany. His was one of the lucky families from the Syrian Arab Republic as many of them were not treated well, or worse still lost their lives at sea during this so-called journey of hope.[45]

Conclusion and ways forward

As the recent large irregular flows mainly from the Syrian Arab Republic, Iraq, and Afghanistan targeting the European Union countries showed, uncontrolled migration is one of the major concerns for European countries. The ever-increasing migration pressures driven by a combination of reasons, such as economic and/or political deprivation and civil wars, have not only affected those countries of final destination, such as Germany and Scandinavian countries, but also the smaller European Union countries, such as Greece, Serbia and Croatia, which were simply caught off-guard in dealing with the large everyday flows. No doubt that the high number of refugees already living in Turkey and its unique location on the migration routes between the Middle East and Europe has a spillover effect on European countries and beyond.[46]

As a response to restrictive migration policies in the European Union, migrants and refugees still desperately try to cross borders through Turkey despite harsh winter conditions. This clearly indicates the demand and supply side of migrant smuggling in the region. The geographical limitation Turkey still withholds is probably another reason why refugees from the Middle East and South Asia move further on not only for better living standards but also to find more permanent solutions for their displacement. In mid-February 2016, NATO decided to deploy fleets in the Aegean Sea to monitor and end the operations of human smuggling. Moreover, 28 European Union leaders and the Turkish Prime Minister signed a deal on 18 March 2016 to put an end to irregular migration flows from Turkey to the European Union and close down migrant smuggling networks. According to the agreement, all new irregular migrants crossing from Turkey to the Greek islands as of 20 March 2016 will be returned to Turkey on

[45] Since ethnographic work was not carried out for this chapter, the authors compiled anecdotal evidence from a number of different sources: ODI Insights: Journeys to Europe, February 2016 (www.odi.org/publications/10317-journeys-europe-role-policy-migrant-decision-making); Spiegel Online, 10 February 2016: (www.spiegel.de/international/europe/refugee-smuggling-a-big-business-in-the-balkans-a-1051461.html); various Turkish dailies covering the issue of migrant smuggling; CNNTURK Turkish news channel (5N1K).

[46] According to the UNHCR, Turkey is hosting the highest number of asylum seekers and refugees since 2015 with 2.7 million.

4 April 2016 in line with the bilateral readmission agreement between Greece and Turkey.[47] In return for every Syrian being returned to Turkey from the Greek islands, another Syrian will be resettled to the European Union. While these are welcoming developments to curb migrant smuggling networks and put an end to migrants losing their lives while crossing the seas, there is a grave danger in limiting the genuine asylum seekers' access to their right to seek refuge and protection in the European Union regardless of their nationality of origin.

Turkey's position as a transit and destination country for immigrants and asylum seekers who are in search for better economic and social conditions became ever more apparent than before. Yet, detailed and scientific reports focusing on human smuggling networks, the role of migrant networks, and methods used have so far been very limited. Managing migration requires better understanding of the complex dynamics between irregular migration, human smuggling and trafficking. The time is ripe with ground-breaking, interdisciplinary research, which can promise to bring together all these complexities with innovative research approaches.[48] Previous research and fieldwork carried out in Turkey suggest that there is a pressing need for more comprehensive research for filling the gap on critical information about changing regional dynamics that eventually alter the processes of migrant smuggling in the Middle East and beyond. It is also important to deconstruct human smuggling in the region by documenting the following: (a) historical comparative perspectives with regard to countries of origin, transit and destination; (b) profiles of migrant smugglers and categories of smuggled migrants; (c) gender-specific problems faced by migrants in the smuggling process; (d) different payment methods, such as the frequent use of so-called *hawala* system; (e) methods of recruitment and often complicated smuggler–migrant relationship; (f) migrant-initiated small-scale smuggling operatives. Such research providing specific quantitative and qualitative data on migrant smuggling would make it possible to establish more reliable statistics to see the overall picture that is necessary on how these smuggling networks operate. The lack of reliable information and data hinder the active engagement of policymakers and civil society in finding lasting solutions to this age-old problem affecting millions and causing deaths of many people on their so-called journey of hope.

[47] For details of the European Union–Turkey agreement, see http://europa.eu/rapid/press-release_MEMO-16-963_en.htm

[48] See for example, Siegel and McGregor's research on the role of social media among irregular Afghan migrants to facilitate their migration project to the Netherlands.

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7

AFGHANISTAN

Nassim Majidi and Richard Danziger

Introduction

Large-scale migration from Afghanistan has been a phenomenon since the late 1970s when the country first experienced instability, conflict and a shattered economy. Since then, the number of Afghans leaving has fluctuated in function of the degree of instability and economic hardship in the country, with Afghans continuously – and increasingly – on the move.[49] Due to the large presence of registered refugees and undocumented Afghans in the neighbouring countries of the Islamic Republic of Iran (hereinafter referred to as Iran)[50] and Pakistan,[51] an overview of smuggling from Afghanistan must also cover Iran and Pakistan, not only as transit and destination countries but also as countries of origin.

The transition of responsibility for national security from international to Afghan forces in 2014 has led to renewed insecurity (UNAMA, 2016) and a sharp economic downturn, which in turn has given rise to an "Afghan exodus"[52] of a dimension not seen since the 2001 invasion and overthrow of the Taliban regime. Policymakers and practitioners struggle to estimate the numbers of Afghans currently leaving Afghanistan and its region through irregular means, so the focus is on the number of asylum seekers arriving in Europe. In 2015, Afghans were the second largest group of asylum seekers in Europe after Syrians.[53] With very limited regular pathways for migration,[54] smuggling has been the traditional

[49] Other papers relate the background and history of Afghan migration. The most recent resources include the IOM Afghanistan Migration Profile (2014b), Koser (2014), Schmeidl (2014), Majidi (2016).

[50] Islamic Republic of Iran is the country name in the UNTERM database. For editorial and spacing reasons, Iran will be used in this chapter.

[51] The United Nations High Commissioner for Refugees (UNHCR) in 2014 estimated the number of Afghans in Pakistan to be 2.5 million, and 1.95 million in Iran.

[52] Afghan Analysts Network's (2015) series of analysis pieces titled "Afghan exodus" launched in November 2015 and ongoing at the time of this research (see www.afghanistan-analysts.org/an-afghan-exodus-facts-figures-trends/).

[53] IOM number of asylum seekers in 2015.

[54] The Government of Afghanistan is now embarking on its first National Labour Migration Strategy to be formally launched in 2016 to complement the country's National Labour Policy.

response to the demand for migration, a demand that has dramatically increased in 2015.[55]

Against this backdrop, the legal framework shows national and regional gaps. Afghanistan ratified the Palermo Protocol on Trafficking on 15 August 2014 but not the Smuggling Protocol. The Government of Afghanistan has limited capacity to fulfill its obligations under the Trafficking Protocol and is handicapped by national legislation that is not aligned with the international treaty. The Governments of Iran and Pakistan have ratified neither the Smuggling nor the Trafficking Protocols leaving a regional policy gap. While the two protocols are part of a criminal justice treaty, both also have provisions with regard to protection. Furthermore, discussions on smuggling have primarily focused on the transnational trade of goods and narcotics within the framework of transnational organized crime rather than on human smuggling. As noted in IOM's Migration Profile for Afghanistan, the long history of drug production and smuggling in the country has led to the expansion of migrant smuggling. Cross-border networks and routes are used both for the smuggling of goods and narcotics, as well as for human smuggling and trafficking operations (IOM, 2014b:22). When Afghan and regional policymakers and their international partners turn their focus to migrant smuggling, it has mainly been addressed through a law enforcement and border control lens largely overlooking questions of protection and broader migration policy.

This chapter presents the trends in smuggling of Afghans before delving into the data collected by researchers, international organizations and other actors – data that is often anecdotal and secondary. This chapter shows the limited state of research on smuggling in and out of Afghanistan. The authors argue for the need to re-conceptualize smuggling in Afghanistan as a precondition to strengthening future research.

Overview of migrant smuggling in the country

Routes

Precise route and destinations are not always preselected by the migrant. They may result from negotiations with the smuggler on cost and the smuggler's advice. Those who can afford to pay for forged documentation will leave by air, or will be able to go further on to Western countries in Europe, North America and Australia. Those who cannot afford to pay more than a few hundred dollars will be limited to being smuggled to neighbouring countries. Smugglers may also

[55] Eurostat reports 181,300 asylum applications by Afghans in 2015. In 2014, the number was 41,405. IOM reports the arrival of 208,858 Afghans in Greece in 2015.

reorient transit and destination due to border closures, strengthened controls or increased risks en route, or due to actual or perceived easing of immigration policies, such as was the case with Germany in the summer of 2015.[56]

In 2013, Dimitriadi wrote that routes are determined by the points of departure, ethnicity and geography, with those departing from southern and eastern Afghanistan (typically Pashtun) travelling to Pakistan first, while those situated in other areas of Afghanistan opt for travel directly through Iran. Recent surveying of Afghans in the Balkans shows that nearly all transit Iran with 10 per cent first passing through Pakistan. Of those surveyed, 82 per cent left directly from Afghanistan (IOM DTM report, 2016b). It should be noted, however, that people were not surveyed randomly, nor were the survey results re-weighted, meaning that the results may not reflect the Afghan population currently migrating to Europe irregularly and should therefore be treated with caution.

Smuggling to and through Pakistan

Irregular Afghan migrants enter Pakistan almost exclusively by land, either on foot or by bus. The long border between Afghanistan and Pakistan is mountainous and highly porous. Many migrants do not engage the services of smugglers to cross the Afghan border as they can enter through official border crossing points without identification documents and with little difficulty. There are two main routes: the first involves travel via Jalalabad in the eastern part of the country across the Torkham border to Peshawar in North-western Pakistan. The second route leads from Kandahar across the border at Chaman and through Quetta in Baluchistan Province. Once in Pakistan, Afghan migrants follow the same principal smuggling routes and methods as Pakistani nationals: overland through Baluchistan to Iran and onward to Europe, or via air to South-East Asia with Australia as the final destination. The latter route is far more costly requiring not only airline tickets but often forged passports and/or visas.

Smuggling to and through Iran

Tehran is the major hub and staging post for the smuggling of Afghan nationals in Iran. Apart from being the capital, it lies on the main route between the south-east of the country and the north-west bordering Turkey. There, smuggled migrants organize the next step of their journey to Europe. Iran is the most important transit and destination country for irregular Afghan migrants

[56] Danziger (2015) interview with Abdul Ghafoor, Afghanistan Migrants Advice and Support Organization, September 2015.

(though it should be noted that a certain number of Afghans travel to Iran legally with visas – how many of these then opt to be smuggled to Turkey and Europe is unknown). From Tehran, Afghan migrants are smuggled across the border into Turkey in the mountainous, remote areas of Iranian Azerbaijan near the cities of Urmia and Salmas, and on towards Van and Tatvan on the other side of the border. This is often done by taxi with smuggled migrants travelling in groups of two to five and then regrouping with others near the border. The migrants who travel by foot are often guided across the border in groups of 50–100 persons, a journey that can take between 12 and 15 hours (United Nations Office on Drugs and Crime (UNODC), 2015). From Eastern Turkey, the migrants travel to Istanbul where their onward smuggling to Western Europe is organized (UNODC, 2015). In the past, many Afghans would leave Turkey through the land borders with Bulgaria and Greece, but the vast majority now travel across the sea to Greece (IOM DTM report, 2016b).

Smuggling through Central Asia and the Russian Federation

Afghanistan and the former Soviet Union traditionally had close ties based on trade and cooperation and even today, many Afghans travel legally to the States of the former Soviet Union for the purposes of business or education. Since the 1990s (that is, after the Soviet occupation), irregular Afghan migrants have transited the Commonwealth of Independent States to reach the European Union, although there is little data available. Although difficult and expensive to obtain, visas for some of the Commonwealth of Independent States are available to Afghans who can therefore leave their country without resorting to smugglers (the land border between Afghanistan and its northern neighbours are generally well guarded). In 2015, 700 migrants crossed into Finland from the Russian Federation (IOM DTM report, 2016a), almost half of them were Afghans; however, it is not clear how many of them used the services of smugglers. The majority of these migrants cross into Lapland, Finland's northernmost region.

New routes to the Gulf countries

In recent years, routes to the Gulf Cooperation Council (GCC) States have expanded with an estimated number of 500,000 Afghans with irregular status in Saudi Arabia alone (Arab News, 2013). Schmeidl (2014) describes the region as being host to as many Afghans as in Europe, while acknowledging that figures may in reality be double. Estimates include 300,000 to 600,000 Afghan migrant workers (not necessarily irregular) in the United Arab Emirates.[57] Anecdotal evidence indicates that a considerable number of Afghans from provinces in

[57] Sources cited in Schmeidl (2014), p. 20.

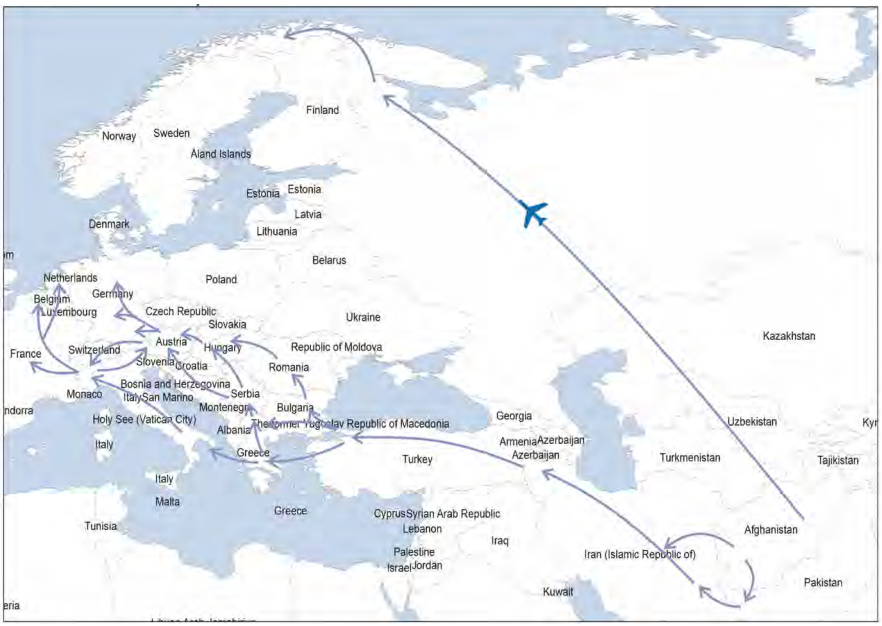
the south-east bordering Pakistan travel to GCC States on Pakistani passports.[58] Many Afghans travel to the GCC States legally (including to Mecca for Haj). There are two different patterns of migration to the Gulf countries: (a) migrants who intend to stay to find employment opportunities; and (b) migrants who transit to other destinations in South-East Asia or Europe. For migrants travelling irregularly, generally those who intend to remain in Saudi Arabia are smuggled from Pakistan to Iran and then by boat across to Saudi Arabia. Some Afghan and Pakistani nationals are smuggled by boat from Pakistan or Iran to Oman, with some continuing by land to the United Arab Emirates. Migrants who fly from Pakistan to Riyadh or Jeddah on fraudulent travel or identity documents typically use Saudi Arabia as a transit point en route to Western Europe. Other destinations in the Gulf, such as Abu Dhabi or Dubai also constitute transit points for migrants who then continue by air to Europe or South-East Asia and from there by sea to Australia.

New routes to Malaysia and Indonesia through Dubai or India

In the past, Afghans heading for Australia would transit through – or originate from – Pakistan (see above). Ongoing research however shows that Afghan migrants are now also leaving directly from Afghanistan along two different routes: through Dubai or New Delhi on to Malaysia and Singapore to the final transit stop in Indonesia.[59] Both routes are taken with legal documentation and visas acquired beforehand or through the services of specialized smugglers. IOM's office in Jakarta reports that some Afghans travel from Iran via Qatar to Malaysia and then Indonesia. Travel from Malaysia can be by air to Surabaya or Jakarta or by sea to Medan.

[58] Danziger interview with Jabar Naimi, Governor of Khost Province in Khost, July 2014.
[59] Samuel Hall (2016) – ongoing research.

Map 7.1: Afghan migration flows to Europe



Source: IOM.

Categories of smugglers and smuggled migrants

For Afghan migrants, social networks, local connections and personal relations combine to select one's smuggler and create a bond of trust. Afghans will pay high prices to those smugglers who have a proven reputation for having been successful in ensuring their clients arrive safely to their destination. Afghans rely first on a local smuggler – someone from their village, neighbourhood or district who have been referred to them through a friend or a relative. The local smuggler, or facilitator, will take care of the first leg of the journey to the Iranian border. There, migrants will stay in one of a network of hotels that facilitates the work of the smugglers, provides a boost to the local economy, and allows migrants to prepare for the most difficult legs of their journey.[60] From there, and by phone, the next stage is organized. A local smuggler from any given province of Afghanistan will create a link with another smuggler on the other side of the border. A multistaged smuggling process spans borders. Many of the smugglers are prior migrants themselves. In focus groups led in Kabul in 2012 with taxi drivers calling themselves "travel agents",[61] over half of them had migrated to

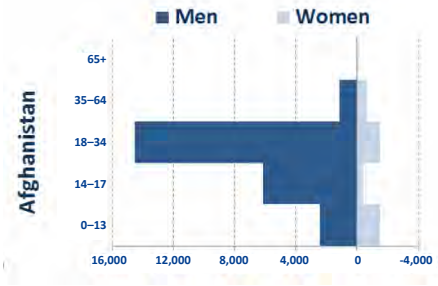
[60] Majidi 2008 research at the Afghanistan–Iranian border documenting the facilitators of irregular migration of migrant workers to Iran.

[61] Majidi 2012 interviews with Afghan migrants in France and returnees in Afghanistan.

Europe and returned, and all of them had an experience of migrating at least to Iran and Pakistan.

As a result of the growing demand for migration, research by UNODC in Afghanistan and Pakistan reveals that the principal smuggling agents are usually stationed outside of Afghanistan and employ a network of facilitators around the point of origin. This has evolved into a transnational business that depends on locals for access, contacts and local knowledge. Local agents in transit and at destination are usually nationals of that country. For example, Iranians offer collateral services to smuggled migrants travelling through the country, such as accommodation, transportation from Tehran to the Turkish border or, in some cases, transportation or guidance across the border into Turkey. Turkish or Greek nationals mostly carry out the smuggling from Turkey into Greece. The same appears to be the case in the neighbouring countries of Serbia, Bulgaria, Hungary or Slovakia.[62] According to UNODC (2015), citing Turkish and Austrian authorities, the nationality of smugglers involved in the migration of Afghans and active in these countries show a diverse set of nationalities not limited to Afghanistan. Smugglers' nationalities include Iran, Iraq, Georgia, Hungary, Myanmar, Pakistan, Romania, the Russian Federation, Syrian Arab Republic and Turkey.

Research undertaken by UNODC in Afghanistan and Pakistan suggests that the vast majority (more than 90%) of the smuggled migrants are men aged between 18 and 35 years of age.[63] By sending a young male abroad, the hope of the family is that there will be reunification in the country of destination later (Schmeidl, 2014). This may be changing, as IOM's DTM report of 24 March 2016[64] shows that 82 per cent of Afghans surveyed were travelling in a group, and 62 per cent of these were with family members. Thirty per cent of them in turn reported being with spouse and children.



Source: EASO, 2014.

Alarmingly, the number of unaccompanied minors (UAMs) being smuggled – already considerable in the past – has been steadily growing. As with young men, families choose one or more of their children to be smuggled abroad so that they can become established in a destination country, support

[62] United Nations Office on Drugs and Crime (UNODC), 2015.
[63] UNODC, 2012.
[64] See limitations of DTM methodology as described in the Overview section above.

remaining relatives with remittances and facilitate and sometimes finance later migration of other relatives. The number of Afghan UAMs in Europe in 2015 was estimated at 45,300,[65] representing just over half of all UAMs arriving in the European Union. This is in sharp contrast to the previous year when 5,800 Afghan UAMs arrived (25% of the total number but still the largest group by nationality). Sweden received 23,480 asylum applications from Afghan UAMs in 2015, compared to 3,777 Syrian claims. In 2014, Sweden reported 1,547 Afghan UAMs – the largest nationality represented.[66] Of 4,601 Afghans in Indonesia as of 30 March 2016, 204 are UAMs. Afghans represent 66 per cent of UAMs in Indonesia.[67] In contrast to the high proportion of UAMs among Afghans travelling to Europe, of the 227,601 Afghans deported from Iran in 2015, only 2,082 were identified as UAMs.[68]

Organization of smuggling

Migration has a cost – whether the journey is to a nearby village, town or city or further afield, financial resources will be needed. Apart from the smugglers' profit, the smuggling fee includes the cost of transportation and food and, for those able to pay the highest sums, the obtaining of passports and visas, real or forged. Migrants will often sell their main assets or will go into debt to finance their project. The financing of smuggling becomes a collective enterprise with entire families contributing funds. While one party provides smuggling services and accepts to be paid in installments, the other party – families, relatives or even the broader community – has to complete payments within a given period. Delays in payment can lead to abuse or exploitation. Case studies of migrant smuggling turned into human trafficking, or of smuggled migrants forced to carry drugs, populate accounts of smuggling in Afghanistan.

Smugglers provide a service of smuggling packages that have evolved and adapted to restrictions at border crossings. Smugglers' services offer transnational solutions in the form of "re-entry packages": one in five of the men interviewed (Majidi, 2008) declared having been arrested on the way to their final destination in Iran with attempts to cross the border anew within days of their deportation. The repeated attempts covered by fees have been most recently confirmed by Donini, Monsutti and Scalettaris (2016). Services now also include a "fee installment by border", with a price tag attached to every border successfully crossed, not requiring financial investments if border crossings fail and not requiring advance payments. These packages differ depending on

[65] Eurostat, 2016.
[66] Wilkens, 2016; Swedish Migration Board.
[67] Correspondence with IOM Jakarta.
[68] IOM Kabul Cross Border Return and Reintegration Project Annual Report 2016.

the starting location, destination and fees, at an estimated cost of USD 3,000 to smuggle Afghans through Iran and Turkey, and USD 5,500 to reach Greece (Stamouli, 2016). Figures of USD 4,000 to USD 6,000 to reach Europe are widely cited. IOM interviews with Afghans who have arrived in Balkan countries show 74 per cent of respondents paying USD 1,000 to USD 5,000 and 16 per cent paying more than USD 5,000. The cost of travel to Indonesia was reported by Al Jazeera in March 2014 as being between USD 8,000 to USD 12,500. More recent interviews with Afghan asylum seekers in Indonesia by IOM indicate costs ranging from USD 4,200 to USD 7,000. Smuggled migrants may also opt to travel by air, the most practiced route for the wealthier Afghans leaving their country, as well as for vulnerable groups, including women and the elderly. This is the most expensive service as it requires the input of specialized smugglers who can arrange for passports, visas and plane tickets. The cost ranges from USD 20,000 to USD 25,000.

The step-by-step organization of the migration journey, and the multiple chains of smugglers involved, has meant that migrants have to pay in installments along the way. There are primarily two agreed-upon methods of payment: (a) third-party guarantee; and (b) direct guarantee.[69] The method of third-party guarantee involves an upfront deposit by the migrant with a third-party guarantor who either pays entirely or in installments depending on the agreed upon milestones en route, such that a first payment will be released when the migrant reaches Tehran, a second on arrival in Ankara or Istanbul, and the last after successfully crossing into Greece. This method seems to be the most common for migrants leaving from Eastern Afghanistan. The second method requires the migrant to carry money and pay cash for the different legs of the trip. This appears to be the most common method of payment for relatively inexpensive services, such as boat trips from the Iranian coast to the Persian Gulf countries (particularly Oman). Similarly, migrants pay cash to cross the border from Afghanistan into Iran or at checkpoints in Turkey.

Researchers highlight the frequent use of the Hawala money transfer system for smuggling activities in Afghanistan where the low penetration of the banking system, low levels of literacy and the lack of official identification documentations are all obstacles to transfers through formal banking institutions.[70] This informal money transfer system protects both sides, as there is no record keeping: short-term records are destroyed when transactions are settled, and phone-based applications including Skype, Viber and WhatsApp used to organize the payments helps elude detections (Legorano and Parkinson, 2015).

[69] UNODC, 2012.
[70] Heckmann, 2014.

Services to Europe include meetings with families and relatives at departure to explain the migration process, including the lack of guarantee of success. Smugglers discuss with clients the different options, such as shorter or longer migration routes – with longer travel entailing stops in Iran, Turkey and other countries where migrants can work to pay for the following leg of their journey. They may also match migrants from one location with other Afghan migrants as travelling companions. As a result, the smuggler is not just a "travel agent", as they often describe themselves, but often a provider of advisory services for planning and financing the migration project. Some smugglers can be fixers and caretakers; others may engage in exploitative or abusive practices conspiring with other smugglers, employers or officials along the way to gouge more money from the migrant or their family. When migrants run out of money, they have to work locally to finance the next leg of their journey. They may be forced to work in exploitative conditions as has been reported (Majidi, 2008). The case study presented in this chapter shows the vulnerability associated with smuggled migrants and the thin line between trafficking and forced labour.

Human costs

The cost of migration is not just financial: there are very real human costs too. Crossing straight into Iran from Afghanistan is increasingly dangerous. Although no baseline exists, from January to September 2015, IOM received and assisted at the Zaranj border 59 Afghans shot, injured and deported (after treatment) by Iranian border police. During the same period, 22 bodies of Afghans shot and killed by the police were received.[71] Reports of shootings in border areas by Iranian police have focused on deaths of "drug smugglers" from Pakistan and Iran in 2015. Yet these shootings have also affected migrants and their smugglers attempting to cross the border for the difficult and dangerous journey from Afghanistan, through Iran, to Europe.[72] These events remain under-reported and are indicative of a general lack of information and data on smuggling and counter-smuggling initiatives in Afghanistan and its region.

Afghanistan, Iran and Pakistan are known for their arduous terrain and harsh climate. Afghans have to travel through desert and steppes as they head south-westwards towards Iran. Those opting to travel through Pakistan via Peshawar have to cross the traditionally insecure mountainous areas of the Hindu Kush, and the increasingly unsure districts of Nangarhar province. Reports from migrants by foot through Iran are rife with the risks they faced: lack of water

[71] Statistics compiled by IOM Zaranj Office.
[72] IOM reports on returnees from Iran (2014).

and food, days and nights spent walking in the desert, and the migrants (often minors) risking their lives and dying on the journey. Although no data exists on the number of Afghans dying while crossing Iran into Turkey, IOM counts 55 Afghans as having drowned at sea in 2014 while crossing from Turkey to Greece. In 2015, this number increased to 78 and as of 15 May 2016, 51 Afghans have drowned at sea, indicating an alarming trend.

The presence of Afghanistan's UAMs has raised the profile of smuggling in protection terms. Indeed, smuggled Afghans in general are represented by an important number of minors, a significant proportion of whom, according to European Partner States data, were unaccompanied.[73] UNODC reports from Greece, Indonesia and Scandinavian countries in 2015 show that UAMs, mainly teenage boys, are found among groups of smuggled migrants (UNODC, 2015:21).

It is difficult to do justice to the human costs incurred by smuggled Afghans and their families in this brief overview, but it is important to underline that the risks of the journey itself are compounded by the increasingly difficult conditions experienced by the migrants on arrival at the destination country. Under these circumstances, if the number of smuggled Afghans is sharply increasing, one can but consider the corresponding increase in despair over insecurity and the absence of prospects at home.

Review of data on migrant smuggling

> "There are serious data problems […] not only because of inadequate legal and policy tools but, also due to terminological confusions…"
> *International Centre for Migration Policy Development (ICMPD), 2013:38*

As referred to in the introduction, a key obstacle to research is the confusion over both the terms and concepts of trafficking, smuggling, kidnapping and abduction. This is the case in the treatment of smuggling by the Government of Afghanistan. As reported in November 2015, "the Ministry of Refugees and Repatriation (MoRR) has called on the Ministry of Interior Affairs (MoI) to crack down on human traffickers in a bid to stop Afghans from fleeing the country. According to the Ministry, the number of human traffickers has significantly increased in recent months as thousands of Afghans continue to seek refuge in Europe. […] 'Many individuals and groups were arrested last week for deceiving people and trafficking them illegally to foreign countries,' MoI spokesman Sediq

[73] European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (Frontex), 2010.

Sediqqi said." This discourse illustrates the lack of clarity in the Government's stance on smuggling in Afghanistan:

- The terminology focuses on trafficking and not smuggling, thereby confusing the two.
- The accent is put on the criminal nature of smuggling rather than as a service – albeit illegal.
- The "crime" is not situated within a migration context: there is no reference to a policy on migration.

The lack of clarity in the terms used is a key challenge: smuggling and trafficking are used interchangeably, betraying a legal blur on the differences between the two. The 2008 Afghan Law on Countering Abduction and Human Trafficking/Smuggling gives a definition of trafficking in line with the international one. However, the ambiguity of the Dari term used for human trafficking undermines the law's effectiveness by perpetuating confusion around trafficking concepts. The Dari word, *ghachag-e insan*, is used interchangeably to refer to both human trafficking and smuggling. Additionally, the word *ghachag* is used commonly to refer to all types of illegal transport, be it of drugs, arms or persons. National legislation is obliged to be more precise if it is to be enforceable. A 2013 study (Samuel Hall, 2013) emphasized the use of the term *tejarat-e insan* – meaning human trade – to refer specifically to trafficking and therefore set it apart from smuggling.

The authorities' focus on law enforcement to the total exclusion of protection, along with the confusion between trafficking and smuggling, has severely limited the effectiveness of their response to both phenomena. This situation makes it both more challenging to identify the victims of trafficking, as well as formulate policies that would offer support or protection to smuggled migrants, or offer alternative choices to would-be migrants. It also undercuts the will to prosecute "real" traffickers when they are confused with smugglers who often enjoy popular support. The second obstacle to the collection of data on migrant smuggling is the nature of borders. While the western border with Iran is well demarcated, the eastern Durand line dividing Pakistan and Afghanistan, while recognized internationally, is not accepted by all Afghans. The fluidity and porous nature of this border makes data collection (and research) on smuggling all the more challenging.

A third challenge arises from the overall refugee context within which movements of Afghans to Iran and Pakistan take place. For the period stretching from the late 1970s to 2002 – with some interruptions – there was a general

acceptance that conditions inside Afghanistan were such that it warranted considering all Afghans fleeing their country for Iran and Pakistan as refugees. The concept of smuggling was largely only applied to secondary movements: whether Afghans used the services of "smugglers" to cross into neighbouring countries was not considered relevant. The lack of information management systems at a national or regional level means that any initiative to provide up-to-date estimates is lost. Only UNODC has a systematic approach to data collection, which is used to populate the agency's regional reports at the Asia level.

In Afghanistan, the main collectors of data related to smuggling are as follows:

- UNODC, with its overview of migrant smuggling in Asia.[74]
- IOM's activities on counting undocumented Afghan returnees at the borders since 2011 and collecting data on vulnerabilities. To date, no data has been collected on smuggling, although with the new interest in the phenomenon, there have been attempts to use some of these data as proxy indicators.
- IOM's Displacement Tracking Matrix (DTM), which has, since 8 October 2015, been collecting data on Afghans (and other nationals) arriving in the Balkans. The DTM gathers information inter alia on routes, cost of journey, motives and intentions. The major constraint is that these surveys are perforce very short as the respondents are still on the move. Other limitations include the ad hoc selection of respondents and the fact that they need to be confident enough to be interviewed in a public space, leading to a bias towards young single males who speak English (survey forms are translated, but the verbal interview is in English). In short, the sample is not statistically representative, and the results should be treated with caution.
- Think tanks and research institutes – the Afghanistan Research and Evaluation Unit (AREU), the Liaison Office and Samuel Hall – have taken the lead on migration research in the country, collecting qualitative data on smuggling covering all provinces of Afghanistan, including border regions, mainly through case studies, focus group discussions and feedback from community elders. AREU's research from 2006 documents cross-border and regional migration and population movement dynamics inclusive of smuggling trends. The focus of a study on *Afghans*

[74] UNODC, 2015.

in Quetta[75] was specifically on transnational trade and cross-border goods smuggling, looking at the livelihoods dynamics of Afghans in Pakistan who use the border as a resource to generate income. The focus is on the smuggling of goods – flour, blankets and cooking oil – rather than people.

- Communications and consulting companies based in Afghanistan such as Wise Afghanistan has published a scoping study in 2010 on counter-smuggling for the Government of Australia. The study specifically focused on the Hazara population with an overview of trends in four selected provinces to assess the situational awareness and communications channels that maintain the people-smuggling network from Afghanistan to Australia.
- Media reporting on smuggling – with detailed information on the organization, geography and risks of smuggling provided by journalists, with recent examples of publications including the 2012 New York Times article by Luke Mogelson, on "The Scariest Little Corner of the World", describing the dangers of the route – for both smugglers and migrants, and the coverage of Afghan migration to Europe by the Wall Street Journal.

Other information available publicly is based on secondary data and published by organizations based outside of Afghanistan. These include the following:

(a) ICMPD's 2013 Afghanistan Migration Country Report based on an initiative that is part of the Budapest Process. The report estimates illegal trade/smuggling to represent between 6.5 to 8 per cent of the official GDP based on secondary data but without specifying the methodology. Such estimates remain unverified by other sources (ICMPD, 2013:8). The ICMPD report's treatment of smuggling focuses on secondary research collected on the following:

- The cost of smuggling;
- Payment agreements;
- Smuggler–migrant relations; and
- Minors' migration.

(b) Non-governmental organizations in Pakistan that have published information on Afghan migrants focusing on migrant smuggling and

[75] AREU, 2005.

irregular migration to Pakistan. The latest study dates back to 2009 with the work of Basic Education for Awareness Reforms and Empowerment (BEFARe) in Peshawar and ActionAid.[76]

However, much of the research either remains a one-off attempt at collecting data, soon outdated by new trends in migration, or anecdotal, with evidence collected being a side project or part of a larger research project with a different focus. Only UNODC has focused specifically on collecting and analysing data on smuggling, with a focus on narcotics first and migrant smuggling second. Recommendations in IOM's 2014 Afghanistan Migration Profile call for the need for field research, with a particular focus on migrant smuggling to fill the data gap.

Review of migrant smuggling research

Methods used for data collection on smuggling are as follows:

- Qualitative data – individual interviews, focus group discussions, individual or provincial case studies based on semi-structured interviews;
- Secondary data – widely used by commentators and analysts; and
- Quantitative data – rarely available and broadly lacking other than by UNODC.

In 2015, the new indicator of choice used as a proxy to estimate the scope of irregular migration out of Afghanistan became the number of new passports issued. With only one passport office in Kabul, crowds there grew over the year 2015 as widely reported in the media. In October, 6,000–7,000 new passport applications were being made daily, up from 5,000 in August and 1,000 in early 2014 (IOM). However, this was misleading as an indicator since many people were applying for new machine-readable passports before the International Civil Aviation Organization deadline for State compliance. Furthermore, irregular migration does not equate to smuggling, although the two are closely linked due to the very low rates of visa obtention by Afghans. In order to travel abroad, they must do so irregularly, and often rely on the services of a smuggler. Other proxy indicators worth exploring further could be the following:

- Number of deportations from Iran;
- Number of Afghans detained near the Turkish border by Iranian authorities; and

[76] Azam, 2009.

- Number of departures from Afghanistan to be complemented by knowledge of migration intentions.

Online resources providing information based on secondary data available on illicit trade in Afghanistan (www.havocscope.com/) give estimates of the migrant smuggling industry ranging up to USD 1 billion, and the prices paid to smugglers between USD 700 to get to Iran and USD 25,000 to London, but without further information on data sources.

Three main concerns persist with regards to research on migrant smuggling out of Afghanistan:

- **Absence of data and systematic data collection** – IOM Afghanistan has a presence at the two major border crossings with Iran (and also the principal official border crossing with Pakistan). The organization works with officials from the MoRR on counting returnees, but there are major challenges to conducting more in-depth surveys of migrants. These challenges include the following: (a) large number of returnees (over 250,000 yearly) and their wish to proceed to their final destination as rapidly as possible; (b) the need to be careful not to raise expectations that the questions will lead to assistance; and (c) resource constraints. IOM is however working on a more systematic approach, including following up on returnees through a new information management system being developed for MoRR. All the above only capture data on returning Afghans (for the most part forcibly returned.) IOM's planned Migration Information Centres, once opened, will be useful in capturing data on intentions.
- **Little focus or advocacy on protection of migrants** which, apart from the direct impact this has on vulnerable or abused migrants, also reduces the State's self-recognition as duty bearer of human rights. This in turn means that smugglers are comforted in their roles as useful and much appreciated service providers (which the good ones are) and not perceived enough as criminals whose clients can end up as victims of violence, abuse or exploitation.
- **Non-existent regional initiatives to address smuggling**: Despite the regional nature of smuggling, in Afghanistan, Pakistan and Iran, the discourse has focused on refugee management and refugee returns, primarily through United Nations High Commissioner for Refugees operations, with only timid

attempts to discuss the reality of smuggling that nurture a fluid, continuous and dynamic movement of populations from Afghanistan outwards.

Academic efforts have helped to fill this gap in knowledge and data on smuggling. Scholars have undertaken smuggling research through three main disciplinary approaches under the social science disciplines.

First, an economic analysis of the investments and costs of smuggling. Academics such as Khalid Koser (Koser, 2008; Koser and Marsden, 2013) have argued for the need to take an economic analysis approach to understanding the dynamics of smuggling out of Afghanistan, with a cost-benefit analysis of the investment made by families in Afghanistan who sent a family member to the United Kingdom. This study (Koser, 2008:17) looks at the question of investment and returns on investment after an initial period of two years spent in the United Kingdom. The conclusion from this study was that the initial investment and risks incurred were considered as worthwhile.

Second, a social network analysis conducted by Triandafyllidou and Maroukis (2012) based on the importance of transnational networks and the organization of smuggling networks from Afghanistan to Europe via Turkey. This included their modus operandi, costs, means of transport and duration of the journeys. This research was conducted at the level of the Asian region, with Afghanistan being just one case study.

Third, the sociopolitical implications of Afghan mobility have been studied with a close look at categories of migrants, motives for migration and routes (Triandafyllidou and Maroukis, 2012; Schmeidl, 2014) taken by Afghans, via the Iranian border or via Pakistani Balochistan, documenting the centrality of Quetta as a transit city. This approach has also documented the risks of the border crossings and the use of smugglers' services. Schmeidl (2014) discusses numbers, categories and how smugglers select and specialize in routes that respond to the priorities of Afghan families, with Europe being the most coveted destination for education, health care and long-term settlement.

While there have been several donor government-funded research projects on human trafficking in Afghanistan,[77] there has been no such funded research in the past on people smuggling. The UNODC report referred to covers people smuggling throughout Asia and is not Afghanistan-specific. The vast majority

[77] The most prominent of these have all been funded by the Government of the United States: IOM (2003, 2008, 2013), Hagar International (2014) and AREU (in progress).

of government-funded research on mobile populations has been dedicated to refugees. A new development is for the establishment of IOM DTM capacity in Afghanistan and Pakistan, which does not specifically target smuggled migrants, although they are likely to be the principal category of migrants captured by the surveys.

CASE STUDY: The thin line between smuggling, trafficking and forced labour in Afghanistan

Research shows that smuggling can turn into trafficking and forced labor in complex regional dynamics. This case study shows how smuggling and trafficking can overlap, and is taken from the Samuel Hall (2013) study for IOM titled *Old Practice, New Chains: Modern Slavery in Afghanistan.*

One victim, a 36-year-old Afghan of Uzbek ethnicity in Northern Afghanistan, reports having been approached by a smuggler – a distant relative – when he lived in the province of Balkh. He was told that a company in Saudi Arabia would provide him with employment in a factory, at USD 520 per month, and accommodation. He travelled to Saudi Arabia by plane with a forged passport and visa. He worked as described in his discussions with the smuggler, but only to realize that he would be paid one third of the promised wage (USD 185). In addition, he would have to repay the costs of his irregular migration (about USD 400 for a forged passport and visa). The amount was deducted from his monthly wage. He was later both underpaid, working extra hours – up to 16 hours – without additional pay, and paid late, with delays in receiving his wages. He could not report it to anyone, as he could not leave the factory without permission, and his forced passport and visa were with his employer. Once he settled the loan, he was able to leave his job and return to Mazar city in Balkh.

Another victim, Muzamel, aged 15, was interviewed in Herat city in Western Afghanistan while he was working as a cleaner in Daikundi Hotel, a guesthouse where Afghans lived, mainly migrants on their way to cross the border with Iran. He himself lived in Iran with his family but had been arrested and deported back to Afghanistan. As he did not have any family in Afghanistan, he was offered to work instead of paying for a room at the nearest hotel in Herat city. At the hotel, he met a man who took him under his responsibility. He was a smuggler who promised to take him back to Iran. In order to pay the fees, the smuggler required that he continue working at the hotel until his debt had been cleared. Eventually, he spent one year working as a dishwasher in the hotel, still waiting for sufficient funds to cross the border into Iran. He had not been paid any amount since he had begun working and was only being fed and given shelter for free.

Conclusion and ways forward

The timing seems ripe in 2016 to set up a system to support the Government of Afghanistan and build the capacity of governmental authorities – from national to subnational levels – in identifying, preventing and responding to smuggling. Efforts towards improved information systems are currently being led by IOM in Afghanistan with the Government.

Renewed conflict in Afghanistan and uncertainties about its political and economic future have led Afghans to emigrate in search of protection and better living conditions. If the traditional directions of the flows of irregular migrants from Afghanistan were primarily directed towards the neighbouring countries (Pakistan and Iran), Europe has been an increasingly popular destination for migrants in recent years. However, with respect to the size of irregular migration, the reviewed literature provides little information about the scope of migrant smuggling with departure from inside Afghanistan.

The organizational aspects of smuggling of migrants are the main interest of research on smuggling. This includes the routes, the methods used and the criminal organizations behind the process. This is explained by the fact that the main actors conducting research on the subject are judiciary or law enforcement institutions. Further research is needed to understand the following: (a) profiles of the smugglers; (b) human and social costs of migrant smuggling; (c) role of corruption; and (d) fees paid to smugglers and their involvement in other criminal activities including human trafficking. Furthermore, there has been a sharp increase in women and minors migrating irregularly from Afghanistan, and there is an urgent need to explore their relationships with smugglers, and especially their vulnerability to exploitation. Indeed, there is a complete absence of studies specifically focusing on gender issues, and very little concerning the irregular migration of minors especially considering the scale of the latter.

The need for smuggling data is clear in Afghanistan: there are no comprehensive statistics and only broad estimates on smuggling from one of the highest producing countries of irregular migration in the world. As just one example, it is unknown how many of the Afghans arriving in Europe through the facilitation of smugglers began their journey in Afghanistan rather than Iran or Pakistan.

What, therefore, can be done to improve data and research on this subject in Afghanistan?

First, serious thought needs to be directed at conceptualizing smuggling – and trafficking – within the context of Afghanistan. As previously mentioned, there continues to be confusion between trafficking and smuggling both with regard to the word itself in Dari, as well as the actual concepts. The crime of trafficking in Afghanistan is often confused with simple abduction, a confusion reinforced by the existing legislation (although this is under review). There is much to be said for moving away from the use of "trafficking" when applied to a mixed migration scenario, and substituting "migrant abuse and exploitation", which can better capture the protection needs of smuggled or other irregular migrants. Equally, there is the need to consider how and when to use "smuggling" as a descriptor of a facilitated irregular cross-border movement.

Second, major gaps need to be addressed on the protection as opposed to law enforcement side of smuggling. Anecdotal and actual evidence of exploitation, abuse and worse of adults and children have been raised in research but not systematically enough to be able to develop policies and programmes. The building of an evidence base on smuggling must be informed by protection-related issues, including those that lead to Afghans requesting the services of smugglers in the first place.

The presence of researchers on the ground shows that access is possible even in nominally insecure areas of the country. It is therefore possible to collect data on smuggling through field-based research in Afghanistan without necessarily going very far afield. Conducting research on smuggling is actually easier than is commonly acknowledged for several reasons, such as the following: (a) smuggling is a common and widespread phenomenon; (b) it is demand driven, when described by smugglers themselves; and (c) it is part of the experience of a very large number of Afghans. Rare is the Afghan who does not have a relative or acquaintance who has not used a smuggler to migrate, let alone know a smuggler themselves. As already mentioned, an important gap in the knowledge is that of the profile of smugglers. Knowing more about and humanizing the smuggler, along with improved data on protection issues, is key to developing sound policies and programmes dealing with outmigration from Afghanistan as a whole. At a time of sharply rising migration, and with Afghanistan being the second most important source country in the world for asylum seekers, the priority must be on launching a full-scale study on smuggling that takes into account the phenomenon as viewed both from the point of view of the Protocol, as well as that of the Afghans who place their futures – and sometimes their lives – in the smugglers' hands.

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8

SOUTH ASIA

Dinuk Jayasuriya and Ramesh Sunam

Introduction

The South Asian region – comprising Afghanistan, Bangladesh, Bhutan, India, Maldives, Nepal, Pakistan and Sri Lanka – is a hub of irregular and regular migration flows. Widespread news coverage of Indian and Nepalese migrants illegally entering the United States through Guatemala and Mexico (Irfan, 2012; Wells, 2013), and Bangladeshi and Rohingya migrants roaming in Kuala Lumpur to make their way to Australia for seeking asylum (ABC, 2015) are some of the examples of what irregular migration looks like in the region. While all forms of irregular migration may not involve smuggling, most cases of irregular migration from and to Bangladesh, India, Pakistan and Sri Lanka are undertaken with the assistance of migrant smugglers (United Nations Office on Drugs and Crime (UNODC), 2015). The dynamics of irregular migration in the region is largely rooted in political conflicts, ethnic violence, economic disparities, deep poverty and food insecurity. Nevertheless, it also reflects the aspirations of relatively educated and wealthy individuals and families to settle in "western" developed countries.

Much of the discussion relating to people smuggled from Bangladesh, Sri Lanka, Pakistan and India has focused on those seeking protection (Jayasuriya and McAuliffe, 2013; Koser, 2008; Rajan, 2014; Saha, 2012; United Nations High Commissioner for Refugees (UNHCR), 2015a; UNODC, 2013). They have been smuggled within the region (for example, Sri Lankans to India, Pakistanis to Sri Lanka and Bangladeshis to Pakistan) and beyond, to Europe and other developed countries, such as the United States, Canada, Australia and New Zealand (UNODC, 2015). Many attempt to seek asylum in these countries, while others remain there as unauthorized workers. People from Bangladesh, India, Pakistan and Sri Lanka are also smuggled for labour purposes to the Middle East (Saha, 2012; UNODC, 2015). They may continue to work illegally, and from there, some may also migrate onwards to a developed destination country.

In destination countries, migrant smugglers from Bangladesh, India, Pakistan and Sri Lanka, are largely depicted as criminals with some accused of abuse and starving their captives by the media, politicians and academia (Chowdhury, 2015; Shepherd, 2014; UNHCR, IOM and UNODC, 2015). This depiction is echoed by those in transit countries, and highlighted in graphic detail by the Rohingya from Bangladesh whose mass graves were found in Thailand (Barry, 2015). Yet, in source countries, those involved in the smuggling process are not necessarily considered exploitative, but sometimes considered as heroes, helping people escape their difficult situations (Raghavan and Jayasuriya, 2016a, 2016b). Many smugglers rely on their reputations, and so successful ventures generate more business for them.

The apparent contradiction in conceptualizations of smugglers could in part be due to where smugglers (or those in the smuggling business) are interviewed. Initially, in source countries – presumably those respondents who are planning on undertaking irregular migration with the assistance of a migrant smuggler have not experienced the hardships in transit – may not fully appreciate the risks of transit, or may have been informed by their networks that the risks are worth taking. If these people are engaging migrant smugglers, they may do so with an underlying level of trust, and hence have positive views towards smugglers. A smuggler may also be part of a chain of smugglers, and actually be more of recruiter or facilitator rather than the main smuggler (Raghavan and Jayasuriya, 2016a, 2016b). Conversely, those who have undertaken the journey and experienced hardships may have a different view of migrant smugglers. This conceptualization may also be different depending on the source country in question; Rohingya who languish in camps in Thailand before their family members can buy their freedom may or may not face different levels and types of abuse at the hands of smugglers (and traffickers) compared with Sri Lankans who entered Australia irregularly in 2011 and 2012. Such examples often blur the difference between trafficking and migrant smuggling.

In source and destination countries, irregular migrants who are seeking asylum have been conceptualized by some as opportunistic, queue jumpers and driven by economic factors, while others present them as legitimate sufferers of human rights abuse and persecution (Howie, 2014). For governments in source countries protecting their human rights records and reputation, and governments in destination countries trying to limit the flows of irregular asylum seekers, the narrative seems to be the former. For human rights advocates, family members of asylum seekers and some sections of the asylum seeker's communities, the latter conceptualization may be more accurate. Academia, to an extent, exists in the middle; showing irregular migrants may have both economic and protection reasons for migration (Dimitriadi, 2013; European Commission, Directorate

General for Migration and Home Affairs, 2009; Jayasuriya and McAuliffe, 2014; McAuliffe, 2013; UNODC, 2013), with some research showing that protection factors are more prominent than economic factors among refugees who arrived irregularly (McAuliffe, 2013).

All South Asian countries have been parties to at least one important international legal instrument related to migration, Bhutan being the exception. The 2000 United Nations Convention against Transnational Organized Crime has been widely supported (see Table 8.1). Only India is party to the 2000 Protocol against the Smuggling of Migrants and the 2000 Protocol to Prevent, Suppress and Punish Trafficking in Persons, so is Afghanistan to the 1951 Convention relating to the Status of Refugees, and the 1967 Protocol Relating to the Status of Refugees. Afghanistan and Sri Lanka are the only countries from the region supporting the 1990 UN Migrant Workers Convention.

Table 8.1: Country's signatory status to relevant international migration instruments

	Bangladesh	India	Pakistan	Sri Lanka
1951 Refugees Convention and 1967 Protocol[1]				
1974 SOLAS Convention[2]	1982	1980	1985	1983
1978 SOLAS Protocol[2]		1986	1985	
1990 UN Migrant Workers Convention[1]	2011			1996
2000 Convention against Transnational Organized Crime[3]	2011	2011	2010	2006
2000 Anti-smuggling Protocol[1]		2011		
2000 Anti-trafficking Protocol[1]		2011		

Sources: (1) United Nations migration country profiles. Available from http://esa.un.org/MigGMGProfiles/indicators/files (accessed 14 April 2016).

(2) Australian Maritime Safety Authority. Available from https://imo.amsa.gov.au/public/parties/solas74.html, https://imo.amsa.gov.au/public/parties/solas78protocol.html (accessed 14 April 2016).

(3) United Nations Convention against Transnational Organized Crime. UN Treaty Collection. Available from https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-12&chapter=18&clang=_en (accessed 14 April 2016).

This chapter focuses on the South Asian countries of Bangladesh, India and Sri Lanka, as well as Pakistan. It presents an overview of migrant smuggling in the region, explains the types of smugglers, and discusses the costs associated with migrant smuggling. Available data and existing research related to migrant smuggling is then reviewed before providing concluding remarks.

Overview of migrant smuggling in the region

Australia, Europe and the United States are important destinations for migrant smugglers in South Asia (Asia Foundation, 2013; Saha, 2012; Shelley, 2014). Evidence also shows that Asia and the South Asian region itself host a significant proportion of smuggled irregular migrants, albeit largely unrecorded (Kumar, 2012; Reddy, 2012). The region is both a destination and source region for smuggled migrants. As UNODC (2015) highlights, migrant smugglers support the vast majority of the smuggled migrants from the planning phase to phases involving seeking work and asylum or further migration. While there remains a paucity of information, a review of the available data and research on India, Sri Lanka, Bangladesh, Pakistan and Nepal provides important insights into migrants' flows and their demographics, smuggling routes and profiles of smugglers, as well as costs and exploitation associated with migrant smuggling.

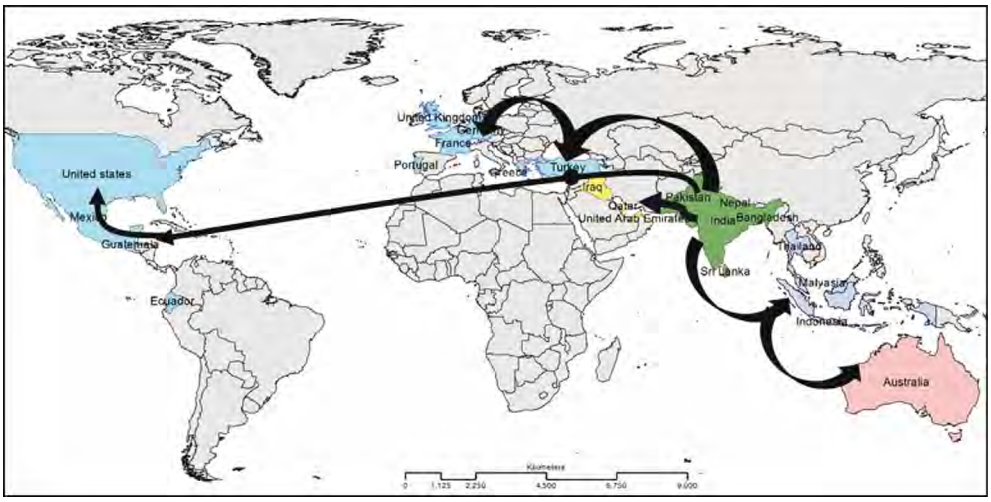
Migrant smuggling: Mapping migrants, routes and smugglers

Migrant smuggling to Europe and the United States

The routes for irregular migration to Europe and the United States are varied (see Figure 8.1 for major routes). Indian, Sri Lankan, Bangladeshi and Pakistani irregular migrants are smuggled overland and by air to Europe and the United States. The smuggling to Europe occurs via Central Asia and the Russian Federation; the Islamic Republic of Iran, Turkey and Greece through the Western Balkans and occasionally via West Africa (European Commission, Directorate General for Migration and Home Affairs, 2015; Saha, 2012; Triandafyllidou and Maroukis, 2012; UNODC, 2015; Yousef, 2013). Other lesser-used pathways occur through the Gulf countries, where migrants reach through regular processes (Raghavan and Jayasuriya, 2016a, 2016b; Saha, 2012; Yousef, 2013). Recent studies show that some Sri Lankans pass through India first, regularly or irregularly, prior to flying to Europe (Raghavan and Jayasuriya, 2016a, 2016b).

Most of the cases of illegal entry into United States via land route had been via Mexico or Canada (Saha, 2012). More recently, anecdotal evidence suggests that increasingly Indian and Nepali migrants are smuggled to the United States (Irfan, 2012; Wells, 2013). Guatemala and Ecuador both introduced visa waiver schemes to Indian nationals in recent years, which were then used as intermediary countries to enter the United States (Irfan, 2012; Saha, 2012). Most of the migrants smuggled to Europe and the United States are asylum seekers who apply for refugee status. They are mostly educated and belong to better-off families, with the exception of some war or ethnic victims (Saha, 2012).

Figure 8.1: Major migrant smuggling routes from South Asia



Sources: İçli et al. (2015); Irfan (2012); Raghavan and Jayasuriya (2016a, 2016b); Saha (2012); UNODC (2013).

Migrant smuggling within Asia and to the Gulf

Irregular migrants from South Asia largely travel through Malaysia first and then the Indonesian islands of Bali, Flores and Lombok prior to embarking to Australia (UNODC, 2011). Many choose to remain (or are stuck) in Malaysia and Indonesia, while others, including many Rohingya from Bangladesh, arrive in Thailand (UNHCR, 2015a). Although the primary transit route to Australia occurs through Malaysia, Thailand and Indonesia, a recent study revealed that migrant smugglers use various routes for entering Australia, largely through passenger ships, fishing boats or cargo ships (Raghavan and Jayasuriya, 2016a). Main alternative routes include the following: (a) Pakistan–Islamic Republic of Iran–Turkey–South Africa–Australia; (b) Pakistan–South Africa–Australia; (c) Pakistan–China–Hong Kong, China–Australia; (d) Pakistan–China–Thailand–Australia; (e) Pakistan–Abu Dhabi– many other locations through ships–Australia; (f) Pakistan–Libya–many other locations through ships–Australia.

In terms of gender, most migrants smuggled for the purposes of seeking asylum are young men (UNODC, 2015; McAuliffe, 2013). Among Bangladeshi asylum seekers, reports suggest only 4.6 per cent of irregular migrants are female (UNODC, 2015). In the case of Indian irregular migrants, a significant minority (one third) of female irregular migrants were female (Saha, 2012). There are also reports of unaccompanied minors; for example, approximately 40 per cent of interviewed individuals in Malaysia from Bangladesh were unaccompanied minors under the age of 18 years (UNHCR, 2015b).

Some irregular migrants from Bangladesh, Pakistan, Nepal and Sri Lanka are smuggled to Middle Eastern countries, such as Qatar, Bahrain, Oman, Libya, Kuwait, Saudi Arabia and the United Arab Emirates for domestic labour. These irregular migrants are predominantly women from poor socioeconomic background (Paoletti et al., 2014). Migrants reach these countries through regular channels; in the most part, smugglers arrange visitor visas for migrants and later these migrants, mostly women, end up working as housemaids (Asia Foundation, 2013; Paoletti et al., 2014). Other migrants from Bangladesh, Pakistan, Nepal and Sri Lanka, with the assistance of migrant smugglers (through falsified documents and regular travel, or irregular travel), also travel to Malaysia, Thailand and Indonesia for work. A small proportion of these migrants (in the Gulf and Asian countries) may also undertake further irregular migration to Western countries to seek asylum.

There are well-documented cases of exploitation by migrant smugglers in the region. A recent example was rape and other forms of abuse committed by migrant smugglers against Rohingya from Bangladesh (UNHCR, IOM and UNODC, 2015), although some claim that this has been the norm in migrant smuggling for decades rather than the exception (Chowdhury, 2015).

Smugglers in South Asia: Their numbers and types/profiles

The role of smugglers is critical in shaping the flows of migrant smuggling. A key reason is that this form of migration involves multiple transit countries, overt and covert strategies, diverse authorities and actors to be negotiated with (such as for preparing fake documents), as well as various modes of transportation.

Studies show that smugglers involved in irregular migration form a multi-scaled and well-networked (or loose) structure starting right from the place of origin of migrants to destination countries (Raghavan and Jayasuriya, 2016a; UNODC, 2015). Smugglers working at multiple scales differ in terms of the role they play, the forms of power they can exercise and benefits/income they gain. Despite these differences, they work closely through more or less established strategies or formal/informal institutions (Saha, 2012). Pastore, Monzini and Sciortino (2006:20) argue that migrant smugglers are “little more than loose networks linking largely independent clusters of practical competencies”. Further, the number of smugglers is hard to estimate, and it has been reported that some former irregular migrants use their knowledge to become migrant smugglers (UNODC, 2015).

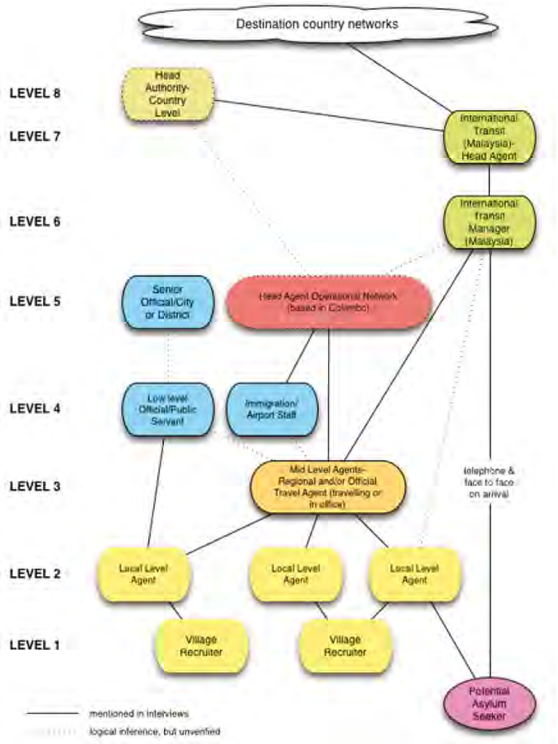
Field research in Pakistan and Sri Lanka involving interviews with migrant smugglers highlighted multilayered networks of smugglers with more or less

clear roles (Raghavan and Jayasuriya, 2016a). Multilayered smugglers include local village sub-agents, main agents, logistic handling agents, transit country agents and destination country agents, each performing various specific roles from motivating people for irregular migration, dealing with State authorities for fake documents to facilitating travel.

In specific terms, Figure 8.2 presents types of smugglers and levels identified during fieldwork in Sri Lanka (Raghavan and Jayasuriya, 2016b). The case in India and Nepal is similar where local agents recruit migrants and the migration progressed with the support received from main and transit country agents (Paoletti et al., 2014; UNODC, 2015). However, there appears to be limited information relating to the types/profile of migrant smugglers in India, Nepal and Bangladesh.

As Figure 8.2 indicates, while the hierarchical structure may exist for travel to Australia and Europe, Canadian officials stated that irregular migration to Canada from Sri Lanka did not follow a hierarchical structure and that smugglers operated among loose networks (UNODC, 2015).

Figure 8.2: Multilevel structure of migrant smugglers



Source: Raghavan and Jayasuriya (2016b).

Costs to migrants

Financial costs of irregular migration are likely to vary depending on type of destination country (Europe, the United States or others), the likelihood of success in getting asylum or work, modes of transportation and the number of transit countries. Considering these variations, agents in Sri Lanka and India charged the potential migrants the most, followed by agents in Bangladesh and Pakistan. Drawing from various sources, the UNODC report presents different costs (UNODC, 2015) relating to migrant smuggling from Bangladesh and India (see Table 8.2). For example, from Sri Lanka to France, the cost was EUR 5,000 while from Sri Lanka to Canada, it ranged from USD 20,000 to USD 60,000. Costs for irregular migration from Pakistan and Sri Lanka were drawn from Raghavan and Jayasuriya (2016a) and Raghavan and Jayasuriya (2016b). In Pakistan, they vary from USD 3,400 to USD 11,000, while in Sri Lanka, the costs are higher, at between USD 18,000 to USD 23,000.

The estimated profit being made varies depending on who is asked the question. Research in Pakistan and Sri Lanka revealed that the migrant smuggler (and people in their network) received a 25 per cent profit margin while potential asylum seekers believed migrant smugglers received up to 60 per cent profit margin (Raghavan and Jayasuriya, 2016a, 2016b). The UNODC estimates that migrant smugglers in India earn between USD 250 and USD 750 per migrant.

Table 8.2: Estimated costs of irregular migration

Origin country	Destination	Costs
Bangladesh^	France	USD 13,000
	Greece	USD 3,000 to USD 13,000
	Turkey	USD 4,000 to USD 6,000
	Middle Eastern countries	USD 2,300 to USD 2,600
	Malaysia	USD 2,700
	United Kingdom	USD 7,800
	Italy	USD 9,100
	United States	USD 6,605
	India	USD 40 to USD 60
India^	Europe	USD 6,500 to USD 30,000
	United Kingdom	USD 22,500 to USD 42,000
	Canada	USD 65,000
	United States	USD 25,000 to USD 50,000
	Australia and New Zealand	USD 13,000

Pakistan^^	Germany	USD 11,000
	Sweden	USD 6,800
	Indonesia (Jakarta)	USD 7,000
	Greece	USD 4,000
	Islamic Republic of Iran	USD 3,400
	Turkey; South Africa; Hong Kong, China; Bangkok; Abu Dhabi; Libya	USD 5,500
Sri Lanka*	Dubai	USD 1,481
	Canada	USD 7,000 to USD 16,700
	London	USD 21,000 to USD 33,000
	Switzerland	USD 22,000
	Germany	USD 18,800 to USD 23,000
	Italy	USD 8,333 to USD 19,500
	France	USD 18,800 to USD 27,800
	New Zealand	USD 23,000

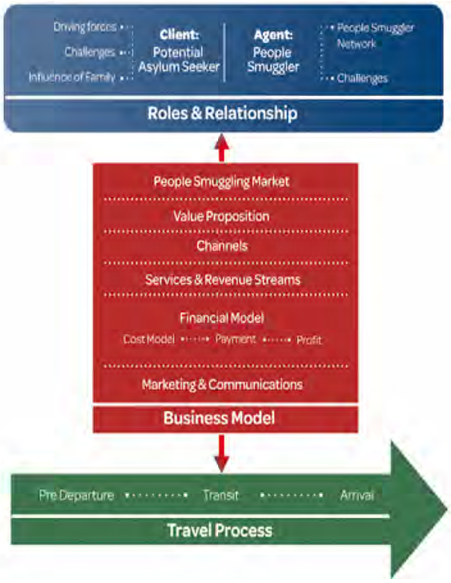
Sources: ^ UNODC, 2015.
^^ Raghavan and Jayasuriya, 2016a.
* Raghavan and Jayasuriya, 2016b.

Box 8.1: Examples of research into smuggling in Pakistan and Sri Lanka

In June 2015, Australian-based researchers conducted qualitative interviews with potential asylum seekers and migrant smugglers in Pakistan and Sri Lanka (Raghavan and Jayasuriya, 2016a, 2016b). The interviews with smugglers focused on service transactions, including marketing, services provided, the various roles of smugglers, communications methods used and delivery methods. The research was undertaken as a component of broader research into irregular migration and smuggling in Central and South Asia.

There were 20 potential asylum seekers in Pakistan and another 20 in Sri Lanka randomly selected for in-depth interviews from a larger sample frame of 3,000 households in Pakistan and 1,800 households in Sri Lanka. There were 12 smugglers in Sri Lanka and 12 agents in Pakistan interviewed about their service operations by connecting with them through local contacts. In most cases, researchers presented themselves to smugglers as potential clients wanting to travel overseas. This raises ethical issues about the research techniques applied, although by presenting as clients, the researchers were able to gather data that may otherwise have not been readily accessible. The research employed classic market research techniques, which are useful in the context of research on migrant smuggling business-related interactions and deliverables.

Figure 8.3: Smuggling as a set of business-related interactions and deliverables



Some key results were similar across the two countries: (a) marketing was generally through word of mouth using a referral-based system; (b) smugglers were viewed as agents facilitating the migration process as opposed to people to be feared; and (c) smugglers had linkages with local authorities. Other results were slightly different, such as those relating to specific service offerings by smugglers, and business structures.

The studies supplement intelligence on smuggling gathered using traditional intelligence techniques, by providing a much more robust and rigorous approach to examining smuggling. The studies produced over 200 pages of transcripts that were transcribed and analysed in NVivo.

The data was gathered for two reasons: (a) hopefully assist policymakers directly on the roles and operations of smugglers; and (b) contribute to the broader research agenda on migrant smuggling, including through academic and other channels. The findings support previous work on smuggling (Salt and Stein, 1997; Koser, 2008) while also delving more deeply into aspects of smuggling processes.

Review of data on migrant smuggling

There is a dearth of data on migrant smuggling in general, and on migrant smuggling relating to Bangladesh, India, Pakistan and Sri Lanka in particular. The following represent some quotes relating to data on migrant smuggling:

- With respect to Bangladesh and Pakistan: "Most of the statistical details regarding the concerned issues [migrant smuggling] are speculative and not very reliable" (Mehdi, 2010:4).
- With respect to India: "At present no systematic data on irregular migration is maintained either at the state or the national level" (Saha, 2012:21).
- General quote: "The collection of updated and reliable statistical data was a significant challenge." (UNODC, 2013:8).
- General quote: "Taken together, a lack of conceptual clarity and shortage of reliable data mean that it is virtually impossible to provide accurate estimates of the scale of refugee smuggling" Koser (2011:261).

While there is information on refugee numbers (which may include some smuggled migrants), there appears to be no central location for statistical data on the number of smuggled migrants, or the characteristics of smuggled migrants from Bangladesh, India, Pakistan and Sri Lanka. This is highlighted by UNODC (2015), having to approach host governments to provide them with information on the number of people detected attempting illegal entry into a country. The reasons are understandable. First, all smuggled migrants are not identified by any authority. Second, even among smuggled migrants who apply for asylum (and hence are identified) or are caught, records need to be maintained and shared publicly.

Applications to Eurostat may allow researchers to access information on refusal rates for asylum applications (one being no travel documentation), which provides an insight into the number of migrants smuggled, but does not provide a reliable estimation. Australia does not appear to publicly release information relating to people who were smuggled to Australia by sea or air, and neither do other preferred destination countries, such as Canada and the United States. The same is the case among labour migrants to Gulf States. Ad hoc information appears in some UN reports, drawn from interviews on the ground and unknown sources (UNHCR, 2015b). There is also some information relating to convicted migrant smugglers, sourced through the University of Queensland's Migrant Smuggling Database (University of Queensland, 2016).

Ultimately, the data that is collected on information such as smuggling fees, routes, views towards smugglers, estimates of migrant smuggled and demographic characteristics of smugglers is generally sourced by researchers using primary data.

The limited statistical data, largely sourced from UNODC reports (UNODC, 2013 and 2015), is presented below.

Bangladesh

Bangaldeshis are thought to have migrated irregularly to India with approximately 25,000 entering each year, to Pakistan with approximately 1,000,000 in total (Medhi, 2010), and the Maldives with approximately 35,000 in total (UNODC, 2015:37). About 10,000 irregular migrants live in Malaysia, while 12,000 to 20,000 of those living in the United States are thought to have arrived irregularly (UNODC, 2015:37). Other countries have lower reported levels of irregular migrants; in 2012, 52 were detected in Italy, 193 in Australia, 771 in Spain, 781 in France and 1,190 in the United Kingdom (UNODC, 2015).

Overall, these numbers suggest that Bangaldeshis are generally smuggled into neighbouring countries, while with respect to developed countries, most appear to be smuggled to the United States.

There are estimates of around 30,000 Rohingya living in refugee camps in Bangladesh, with a further 270,000 irregular Rohingya migrants residing in the country (UNHCR, IOM and UNODC, 2015). Malaysia and Thailand are destination countries for Rohingya, although the exact numbers sourced from Bangladesh versus Myanmar are uncertain. For example, UNHCR estimates that 87,000 people, mainly Rohingya and also Bengalis, have been smuggled from Bangladesh and Myanmar to Thailand between January 2014 and April 2015 (UNHCR, 2015b).

India

India is host to irregular migrants from Bangladesh, Nepal and now to a lesser extent, Sri Lanka. In 2012, most Indian irregular migrants were detected living illegally in the United Kingdom (2,880), followed by Australia (2,691), Germany (1,215), France (1,030) and to a lesser extent, Belgium, Italy, New Zealand and Spain. Other destination countries include Canada, Denmark, the Netherlands and the United States (UNHCR, 2015b). The irregular migrant population of Indian nationals in European Union Member States is estimated at

between 1.9 million and 3.8 million people, while between 430,000 and 618,000 Indian nationals were estimated as residing in the United Kingdom illegally, and 240,000 in the United States (UNHCR, 2015b). However, according to Pitkanen and Korepla (2014), in 2013, the proportion of Indians living irregularly in the United Kingdom is less than 10,000 people and lower than that in other European Union Member States. Pitkänen and Korepla (2014) source their data from Eurostat.

Pakistan

Pakistan is a destination country for people, such as Hazara, from Afghanistan. In 2013, it was estimated that there were 4 million irregular migrants in Pakistan, with approximately 2.7 million being Afghans (UNODC, 2013).

According to the UNODC (2015:12), "the main destination countries for smuggled migrants from Pakistan are Germany, Scandinavian countries, and the United Kingdom, although Austria, Belgium, France and Italy are also popular destination countries". Australia was a popular destination country for irregular migrants from Pakistan in 2012. However, subsequent to changes in Australian policy, irregular migrants from Pakistan reduced dramatically.

According to the Federal Investigation Agency, over 50,000 irregular migrants were deported to Pakistan in 2011 and 2012 (UNODC, 2013).

Sri Lanka

Key destination countries for Sri Lankans are Australia (for which irregular migration has considerably decreased from 2011 highs), Canada, France, Germany, India, Italy, Malaysia, New Zealand, the United Arab Emirates and the United States. While information relating to asylum applications exists, there appears to be limited data involving the number of actual irregular migrants, with 2012 data showing up to 2,812 Sri Lankans attempted to enter Canada irregularly, while 6,412 irregular migrants arrived in Australia in 2012 (UNODC, 2015). In 2011 and 2012, Australia was a key destination country; however, driven in part by strong policy responses by the Government of Australia, the trend has shifted towards Europe and Canada.

Review of migrant smuggling research

Much of the existing literature relating to smuggling focuses on irregular migration to Europe from traditional source countries, which includes Pakistan. However, the focus on research of smuggling activities in Sri Lanka, India and Bangladesh is limited. The existing literature has been discussed categorizing them into two groups: (a) grey literature; and (b) academic research. Although the boundary between these categories is not always clear, the literature under the purview of academic research employs systematic methodology and passes through rigorous peer review process compared to the grey literature, which may place less emphasis on these factors.

Grey literature

There exist a large number of publications covering issues around irregular migration from South Asia in the form of reports and policy briefs produced by governmental, non-governmental and multilateral organizations. Based on the analysis of 31 publications (albeit not an exhaustive list), over two thirds of the relevant research has been specifically funded by international organizations, although over three quarters of the two thirds were undertaken in partnership with private institutions and/or academia. The funded work is largely applied research. Many of these studies have policy implications and suggestions; however, some specifically refrain from providing policy advice, although the results can be used to frame policy. Some grey literature examines the status and conditions faced by irregular migrants from Bangladesh, including Rohingya in Thailand and Malaysia (UNHCR, IOM and UNODC, 2015) and policy proposals to address irregular migration in Bangladesh and Myanmar (UNHCR, 2015a). The literature on Pakistan discusses the migrant smuggling market, offering insights into the roles and networks of smugglers, trends of human trafficking and migrant smuggling (UNODC, 2013), cross-border migration between Afghanistan and Pakistan (Davin and Majidi, 2009). Studies on Sri Lanka analyse the migrant smuggling market and the role of smugglers and networks (Raghavan and Jayasuriya, 2016b), characteristics of migrants and the decision-making processes (Howie, 2014; Hugo and Dissanayake, 2014), and drivers of irregular migration (Jayasuriya and McAuliffe, 2013). There are also some multi-country studies; for instance, McAuliffe (2013) examines the views of irregular migrants, including those coming from Bangladesh, India, Pakistan and Sri Lanka in terms of decision-making, drivers and migration journeys. Others explore drivers of irregular migration and the size of migrant flows (Jayasuriya and McAuliffe, 2013), smuggler's business model (Raghavan and Jayasuriya, 2016a and 2016b; Barker, 2013), and the trends of migrant smuggling, complexity and challenges (UNODC, 2015).

Several criticisms may apply to the quality of grey literature, including lack of critical scrutiny, systematic research methodology and peer reviews (see Carling in this volume, for a nuanced discussion). While some grey publications on irregular migration is of high quality and peer reviewed (such as Government of Australia's irregular migration research programme publications), many suffer from these caveats. Despite enormous variations among grey literature, they are largely qualitative and draw on secondary sources.

Academic literature

There has been limited academic research on irregular migration in South Asia, let alone on migrant smuggling. However, in recent years, the academic literature on irregular migration is burgeoning, offering rich insights into various aspects of irregular migration and, to some extent, on migrant smuggling. Several studies have analysed trends and volume of irregular migration and drivers of such migration in India (Rajan, 2014; Saha, 2012), Bangladesh (Rahman and Kabir, 2012), Afghanistan and Sri Lanka (Ganguly-Scrase and Sheridan, 2012), and Pakistan and Bangladesh (Kassim and Zin, 2011). While Rajan (2014) investigates migration in general, the study presents a section with statistics of irregular migration from India to Europe drawn from Eurostat. Analysing cases of 1,173 irregular migrants recorded at the international airport in Delhi, Saha (2012) investigates trends and volumes of irregular migration, as well as migrants' demographic profile, exploring reasons for irregular migration. Based on interviews with internally displaced people in Afghanistan and Sri Lanka, Ganguly-Scrase and Sheridan (2012) explore migrants' differing perspectives for the internal displacement and the factors shaping their decisions for seeking asylum.

The process involved in irregular migration, migration routes, the role of migrant smugglers and their profiles have also been studied (İçli, Sever and Sever, 2015; Koser, 2011; Leman and Janssens, 2012; Rahman and Kabir, 2012; Saha, 2012). Drawing on empirical research in Afghanistan and Pakistan, Koser (2008) "follows the money" for 50 migrants smuggled to the United Kingdom to illuminate the financing of smuggling – how smuggling operates in terms of costs of irregular migration, and terms of payments and distribution of smuggling fees among different layers of smugglers and their supporters. It shows the evidence of a "money-back guarantee" on smuggling, which is an arrangement making payment to a third party, who then releases the payment to the smuggler only after migrants arrive in their destination. İçli et al. (2015) provide in-depth insights into understanding profile and perspectives of migrant smugglers and the operation of migrant smuggling by interviewing 174 smugglers and 262 illegal migrants found in Istanbul from 2007 to 2013. Similarly, Leman and Janssens

(2012) investigated "entrepreneurial culture" among Albanian smugglers and traffickers, analysing 43 Albanian judicial files in Belgium from 1995 to 2005, as well as the personal agency of the smuggled and practices in shaping specific entrepreneurial culture. Drawing on surveys of over 35,000 households in Pakistan, Sri Lanka, Bangladesh, Afghanistan and Australia, McAuliffe and Jayasuriya (2016) show that asylum policy was a key reason why refugees sought asylum in Australia.

Further, irregular migration within South Asia has also been studied (Kumar, 2012; Rahman and Kabir, 2012). Kumar (2012) highlights open border between Nepal and India as a conduit for irregular migration despite several benefits. Based on the review of the existing literature, Reddy (2012) investigates patterns of irregular, cross-border illegal migration in the South Asian region. Some research has also considered the implications of irregular migration on families left behind, such as in the case of Bangladeshi migration to Italy (Rahman and Kabir, 2012).

The review of the existing literature suggests that more research is needed to unpack the process of migrant smuggling throughout the migration journey and actors involved. Similarly, further in-depth studies into migrant smugglers are required to explore smugglers throughout the migration journey, their roles, sharing of fees and risks they face. Equally important is transnational links between smuggled migrants and their family members residing back home.

In terms of geographical focus, almost all Sri Lankan-based research was undertaken by Australian-based researchers, while Indian and Pakistani research was funded by European-affiliated institutions. Bangladesh-specific research was rare, and those that did exist appear to be funded by the UNHCR.

Each country is unique, as is the smuggling process from each country. As such, it is difficult to present details that are applicable to all studies. Generic information is that smugglers appear to operate using business models, with different layers and structures depending on the country of origin and country of destination. The fees vary considerably from source countries, with agents in Sri Lanka and India charging the most, followed by agents in Bangladesh and Pakistan.

Methodology

The methodologies applied are largely qualitative, with only approximately one fifth using quantitative techniques. This appears reasonable, given the difficulty obtaining scale for interviewing smuggled irregular migrants, as well

as the migrant smugglers. Several studies used qualitative methods, mainly interviews and focus group discussions. For instance, Koser (2008) interviewed 50 families of smuggled migrants and 10 migrant smugglers and facilitators, contributing towards better articulation of the "business" model. Leman and Janssens (2011) studied smugglers and traffickers in Belgium using 43 Albanian judicial files from 1995 to 2005. Regarding few quantitative studies, Rahman and Kabir (2012) used household remittance survey undertaken by IOM in Bangladesh. Rajan (2014) drew on secondary resources (that is, Eurostat). A study combined qualitative and quantitative data – quantitative interviews with 404 respondents and focus group interviews with government officials (Kassim and Zin, 2011). İçli et al. (2015) and McAuliffe and Jayasuriya (2016) also draw on quantitative data. Unlike the case of West and Central Africa (see Carling, in this volume), research involving extensive ethnographic engagement at transit points, along smuggling routes as well as that employing multisited fieldwork is rare in South Asia.

Academic research and policy nexus

Academic research reviewed here generally provides no specific policy recommendations although the results may have policy utility (such as McAuliffe and Jayasuriya, 2015; İçli, Sever and Sever, 2015; Leman and Janssens, 2011; Reddy, 2012). Yet, some studies have explicitly discussed policy implications. For instance, Koser (2008) discusses how to combat the migrant smuggling business model. From a source-country perspective, Saha (2012) highlights the importance of sharing information between the European Union and India and encouraging officials to participate in anti-migrant smuggling campaigns. From the perspective of a receiving country, Kassim and Zin (2011) explore policy options for addressing the problems of irregular migrants in Malaysia. Similarly, in view of the Australian context, Ganguly-Scrase and Sheridan (2012) offer policy options for addressing migrant smuggling, considering the broader political and individual contexts of prospective asylum seekers.

Conclusion and ways forward

This chapter demonstrates that while there has been promising progress in terms of data and research on international migrant smuggling and irregular migration in general in South Asia, there remains a substantial gap. There is limited information on smuggling activities in Bangladesh, India, Pakistan and Sri Lanka. When information exists, it is presented in an ad hoc and unsystematic manner. Given the dynamic nature of smuggling, a concern can be raised that what is the norm now could be different a short time later. Key examples are

the spike in irregular migration from Sri Lanka to Australia in 2012, as well as the large number of Rohingya fleeing Bangladesh in 2015. These flows may be influenced by policies of destination and source countries, as well as respective economic, security and political situations and even technological advances (McAuliffe and Jayasuriya, 2016; McAuliffe, 2016).

In the foreseeable future, several potential changes can be expected in relation to migrant smuggling. The fees charged by migrant smugglers change, depending on supply and demand factors, as well as restrictions imposed by different countries. The flows to certain countries may be diverted to others, depending in part on the relative tightening and loosening of irregular migration policies. The favoured routes may change, which may also impact on migrant smugglers' profits. The structure of smuggling operations may evolve over time.

Regular research and intelligence gathering in source countries would present policymakers with information on the evolving cost structures and operations of migrant smugglers. This could be employed cost-effectively using qualitative techniques, such as commissioning researchers to interview migrant smugglers in local communities. Quantitative techniques may allow a greater understanding as to the migrant smuggling market, however could be more costly. Such information could equip policymakers with a greater understanding of the migrant smuggling processes, but also present insights into how such processes can be disrupted and as a result, hopefully protect migrants from exploitation and abuse.

To sum up, this chapter suggests that three major aspects of migrant smuggling need to be further investigated. First, while drivers of irregular migration and migrant smuggling are studied, the literature examines largely individual or household characteristics. Research that accounts for not only individual characteristics of the smuggled migrant and the smuggler, but also broader structures, such as political, economic, environmental and cultural factors, including social networks and the role of social media, need to be undertaken to develop a fuller understanding. Such research can combine both quantitative and qualitative research approaches, involving multisited fieldwork along major migrant smuggling routes connecting source, transit and destination countries. Second, while the grey literature on smugglers and how they work is abundant, systematic research is required to understand the perspectives of smugglers – risks and benefits – situating them in a context where they live, along with their connections with government authorities. Finally, the need for research is paramount to understanding transnational links between the smuggled migrants and their family members living back home in terms of social and economic implications.

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9

SOUTH-EAST ASIA AND AUSTRALIA

Anne Gallagher and Marie McAuliffe

Introduction

Internal displacement, refugee and stateless populations and asylum and irregular labour migration flows have long posed challenges for South-East Asia as a region. Multiple drivers of irregular migration – such as conflict, inter-ethnic and broader community violence, natural disasters, profound inequality and lack of opportunity – feature in many parts of the region. Entry and border management are particularly challenging because of archipelagic and isolated borders, and further complicated by traditions of informal (often seasonal) migration for work. Illicit migratory practices, such as the corrupt behaviour that facilitates migrant smuggling and human trafficking, are endemic and have proved difficult to manage. The political, economic and social costs of irregular migration are growing for most States of the region, and it is unsurprising that this issue is now firmly established on the political, policy and research agendas in both South-East Asia[78] and Australia. Within this broader landscape, migrant smuggling has emerged as a persistent feature of irregular migration and a source of pressing concern to governments of the region.

While the situation has been markedly different in Australia (where the focus has remained squarely on traditional forced migrant categories of asylum seekers and refugees), the policy discourses in South-East Asia have tended to focus on "irregular migration" and "illegal/irregular migrants", with a strong leaning towards labour migration and migrant workers (Nethery and Silverman, 2015; Kneebone, 2015). This reflects the nature of international migration in the region: the search for work has always been the primary driver for irregular migration in South-East Asia (UNODC, 2015:vi). However, it is also apparent that there has been a preference on the part of policymakers to conceptualize and depict international migration in the region in specific ways, including by downplaying asylum flows and populations in need of international protection.

[78] The United Nations defines South-East Asia as Brunei Darussalam, Cambodia, Indonesia, the Lao People's Democratic Republic, Malaysia, Myanmar, the Philippines, Singapore, Thailand, Timor-Leste and Viet Nam (see United Nations Statistics Division, 2013).

This conceptualization has been evident for decades. For example, during the Comprehensive Plan of Action for Indo-Chinese Refugees in the 1980s and 1990s, the Association of Southeast Asian Nations (ASEAN)[79] persistently but ambiguously referred to refugees as "illegal immigrants/displaced persons (refugees) from Indochina" (ASEAN, 1979).

The region as a whole has struggled to embrace the ideals and many of the practices associated with safeguarding migrants' rights – whether regular or irregular migrants, migrant workers, asylum seekers/refugees, students or smuggled and trafficked migrants. This can be seen in the weakness of legal and policy frameworks (both national and regional) relevant to the rights of migrants, including asylum seekers and refugees. In contrast, there has been a strong focus on countering the transnational criminal aspects of migration, as reflected in the region's embrace of relatively new international instruments and procedures developed to address the involvement of organized criminal groups in migration, including through trafficking and smuggling. For example, as shown in Table 9.1, all States in the region are party to the 2000 United Nations Convention against Transnational Crime, almost all are party to the related Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Trafficking Protocol), and most are party to the related Protocol against the Smuggling of Migrants by Land, Sea and Air (Smuggling Protocol). Conversely, few States in the region are party to the Refugee Convention (and related Protocol), even fewer have ratified the International Labour Organization (ILO) and UN migrant workers conventions and UN statelessness conventions.

[79] ASEAN Member States include the following: Brunei Darussalam, Cambodia, Indonesia, the Lao People's Democratic Republic, Malaysia, Myanmar, the Philippines, Singapore, Thailand and Viet Nam, with Timor-Leste and Papua New Guinea attending as observers.

Table 9.1: Ratification of selected international instruments by countries in South-East Asia

	1951 Refugee Convention and 1967 Protocol[1]	1975 ILO Migrant Workers Convention[1]	Either UN conventions on statelessness[2]	1990 UN Migrant Workers Convention[1]	2000 Convention against Transnational Organized Crime[2]	2000 Protocol against Smuggling of Migrants[1]	2000 Protocol to Prevent, Supress and Punish Trafficking in Persons[1]
Australia	1954	-	1973	-	2004	2004	2005
Brunei Darussalam	-	-	-	-	2008	-	-
Cambodia	1992	-	-	-	2005	2005	2007
Indonesia	-	-	-	2012	2009	2009	2009
Lao People's Democratic Republic	-	-	-	-	2003	2003	2003
Malaysia	-	-	-	-	2004	-	2009
Myanmar	-	-	-	-	2004	2004	2004
Philippines	1981	2006	2011*	1995	2002	2002	2002
Singapore	-	-	-	-	2007	-	2015
Thailand	-	-	-	-	2013	-	2013
Timor-Leste	2003	-	-	2004	2009	2009	2009
Viet Nam	-	-	-	-	2012	-	2012

Sources: 1. United Nations migration country profiles. Available from http://esa.un.org/MigGMGProfiles/indicators/files (accessed 8 September 2015); 2. UN Treaty Collection. Available from https://treaties.un.org/ (accessed 8 September 2015).

**Note*: The Philippines ratified the 1954 Convention relating to the Status of Stateless Persons but not the 1961 Convention on the Reduction of Statelessness.

The growing profile of migrant smuggling has resulted in the allocation of funds by concerned States to support research and other works of international organizations in this area. Partly as a result of this support, international organizations operating within this region have been very active, particularly over the past several years. Some examples of activities include the following: (a) capacity-building, technical assistance and training of officials in anti-smuggling techniques and approaches by the UN Office on Drugs and Crime (UNODC) and International Organization for Migration (IOM); (b) assisting victims of smuggling and/or trafficking by IOM and the United Nations High Commissioner for Refugees (UNHCR); (c) providing a level of protection to those escaping persecution via smuggling by the UNHCR; and (d) advocating for the rights of migrants (including smuggled migrants) by IOM, UNHCR and ILO. Of particular relevance to this chapter on migrant smuggling research and data is a range of work undertaken by the UNODC's Regional Office for South-East Asia and the Pacific that has shed light on aspects of migrant smuggling in the region while also providing useful resources for researchers, analysts, policymakers and practitioners.[80] This chapter draws on this work, most notably UNODC's online Bibliographic Database on Migrant Smuggling and Related Conduct (launched in October 2014),[81] its annotated bibliographies on migrant smuggling in Asia (UNODC, 2012 and 2014a), as well as its 2015 research report on migrant smuggling in Asia (UNODC, 2015).[82] Importantly, the definition of "smuggling" applied in the region, particularly by UNODC in its various roles but also by States generally, is based on the definition in the Smuggling Protocol (the unauthorized movement of individuals across national borders for the financial or other benefit of the smuggler) with its attendant focus on transnational criminal practices. As discussed later in this chapter, researchers have tended to examine smuggling through different lenses, including as a form of sociocultural practice, as well as a business/service industry.

International organizations working in the region, especially IOM, ILO and UNODC, have been consistently active on the issue of trafficking in persons but have not deeply engaged with the links between trafficking and migrant smuggling. The exploitative aspects of migrant smuggling, including its overlap with trafficking in persons, has been an occasional focus of attention for human rights organizations and other civil society actors in the region. For example, in collaboration with the Office of the UN High Commissioner for Human Rights (OHCHR), the Bangkok-based Global Alliance on Trafficking in Persons has been conducting research on migrant smuggling in the region (Global Alliance against

[80] In particular, the Coordination and Analysis unit headed by Sebastian Baumeister.
[81] Available from www.unodc.org/cld/index-sherloc-bib.jspx
[82] The research was led by Professor Andreas Schloenhardt, University of Queensland and Professorial Research Fellow at the University of Vienna.

Trafficking in Women, 2011) and contributed to the subsequent development of a set of principles and guidelines on human rights at international borders (OHCHR, 2014).

In this chapter, with its focus up until the end of 2015, we provide a brief overview of migrant smuggling in the region before outlining the main data available on the issue. We then provide a critical review of the research literature in the field published over the last five years. In concluding, we highlight that while significant improvements have been made in the region in recent years in relation to data and research on migrant smuggling, ongoing challenges remain in filling data and research gaps. We offer some suggestions as to how these gaps may be constructively addressed.

Overview of migrant smuggling in the region

Given its clandestine nature, and that both smugglers and smuggled migrants are often (but not always) seeking to evade detection by border authorities, migrant smuggling in the region is difficult to accurately assess and analyse. That said, in South-East Asia, irregular migration flows and the number of irregular migrants residing in countries are thought to be significant. For example, in a recent report on migrant smuggling in the region, UNODC asserted that, "In South-East Asia high levels of irregular migration take place within the region, particularly from the countries of the Mekong subregion to Thailand and Malaysia and also from Indonesia to Malaysia. These movements are, to a significant extent, facilitated by smugglers." (UNODC, 2015:57)

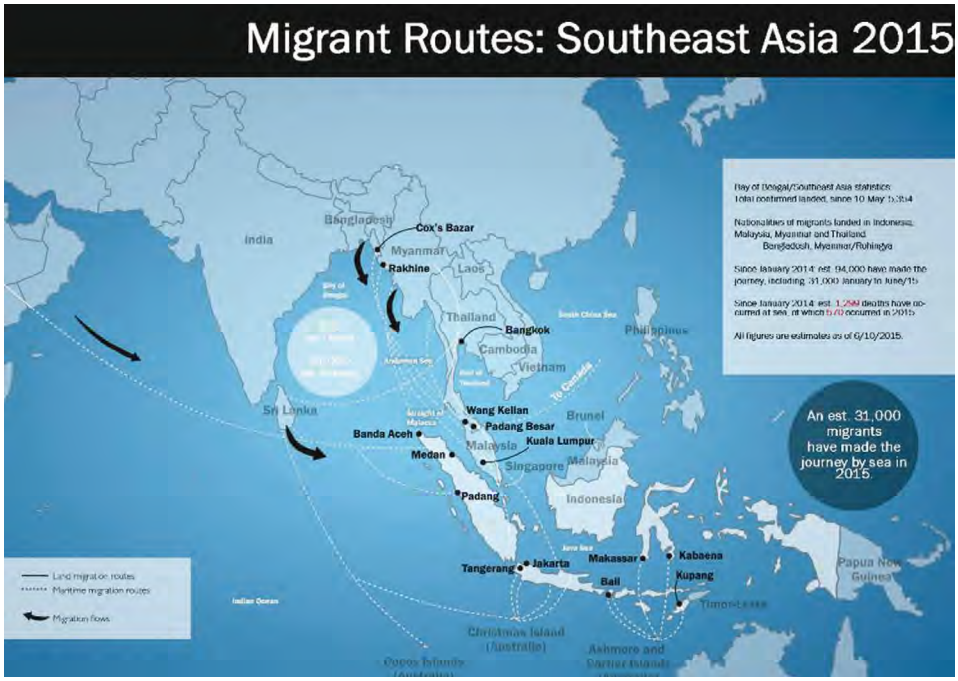
As is the case in other regions, the visibility of smuggling routes in South-East Asia is uneven – some routes being highly visible, while others remain largely in the dark. The most visible routes tend to be the maritime smuggling routes within the region, particularly those from Bangladesh and Myanmar across the Bay of Bengal and Andaman Sea to Thailand, Malaysia and Indonesia, as well as those from Indonesia (and Sri Lanka) to Australia – both of which consist mainly of asylum seekers. Other known smuggling routes dominated by irregular migrant workers (those between Indonesia and Malaysia, for example) are much less visible.[83]

While the exact composition and nature of migrant smuggling flows are difficult to ascertain, it is possible to deduce the region's major smuggling routes (see Figure 9.1) from (the usually easier to map) irregular migrant populations.

[83] However, note recent research discussed in the next section by Hugo and colleagues has provided valuable insights into these smuggling routes (Hugo, Tan and Napitupulu, 2014).

For example, Malaysia currently hosts over 2 million irregular migrant workers, well over half of them from Indonesia (Djafar and Hassan, 2012:704). It is reasonable to assume that while not all were smuggled, many used a smuggler at some point in their journey. It follows that the route between Malaysia and Indonesia is likely a busy and lucrative one for smugglers. The same may be said of the large populations of Myanmar, Lao and Cambodian irregular migrant workers in Thailand.

Figure 9.1: Migrant smuggling routes in South-East Asia and Australia



Source: IOM, 2015.

Certainly the link between migrant smuggling and irregular migration for work appears to be a strong one within the region. The expense and heavy administrative burden attached to regular labour migration channels have encouraged the development of informal networks of recruiters, brokers and transporters who often work together to facilitate irregular entry (Bustamante, 2007). UNODC cites the example of irregular migration from Cambodia to Thailand, which can cost a tenth of what migrants are required to pay to use regular channels (UNODC, 2015:61). Irregular migration networks feed high region-wide demand for low and semi-skilled workers across many sectors including construction, fisheries, manufacturing, agricultural work and domestic service. While the profile of irregular migrant workers is correspondingly diverse,

it has been asserted that younger men comprise the majority of flows, and that they are more likely to use the services of smugglers than women, who will more often migrate irregularly as part of a family group (UNODC, 2015:61).

Smugglers are a similarly diverse group, reflecting the multitude of tasks involved in smuggling operations. For example, smuggling from the Middle East to Australia via Indonesia involves high-level organizers who typically share the nationality of their clients and a multitude of intermediaries and local operators providing everything from fraudulent documentation to crewing of smuggling vessels (UNODC, 2013:45–47). Much smuggling within the region appears to be opportunistic or involving only loosely connected groups. There is little evidence of the presence of highly organized criminals except to the extent that large-scale involvement of corrupt officials – such as was revealed in the Rohingya[84] case – can be characterized as organized criminal activity. This picture may be different for smuggling operations through and from South-East Asia, which are relatively riskier and require a higher degree of organization.

While smugglers can help to ensure a safe border crossing, irregular migration in South-East Asia is fraught with dangers. Smuggling only compounds the risks. The perils of facilitated maritime crossings in the region, often in overcrowded, unseaworthy and poorly crewed vessels, have been well documented.[85] Land crossings can also be deadly. In 2008, a group of 121 Myanmar migrants who paid smugglers to transport them to Thailand in a seafood storage lorry began to suffocate after the air-conditioning unit failed. Though they managed to alert the driver, he refused to stop. Fifty-four migrants, most of them women, had died by the time the container was opened. No arrests were made, except of survivors who were quickly deported back to Myanmar.[86]

Facilitated irregular migration within South-East Asia often morphs into abuse and exploitation that may rise to the level of human trafficking. In fact, in this region, there can often be little to distinguish between what Kyle and Dale have referred to as "migrant exporting schemes" and "slave importing operations" (Kyle and Dale, 2011). The smuggled Rohingya asylum seekers who ended up being sold into forced labour in Thailand (see Box 9.1) provide an example of this slippage, as does the debt-financed and facilitated migration of poor Indonesian women into domestic service in Malaysia (Andreviski and

[84] Note that the term *Rohingya* as used to describe the Muslim peoples of Rakhine State, Myanmar, is not accepted by the Government of the Union of Myanmar, which in June 2016 issued an order directing State-owned media to use the term "Muslim community in Rakhine State".

[85] On deaths of smuggled maritime asylum seekers en route to Australia, see Weber and Pickering (2014) at pp. 177–206.

[86] See MacKinnon (2008); Human Rights Watch (2010) at p. 90 and note 226. For a useful and detailed analysis of this case, see Gjerdingen (2009).

Lyneham, 2014). The following case study explains how the intersection between smuggling and trafficking operates in this setting.

Box 9.1: The intersection between migrant smuggling and human trafficking in practice

> Thirty-two-year-old Heni … came to Malaysia on March 2009. ... She used the service of an agent who was an acquaintance from her village, and paid RM 1,500 to the agent. She came to Malaysia with 15 others using social visit passports. In Penang, the agent took away all their passports and sent them to employers who needed them. She worked in Gelugor, Penang and was paid RM 500 a month. The agent took all of her salary for the first four months. … she was captured by the authorities when she stayed at a friend's house in Relau, Penang (Ajis, Askandar and Awang, 2015:129).

Smuggling of asylum seekers and refugees

Available information appears to confirm that migrant smuggling plays an important role in moving asylum seekers and refugees through and out of the region. While acknowledging this link, it is important to note significant exceptions, especially in relation to sudden onset, large-scale movements caused by transnational or civil conflict. For example, smuggling did not appear to be a part of the refugee flows from Viet Nam in the 1970s and 1980s, nor of the much more recent displacement of refugees from Myanmar into China's Yunnan Province as a result of civil conflict in early 2015 (Perlez, 2015). Generally however, it is apparent that many asylum seekers and refugees moving within, into and out of the region rely on migrant smugglers for some or all of their journey, and that some irregular flows involving smugglers are mixed, comprising migrants in need of international protection, as well as those who do not need protection (McAuliffe, forthcoming; UNODC, 2015).[87]

Asylum flows within the region are dominated by movement from Myanmar. The bulk of non-Myanmar asylum flows are moderate in comparison and have flowed largely to countries outside South-East Asia, including to China,[88] France, the United States, Papua New Guinea, India and Australia (see Table 9.4). There appears to be a particularly heavy reliance on smuggling by asylum seekers and refugees travelling by boat from Cox's Bazar in Bangladesh to Thailand, Malaysia and Indonesia (UNHCR, 2015; McAuliffe, 2015). Another prominent route until the end of 2013 was that taken by maritime asylum seekers from other regions including South Asia, Central Asia and the Middle East to

[87] Irregular maritime flows from Cox's Bazar, for example, comprise asylum seekers, refugees and migrant workers.

[88] The 300,000 Vietnamese in China moved to China between 1979 and 1982 and have integrated into the Chinese community and are awaiting citizenship. In March 2006, UN High Commissioner for Refugees António Guterres described the situation as "one of the most successful integration programmes in the world".

Australia, smuggled through transit countries including Indonesia, Malaysia and Thailand (Koser and McAuliffe, 2013; Barker, 2013). Not all the major routes are maritime. Asylum flows originating from South-East Asia to much more distant countries, particularly the United States and France, involve smuggling via air travel (UNODC, 2015:68–69). In addition, land crossings between Myanmar and Thailand, as well as Myanmar and Bangladesh (and to a lesser extent, Indonesia and Papua New Guinea) have historically been intertwined with smuggling (UNODC, 2015:69).

Review of data on migrant smuggling

Hard data on an unregulated, illicit activity such as migrant smuggling is difficult to collect, challenging to access and sensitive to report. While it is apparent that all States have some degree of data collection capability in relation to irregular migration flows, irregular migrant populations and migrant smuggling, this capability appears to be highly variable between States in the region. In addition, there may be government reluctance to share data, which may be related to a desire to avoid scrutiny or controversy. Information may also be restricted because it pertains to law enforcement investigations and prosecutions. Irrespective of the underlying motivations, the impact is significant. UNODC, the lead UN agency concerned with migrant smuggling, explains the difficulties encountered in seeking to establish what is happening:

> A major obstacle for any research conducted in this field is the lack of complete and reliable data and the difficulties in accessing data kept by various state institutions. A large number of governments do not specifically collect information on the question of whether a person's illegal entry or illegal stay was facilitated and whether this facilitation was motivated by a financial or material benefit, which would be in line with obligations under the Smuggling of Migrants Protocol. Thus, many governments do not distinguish in their statistics if a person was a smuggled migrant (an irregular migrant who resorted to the assistance of migrant smugglers) or if an irregular migrant entered or stayed in a country without the assistance of migrant smugglers … there is tremendous discrepancy between what is recorded regarding persons who were detected when attempting to illegally enter a country or when already illegally staying in a country and the data recorded regarding smuggled migrants. This represents a major challenge to researching and depicting migrant smuggling (UNODC, 2015:4).

The summary of data contained in the 2015 UNODC report (Table 9.2), with its many "unknowns", caveats and broad estimations, provides further insight into the very real impediments to estimating and reporting on smuggling in South-East Asia. But, as noted above, this has not prevented the emergence of general agreement on broad trends. It is generally acknowledged that migrant smuggling is characterized as follows: (a) widespread throughout South-East Asia, acting mainly to support specific sectors of national economies that rely heavily on unregulated labour; (b) often merges with human trafficking (as well as other illicit activities such as drug smuggling); and (c) facilitated by corrupted authorities and officials. These factors conspire to pose very significant risks to migrants' rights and well-being, irrespective of the reasons underpinning their unauthorized migration.

Table 9.2: Estimated numbers of irregular migrants and persons smuggled

	Origin			Destination		
	Irregular migrants	**Smuggled migrants**	**Residing in...**	**Irregular migrants**	**Smuggled migrants**	**From...**
Brunei Darussalam	-	-	-	Unknown	Unknown	Unknown
Cambodia	120,000 to 180,000	Unknown	Thailand	-	-	-
Indonesia	Several million	Unknown	Malaysia	-	-	-
Lao People's Democratic Republic	110,854	44,000	Thailand	-	-	-
Malaysia	-	-	-	3–5 million	Unknown	Indonesia, Bangladesh, Myanmar, Cambodia, Lao People's Democratic Republic, Philippines, Sri Lanka and Viet Nam
Myanmar	470,000+	Up to 90% of all irregular migrants	Bangladesh, Pakistan, India, Malaysia, Thailand	-	-	-
Philippines	765,000	Unknown	Malaysia, United States, Singapore, China (Hong Kong), United Kingdom, Saudi Arabia, United Arab Emirates	-	-	-
Singapore	-	-	-	Unknown	Unknown	Philippines, Malaysia, Myanmar
Thailand	-	-	-	2,500,000–3,000,000	Up to 80% of all irregular migrants	Cambodia, Lao People's Democratic Republic, Myanmar
Timor-Leste	Unknown	Unknown	Unknown	-	-	-
Viet Nam	Unknown	Unknown	France, Germany, United Kingdom, Sweden, Czech Republic, United States	-	-	-

Source: Summary of UNODC data contained in UNODC, 2015:57–59.
Note: The UNODC research team compiled the data based on returned surveys from participating countries (see UNODC (2015)), pp. 4–10).

The transnational criminal focus applied to smuggling in the region means that some data collected and coordinated at a regional level is kept out of the public domain on the (usually unspoken) grounds that its circulation could help smugglers. This is the case for the Voluntary Reporting System on Migrant Smuggling and Related Conduct (VRS-MSRC). The VRS-MSRC was developed by UNODC in support of the Bali Process, and is a web-based data collection system that assists States in collecting, sharing and using data on these issues. The data variables collected as part of the VRS-MSRC are in Table 9.3. The sensitive nature of the data collected would appear to preclude it being in the public arena as it relates to individuals, operations, smugglers' behaviour and intelligence gathering. UNODC actively encourages States' participation in the VRS-MSRC and recognizes that participation is linked to maintaining a confidential system for data-sharing purposes. Notwithstanding the number of States participating in the VRS-MSRC (20 States as of July 2014) (UNODC, 2014b),[89] sensitivities and tensions are evident. The majority of the 45 Member States of the Bali Process do not participate, with some expressing concerns about data sharing. China, for example, indicated at a recent Commission on Crime Prevention and Criminal Justice meeting that States have "the right to keep secrets about their borders and the workings of their law enforcement agencies that they are under no obligation to share, [and]…that the sharing of information could lead to data being leaked to human smuggling organizations" (Vanguard, 2015).

Table 9.3: Data variables collected in the VRS-MSRC

Illegal entries ▪ Total ▪ By citizenship ▪ By 'countries of last exit' ▪ By entry point ▪ By gender / age ▪ By land/sea/air and 'countries of last exit'	**Illegal exits** ▪ Total ▪ By gender / age By exit ▪ points ▪ By land/sea/air and ▪ 'countries of next ▪ destination' ▪ By citizenship	**Smuggled migrants** ▪ Total ▪ By citizenship ▪ By entry or exit points ▪ By land/sea/air and 'countries of last exit'	**Interaction between migrant smugglers**
Refused entries ▪ Total ▪ By citizenship	**Fraudulent documents** ▪ Total ▪ By "issuing countries" ▪ By entry or exit points ▪ Total persons using fraudulent documents ▪ By citizenship	**Suspects of migrant smuggling** ▪ Total (number of suspects) ▪ By citizenship ▪ By gender	**Migrant smugglers' involvement into other crime areas**
Illegal residences ▪ Total ▪ By gender / age ▪ By citizenship	**Routes** ▪ By countries	**Convicted migrant smugglers** ▪ By gender ▪ By citizenship	**Clients of migrant smugglers**
	Methods and fees ▪ By "from country to country"		

Source: Baumeister, 2013.

[89] See UNODC VRS-MSRC leaflet (2014b). Participating countries in the region include Australia, Cambodia, Indonesia, the Lao People's Democratic Republic, the Philippines and Thailand.

Further sensitivities and tensions involved in collecting and sharing data on migrant smuggling exist, including between States, on a confidential basis. In explaining the challenges encountered in operation of the VRS-MSRC, UNODC has highlighted a range of factors, such as the following: (a) competition among agencies at the national level and lack of coordination and cooperation between them; (b) differences between States with regard to the understanding of key terms and the data collected; and (c) mistrust and lack of international cooperation. Political will to genuinely share data is often compromised and, even where such will is present, there will often be operational difficulties translating it into effective action (Baumeister, 2013). The extent to which the VRS-MSRC has been successful in meeting the Bali Process and UNODC's data-sharing objectives is unclear. It is also unclear the extent to which non-government researchers and analysts (possibly under the guidance of UNODC) have had access to de-identified smuggling data collected in the VRS-MSRC, or whether this possibility has been explored. According to senior officials however, the VRS-MSRC continues to operate, and work is underway on improving "data networks, collection, management and reporting", as well as a future phase to include "translation of support documents to languages other than English and the possibility of extending the system to capture human trafficking-related data" (Bali Process Ad Hoc Group Senior Officials Meeting, 2015).

At the State level, very little data on migrant smuggling is publicly available. In some cases, data that used to be available has been significantly reduced. For example, until September 2013, the Government of Australia routinely released basic information on smuggled maritime migrants and Suspected Illegal Entry Vessels (SIEVs) intercepted by authorities. However, the commencement of Australia's military-led Operation Sovereign Borders in 2013 was accompanied by new and substantial restrictions on the release of information about smuggled migrants and SIEVs. This approach was justified as necessary to "carefully manage the release of information to protect our people and avoid assisting smugglers" (Campbell, 2014:8). The change in approach has undoubtedly made it harder for smugglers to remain abreast of the success or otherwise of their ventures. Likewise, it has made it more difficult for researchers, analysts, commentators and others to gain information on maritime smuggling to Australia, although some limited information on maritime smuggling ventures and responses is made available publicly but usually long after events have taken place.[90]

[90] See for example About the Operation Sovereign Borders, website of the Department of Immigration and Border Protection, Government of Australia. Available from www.border.gov.au/about/operation-sovereign-borders

Data on smuggling of asylum seekers and refugees

Just as estimates of irregular migrant populations can provide an indication of migrant smuggling flows, UNHCR data provides useful insights into migrant smuggling routes to, within and through the region. This data can also help identify smuggling patterns and changes in smuggling dynamics, as well as potential smuggling "hotspots" that could be preemptively addressed through multifaceted policy interventions aimed at addressing underlying causes (such as reducing inter-ethnic violence in specific communities), not just counter-smuggling activities. Asylum seeker application statistics, which indicate movements possibly (or in some cases undoubtedly) involving migrant smuggling, are especially valuable in this respect (see Table 9.4). Statistics on refugee populations (including those in refugee-like situations), as well as internally displaced and stateless populations, can also highlight populations at risk of migrant smuggling.

Table 9.4: At-risk populations in the region: Refugees, asylum seekers, internally displaced and stateless persons, 2014

	As a receiving country			Internal at-risk populations			As an origin country		
	Refugees (1)	Asylum seekers	Total	Internally displaced	Stateless	Total	Refugees (1)	Asylum-seekers	Total
Australia	55,598	22,745	78,343	–	–	–	25	6	31
Brunei Darussalam	–	–	–	–	20,524	20,524	1	1	2
Cambodia	63	40	103	–	–	–	13,062	263	13,325
Indonesia	4,270	6,916	11,186	–	–	–	14,408	1,773	16,181
Lao People's Democratic Republic	–	–	–	–	–	–	7,482	117	7,599
Malaysia (2)	99,381	51,240	150,621	–	40,000	40,000	468	957	1,425
Myanmar	–	–	–	376,500	810,000	1,186,500	479,001	51,347	530,348
Philippines (2)	222	109	331	142,430	6,370	148,800	668	1,118	1,786
Singapore	3	–	3	–	–	–	59	38	97
Thailand	130,238	7,931	138,169	–	506,197	506,197	231	413	644
Timor-Leste	–	–	–	–	–	–	13	10	23
Viet Nam	–	–	–	–	11,000	11,000	313,418	3,140	316,558
	378,756			**1,913,021**			**888,019**		

Source: UNHCR, 2015.

Notes: (1) Refugees include persons in refugee-like situations.

(2) Figures do not include 80,000 Filipino Muslims currently in Malaysia without status, and as reported in the "other" category in UNHCR's *Global Trends 2014*.

Data on abuse, exploitation and deaths of smuggled migrants

As noted previously, smuggling can often involve abuse and exploitation of the migrants involved, either during their journey or at destination (and also on return, if indebted). In some cases, abuse and exploitation may lead to the identification of a migrant smuggling situation, and thereby contributes to a deeper understanding of smuggling patterns and trends. An example is provided by the Rohingya crisis of 2014, aspects of which are dealt with in Box 9.2. In this case, details of the smuggling experience of the migrants emerged only after the severe exploitation they experienced at the hands of smugglers came to light.[91]

Intergovernmental organizations and private sector bodies are playing an increasingly active role in mapping trafficking routes and calculating numbers of victims.[92] This information can provide an important contribution to understanding migrant smuggling because of the links and overlaps between the two practices. In the Asia-Pacific region, it is generally accepted that while only a small percentage of irregular migrants are trafficked for exploitation, most victims of trafficking are irregular migrants – subject to exploitation such as forced labour in a country that is not their own but to which they travelled in order to obtain work. In such situations, trafficking may be part of the smuggling process (as appears to be the case for some smuggled Rohingya asylum seekers), or it may take place after the migrant is smuggled across the border. Either way, data on trafficking can be potentially useful as a supplementary source of insight. The situation of Thailand provides a useful illustration. The Global Slavery Index, produced by the non-governmental organization (NGO) Walk Free, estimates the number of persons held in "slavery" in Thailand to be almost half a million, with victims – many of them irregular migrants who have been smuggled – originating largely from neighbouring countries including Cambodia, the Lao People's Democratic Republic and Myanmar.[93] The US Department of State's annual Trafficking in Persons Report also highlights the link between smuggling and trafficking, affirming that officials on both sides of the border with Cambodia, the Lao People's Democratic Republic and Myanmar are complicit in smuggling undocumented migrants, some of whom become subject to trafficking and related exploitation (US Department of State, 2014:372–376). Given the likelihood that a significant proportion of those using irregular migration channels are relying on paid facilitators at some point, the following can be reasonably assumed: (a) smuggling plays an important role

[91] See for example, Yi (2016); Buckley and Barry (2015); Human Rights Watch (2015); Stoakes (2015); Tufft (2015); US Department of State (2014).

[92] See for example, UNODC (2014c); and Verité (2014).

[93] Note that the methodology used to arrive at this figure has been criticized as inadequate, including by one of the authors of the present chapter. See Gallagher (2014).

in the provision of exploitable labour to Thailand; (b) the number of irregular migrants smuggled into Thailand each year likely runs into the tens or even hundreds of thousands; and (c) major smuggling routes exist between Thailand and its immediate neighbours. Another important indicator of smuggling routes, which can also point to smuggling practices, is the estimated number of deaths en route. IOM's missing migrant data project systematically collects and reports on migrant deaths, including as part of migrant smuggling ventures.

Box 9.2: The Rohingya of Cox's Bazar

Myanmar has long regarded its Rohingya minority as irregular migrants,[94] and they have been the subject of long-term intergenerational systematic discrimination (Ullah, 2011; Southwick, 2015). This is most pointedly demonstrated by the Rohingya's inability to secure citizenship in Myanmar, rendering them stateless. In 2012, following extreme inter-ethnic violence in Myanmar's Rakhine province, large numbers of Rohingya fled to Bangladesh's district of Cox's Bazar adjacent to Rakhine province. Further displacement from Bangladesh has occurred over time, but most dramatically in May 2015 when thousands of Rohingya and Bengalis became stranded at sea after being abandoned by migrant smugglers (Newland, 2015).

The Rohingya of Cox's Bazar are widely acknowledged as being an irregular migrant population at serious risk of displacement, although little information or data are available on them (Parnini, 2013; Ullah, 2011). Challenges of accessing the population are significant. Most of what is known about the Rohingya of Cox's Bazar comes from UNHCR (as a service provider and advocate), NGOs and human rights groups operating outside Bangladesh and Myanmar,[95] as well as a small number of researchers who have conducted research on the population. Most research and information gathering, however, occurs after Rohingya have fled Bangladesh (and Myanmar) to neighbouring countries, including Malaysia and Thailand.[96]

Recent fieldwork conducted in Cox's Bazar, however, has shed light on the prevalence of specific smuggling processes in specific populations. In late 2014, a survey of 4,757 households in Cox's Bazar[97] was conducted involving both Rohingya and non-Rohingya households. The survey found that 94 per cent of Rohingya respondents had at least one household member who (*n*=1,073) wanted to migrate internationally on a visa, but of these, just 2 per cent indicated that this type of migration was likely (McAuliffe and Jayasuriya, 2016). Unauthorized migration to seek asylum was considered much more likely by Rohingya respondents (46% had at least one household member who wanted to seek asylum; 33% had at least one household member who considered they were likely to do so; 26% had at least one household member who was planning to do so). This was in stark contrast to non-Rohingya respondents (3% had at least one household member who wanted to seek asylum; 3% were likely to do so; 2% were planning to do so). Alarmingly, Rohingya were much more likely to be targeted by migrant smugglers, with at least one person in 27 per cent of households surveyed having been approached directly by smugglers during the previous 12 months compared with 6 per cent of non-Rohingya households.

[94] Note that the term *Rohingya* as used to describe the Muslim peoples of Rakhine State, Myanmar, is not accepted by the Government of the Union of Myanmar, which in June 2016 issued an order directing State-owned media to use the term "Muslim community in Rakhine State".

[95] Including the Arakan Project Bangkok, Fortify Rights Bangkok, Human Rights Watch.

[96] See, for example, Anwar (2013); Azis (2014); Amnesty International (2015).

[97] The survey was undertaken by Dr Dinuk Jayasuriya, Development Policy Centre, Australian National University, and commissioned by the Irregular Migration Research Programme in the Australian Department of Immigration and Border Protection.

Given extremely limited household incomes, very low education levels and compromised health of Rohingya (ibid.), the "attractiveness" of Rohingya in the eyes of smugglers was not entirely clear. Their capacity to pay for smuggling both before and after the smuggling process was not immediately apparent. The results were even more unexpected in light of results of other groups at risk of displacement and smuggling (for example, 8% of Hazara households in Pakistan and 17% of households in Afghanistan were approached by smugglers).

The May 2015 events, however, shed new light on the smuggling of Rohingya, bringing into stark relief the uneasy nexus between migrant smuggling and trafficking. It became clear – initially through investigative journalism resulting in the exposure of Thai trafficking networks[98] – that Rohingya (and Bengali) of Cox's Bazar were being smuggled into sophisticated trafficking networks operating out of Thailand. In July 2015, the Thai attorney general's office charged 104 people (including Thai officials) with human trafficking offences stemming from an investigation into jungle camps and mass graves found on the Thai–Malaysian border where Rohingya and others were held prisoners for ransom or sold into servitude (Barron and Lone, 2015).

The regional responses to the May 2015 humanitarian crisis, which were fragmented, inconsistent and uncoordinated, demonstrated that despite a strong focus on counter-smuggling and anti-trafficking, the region was ill-prepared for an irregular flow of around 7,000 people, some of whom were refugees (McAuliffe, forthcoming). The lack of research on Rohingya and the paucity of data on their irregular movements in the region was brought into clear focus following the crisis.

Review of migrant smuggling research

There is a growing body of research on migrant smuggling in South-East Asia and Australia, notwithstanding the difficulties in undertaking research on a sensitive issue that is largely clandestine in nature. To assess the nature and extent of research on smuggling in the region, the starting point was UNODC's October 2014 Annotated Bibliography on Migrant Smuggling in Asia (UNODC, 2014a).[99] The bibliography includes 76 publications from both academic and grey literature, with a focus on migrant smuggling in South-East Asia or Australia published between late 2010 and early 2014. The criteria used to compile the bibliography comprised a mix of key subject words and terms (such as "irregular migration", "smuggling" and "routes"), as well as all countries in Asia.[100] To supplement the UNODC bibliography, searches (for English-language materials only) were conducted in Google scholar and ProQuest to locate additional materials published in 2014 and 2015 (up until the end of 2015), which took the number of research publications up to 104. A list of research published since UNODC's 2014 Annotated Bibliography is in the appendix. While gaps are inevitable, the authors assess that the identified material provides both a

[98] Reuters journalists Jason Szep and Andrew Marshall, among many others.
[99] Note that the geographical scope of the bibliography is wider than that of the present chapter.
[100] The full list of criteria can be found at pages 3–5 of the report.

substantial and representative proportion of all recent relevant literature on the subject of migrant smuggling.

Within identified research, smuggling was mainly examined in the context of "irregular migration" with around 70 per cent of all material referencing irregular migration. Much of the research focused on smuggling patterns and underlying factors, with relatively less focus on smuggling practices (see Table 9.5). This is understandable as researching smuggling practices necessarily requires fieldwork that is difficult to conduct, time and resource intensive and possibly involves risks to both researchers and their subjects (both migrants and smugglers). Quantitative assessments of migrant smuggling were clearly difficult to undertake, with only four research publications including such assessments. Significantly, none of these were "academic" (published by academic publishers, principally in academic journals and books), instead published by international organizations or governments. Data accessibility is likely to be a key factor in the limited focus quantitative assessments reflected in the literature.

Table 9.5: Research topics related to migrant smuggling in South-East Asia or Australia, 2010–2015

Research topic	Number of research publications
Smuggling	104
Routes	49
Factors underpinning irregular migration	47
Modus operandi of smugglers	23
Profile of smuggled migrants	20
Human and social cost of smuggling	21
Fees	19
Profile of smugglers	13
Organization of smuggling	5
Quantitative assessment	4

Source: UNODC, 2015; authors' own research.

Most of the research (60%) was academic as defined above. Government agencies were the second most active source of published research (17%), although it should be noted that most of this was produced through the Government of Australia's Irregular Migration Research Program, which supported academic and applied research on irregular migration (McAuliffe and Parrinder, 2015). Subtracting this source, the percentage of identified publications from government sources falls to 8 per cent. Publications of international organizations (principally UNODC) represent around 10 per cent of the total pool. Some of these were supported financially by the Government of

Australia. The remaining research was published by civil society (such as Human Rights Watch and Amnesty International) and private sector researchers.[101]

Analysis of the identified research confirms a strong focus on qualitative research methods, with 63 per cent of the research involving qualitative methods and a further 19 per cent employing mixed methods. Only five studies employed quantitative methods, two of which were completed as part of Australia's Irregular Migration Research Program. Given the difficulties accessing study subjects for empirical research (including potential or actual migrants and migrant smugglers), as well as the challenges accessing quantitative data for secondary analysis, it is not surprising that the main research methods employed were qualitative. The high reliance on qualitative research methods may also reflect disciplinary approaches: legal research for example, which rarely employs quantitative methods, was much more prevalent in the identified research. This was especially pronounced for research on Australia, with around a third of all Australia-focused research being undertaken within a legal disciplinary framework.

The geographic focus of the literature was highly uneven with Australia-focused research accounting for almost two thirds of the total research; the Indonesia–Australia maritime smuggling corridor being the primary topic of interest. The Indonesia–Malaysia smuggling corridor also received significant attention, as did the smuggling systems in the Greater Mekong region. There was little smuggling research identified on Singapore (six publications), the Philippines (eight), Viet Nam (seven) and the Lao People's Democratic Republic (eight), and an absence of any work focusing on Timor-Leste and Brunei Darussalam.

Much of the identified research focuses on the policy and political discourses of the region, particularly around border management and counter-migrant smuggling, and often through a law enforcement lens. This is not to say that researchers agree with those discourses but rather that they have provided a focus for critically examining migrant smuggling in the region. By using dominant discourses as a starting point, researchers have made contributions to the ongoing development of a more sophisticated understanding of manifestations of the migrant smuggling phenomenon, including through applying sociocultural analytical frameworks. Alternative conceptualizations are provided, for example, through the recasting of assumed frames of reference, including in relation to territoriality and the development of informal migration industries (McNevin, 2015).

[101] One research publication identified by UNODC was self-published.

Other researchers have examined the practical implications of the smuggler–migrant power imbalance, including how exploitation and abuse occurs, as well as the business structures and processes that act to support smuggling operations (Amri, 2015; Missbach, 2015; Zulyadi, Subramaniam and Kamello, 2014). In their research on the nexus between smuggling and trafficking in Malaysia, Ajis, Askandar and Awang use case studies to illustrate key findings and provide greater depth to data collected on aspects of smuggling and irregular migration.

With a heavy leaning towards normative frameworks, law enforcement and criminology, the research findings of key researchers in the field of migrant smuggling in the region have clear implications for policy. The work of Schloenhardt, Missbach and Gallagher, for example, while acknowledging their differing disciplines and approaches, all offer insights that are policy relevant, particularly as they relate to understanding how counter migrant smuggling approaches are able to be subverted or may otherwise be unsuccessful. As Schloenhardt and Cottrell (2014:285) argue in their analysis of the aspects of Australian legislation on the financing of smuggling:

> While the objective of preventing the financing of a heinous crime and the cutting off of support provided to migrant smugglers might be a laudable goal, the offences of supporting people smuggling introduced … run the risk of criminalising conduct that is not only widespread, but that is also not inherently illegal … it is extremely doubtful that the new "anti-migrant smuggling financing" regime can and will achieve its stated purpose.

Conclusion and ways forward

The quality and quantity of data on migrant smuggling and irregular migration in South-East Asia and Australia has improved significantly over the past several years. It is now understood, better than ever before, how smuggling happens, who is involved, and what the consequences are. The capacity to assess and predict the impact of anti-smuggling laws, policies and practices is correspondingly enhanced (see Schloenhardt and Cottrell, 2014; and McAuliffe, forthcoming).

That said, significant challenges remain. The body of research examined in this chapter confirms that available information is uneven and incomplete. For example, the high profile of Australia as a destination country for smuggled migrants and the relatively greater capacity of Australia to conduct and support research has resulted in a skewing of information and analysis towards the situation as it affects that country. This is the case even though smuggling

elsewhere in the region appears to be more problematic for both migrants and States. Data collection is heavily skewed towards law enforcement, with little information available on the experiences of smuggled migrants, including their abuse and exploitation. Available information provides little insight into how national policies and regional cooperation frameworks have or have not worked in relation to specific incidents of migrant smuggling.

Advancing regional understanding of migrant smuggling and supporting multifaceted evidence-based policy will require these and other shortcomings to be addressed. Priorities identified by the authors of this chapter include the following:

- A greater focus on perspectives of smuggling from transit and country of origin, including on the role of corruption in facilitating movement and shaping the experiences of smuggled migrants. This will require improved support for the involvement of national researchers and institutions in academic and applied research.
- More attention to the experiences of smuggled migrants including their experiences of abuse and exploitation.
- Greater attention to linking knowledge about the mechanics of migrant smuggling (what is happening, to whom and with what consequences) with knowledge of migrant smuggling policy and practice with a view to understanding how one impacts the other. This will require closer links between States in the region and researchers from academia and international organizations.
- Broader and more consistent use of tools such as the UNODC VRS-MSRC. Ongoing monitoring of the system's functioning will be important to ensure it continues to meet the needs of participating States and attracts the participation of States not currently involved.
- Case-based / situational research and analysis aimed at securing information and insight into national and regional capacity to respond to major smuggling-related events. Recent commitments by Bali Process leaders to undertake a review of the regional response to the May 2015 "irregular migration events in the Andaman Sea" in order to share lessons and develop recommendations aimed at improving contingency planning is an important step forward in this regard.[102]

[102] See tenth ad Hoc Group (AHG) Senior Officials' Meeting of the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime (Bali Process) held in Bangkok on 2 February 2016, Co-Chairs' Final Statement, para. 11.

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Appendix

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10

NORTH-EAST ASIA

Jiyoung Song

Introduction

This chapter examines existing data and research on migrant smuggling in North-East Asia, namely China, Japan, the Democratic People's Republic of Korea (hereafter referred to as North Korea), the Republic of Korea (hereafter referred to as South Korea),[103] Mongolia, and the eastern part of the Russian Federation. The biggest source countries are China and North Korea, followed by a smaller source from Mongolia and the Russian Federation. The destination countries are South Korea and Japan. Data is severely limited not only because of the clandestine nature of migrant smuggling but also because of the two source countries' undemocratic and developing status. The destination countries have limited priorities to share information with researchers on monitoring and updating illegal entries of migrants, prosecution of smugglers and referral of smuggled migrants.

In North-East Asia, migrant smuggling takes place within the broader regional context of geopolitics, security and development that have impact on decision-making of individuals and their families out of the country through irregular migration. The region narrowly defines irregular migration as undocumented labour migrants and smuggled people. Subsequently, the literature on the region is limited to these two areas and do not include trafficking in persons or asylum seeking. This problem is exacerbated by the lack of specific legislation on migrant smuggling among countries in the region. More often than not, migrant smuggling is subsumed under general laws aimed at reducing irregular migration. Where anti-smuggling laws do exist, enforcement and implementation often remain weak. This leads to the absence of official criminal justice statistics on migrant smuggling, including the number of smuggled migrants detected by law enforcement and border officials, and the number of smugglers prosecuted in general (Kangaspunta, 2007).

[103] Democratic People's Republic of Korea and Republic of Korea are the country names in the UNTERM database. For editorial and spacing reasons, North Korea and South Korea respectively will be used in this chapter.

North-East Asia as a region does not actively cooperate on counter-smuggling initiatives. Table 10.1 presents the current status of ratification of the United Nations Convention against Transnational Organized Crime, and the two supplementary Protocols: the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and the Protocol against the Smuggling of Migrants by Land, Sea and Air. China and North Korea have not signed the Palermo Protocol on people smuggling. China prioritizes bilateral relations with North Korea on illegal border crossings and repatriates everyone back to North Korea regardless of their reasons for entering China. Japan has not ratified the Palermo Protocol.

Table 10.1: Ratification status of North-East Asian countries (as of December 2015)

	UN Transnational Organized Crime Convention	Palermo Protocol on Trafficking	Palermo Protocol on Smuggling
China	23 Sep 2003	8 Feb 2010 (acceded)	
Japan	12 Dec 2000 (signed only)	9 Dec 2002 (signed only)	
South Korea	5 Nov 2015	5 Nov 2015	5 Nov 2015
North Korea	-	-	-
Mongolia	27 Jun 2008 (acceded)	27 Jun 2008 (acceded)	27 Jun 2008 (acceded)
Russian Federation	26 May 2004	26 May 2004	26 May 2004

Source: Signatories to the United Nations Convention against Transnational Crime and its Protocols, United Nations Office on Drugs and Crime (UNODC). Available from www.unodc.org/unodc/en/treaties/CTOC/signatures.html (accessed on 11 July 2016).

One of the few international agreements China has committed to is the 2002 Joint Declaration with the Association of Southeast Asian Nations (ASEAN) on Non-Traditional Security, which include the issues of migrant smuggling and trafficking in persons. Since 2004, there have been interministerial meetings of the Coordinated Mekong Ministerial Initiative against Trafficking among China and five South-East Asian countries on counter-trafficking.

History and geopolitics have been the blocking factors for regional cooperation between China, Japan, North Korea, South Korea and the Russian Federation. China, North Korea and the Russian Federation are traditional cold-war allies, whereas Japan and South Korea are close to the United States. North Korea and South Korea are technically at war as the 1950–1953 Korean War ended with an armistice, not with a peace treaty. Borders are strictly guarded. Internal mobility is highly limited in China and the North Korea, as are cross-border movements.

The following sections provide the overviews of the situations of migrant smuggling in North-East Asia, data collection and research methodologies, followed by a critical review of the current literature in the field. Key limitations and challenges in pursuing scientific research with reliable data are analysed. In concluding, a few examples of good practices are outlined.

Overview of migrant smuggling in the region

Estimates of smuggled migrants

The biggest smuggled migrant population in and out of North-East Asia is the mainland Chinese who use illegal channels to move to more developed and welfare States in Europe, North America or Australia. Approximately 36,000 and 12,000 Chinese irregular migrants entered the European Union and the United States in 2010 respectively (UNODC, 2013, 2015). The Canadian Border Services Agency recently estimated that 92 per cent of all Chinese irregular migrants arriving in Canada engaged a smuggler at some stage during their journey (UNODC, 2015).

Table 10.2: Chinese nationals detected attempting illegal entry

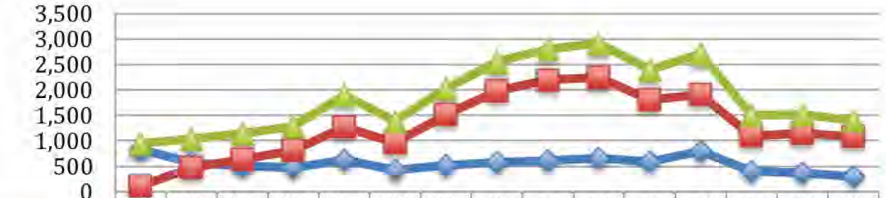
		2008	2009	2010	2011	2012	First half of 2013
Canada	Total	613	717	1,013	1,237	1,479	400
	By land	6	27	11	10	7	7
	By sea	4	9	4	7	3	4
	By air	603	681	998	1,220	1,469	389
France	Total	3,560	1,576	361	267	239	186
Germany	Total	1,308	1,434	1,045	800	938	
Italy	Total	323	316	250	128	177	86
	By land	176	155	75	62	40	11
	By sea	5	3			1	
	By air	142	158	175	66	136	75
Philippines	Total					1,273	768
	By air					1,273	768
Thailand	Total	604	620	336	271	302	384

Source: Recreated from UNODC, 2015.

North Korean migrant smuggling takes mixed forms of irregular and regular migration through China and South-East Asia to South Korea (Song 2013, 2015b). Between 2006 and 2011, more than 2,000 North Koreans entered South Korea

annually. According to the South Korean Ministry of Unification, approximately 80 per cent of the 1,894 North Koreans who arrived in South Korea in 2004 engaged brokers. The US State Department further estimated that between 30,000 and 50,000 refugees from North Korea entered China; other organizations estimated anywhere between 100,000 and 300,000 (Tanaka, 2008).

Table 10.1: North Korean arrivals in South Korea



	~'98	~'01	'02	'03	'04	'05	'06	'07	'08	'09	'10	'11	'12	'13	'14
Male	831	565	510	474	626	424	515	573	608	662	591	795	404	369	304
Female	116	478	632	811	1,272	960	1,513	1,981	2,195	2,252	1,811	1,911	1,098	1,145	1,092
Total	947	1,043	1,142	1,285	1,898	1,384	2,028	2,554	2,803	2,914	2,402	2,706	1,502	1,514	1,396

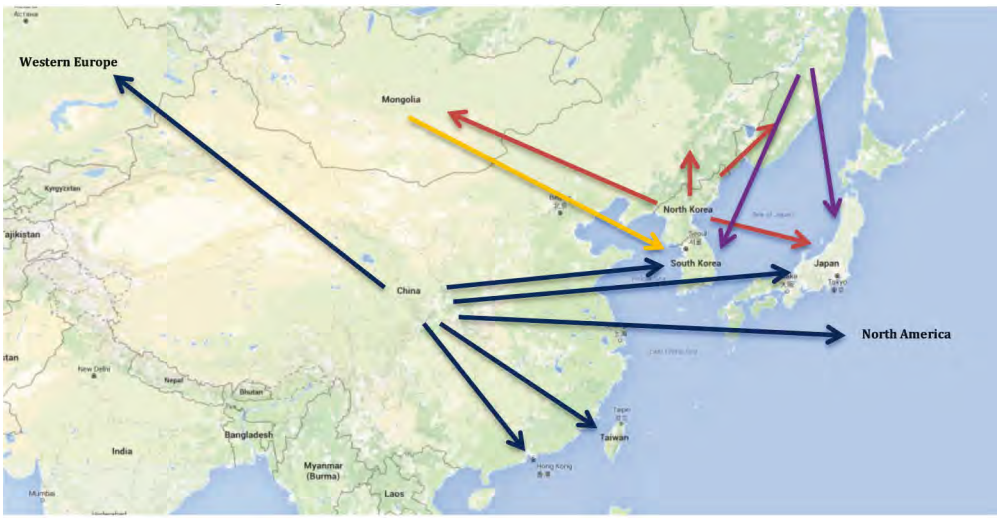
Source: The South Korean Ministry of Unification. Available from www.unikorea.go.kr/content.do?cmsid=1440, accessed 4 December 2015.

The biggest destination country in North-East Asia is Japan. According to Japanese authorities, among those who were deported in 2014, 844 migrants had entered illegally, which made up about 8 per cent. The number has been declining from 3,867 in 2010 and the proportion of "illegal entry" in the violation of Immigration Control Acts has also been decreasing. Therefore, the Japanese Immigration Bureau evaluates that "it is considered that the countermeasures to prevent illegal entry have been quite effective" (Japan Immigration Bureau, 2014). In addition, 6,702 migrants were caught in situations of illegal work, most of them Chinese and Filipino nationals (ibid.).

Smuggling routes

The United Nations Office of Drugs and Crime (UNODC) identified the overall smuggling routes in East Asia. Figure 10.1 has been updated from the UNODC report. North Korean smuggling routes have particularities not captured by the UNODC analysis, as can be seen in Figure 10.2 (Song, 2013).

Figure 10:1: Destination countries from East Asia



Source: Created by the author from Google.

Figure 10.2: North Korean migrant smuggling routes

Source: Song, 2013.

Profile of smuggled migrants

Smuggled migrants from China are largely driven by economic opportunities abroad. Migrants tend to originate from Eastern China, who are from relatively wealthy backgrounds and able to afford high smuggling fees (UNODC, 2013 and 2015). In particular, Fujian province remains a key point of origin for Chinese migrants smuggled to Western destinations, including North America and Europe (UNODC, 2015). While most Chinese smuggled migrants detected by German authorities are between 20 and 49 years old, one third are children nine years old and younger (UNODC, 2013). Smuggled Chinese migrants apprehended in Canada, the United Kingdom and the Philippines also fall within similar age ranges – that of between 18 and 40 years old (UNODC, 2015).

Smuggled North Koreans in China are driven to cross into China by major political, environmental, food and health security problems. The majority of smuggled or trafficked North Korean are women. Seventy-five per cent of migrants from North Korea who arrived in the South between 2006 and 2011 were women (Song, 2013; UNODC, 2015). Approximately 80 per cent of smuggled North Korean refugees who are now residing in South Korea originated from regions bordering China, such as North Hamkyong and Ryanggang, reflecting the very strict limits on internal movement within North Korea and the inability of people from other regions to reach the border with China. Irregular migrants are generally between the ages of 20 and 30 years old, which could be a reflection of the physically demanding nature of border crossing, as well as youth aspirations (UNODC, 2015). Some Korean-Chinese (ethnically Korean Chinese citizens) pretend to be North Korean to access South Korean subsidies and citizenship.

Profile of migrant smugglers

Migrant smuggling out of China operates in a highly organized fashion. Information on migrant smugglers in the region often revolves around their modus operandi and relationship with migrants. Networks facilitating migrant smuggling are well established. The smuggling of migrants to Europe involves a combination of national groups and non-national networks (UNODC, 2012 and 2015). The Chinese migrant smuggling business is primarily dominated by Chinese males between 20 and 50 years of age, involving three to four core individuals (UNODC, 2013). Chinese women are also involved in the smuggling trade. According to UNODC estimates in 2013, approximately one out of eight Chinese smugglers are women. Literature suggests that the smuggling of Chinese migrants to Western Europe involve highly organized groups who maintain a significant degree of control and oversight over the operation (UNODC, 2015). A study in 2010 suggests that Chinese smuggling organizations form at least

a three-tiered structure: (a) "big smugglers" or "snakeheads" at the top tier; (b) brokers or "coordinators" in the middle; and (c) local smugglers or "recruiters" at the bottom.

The smuggling of North Koreans is carried out by both professional Han-Chinese smugglers and Christian missionaries (Han, 2013; Song, 2013). The latter are South Koreans or Korean-Americans who also run underground churches in China and/or safehouses in South-East Asia. They have several local stations and use locals to provide temporary shelters. Some of these locals in Lao People's Democratic Republic, Cambodia and Viet Nam are well-connected with the authorities who turn a blind eye on smuggling activities in return for cash exchange. North Korean migrants with family members who already settle in South Korea pay for smugglers through these underground church networks. When North Koreans are settled in South Korea, they are given lump sum cash by the Government of South Korea. Smugglers target the government subsidies. Already settled North Korean defectors in the South also operate smuggling through their contacts in China and North Korea, as well as those inside North Korea.

Costs of smuggling

The cost of migrant smuggling varies according to factors including but not limited to the following: (a) distance; (b) destination; (c) level of difficulty; (d) mode of transport; and (e) migrant-smuggler relationship. Journeys within Asia can cost from a few hundred dollars, up to USD 10,000 or more (Chonghaile, 2015). Chinese smuggled migrants pay between USD 7,500 and USD 50,000 for a journey to Europe. The high fees are in part attributed to the complex and sophisticated migrant smuggling methods. It could also be a reflection of the relative wealth of smuggled migrants (UNODC, 2015). The estimated cost for a Chinese migrant to be smuggled into the United States in 2008 was around USD 50,000 (UNODC, 2013).

Smugglers operating in North Korea charge anything between USD 1,250 and USD 19,950 per migrant to either accompany individuals across the border, or inform them of where and when it is safe to cross (Tanaka, 2008). The land journey from North Korea to China costs around USD 3,500 and from China to South Korea another USD 2,500 (Williamson, 2011).

Main vulnerabilities of smuggled migrants

Smuggled migrants are exposed to many risks that may endanger their lives and well-being. Overland smuggling routes in North-East Asia are physically

demanding. Smuggled migrants often have to cross dangerous terrain and thick jungle areas, sometimes at night. Migrants may not be physically or mentally prepared for such journeys. Migrants smuggled by sea, on the other hand, face deadly risks when their journeys are exacerbated by the monsoon seasons, as well as smugglers using unseaworthy vessels and incompetent crew (UNODC, 2015). It is not uncommon to find smugglers abandoning migrants midway through their journeys. Smuggled migrants also risk being held captive in smuggler camps, until family or friends pay ransom for their remaining journey. However, in North-East Asia, the patterns of migrant smuggling have shown a mixed form of the Chinese snakehead model and the South Korean missionary model. The gravity of violence might be less than in South-East Asia. However, rapes, physical and verbal abuses, confinement and psychological stress occur and have been witnessed by researchers (Song, 2013, 2014 and 2015b). Smuggled migrants also face heightened vulnerability to exploitation and human trafficking (UNODC, 2015).

Review of data on migrant smuggling

Existing data-collecting organizations

There is a huge gap in data collecting and sharing among the governments in North-East Asia. It is not clear whether the governments monitor, collect and update data on migrant smuggling separately from other undocumented migration or human trafficking. There is no data released from the two biggest smuggling sending countries, Mainland China and North Korea. South Korea and Japan occasionally release figures of forged travel documents, illegal entry or illegal work that are only a part of the entire picture of migrant smuggling. UNODC is one of the few, if not the only organization, that attempts to consolidate all sources on migrant smuggling in North-East Asia as in other regions. UNODC relies on quantitative and qualitative sources from the following: (a) governments, national agencies and international organizations; (b) publicly available official sources; and (c) academic literature. With regards to (a), Japan and the two special administrative regions of China – Hong Kong and Macau – submit data to UNODC. Sources from academic literature are limited to qualitative interviews with little systematic data collection due to the geopolitical sensitivity in the region. Collaborative data sharing among China, North Korea, South Korea and Japan is highly unlikely. Gaps in data collection in the region is the major problem in this region. The following sections highlight two long-standing, overlapping issues, which include the following: (a) lack of or accessibility of accurate data; and (b) lack of clarity with terminology.

Problems with accessibility

Given the clandestine nature of migrant smuggling, information on the subject matter remains scarce and incomplete. Expecting the exact – or even estimated – number of smuggled migrants and the number of migrant smugglers is unrealistic. Therefore, most data sources engage in qualitative analysis. Among the sources reviewed in the first volume of *Migrant Smuggling in Asia: An Annotated Bibliography*, 95 are based on qualitative research, 49 are based on mixed research methods, and only six are based exclusively on quantitative research methods (UNODC, 2012). Where quantitative data exists, they are often based on estimates with little or no explanation given on how the numbers were calculated. For example, some sources reviewed in the aforementioned report provide little or almost no information about their research methodology, although all selected literature were empirically based and largely descriptive, which is inevitable.

There is also an uneven geographical coverage of information on migrant smuggling in North-East Asia. In the first volume of *Migrant Smuggling in Asia: An Annotated Bibliography*, only one country is included in the report – China. While North Korea, Japan, Mongolia and South Korea were included in the search criteria in the subsequent volume published in 2014, the report makes no further mention of the distribution of sources based on geographical coverage. As UNODC (2015) noted, there is a disparity between how well certain routes and migrant groups are documented. This may distort the true scale and characteristics of migrant smuggling in the region.

The key obstacle to collecting accurate and reliable data on migrant smuggling in North-East Asia is the lack of official statistics in this area. Governments in the region rarely collect and update such data (UNODC, 2012 and 2015). In other words, there is a lack of information on how much irregular migration is self-organized and how much of it is facilitated by third parties for profit.

To encourage data collection and sharing among various State authorities, the UNODC Regional Office for South-East Asia and the Pacific launched the Voluntary Reporting System on Migrant Smuggling and Related Conduct (VRS-MSRC) in 2013. The VRS-MSRC database offers 13 search categories, among which include illegal entries, illegal residences and smuggled migrants (UNODC, n.d.). Having these disparate categories could help authorities distinguish smuggled migrants from the general category of “irregular migrants”, thereby enhancing data accuracy. However, as of July 2014, there are only 19 participating States and territories, two of which are from North-East Asia – Hong Kong and

Japan. Further, the information shared can only be accessed by the participating States. As such, the VRS-MSRC is limited in two aspects: (a) in addressing the uneven geographic coverage of information sources on migrant smuggling; and (b) official data still remains inaccessible to non-participating States, academics and practitioners in the field of migrant smuggling. Nevertheless, carefully collected and national and regional data is useful for developing effective national and regional instruments to tackle migrant smuggling. The VRS-MSRC initiative is relatively new; it remains to be seen whether it will be an effective tool for collecting and sharing data on migrant smuggling. There are more doubts than trust about the VRS-MSRC and data sharing in general in the region.

Lack of clarity with terminology and conceptualization

The region shares the global problem with confounding data and information on migrant smuggling with the other irregular migration categories. This is evident in *Migrant Smuggling in Asia: An Annotated Bibliography*. In Asia as a whole, of the 154 documents reviewed, 65 of these provided information on migrant smuggling, 117 on undocumented migration and 66 on human trafficking (UNODC, 2012). The data on undocumented migrants or human trafficking are often used as a measure for migrant smuggling in the region, even in relatively advanced countries such as South Korea and Japan. Given that migrant smuggling is a form of facilitated irregular migration, one may expect to find information about migrant smuggling in existing sources that examine undocumented migration. In fact, there is a larger pool of literature on undocumented migration vis-à-vis migrant smuggling. However, in many instances, discussions are very general. Sources reviewed often do not indicate to what extent undocumented migration, including the illegal entry or illegal stay, is facilitated by a third party for profit, or entirely self-directed (UNODC, 2012 and 2015). Additionally, some sources use terms such as “illegal migrant” and “illegal worker” interchangeably, although these are not entirely synonymous.

Likewise, authorities do not clearly distinguish between human trafficking and migrant smuggling cases, in the latter case, either administratively or in official statistics (UNODC, 2012). In its review of existing research on migrant smuggling in Asia, UNODC (2012:33) also noted that studies, describing themselves as focused on human trafficking, are indeed primarily on migrant smuggling or undocumented migration. In this regard, confounding the operationalization of different terminologies limits the ability to draw conclusive information on migrant smuggling.

There is also confusion in the conceptualization of smuggled migrants and smugglers. Traditional images of smuggled migrants as potential victims and

smugglers as criminals have evolved over the years. First, from a border security perspective, the illegality of migrants' movements makes migrants offenders of national immigration laws, which often denies full protection from receiving countries in the first place. Second, however, smuggled migrants' vulnerability exposes them to physical and verbal abuses by smugglers and employers and becomes target for human trafficking. Third, not all smuggled migrants are irregular labour migrants; asylum seekers are also smuggled by Christian missionaries. Fourth, not all people smuggling involves financial transaction; there are altruistic or religious smuggling in relatively safe hands. Fifth, there are female smugglers who play different roles than their male fellow smugglers; while men operate on the transfer of people, women offer care, food and shelter. Sixth, today's smuggled migrants may become tomorrow's smugglers through accumulated networks. Without understanding this complex nature of migrant smuggling, policymakers cannot properly respond to it.

Review of migrant smuggling research

Main academic inquiries and scope of research

The main academic inquiries on human smuggling in North-East Asia have traditionally focused on smuggled migrants' and smugglers' socioeconomic profile, causes of and motivations for their movements, smuggling routes and social networks. Scholars work on the securitization of migration and the conceptualization of migrant smuggling within broader irregular migration frameworks. Human security and development have been linked to irregular migration. The scope of the research is currently not geographically proportional. While topics on Chinese outbound migrant smuggling to the United States and Europe are dominant, there is a paucity of academic research on human smuggling in and out of other parts of North-East Asia. Studies on North Korean migrants have increased over the past years, both in English and Korean languages. Empirical data on migrant smuggling in Mongolia or the Russian Federation is almost non-existent (Drbohlav, Stych and Dzúrová, 2013; Lee, 2005).

Current research on China focuses extensively on migratory streams from Fujian Province to the United States (Chu, 2011; Lu, Liang and Chunyu, 2013; Sheng and Bax, 2012; Zhang and Chin, 2002; Zhang, Chin and Miller, 2007). While there is also a body of literature on human smuggling from China to Europe (Chin, 2003; Laczko, 2003; Lu, Liang and Chunyu, 2013; Pieke et al., 2004; Silverstone, 2011), there appears to be disagreement on the extent to which such migratory flows are occurring. Studies are concerned with how human smuggling continues to perpetuate despite strict controls (Li, 2012; Lu, Liang

and Chunyu, 2013). The main motivations for illegal migration are identified to be economic and sociocultural (Liang et al., 2008). While largely driven by economic ambition, smuggled migrants are seldom poor and desperate. Rather, migration is seen as a way of earning social prestige (Chin, 2003; Chu, 2011; Silverstone, 2011). Sheng and Bax (2012) examined the trajectory of irregular emigration and argued that a process of "defolding" or deceleration of the "cumulative causation model" of migration has taken place in recent years, in part contributed by more restrictive migratory controls.

Many researchers highlight the unique role of personal connections, or guanxi, in the continual success of human smuggling trade (Silverstone, 2011; Zhang, 2013). Zhang, Chin and Miller (2007) claim that "human smuggling is essentially a business built on a myriad of guanxi". In the same vein, Lu, Liang and Chunyu (2013) found that when barriers to migration are high, especially as measures against illegal migration becomes more stringent over time, resources such as migrant social, political and human capital play a crucial role in the emigration process. In this regard, many sociologists explore the relationship between smugglers (snakeheads or she tou in Chinese) and smuggled migrants ("snakes"), and how snakeheads are perceived in the unique context of China. Snakeheads are mostly ordinary people, easily accessible by prospective migrants through the conduit of family or friends (Silverstone, 2011; Zhang and Chin, 2015). Family and friends thus form a large client base, especially for female smugglers (Zhang, Chin and Miller, 2007).

Anti-smuggling efforts and rhetoric have long operated under the assumption that Chinese human smugglers are connected with traditional crime organizations with elaborate international networks. To uncover these assumptions, academics have attempted to build theories around the operational and organizational features of snakeheads (Silverstone, 2011; Zhang and Chin, 2002 and 2015). Herein, Zhang and Chin (2002) highlight the difference between organized crime and the enterprise model: the latter is characterized by "flexible and adaptive network of enterprising individuals", in contrast to the hierarchical, centralized and bureaucratic nature of organized crime. Empirical research suggests that snakeheads tend to take the form of an enterprise model, and are unlikely to present as large organized crime networks (Silverstone, 2011; Zhang and Chin, 2015). Snakeheads generally consist of peer-group entrepreneurs that operate on one-on-one (or dyadic) transactions with limited hierarchy. Further, most snakeheads took efforts not to entangle themselves with gangs or other crime groups in the Chinese community.

In contrast to the common belief that brokers are unscrupulous criminals, research found that snakeheads are highly regarded in their communities (Chin,

2003; Li, 2012; Silverstone, 2011). Historically, the emergence of snakeheads was tied to a "fever of going abroad" among many Chinese citizens who did not have the means to do so legally (Liang, 2001). Accordingly, ordinary people in the countryside often perceive snakeheads as good migration brokers who help fellow villagers realize their dreams of upward mobility through illegal migration (Chin, 2003; Li, 2012). Likewise, smugglers do not see themselves as criminals. Rather, they expressed an altruistic motive in providing a valuable service to the Chinese who want to emigrate but cannot do so legally (Li, 2012; Silverstone, 2011). Herein, current literature demonstrates an engagement in exploring the boundaries and intersections between the licit and illegal nature of human smuggling in China: the latter is considered licit (that is, permissible) by participants and the average people, but illegal in the formal sense at the national level (Li, 2012).

The Chinese materials on migrant smuggling emphasize the negative impact of migrant smuggling on China's border security and social stability (Zhizhong, 2006; Dan, 2004; Runlong, 2001; Dai, 2006; Zhongzhi, 2007; Zhongyi, 2013). A large portion of the literature seeks to offer feasible solutions to mitigate the perceived threats caused by migrant smuggling (Lijun, 2013; Charles, 2008). Cases include irregular migrants from North Korea, Myanmar and Thailand to China (Chuanyu, 2012; Qi, 2011; Li, 2012; Xue, 2015) and ethnic Koreans from China to South Korea (Xue, 2015). Migrant smuggling, or irregular migration in general, from China to other countries has been identified as a "shameful" phenomenon (Fei, 2005). This causes problems with data accessibility. The data relies on the UNODC (Zhigang, 2014; Runlong, 2001). There is also the persistent problem with the lack of clarity in terminology. For instance, *toudu* (stowaway), *yimin zousi* (migrant smuggling) and *renkou fanmai* (human trafficking) are often used interchangeably.

Most research on North Korean migrant smuggling is discussed in the geopolitical contexts of refugees and trafficking in persons (Chan and Schloenhardt, 2007; Davis, 2006; Kim, 2010; Lagon, 2008; Lee, 2004; Lee, 2001–2002; Lohman, 1996; Margesson, Chanlett-Avery and Bruno, 2007). While Andrei Lankov (2004, 2008) identifies geopolitical and security constraints of the North Korean regime for the growing number of smuggling and unauthorized crossings to China, Kyung-Ae Park (2010, 2013) adopts a more people-centred approach to transnational organized crime and refugees, focusing on non-traditional security issues in North Korea. There are numerous policy-oriented reports from non-governmental organizations (NGOs) (Butler, 2009; Committee for Human Rights in North Korea, 2009; Havel, Bondevik and Wiesel, 2008; Human Rights Watch, 2002, 2008; International Crisis Group, 2006; Muico, 2005). In addition to NGO reports, a few scholars start investigating the roles of Christian missionaries in

"smuggled refugees" in China and South-East Asia (Han, 2013; Song, 2013) and unaccompanied North Korean minors in China (McPhee, 2014).

While the studies on the Chinese snakeheads have many implications for North Korean migrant smuggling that present much resemblance in smuggling operations by Christian missionaries, scholars working on Japan still focus on the traditional roles of *yakuza* (Friman, 2013; Jones et al., 2011) in the smuggling and trafficking of women from Thailand to Japan in Japan's sex industry. Research on migrant smuggling in Japan has evolved over the past decade. Early research dealt with ethnic Koreans illegally entering post-war Japan from 1946 until the 1970s (Morris-Suzuki, 2006). In recent years, studies focus on Chinese and Vietnamese migrants. Many claim that migrants were smuggled into Japan under the guise of education or training, or what was considered as "back door" or "side door" immigration (Bélanger et al., 2011; Friman, 2013; Liu-Farrer, 2011; Peck, 1998; Sheng and Bax, 2012; Yamamoto, 2010). This was an unintended consequence of the Government of Japan's decision to expand visa categories to include student visas, among others, in a bid to address labour shortages in the late 1980s (Yamamoto, 2010). As the student visa application process became more stringent, Sheng and Bax (2012) found that smuggling fees associated with self-financed study in Japan have decreased.

New topics for research on migrant smuggling continuously emerge. Secondary migration of North Koreans to North America or Western Europe involves the dual nationality of North Koreans (Song, 2015a; Wolman, 2012). North Koreans exploit their dual nationality to acquire South Korean citizenship and passport and travel to the United Kingdom, for example, to apply refugee status. Some of the asylum applicants are not even North Koreans, but ethnically Korean Chinese citizens. Studies on interregional brokered marriage migration between South-East and North-East Asia present different stages of brokered marriages from elements of human trafficking to "sham marriages" to obtain citizenships (Cheng and Choo, 2015; Davin, 2007; Jones, 2012; Nathan, 2013; Song, 2015b; van Liempt, 2014). Internal marriage migration in China also shows similar trends in marriage fraud (Liu et al., 2014).

Conclusion and ways forward

Research reviewed in this chapter does not represent the reality of migrant smuggling in and out of the region. It is only a fraction of what is actually happening on the ground. There are significant limitations on data collection and regional cooperation against people smuggling in the region due to the geopolitical power imbalance and ongoing security concerns. China is too big

not to be dominant in the region. North Korea and South Korea are still at war and, therefore, any unauthorized cross-border movements between the two are inherently military and political. The only way North Koreans can be free is through illegal border crossings to China. South Korea and Japan have potential to develop studies on migrant smuggling, as both share the same concerns on economic migrant smuggling from less developed regions and possible mass exodus from North Korea. Their shared history of colonial period and wartime atrocity, however, has been a blocking factor for more rigorous academic collaboration. Mongolia and the Russian Federation have research potential in the long run. Building research and institutional capacity would have to go in hand with regional cooperation as the number of regular and irregular migrants grows and reaches a tipping point.

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11

LATIN AMERICA

Gabriella E. Sanchez

Introduction

Latin America constitutes one of the most important corridors for irregular migration globally, yet as other authors in this issue highlight in regard to their corresponding regions, empirical engagements with smuggling activity have been scarce. The images of migrants riding atop of trains or crossing desolate deserts often mobilized to represent irregular migration flows in this continent communicate a feeling of urgency that while relevant, far from represents the dynamics of a sometimes highly visible yet still poorly understood practice.

This chapter examines the references to the dynamics of irregular migration facilitation in Mexico, Central America and South America present in the literature on irregular and transit migration. Recent developments on human mobility pertaining to population flows from and within the Caribbean also constitute an important element of the larger Latin-American migratory system, and therefore their dimensions are included in this chapter where relevant. Yet it is again important to emphasize that the empirical work on irregular migration facilitation processes throughout the entire region has been limited, and that data are therefore scant, particularly outside of the Central American and Mexican routes.

While much interest has been placed on the role of transnational smuggling networks, as well as on the criminally organized efforts behind the provision of smuggling services throughout Latin America, historically, irregular migration processes in the continent have often involved less nefarious mechanisms, and are in fact more directly connected to the long culture of migration across the continent, and to the transnational ties these migratory journeys have created (Spener, 2014 and 2009; López Castro, 1998; Kandel and Massey, 2002). Every year, thousands of people leave their places of origin for the United States and Europe – the top destinations for migrants from Latin America with the purpose of migrating – relying on methods that are far from violent or dark (obtaining valid visas through legal channels, overstaying legitimate entry permits, borrowing

travel documents from friends and family members or purchasing or renting the former for a one-time use, for example) (Kyle and Liang, 2001; Spener, 2009). Historically, there is also a vast system of brokerage services – not unique to Latin America – were licit and illicit services that facilitate travel processes are marketed (such as the provision of travel documents by travel agencies, mechanisms to obtain false or forged passports and other legal documents that may allow for legal travel).[104] Yet increasing restrictions by migrant destination countries imposed upon individuals unable to fulfil elaborate requirements are key elements in the decision of those seeking to migrate – and who are unable to secure the protections afforded by visas and passports – to opt for the services of facilitators or brokers of migratory transits, known throughout the Americas as *coyotes* or *polleros*.

Within the Americas, contemporary migration journeys have often been explained as part of efforts to flee from the deteriorating human security conditions in Central America and Mexico (afflicted by conflicts connected to the presence of organized criminal groups, namely drug trafficking organizations and transnational gangs) (Human Rights Watch, 2016), as responses to economic insecurity throughout the continent (Red de Documentación de las Organizaciones Defensoras de Migrantes (REDODEM), 2013 and 2014), and as part of projects involving the reunification of families separated by earlier migrations (United Nations High Commissioner for Refugees (UNHCR), 2013). Yet alongside migration efforts, it is also fundamental to highlight Latin America's role as a transit point in the journeys of transcontinental migrants fleeing war zones or conflict regions throughout Africa, the Middle East and Asia. While acknowledged in the migration literature, transcontinental transit migration in the Americas is one of the least explored themes on human mobility in the region, and one that requires prompt empirical engagement.

As noted by other authors in this report, there are particular socioeconomic and political factors that have made the study of smuggling – the facilitation of transborder, irregular migration for a fee or in-kind payment – a complicated proposition. In the Americas, the overall state of insecurity along many of the most transited migration corridors, namely those in Northern and North-Eastern Mexico (where thousands of migrants in transit have been reported dead or missing) (Comisión Interamericana de Derechos Humanos (CIDH), 2013; Comisión Nacional de los Derechos Humanos (CNDH), 2009 and 2011) and the documented levels of corruption involving State actors throughout the region

[104] Alpes (2013) has extensively documented the reliance of Cameroonian migrants on brokers. Kyle and Liang (2001) provided perspectives of the facilitation of Chinese migration by "migration merchants", a term originally coined by Kyle (2000), who they refer to as an example of the embedded commodification of migration: the individuals who profit from the migration of others regardless of legality.

(Álvarez and Fernández Zubieta, 2009) often obstaculize the collection of data. Furthermore, fear of detection by criminal organizations – engaged in activities ranging from drug trafficking to extortion, kidnapping and human trafficking – and State authorities has forced migrants in transit to improvise the course of their journeys in ways that often take them into more remote areas where their levels of vulnerability (as in the risk of sustaining physical injury or death) increase significantly (Vogt, 2013; Stillman, 2015; Knippen, Boggs and Meyer, 2015) and where research conditions are less than optimal. Yet, and while the overall security conditions along the Mexican migration corridor have often limited researchers' ability to carry out fieldwork, a significant body of literature on migrants' experiences has emerged in the form of journalistic coverage, grey literature and ethnographic research, allowing to map migration conditions to some extent. Simultaneously, it must be acknowledged that academic research, given the historical preponderance of the Mexican and, to a lesser degree, the Central American migratory to the United States, is often limited on its engagements with other regions and processes in the continent, which are nonetheless worthy of examination (such as irregular migration from and within South America and the Caribbean into the United States through Mexico and intra- and transcontinental migration dynamics). The focus on the Northern and Central regions of the continent has also further limited the possibility of framing connections between these flows and those taking place in South America and the Caribbean, which often rely on similar routes and mechanisms. A more inclusive, Pan-American engagement with the smuggling phenomena would translate into an improved, continent-wide understanding of smuggling facilitation and other irregular migration practices.[105]

While governments throughout the continent have often found opportunities to articulate a steady message concerning migrants and the need to foster conditions to preserve their rights and safety, actions in the area of migrant protection have not been as consistent. The 2000 Protocol against the Smuggling of Migrants has been signed and/or confirmed by most countries across the continent, and efforts to typify human trafficking and smuggling as statutory offenses have been successful in the context of the Palermo Protocols.[106] Yet the international community has often pointed out immigration policy and enforcement practices throughout Latin America have repeatedly had a counterproductive effect on the human security of migrants, whose negative encounters and interactions with criminal organizations and State actors have been well documented in the literature (Casillas, 2010a and 2015; CNDH, 2009

[105] For an extended discussion on reframing migration studies from within, refer to Herrera's *La Migración desde el Lugar de Origen.*

[106] Mexico signed and ratified the Palermo Protocols in 2003. The federal legislation that typified human trafficking as a crime – known as the Law to Prevent and Punish Human Trafficking – was enacted in 2007.

and 2011).

This chapter provides an overview of the literature on irregular migration in Latin America, particularly in regard to the Mexican and Central American cases, which are the regions most frequently discussed in academic, policy and journalism spheres. It also refers to the body of South American scholarship, particularly the case of Ecuador (which visa policies have been identified as having played a role on the arrival and transit of Caribbean and transcontinental migrants to that part of the continent), and to the Caribbean, where efforts on the part of their residents to reach the United States or Central American countries and Mexico, have also been the focus of some academic and policy-related work, albeit to a lesser degree than that of other parts of the continent. While acknowledging migrants and those behind their transits rely on a wide range of routes and methods to articulate and achieve their mobility goals, this chapter recognizes the historical importance of migration flows throughout the Americas, where the United States continues to be at the top of the list of migrants' target destinations, and where Mexico as a transit country plays a critical role in the experience of thousands of irregular migrants in transit. It is also important to highlight that the experiences of migrants are also dependent on one's own identity, which play a role in the degree and kinds of vulnerability they face. The experience of a Mexican national travelling through Mexico, for example, involves far different risks than those involving the journeys of Central American migrants, who face deportation and removal by Mexican authorities (Casillas, 2007); women are more likely to die while crossing borders (Pickering and Cochrane, 2013). In summary, the practice of travelling irregularly is a fundamental element of Latin America's culture of migration, and should, for that matter, be understood as connected to decades-long, complex historical and

socioeconomic processes of great importance and in need of further analysis.

Figure 11.1: Migration flows in Latin America and the Caribbean

Source: Sanchez, 2016.

Overview of migrant smuggling in the region

The United States is the primary migrant destination country in the Americas. To a lesser degree, European destinations – primarily Spain and Italy – also constitute important target countries among South American migrants, although visa restrictions in Europe have impacted migratory flows (Herrera, 2011; Jokisch, 2014; Herrera, Carrillo and Torres, 2005; Escobar García and Álvarez Velasco, 2013). Within the continent and over the last decade, the stronger economies of Brazil, Chile and Argentina also attracted significant number of migrants from neighbouring countries (particularly Peru and Bolivia) (IOM, 2013; Vásquez, 2014), and journalistic accounts and anecdotal evidence point to a significant increase in transcontinental migration, primarily from Africa, the Middle East and South-East Asia to countries such as Ecuador and Brazil (Cowie, 2014; Fox, 2016; UNHCR, 2010). While there are no precise statistics involving the presence of transcontinental migrants in the Latin America (Comisión Especial de Asuntos Migratorios (CEAM), 2010) – let alone data pertaining to those whose journeys are the result of smuggling efforts –

journalistic reports suggest many of them travel to Brazil or Ecuador where they can benefit from visa systems that grant them visas upon arrival, which are then used to fly or trek across Central America, where they often file asylum claims (Fox, 2016; CEAM, 2010; UNHCR, 2010). Many of these journeys reportedly take place with the assistance of smuggling facilitators or a vast network of brokers who, as documented in other regions, provide travel assistance (Alpes, 2013).

While travel patterns are known to change rapidly and in response to immigration enforcement measures, indicators of criminal activity, social unrest or the availability of shelters or migrant reception centres, it is also possible to identify some core routes and means of transportation favoured by those in transit. While migrants may also travel by sea or air, the most documented transits have been those occurring by land. The flows most often discussed in the literature are those occurring from south to north, involving the journeys of Central American migrants who enter Mexico on foot through that country's southern border, in the states of Chiapas and Tabasco (Guevara, 2015; Álvarez Velasco, 2015). Migrants from the Caribbean (Cuba) and Asia also opt to cross into Mexico through Belize (Casillas, 2007). Once in Mexico, migrants with the least amount of social and economic capital often rely on the travel infrastructure created by the presence of the Mexican railroad system. Known as *La Bestia*, the Mexican cargo train system connects the country's southern border with cities on the United States–Mexico border and provides a basic, if highly precarious, way to travel. Images of migrants riding atop of the train as stowaways have become iconic representations of migration flows in Latin America, the journey into Mexico often described as an often dangerous proposition, migrants travelling across regions under the control of criminal organizations and through security checkpoints, where State and non-State actors are known to engage in predatory practices, ranging from demands for bribes to mass kidnapping and extortion against those in transit (CNDH, 2009 and 2011; Casillas, 2010a).

The experience of Central American migrants travelling through Mexico constitutes the most often discussed process in the topic of Latin American migration at the moment, in part as a response to the dramatic reduction in the number of Mexican migrants travelling irregularly to the United States (Passel, Cohn and González-Barrera, 2014), but also given its volume and its visibility in the context of the security crises connected to gang and drug-trafficking related violence afflicting Guatemala, El Salvador and Honduras (Ribando Seelke, 2014; Wolf, 2012). While there are no specific numbers pertaining to smuggled Central American migrants who travel through Mexico, data collected by the Mexican authorities provide a window into the dynamics of their migration. In the period comprised between January and September of 2015, a total of 118,000 Central Americans were removed from Mexico, which represented an increase of almost 40,000 migrants from the prior year, when 80,736 deportations involving Central

Americans were recorded (Meléndez, 2015).

Irregular migrants travel in Latin America in multiple ways. Many do so on their own or in small groups, without the assistance of smugglers. Others draw from their social capital, relying on smuggling facilitators whose recommended services are purchased back in the countries of origin, along the migrant trail, or through service packages directly negotiated by friends and relatives already residing in the destination country (Hagan, 2008; Spener, 2009; Sanchez, 2015). Smuggler-organized travel mechanisms, strategies and costs vary widely, and are often devised with the goal of eliminating or reducing the impact of encounters with law enforcement or criminal organizations who have been documented as engaging in abusive, often violent practices, and in some instances to partner with the goal of profiting financially from migrants (Martínez, 2015). In fact, travelling with smugglers – despite their illicit nature – is often described by migrants as a legitimate, necessary security strategy on their part and that of their families.[107] The prices paid to smugglers or brokers for individual services or all-inclusive journeys vary greatly along corridors, but also among individual migrants, whose families may purchase specialized crossing services to further reduce the likelihood of risk, injury and detection (yet this is a level of security that is often beyond the reach of most migrants, primarily those with minimal financial resources). Yet perhaps as a general rule, the costs involved in human smuggling are often dependent upon the distance, destination, route and travel method hired, and are often negotiable (Casillas, 2010a; Sánchez, 2015).

While the overland transits of migrants dominate the migration literature, migrants also travel by air, even though airport controls and security mechanisms – alongside higher costs connected to the provision of official travel documents and identifications and bribes – make this a travel option restricted to those with the resources to afford it (Vásquez Larios, 2016; CNN, 2015; SIPSE, 2015). Central America has also become a transit region for Caribbean, transcontinental and South American migrants, who – taking advantage of flexible visa policies – travel by air to cities in the region prior to taking the land route into Mexico.[108]

[107] Reports of informants paying significantly higher smuggling fees to ensure their relatives do not travel across specific routes (Hagan, 2008) have been documented by researchers. Some smugglers are known to provide specialized services for children or pregnant women (Sanchez, 2015 and 2016) that while costlier, imply a reduced level of risk for those in transit.

[108] An exception worth to notice was the one involving the creation of special provisions allowing for the transit of Cuban nationals. In January 2016, an agreement allowing for the exit of an estimated 8,000 Cuban nationals stranded in Costa Rica for several weeks was reached by the Governments of Ecuador, Costa Rica and Mexico after the refusal by the Government of Nicaragua to admit them. The first group of 180 Cuban nationals left Costa Rica for Mexico, from where they were expected to travel to the United States. Refugee service agencies on the United States border with Mexico in El Paso, Texas, expected the number of Cuban nationals requesting parole under the Cuban Adjustment Act through the local point of entry to reach 3,500 (Associated Press, 2016).

Some Cuban nationals and residents from other Caribbean countries such as the Dominican Republic have also opted for flying to Central America as part of their migration journeys (Mark, 2016; Kyle and Scarcelli, 2009). Panama has in this sense become an important migrant destination (CEAM, 2010; Dyer, 2016). Here, migrants often turn themselves to the authorities, who – unable to verify their identities – often grant exit visas that allow those in transit to continue with their journeys (Fox, 2016), often by hiring the services of smugglers or brokers of specific services that may ease their path into Mexico and beyond.

Visa regulations in Brazil, and until recently in Ecuador, have played a role in easing the journeys of many migrants, including those embarking in transcontinental journeys. Able to apply for a visa upon arrival,migrants fly into Brazil and then on to Ecuador from where journeys by air, boat or overland through Central America into Mexico and onto the United States, can be arranged with smugglers. Smuggling journeys can also be arranged from Colombia, where boat operators transport paying migrants to Panama. For those lacking financial resources trekking on their own the Darien Gap in order to reach Panama often constitutes their only option (Jackson, 2015; Correa Álvarez, 2013).

Maritime travel is also an alternative. Some Ecuadorians travel to Guatemala by boat, where they are then instructed to dress in local tribal garb – a practice often used by smugglers for their clients to "pass" for locals during their journeys into Mexico (Stone-Cadena, 2014). In the Caribbean, smuggling scholarship has most often focused on the journeys of Cuban nationals seeking to reach the United States by boat. While there are in fact legal mechanisms in place for Cubans to be admitted into the United States and receive relief, they must first obtain a permit to leave the island, a taxing and complicated process that plays a role in the decision to travel irregularly instead. Numbers indicate most Cuban nationals rely on irregular migratory journeys on their quest to reach the United States (Wassem, 2009). Many travel from the island to Colombia and then onto Panama, following the route of the Darien (Correa Álvarez, 2013). Haitians and Dominicans also seek to reach US territory, relying on boats or dinghies – known as *yolas* – that take them across the Mona Passage into Puerto Rico (Ferguson, 2003:30; Duany, Hernández Angueira and Rey, 1995). As in the case of many other clandestine migration efforts, this method and route are often lethal, given the poor conditions of the boats used. Many in the Caribbean opt to travel to Mexico (Mexican coasts lie only 120 mi away from Cuba) from where they embark in journeys to the United States, travelling along the coasts of the Gulf of Mexico – the route preferred also by many Central American migrants. The Pacific coast is often relied upon by migrants of Asian or other transcontinental origin) seeking to reach the Western United States (Casillas,

2007).

The journeys most often documented in the literature are those involving overland transits. In this context, migrants are highly likely to die or sustain injuries as a result of environmental exposure (Martínez, Cobo and Narváez, 2015), face encounters with criminal groups involved in kidnapping and extortion, or arrested and deported by authorities. Not a single country in the Americas maintains precise records involving migrant fatalities, injuries or assaults, reports and numbers being simple approximations of a larger phenomenon. Furthermore, there is not a unified, government-sponsored system to support the reporting of migrant related deaths or disappearances, and methods to quantify these vary across regions (IOM, 2014).[109] Yet the disappearance of hundreds of migrants in transit through Mexico have been documented over a number of years, and the findings of mass graves along the most traversed migrant routes (Izcara Palacios, 2012; Casillas, 2010a) serve as evidence of the lethal nature of many irregular transits and the lack of governmental oversight. Migrants report coming across human remains in the context of their journeys, or having lost friends or relatives along the way to the environment, accidents or violence – fatalities that are far from reflected in official counts. In this context, it is important to highlight that the dangers faced by migrants in the context of their journeys are not solely the result of the smuggler's inability to provide guidance or support, but are also the result of a combination of factors present in the migrant trail and which often further increase the conditions of vulnerability faced by those in transit (Reineke and Martínez, 2014). Humanitarian organizations along the migrant trail have, for instance, reported a significant reduction in the number of migrants who relied on their services and stayed at their shelters following the implementation on the part of the Government of Mexico's *Plan Frontera Sur* (REDODEM, 2014), a change that suggests migrants opted for more hidden, remote routes in order to avoid detections. While the Plan was advertised as a mechanism to enhance the protection of migrant human rights, some organizations have noted it has instead led to the arrest and deportation of larger number of migrants and further increased their vulnerability (Guevara, 2015; WOLA, 2015).

In summary, irregular migration routes in Latin America run from south to

[109] The efforts involving civil society – including the friends and families of missing and dead migrants – at creating a mechanism that allows to account for missing and dead migrants must be acknowledged. Multiple groups across the Americas, in collaboration with community organizations within the United States and along the United States–Mexico border, have embarked in a series of continental, regional and local efforts to devise standardized mechanisms that have allowed for the location of missing migrants and the identification and recovery of human remains so that they can eventually be returned to their relatives. The work of Centro Colibrí in Tucson, Arizona, the Committee of Missing Migrants' Families from Progreso in Honduras, and the Argentine Forensic Anthropology Team, among many others, has been central in this effort.

north, but also within the continent, while often adapting to conditions on the ground – primarily those related to immigration enforcement controls or reports of criminal activity, at varying costs and relying on a wide range of methods. Overland journeys pose specific challenges, including not only environmental exposure but the potential for interactions with criminal groups and authorities whose actions play a decisive role on migrant safety and well-being.

Review of data on migrant smuggling

Official data on migrant smuggling as occurring in the Americas are scant at best. Gathering reliable, recent and comprehensive data – particularly of the kind involving criminalized, illicit activities – is challenging for several reasons. First of all, the very clandestine nature of the practice reduces the possibility of systematically collecting information. Data that could potentially provide perspectives on the facilitation of migrant smuggling in the region tends to be embedded in the larger body of irregular migration statistics. Across the continent, State organisms in charge of migration collect numbers pertaining to irregular border crossing attempts, immigration-related arrests and deportations, yet do not disaggregate data pertaining to smuggling-initiated or related transits. Furthermore and as previously outlined, there is no official, centralized mechanism in Latin America that collects and/or addresses reports concerning the disappearance or death of migrants in transit that could also allow drawing informed conclusions on the connection of these incidents to smuggling related practices. In fact, it is often only in the context of migrant tragedies – such as the murder of 72 men and women presumed to be migrants in transit in the town of San Fernando, Tamaulipas, Mexico in 2010 – that concerted efforts to collect detailed information pertaining to smuggling have been carried out, although the data are not always released to the public, neither for research or analytical purposes (Casillas, 2010a).

Data collection on smuggling flows is not systematically nor centrally performed. Official figures on irregular migration in countries across the Americas are on occasion accessible to the public online,[110] but its quality is often questionable. Methodologies are not explained; databases and numbers are hard to access; websites present outdated information or have not been updated for long periods of time. The scrutiny over migrant rights' violations that multiple government agencies across the continent have faced may also play a part on their reluctance to disclose or fully disseminate information. In the case of Mexico, there have been attempts on the part of the State to collect

[110] Refer to www.politicamigratoria.gob.mx/es_mx/SEGOB/Boletines_Estadisticos or www.paisano.gob.mx/index.php/component/content/article/65-estadisticas

and disseminate migration-related data in light of multiple recommendations from human rights organizations emerging from specific events involving the mistreatment of migrants in transit. Statistics provided by the Mexican authorities, however, suggest an increased emphasis on managing migration flows through removal (Guevara, 2015; Knippen, Boggs and Meyer, 2015) and not necessarily improvements to migrants' safety. There has been an overall increase in the number of arrests and deportations of Central American migrants in Mexico. Data indicate that between July 2014 and June 2015, the apprehensions carried out by the Government of Mexico along the southern border involving Central American migrants increased 71 per cent (WOLA, 2015).

The concerns expressed by international organizations on the experiences of migrants in transit particularly along the Mexican corridor have also lead to an onslaught of efforts involving the collection, cataloguing and analysis of data on irregular migration and the practices identified as associated with the phenomenon as it occurs in Mexico. The international human rights community, researchers, think tanks and migrant advocacy groups in the Americas have extensively documented the incidence of violent acts against migrants in transit – the disturbing incidence of kidnappings and extortion practices, human trafficking and sexual exploitation among others that negatively impact migrants' safety (Knippen, Boggs and Meyer, 2015). The data collected through these efforts have provided an important body of reference concerning the experiences of migrants who travel through Mexico, and have been used as a way to generate awareness over the perils of migrants in transit, seeking to improve security conditions for those who transit through Mexico.

While the extensive number of reports pertaining to the experience of migrants in transit addresses a significant gap in the collective knowledge on irregular migration, the collected data often present limitations. For example, reports often rely on the testimonial data collected among the most accessible of migrants and who tend to be among the most vulnerable – those who become in contact with the authorities as a result of their arrest, incarceration or deportation, or who have experienced an act of violence or intimidation so significant that agencies, advocates and researchers became involved in the documentation of the case. Furthermore, the emphasis paid to documenting the experiences of Central American migrants in Mexico has led to scholarship from other regions and for the experiences of other migrants to be left outside of analysis of irregular migration flows. Methodologically, the emphasis on documenting violence has often excluded the experiences of those who travel under less precarious conditions, who relied on other mechanisms to achieve their journeys, or who travel along less explored corridors and/or routes, preventing the ability to provide a more comprehensive picture of irregular

migration flows.

In terms of official data, statistics are often aggregated in a fashion that emphasizes the nationalities of particular migrants – in the Mexican case for example, that involves the classification of arrests involving Central American migrants according to their countries of origin, while contacts involving African or other transcontinental migrants are not identified.

In summary, while there is an abundance of data on routes followed by migrants, the conditions along their paths and the risks they face, and on the treatment they receive at the hands of State and non-State actors, and of official statistics providing numbers involving the arrest and deportation of specific populations, information on smuggling practices, systematically organized and/or available to the public for analysis is virtually inexistent. The hyper-visibility of specific forms of irregular migration – particularly the kind involving specific geographical regions and corridors – often obscures other trends present in the continent, making the possibility of systematically collecting data and conducting comparative analysis on migration a complicated proposition.

Box 11.1: Women as smuggling facilitators

The call came in early on a Saturday morning. The voice on the other side of the line was filled with excitement. "My boy is on his way! He crossed on Thursday night; he got across really quick, just one try and he was on this side!" It was still too early for me to make sense of anything my interlocutor was saying. But from the tone of her voice, I inferred that the day she had longed for had finally arrived. Her youngest brother had finally managed to cross the border with the assistance of a *coyote* – the colloquial term used to designate human smuggling facilitators – in what appeared to be record time. When I asked which coyote had accomplished the feat, the voice replied a bit annoyed by what she probably interpreted as my inability to understand the magnitude of the event: "It was not a man. It was a lady."

Despite the ubiquity of smuggling representations, the facilitation of irregular migration continues to be an understudied area in migration. This is particularly evident in the case of women, whose experiences as smuggling facilitators have hardly been the subject of empirical research – let alone theorization.

Research conducted among women who work as smuggling facilitators indicates that their participation often constitutes a supplemental income-generating activity, as it is carried out in addition to permanent and/or more stable jobs in the mainstream economy (Sanchez, 2016). Smuggling's flexible schedule and highly specific division of labour often translates into women being able to complete tasks without compromising childcare demands or the employment obligations that constitute their main source of income (Sanchez, 2015). A study conducted among women on the United States–Mexico border further revealed that the majority of women involved in the facilitation of irregular migration were irregular migrants themselves (Sanchez, 2016).

While the roles performed in smuggling are highly gendered – the activities most commonly identified in smuggling like guiding desert treks, driving or providing security or protection being most often performed by men – women's roles in smuggling are also central to the success of border crossings. Women in smuggling recruit customers, coordinate logistics, provide room and board for those in transit, fix meals for smuggling teams, and are often in charge of negotiating and collecting fees. Their compensation is also highly feminized, for roles typically performed by men are paid at a higher rate than those performed by women; oftentimes, women working alongside their spouses or romantic partners are even less likely than women working on their own to receive any kind of financial compensation.

Participation in human smuggling by women constitutes an activity often devoid of the social stigma attached to other markets, such as sex work or drug trafficking. Perceived among those who rely on it as a mechanism for mobility – if not entirely as a benevolent action carried out on behalf of the larger community (Spener, 2014) – participation in smuggling constitutes from the perspective of its actors a legitimate employment alternative amid the precarity of life along the migrant trail.

Review of migrant smuggling research

Research on the dynamics specific to human smuggling facilitation from Latin America is scant. The majority of the work on irregular migration carried out across the region has identified migration facilitation primarily from a criminological perspective, leading in turn to the focus on specific practices, routes or populations that become constructed as more relevant than others. Therefore, most work involving irregular migration in the Americas has been primarily focused on documenting the transits of Central American migrants travelling through Mexico and the details pertaining to their journeys, but not to smuggling itself. References to smuggling practices appear embedded in narratives or data on irregular migration processes, and are most often reported in the context of violent transits.

This section divides the research on migrant smuggling in the Americas in three kinds: (a) investigative journalism; (b) grey literature; and (c) academic research. Engagement with the topics of migrant smuggling and smugglers varies across publications. Only a few directly address migrant smuggling, as most of the literature has focused on the study of transit and irregular migration across the continent, and refers to smuggling facilitation only in passing, or in the context of inquests into criminal activity or migrant victimization (in other words, migrant smuggling is most often described as a deviant, violent practice). Research on irregular migration in Latin America falls primarily into three categories: (a) identifies the experiences of migrants in transit; (b) seeks to document the security conditions along migrant routes; and (c) focused on describing the migration experience as present in specific cities or regions, primarily those identified as critical on the migration trail. A significant body of

research has also emerged on the topic of human trafficking in the context of irregular migration, literature that often suggests the transformation of human smuggling into trafficking, or describes it as such by relying on the incorrect use of both terms as interchangeable. The role of local, humanitarian organizations, such as shelters, churches and ordinary citizens at providing assistance to migrants has also received attention, although to a lesser degree and often in the context of migrant transits analyses. Lastly, some publications that delve on the topic of missing and dead migrants have sought to raise awareness over the lack of data on migrant fatalities and the virtual absence of State-sponsored mechanisms allowing migrants' families to report the missing or locate or recover their remains.

Investigative journalism

Investigative journalism has been behind the production of the majority of the stories and research on irregular migration in the Americas, although with varying degrees of quality and effectiveness. The topic has indeed generated a substantial amount of coverage reliant on dramatic stories of often graphic nature and depictions of human tragedy and pain where migrants and their families are monolithically represented as victims. There is an onslaught of articles, books, documentaries and movies on irregular migration within the Americas, often produced and/or funded by global news organizations or foreign journalists who, having travelled to some of the most notable migration corridors in the continent (Central America and Mexico, or the United States–Mexico borderlands), produce material that is often dubbed as representing the "human side of the migration phenomenon" in a fashion that often lacks context and further fuels notions of migration as problematic and in need of control. Journalism's reliance on social media has further allowed for the mass diffusion of these messages, many times sensationalistic in nature, to a global audience – and for these messages in turn to be construed and mobilized as factual evidence of the risks migration flows pose to destination countries. Books, such as *Enrique's Journey* (Nazario, 2013) on the journeys of unaccompanied minors from Central America to the United States, or *The Beast* (Martínez, 2014) on migrants' encounters with organized crime in their journeys through Mexico, have been translated and adapted for western and English readers and enjoyed great editorial success – an acclaim of a kind neither book received in Latin America. Journalistic coverage by Latin American investigative journalists themselves remains relatively unknown, marginalized as part of the global coverage on irregular migration across the continent that favours European and American authors, sources and storylines.

Simultaneously, some journalistic inquests have attempted to provide more critical perspectives into migration transits and their facilitation. Reports on the community dimensions of migration and the importance of solidarity during the transit (Fox, 2016; Round Earth Media, 2016) and those that are effective at integrating anthropological inquiry to the analysis of activities such as migrant kidnapping and extortion (Stillman, 2015; Trujillo, 2011) have provided a much nuanced and needed analyses of migration processes as taking place on the ground.

Grey literature

There is a large body of grey literature pertaining to irregular migration in the Americas. The majority of these reports, completed or commissioned by intergovernmental organizations, international non-governmental organizations, research institutions, foundations and other private organizations has primarily concerned the security conditions faced by migrants in transit along the Mexican corridor (Amnesty International, 2010; Human Rights Watch, 2016; Sin Fronteras, 2013a and 2013b; Ruiz, 2004) while also reporting on the varying ability of State actors at providing the necessary protections to those who travel irregularly (UNHCR, 2013). Human rights protections have been at the core of many of these documents in light of the widespread reports of corruption, threats and violence targeting migrants during their transits (México Unido Contra la Delincuencia, 2012; Quiroz Rendón, 2011; REDODEM, 2013). Some reports have also sought to raise awareness over the challenges faced by unaccompanied minors not only during transit but once they arrive to the United States–Mexico border (USCCB, 2013; Stinchcomb and Hershberg, 2014; Sin Fronteras and INCEDES, 2011; Passel, Cohn and González-Barrera, 2014; Cavendish and Cortázar, 2011). The majority of these reports refer to migrant smuggling as a negative consequence of increased enforcement, however often framing smuggling and its facilitators themselves solely as violent, organized criminal entities.

It is important to remark that as in the case of journalistic coverage, grey literature products reflect a specific editorial line and a particular agenda reflective of the organizations that commission or sponsor them. In this sense, some publications have been developed seeking to generate improved migrant conditions (INEDIM, 2011; FIDH, 2008; CIDH, 2013); others are developed in order to report on ongoing security trends to inform political circles (Evans, 2014; Evans and Franzblau, 2013), while others seek to systematically collect and organize data on a particular topic for reference and policy development purposes (Ribando Seelke, 2014; Wassem, 2009; Rosemblum et al., 2012). While many of these publications may seek to furnish data objectively and impartially, they may often reinscribe perceptions of migration processes taking place in occurring in

the region in a fashion that may allow for and justify the implementation of policies and practices by outside actors and interests. Hyper-represented, highly visible topics such as human smuggling may often be narrated without context, further inscribing ill-informed perceptions on conflict and violence that further limit the ability of readers to engage with social phenomena in a critical, comprehensive fashion.

Academic research

The processes tied to irregular transit migration in the Americas have generated significant interest in academic circles, which in turn falls within specific parameters. The majority of the empirically based academic production has focused on the journeys of Mexican and Central American migrants bound for the United States–Mexico border, and on the experiences of Central American migrants through Mexico. Work on the dynamics of irregular migration as present in South America and the Caribbean is scarce. Academic research conducted by Latin American researchers has had limited diffusion internationally, as it is published most frequently in Spanish, further limiting access to the conceptualization of migration processes from the perspective of the global south. Yet the work is also often reflective of the trends followed by foreign researchers – that is, it focuses primarily on the Central American experience, and on the precarity associated with the transits of Central American migrants through Mexico. The work discussed in this section primarily reflects the ethnographic work conducted on the topic, which has been carried out by social scientists from the Americas and abroad (primarily American researchers).

Research on irregular migration in the Americas can be broadly catalogued in terms of its methodological approach, alongside with the themes it examines. There is a significant body of research that has involved mapping of migrants' experiences while on transit based on the analysis of primary and secondary data collected from surveys and interviews on security conditions on the ground, incidence of violence and interactions with State and non-State actors.[111] There is also important ethnographic work conducted at specific sites along the migration corridors, in the context of doctoral or dissertation-related projects that provides important empirical information on the experiences of

[111] One of the most significant efforts at surveying border crossing dynamics contemporarily has been the one conducted in the context of the Migrant Border Crossing Study (MBCS), initially developed at the University of Arizona. While focused on the experiences of migrants deported by the US migration enforcement system, the data collected by the MBCS researchers – pertaining to 1,113 interviewees – are a fundamental source of information leading to improved understandings on the nature of the border crossings, smuggling practices and violent events faced by irregular migrants. The initial report can be found on https://sociology.columbian.gwu.edu/sites/sociology.columbian.gwu.edu/files/downloads/UA_Immigration_Report2013print.pdf

migrants and their interactions with actors – including smugglers – and that provide urgently needed critical perspectives. A related body of work has sought to document the experiences of specific populations such as women, unaccompanied minors, and lesbian, gay, bisexual and transgender migrants. The treatment of the role of organized crime in migration transits (either as elements in the facilitation of migration or as groups sabotaging migrants' efforts to migrate) also occupies an important place in the migration scholarship, especially given the visibility of drug trafficking activity in the continent and in Mexico and Central America in particular. While not as abundant, there is also a smaller corpus of scholarship on irregular migration from or into South America and out of and across the Caribbean, which perhaps constitutes the work to closest engage with description of smuggling and brokerage practices. The importance of this body of work also resides on its attention to the dynamics of population flows within the continent and to destinations other than the United States (which has historically dominated the scholarly focus on migration).

Research pertaining to migrant transits and that examines the role of smugglers includes work on the conditions contributing to migrants' vulnerability (Meza and Cuéllar Álvarez, 2009; Casillas, 2015, 2010a and 2010b); migrant routes and security trends (Anguiano, 2015; Miguel León, 2011; Casillas, 2007; Arriola Vega, 2012; Guevara, 2015; Martínez, Cobo and Narváez, 2015), the experiences of migrant women (Pérez and Roldán, 2011; Díaz and Kuhner, 2007; Herrera, 2011), the services provided to migrants by civil organizations (Anaya and Díaz de León, 2012; Moreno and Niño Contreras, 2013); and the documentation of the experiences of unaccompanied minors (Caballeros, 2011; Paris and Zenteno, 2015; Musalo, Frydman and Ceriani, 2015). There is a smaller body of work on sexuality as experienced in transit contexts (Infante et al., 2013; Cantú, 2009).[112] Inquests into the lesser explored Caribbean corridor have yielded work on the facilitation of smuggling from Trinidad and Tobago (Waldropt-Bonair et al., 2013), Haiti and the Dominican Republic into Puerto Rico (Duany, 1995), and from Cuba into the United States (Brown, 2002; Capote González, 2011; Robinson, 2010) and Ecuador (Correa Álvarez, 2013).

The ethnographic work in the region also involves research conducted along smuggling routes and has focused on specific geographic locations (Ramírez Gallegos and Álvarez Velasco, 2009), often relying on the system of humanitarian migrant houses and shelters established across the Mexican

[112] Scholarship that is essential to further frame the experience of border crossings and sexuality involves the work of Luibheid on migration, sexualities and racialization (2002; Lubheid and Cantu, 2005) and González-López (2005) on the sexual lives of migrants. While these scholars' research focuses on the migrant experience in the United States and the United States–Mexico border, it has vast implications on the theoretical engagements with the experiences of irregular migrants in transit in and from Latin America.

migratory corridor. Brigden (2015) employed a multisited fieldwork strategy in El Salvador, Mexico and the United States to trace the improvisational practices of migrants travelling irregularly. Following a similar methodology, Guevara (2015) mapped the reliance of migrants on the humanitarian shelters that are set up along Mexico's South Pacific route, as connected to the interactions of migrants and their families with smugglers. Vogt (2013) traced the commodification of migrants and their victimization by groups of organized criminals and the solidification of predatory smuggling and kidnapping practices. The work of Álvarez Velasco (2015) has been fundamental at mapping the migratory spaces between the United States, Mexico and Ecuador and their configuration into a migratory system that identifies the complexities of the smuggler-migrant relationship. Stone-Cadena's research on indigenous coyotes in Ecuador has also bridged the gap on the ethnographic work linking migration from South America to the United States, examining the strategies of mobility and social networking deployed by migrants and smugglers in Ecuador's Southern Highlands (2014). While lesser explored, work on the journeys of transcontinental migrants from West Africa to South America is also part of the ethnographic production in the region. The doctoral work of Uriarte-Bálsamo and the ensuing publication of her book (2009) provided important insights into the experience of Ghanaian and Nigerian migrants travelling by boat to Argentina, Uruguay and the Bolivarian Republic of Venezuela.

Conclusion and ways forward

For generations, migration processes have been an integral part of the history of Latin America and a fundamental element of the identity of its people. While mainstream migration perspectives continue to frame migrants primarily as economic actors seeking to travel to locations where they can improve their economic potential (Herrera, 2003), the approach has historically and structurally failed to acknowledge the complexity of the factors leading to migration and the individual desires of those who migrate. Among these knowledge gaps lies the lack of scholarly engagements with the processes connected with the facilitation of irregular migration, which, amid State narratives of national security and claims over sovereignty, has become increasingly treated as a security threat, its cultural and community dimensions often ignored by methodological approaches that favour discourses of crime, victimization and violence. This is not to suggest that migrant smuggling is not violent, or that its facilitators are not likely to engage in abusive or exploitative behaviour – a statement of that nature would not only be naïve but amiss. Instead, the statement calls for the recognition of the need for approaches that are critical of how the focus on violence as inherent to smuggling that has dominated scholarly and policy engagements with smuggling facilitation in the Americas has limited the

possibility of examining the complex and important relationships established within community contexts and networks that seek to facilitate migration and improve the living condition of their members.

As this publication seeks to highlight, smuggling journeys are precarious, and the conditions under which they take place as a result of migrants' inability – and not unwillingness – to secure visas or passports have real and documentable impacts on the physical and emotional well-being of those who travel irregularly, their families and their communities. As noted, scholarship documenting the vulnerability of migrants and the roles State and non-State actors play as factors of said vulnerability is abundant. There is in fact no shortage of data on the experiences of irregular migrants, whose very accessibility to researchers trying to map victimization processes merits examinations into the ethics of data collection processes. Yet the data and research that have to this date been favoured in analysis of migration have failed to engage with scholars from Latin America itself in an academic dialogue and in collaborative efforts. Furthermore, there have been no concerted efforts to systematically and comparatively engage with the data pertaining to migration processes continentally, what has often resulted in heavily localized analyses of clandestine migrations that examine only the most striking, visible or graphic of examples, rendering those that are less violent or that lack sensationalistic tones irrelevant. A clear example of this selective process involves the abundance of scholarship on the Mexican migratory corridors, where what amounts to some of the most extreme examples of violence associated with irregular migration (mass kidnappings, extortion and the discovery of mass graves containing migrant remains) have been hugely documented, while the challenges faced by transcontinental migrants traversing the Darien Gap or across the Atlantic (less accessible areas for journalists and scholars) have been largely ignored by investigative inquiries of all kinds.

Smuggling practices are often seen as presenting a specific business model; many researchers continue to describe them along the lines of supply and demand where migrants are often depicted as irrational entities, willing to pay – and lose – what are described as exorbitant fees imposed by smugglers, who are in turn described as driven by greed and not concerned with the safety of those travelling with them. The reliance on the business paradigm further obscures the sociocultural dimensions that are connected to smugglers and their use as elements of a sophisticated system of protection – a form of human security from below that is articulated by migrants and their families in an attempt to improve their chances to succeed in their journeys and reduce the likelihood of injury or death (Sanchez, 2015 and 2016). Furthermore, until the reliance on smuggling is not acknowledged as a response to, and as embedded within a wider system of structural inequality that dictates access to human

security mechanisms, efforts to engage with the topic of irregular migration or eradicate smuggling practices by deterrence, criminalization and legislation implementation alone will continue to fail.

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12

THE UNITED STATES

Sheldon X. Zhang

Introduction

This chapter concerns human smuggling activities in the United States, a signatory country since 2000 to the United Nations Convention against Transnational Organized Crime (or the Palermo Convention).[113] Organized human smuggling activities are nothing new to the United States, a country that has seen various ethnic groups attempting to cross the borders through unofficial channels. In this chapter, recent trends of irregular migration will be presented and gaps in research and empirical data will be discussed.

For the much of the United States–Mexico history, border security has been closely pegged to the politics between the two countries. It is the longest, as well as the most dramatic meeting point between a rich and a poor country, and between law enforcement and law evasion (Andreas, 2009). The unprecedented build-up in border control since 1993 was especially jarring in an era of growing global commerce when politicians and corporations join hands to break down nation State barriers for better flows of goods and services, as epitomized in the North America Free Trade Agreement (NAFTA) (ibid.).

Migrant smuggling has long been an enabling factor in the long history of irregular immigration in North America. Two types of unauthorized migrants tend to make regular use of smuggling services. The first group of migrants consists mostly of indigenous farmers from interior Mexico, mainly central-western States, such as Michoacan, Guanajuato and Jalisco, and of migrants from other Latin American countries further south. These indigenous migrants often trek their way towards the United States–Mexico border by freight trains and trucks or other means. Upon arrival at the border regions, they will find a smuggler to arrange for the trip north. The second group consists of illegal migrants from other parts of the world, such as Asia and Eastern Europe, collectively called

[113] The formal rectification of the Palermo Protocols by the University States was on 3 November 2005. The list of all countries and their signatory status to the Convention can be found at https://treaties.un.org/PAGES/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-12&chapter=18&clang=_en

"other than Mexicans" (or OTMs in official parlance). These migrants tend to be financially better off and have traversed vast distances over various transit countries. They too rely on a network of smugglers to move across the border and enter the United States. Historically, the United States southern border was mostly used by Mexicans who trekked back and forth for seasonal jobs and returned home for holidays, while OTMs made up only a small fraction of the total unauthorized border crossings (Cornelius and Lewis, 2007). However, as shown in Table 12.1, this trend has changed significantly in the past 15 years. Now there are as many unauthorized crossings by OTMs as Mexicans.

Migrant smuggling activities around San Diego reflect what goes on elsewhere along the United States–Mexico border. Some smugglers form family enterprises and utilize familial networks on both sides of the border, while others are nothing more than a few loosely affiliated entrepreneurs who happen to know where border patrol is the least intense and where there are no fences and ground sensors. The more complex the smuggling operations, the more smugglers and social networks will be involved. Smugglers in general form temporary business alliances, and the organization of smugglers can best be understood as that of a task force, in which activities are temporary but specialized; enterprising agents deal directly with each other on a one-to-one basis. Such dyadic transactions are of vital importance to those involved in this business because they maximize the profits for the parties involved and minimize exposure to potential law enforcement activities. This transactional style is not unique to migration smuggling but to all transnational criminal enterprises, as shown in the research work on Chinese human smuggling organizations (Zhang, 2008) and Mexican smugglers (Sanchez, 2015).

Migrant smuggling may conjure up different images to people, and different definitions may lead to diverse understandings and views on this social and economic phenomenon. Regardless of what people read in news stories or watch in the movies, transnational migrant smuggling is essentially an underground travel service, paddled by groups enterprising agents to facilitate the illegal entry by foreign nationals into another country.

The United Nations first tracked views and perceptions towards international migration in 1976; most Member States showed little interest, considering it a topic of secondary concern (Commission on Population and Development, 1997). Countries with explicit immigration policies were decidedly a minority. By 1995, 40 per cent of countries had developed policies specific towards regulating levels of immigration. Now all developed countries and the vast majority of developing countries have measures in place to control the flows of migrants, mostly attempting to lower immigration. Even countries with

a long history of admitting large numbers of foreign nationals for permanent settlement (namely Australia, Canada, New Zealand and the United States) have increased admission criteria, giving greater preference to those with valuable skills (Zhang, 2007).

People migrate for various reasons; and the decision to uproot from one's familiar surroundings is often complex and multifaceted – some compelling (wars and religious persecutions) while others economic (seeking better livelihood). There are macrolevel factors related to societal and structural changes that influence irregular migration, which in turn produce patterned differences along major demographic profiles, such as gender, ethnicity and social class. However, microlevel factors are just as important in understanding individual choices of smuggling routes and destinations. Irregular migration and its concomitant smuggling activities represent a direct response to a State's effort to restrict the influx of migrants into one's own territories. When legitimate venues are blocked, those who desire to move may seek other migration options, including the possibility of entering a country illegally or irregularly. An illicit or informal marketplace thus emerges where enterprising agents converge to provide the needed travel services for a fee. These services range from procurement of necessary travel documents for destination or transit countries, transportation, guides and shelters at various transit points.

However, the desire to move to other countries is often met with resistance to receive. The past few decades saw increased weariness and hostility in developed countries towards low-skilled migrants in general and illegal migrants in particular. This is true in the United States as well as in most, if not all, Western countries, where illegal immigration has become a major political issue that galvanizes the populace. In the United States, and most particularly since 9/11 altered the migration and security discourse, illegal migration is viewed as one of many threats to national security. Such criminalizing responses contribute to a perception that human smugglers are criminals preying on the weak and desperate while threatening national security, and while smuggling is much more complex, there is some element of truth in this.

Overview of migrant smuggling in the country

The United States is a major destination country for transnational migration, legal and illegal. It is home to nearly 40 million, or 13 per cent of the total population (US Census Bureau, 2012). Latin Americans account for over half (53%) of all foreign-born residents in the United States, or 21.2 million. Among the total Latin Americans who are foreign born, 11.7 million, or over

half (55%), were born in Mexico. Mexicans account for 29 per cent of all foreign-born population in the United States.

For the most part of United States history, immigration was unregulated until the late nineteenth century. In those early days, practically anyone who could afford the fare to cross the Atlantic was allowed to enter the country. For instance, between 1870 and 1900, close to 12 million immigrants arrived in the United States most for economic reasons, while many others for political and social reasons. The vast majority of these immigrants were of European origins (Bodnar, 1985).

The early legislative attempts at controlling the nation's borders in the United States were outright racial in nature, reflecting economic as well as cultural tensions between European labourers who dominated the political machines of the time and the newly arrivals from Asia. For example, one of the first major restrictions on the free flow of immigration into the United States was aimed at one specific ethnic group – the Chinese Exclusion Act of 1882, barring skilled as well as non-skilled Chinese labourers from entering the country for 10 years. The Act was renewed in 1892 for another 10 years.[114] The Chinese Exclusion Act was followed by official Government of the United States policies to exclude or limit the number of immigrants from other Asian countries. Finally, with the passing of the Immigration Act of 1924, the United States Congress – while imposing quota on so-called national origins to restrict the flow of immigration – completely excluded immigrants from Asia. It should be noted that the Immigration Act of 1924 also included discriminatory quota restrictions against ethnic Europeans, such as Italians, Poles and Hungarians.

As the United States tightened its control over whom it allowed to admit, legitimate channels became either blocked or inadequate, thus giving rise to an illegitimate marketplace where logistical services could be purchased to evade immigration control. There is no shortage of historical stories on various ethnic groups that sought such services to enter the United States through illegal means. For instance, in the 1920s, many Eastern European Jews were desperate to escape post-war economic and political turmoil. In response to US legislation that set quotas on Jewish immigrants entering the country, many resorted to document vendors and middlemen to acquire fraudulent identity papers for the journey to the United States (Garland, 2008).

[114] For a quick overview of the major immigration laws passed by the US Congress that affected foreign relations, refer to the official list of these acts and official analysis at https://history.state.gov/milestones

During the 1980 and 1990s, Chinese migrant smuggling rings were so successful in launching land, air and maritime operations to send thousands upon thousands of illegal immigrants into the United States that the country panicked over the prospect of being "invaded" by the most populous country in the world (Zhang, 2008). In fact, few transnational human smugglers were as audacious and ingenious as the Chinese. They were well known more than a century ago in the United States, following the Chinese Exclusion Act of 1882.[115] The early Chinese human smugglers were no less ingenious in their methods of developing and securing smuggling routes than their contemporaries. For example, following the 1906 San Francisco earthquake and ensuing fire that destroyed most government buildings and their records, the "paper son" racket was quickly developed. Many Chinese immigrants in San Francisco claimed to have U.S.-born children residing in China, and the government could do nothing but reissue their citizenship documents, which quickly became a hot commodity and circulated back to China and enabled many young men to come to San Francisco.

Migrant smuggling is not a homogenous criminal activity. These days, the means of transportation, use of way stations and safe houses, the price of the trip, conditions of travel, and immigration status upon arrival can vary significantly from one smuggler to another. Long gone are the days when all immigrants needed was enough money to afford a ticket onboard a steamboat that sailed for weeks to reach New York's Elise Island or San Francisco's Angle Island and be herded through immigration inspections. There are many strategies that human smugglers use these days to circumvent regular immigration control.

There are no data that directly measure the volumes and characteristics of unauthorized migrants in the United States. The most cited estimates of unauthorized immigrant populations in the United States are produced by two entities: the Pew Hispanic Center (PHC) and the Department of Homeland Security (DHS). The most frequently used data sources for estimating unauthorized immigrant population are the American Community Survey (ACS), used by DHS, and the Current Population Survey (CPS), used by PHC. Because neither source directly gathers data on the respondents' legal status but asks instead if they were foreign-born, these estimates are indirect. By subtracting the legal residents, which the federal government has the records, from the counts of all foreign-born in the CPS or ACS, one uses the remaining, or residual, foreign-born as the basis for the estimation of unauthorized residents. Although different in how they determine the legal status of the respondents, both

[115] The Act by the US Congress was specifically targeting Chinese labourers who were perceived to be competing for jobs against the United States citizens. The Act is available online from www.ourdocuments.gov/doc.php?flash=true&doc=47

estimates are close to each other (see Passel and Cohn, 2011; Hoefer, Rytina and Baker, 2012). However, estimates on unauthorized immigrants already inside the United States cannot be used as a proxy to examine migrant smuggling activities. Not all illegal residents arrived in the United States with the help of smugglers.

Another data source that offers a proxy of the volume of migrant smuggling activities is the official statistics on the arrests of migrants attempting to cross into the United States as shown in the following figure.

Figure 12.1: Arrests of foreign nationals at United States borders

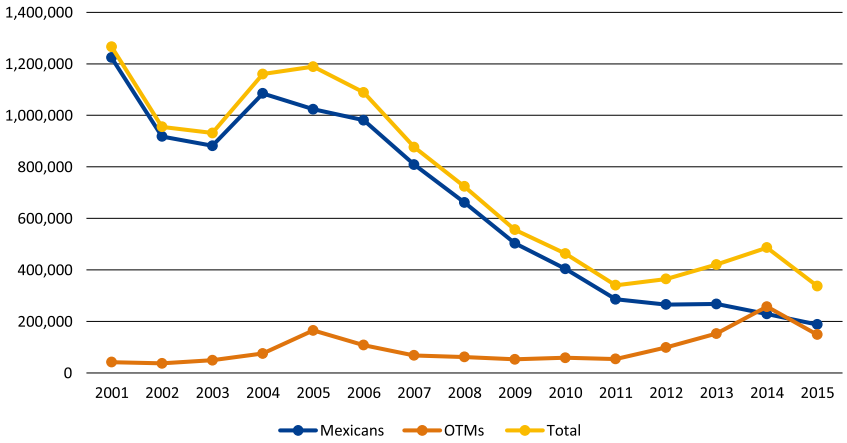

Figure 12.1 depicts the trends of the number of apprehensions of unauthorized migrants attempting to cross into the United States. It appears that over the past decade, the volume of illegal crossings into the United States have been on a steady decline, particularly among Mexicans. In the past two years, the number of arrests at the border for Mexicans and those from other countries (that is, other than Mexicans or OTMs) were about the same. It appears increased border security and intensified deportation efforts of illegal immigrants by the Government of the United States have produced some deterrence effect, contrary to what Cornelius and Lewis (2007) had argued. However, other causes may also have contributed to the observed declines. For instance, improved economic situation in Mexico may have reduced the push factor would-be migrants, and the impact of global financial crisis on the United States domestic job market (Papademetriou and Terrazas, 2009). The hostile social climate and anti-immigrant sentiments among Americans may also make the country a less desirable place to go, at least for the Mexicans.

Migrant smuggling in San Diego

San Diego, California, sits on the busiest border crossing in the United States with Mexico. On average, San Diego processes border crossings of 40,000 vehicles, 25,000 pedestrians, and 200 buses daily; and one in every six persons entering the United States does so either through the San Ysidro or Otay Mesa ports of entry. With a population close to 3 million, San Diego County resembles other large metropolitan areas with established immigrant communities and economic infrastructure adept at absorbing large numbers of legal and unauthorized immigrants.

San Diego's vibrant and expanding agricultural and horticultural businesses are labour-intensive and highly dependent on migrant labourers, most of whom are from Mexico. There are about 124,000 unauthorized Mexicans in San Diego's labour force (Zhang, 2012). In a survey of 112 employers in San Diego County in the mid-1990s, Cornelius (1998) found high levels of reliance on immigrant labour throughout the San Diego economy. Migrant workers made up 92 per cent in agriculture and food processing. One out of five firms in the study reported that more than 90 per cent of its local workforce consists of immigrants, and 1 out of 10 admitted that they have a 100 per cent foreign-born labour force.

Various attempts have been made by human smugglers to transport unauthorized migrants into the United States through this busy port of entry. Strategies to smuggle unauthorized migrants through San Diego can be grouped into two main categories: (1) concealment; and (2) false identity papers (Zhang, 2007). Concealment is a common strategy but oftentimes involves clever ways of hiding migrants inside various cavities of a vehicle or commercial merchandise. Identity papers are also used frequently by smugglers to send clients through the checkpoints.

In the past two decades, San Diego County has become an important destination or lengthy way station for migrants, particularly following the 9/11 events (Zhang et al., 2014). By staying close to the border area, unauthorized migrants can reenter the United States faster should they be deported. It is well known in this region that, when detained by immigration officials, most unauthorized migrants claim to be residents of Mexicali or Tijuana, which border with San Diego, so they are less likely to be deported into the interiors of Mexico or Central American countries, and can make it back to the United States quickly. This has become an important migration strategy particularly when many migrants have endured untold hardships, including kidnapping, raping, beatings and robbing during their journey towards Mexico's northern border. Border securitization did not just begin after the 9/11 events. Since 1993, the Government of the United States has stepped up its efforts to reduce the flow of unauthorized entry from Mexico through hardening its border fences, resulting in significant increase in organized smuggling activities, costs of border crossing, as well as deaths and abuses along the United States southern border (Cornelius and Lewis, 2007).

Overview of data on migrant smuggling

Believe it or not, for a country with such a long history of irregular migration, there are no publicly available data on migrant smuggling in the United States. The closest data are probably the official statistics on the number of unauthorized migrants who are apprehended at the borders with Mexico or Canada. While immigration officials along the United States–Mexico border routinely collect the country origins of apprehended migrants, transportation

routes and methods, as well as border crossing fees charged by smugglers, such data are never made available for academic research purposes. Furthermore, official data when published in government reports do not distinguish between migrants who crossed the border with peers, on their own, or with the help of a smuggler, thus making it impossible for inferential analysis of migrant smuggling activities.

Although there are no data in the United States that pertain directly to human smuggling activities, let alone on smugglers, there are data on illegal migration, which researchers have been using to derive or estimate the volumes of migrants being smuggled into the United States and analyse their demographic profiles.

Apprehension records collected by US Border Patrol (USBP)

The USBP maintains a database of all individual apprehensions made by border patrol agents. Aside from demographic information taken at the time of an arrest, such as sex, age, country of citizenship, and (if a Mexican national) state of birth, agents also record where the arrest takes place and ask if the apprehended migrant sought assistance from a smuggler and how much was paid for the smuggling service. Although the Government of the United States publishes aggregate statistics from this data source, the underlying disaggregated data are not made available for academic research.

Researchers who are privy to this data source have also found serious limitations (Roberts et al., 2010). Apprehended migrants often do not reveal that they are being smuggled because smugglers, once identified, may face criminal charges in the United States. Migrant smuggling relies on social networks within which both clients and smugglers interact. It is uncommon for migrants to maintain personal relationships with smugglers because these smugglers may be referred by friends or relatives who have already established trust. As Roberts et al. (2010) found in their analysis of smuggling costs resulting from intensified border enforcement, historically, roughly 80 per cent of all apprehension records do not contain information on the use of smugglers, and about 94 per cent do not contain information on smuggling cost. Moreover, there are significant variations in the smuggling recording rates across different USBP sectors or stations, which may reflect variability in patrol agents' field interrogation practices or actual variations in the number of migrants who use smuggling services (ibid.).

Mexican Migration Project (MMP) Survey[116]

The MMP survey was created in 1982 through a collaboration between researchers from Princeton University (United States) and University of Guadalajara (Mexico) to collect social-behavioural and economic data on both sides of the border to understand the complex process of Mexican migration to the United States. Survey takers visit households elected through a sampling procedure in selected Mexican towns and villages typically with high volumes of outward migration to the United States. The survey measures changes in social and demographic profiles of households with members who migrated to the United States. Two to five Mexican communities are surveyed each year, with 200 households typically being surveyed in each community. Following the completion of the household surveys in Mexico, MMP then conducts interviews in the United States with members of select households from the same communities and who have settled in the United States. Migration experiences are captured in these surveys that include any use of smuggling services. The MMP makes its data files, code books and associated publications public.

Neither of the above-mentioned databases concerns specifically with migrant smuggling, although the MMP data contain enough details to tease out patterns of migrant smuggling activities. Large-scale research on migrant smuggling, using systematic data collection methods such as surveys, is unheard of in North America. Instead, research on migrant smuggling is mostly being undertaken by a few independent researchers, mostly anthropologists and sociologists, over the years. Most methods used in data collection are qualitative and ethnographic in nature. One recent example was a field study on Mexican smugglers on both sides of the border (Sanchez, 2015). In the years prior to the publication of her book, Sanchez traversed both sides of the United States–Mexican border, talking to smugglers of all types, young and old, men and women, self-proclaimed do-gooders and deceptive entrepreneurs looking for easy prey.

Clearly, there is a need for a more stable venue where migrant smuggling data can be systematically collected and stored by an organization with stable funding and administrative support. Entry by unauthorized migrants has always been a major policy, as well as political issue in the United States and will remain so for the foreseeable future. For the purpose of supplementing official data and supporting government policymaking, an independent and stable data warehouse is sorely needed to provide alternative venues for researchers to analyse and disseminate smuggling research on a regular basis.

[116] Details about the history and design of this study, as well as data access are available from http://mmp.opr.princeton.edu/

Review of migrant smuggling research

Research on migrant smuggling in the United States involves a multitude of issues and perspectives, depending on the disciplinary interests of the researchers. The following reflects some of the major themes of human smuggling research.

Describing trends in human smuggling

In 2014, members of an Armenian-led migrant smuggling ring were caught transporting Armenian nationals through the San Ysidro port of entry in San Diego (US Immigration and Customs Enforcement (ICE), 2014). Armenian smugglers employed the classic identity fraud of training clients to assume the identity of another person. Their clients in this case were charged up to USD 18,000 each, and moved through a series of third countries. First, they were flown into Moscow using fraudulent Russian passports, and then into Cancun, Mexico. Once inside Mexico, they were transported overland to Tijuana, which borders with San Diego, where they were provided valid United States legal permanent resident cards (that is, green cards) or passport cards.

Explaining unique patterns in transnational migration and concomitant smuggling operations

Economic opportunities, or differences in earnings, are often used to explain much of population migration. Other than in relation to armed conflicts where people flee for their lives, people mostly move in order to seek better work or living conditions. The increasing immigrant populations in general have been attributed to the growing employment opportunities in such industries, such as construction, agriculture and food processing plants (Moreno, 2005).

However, wage differentials are inadequate to explain transnational migration alone. For instance, Mexicans make up the largest group of illegal immigrants in the United States, accounting for 29 per cent of all foreign-born population in the country or 11.7 million (US Census Bureau, 2012). Within Mexico, the majority of illegal migrants have traditionally come from the central-western States, such as Michoacan, Guanajuato and Jalisco; however, migrants from Oaxaca and Guerrero have also increased rapidly in recent years (Lewis, 2005). According to one estimate, the lion's share of the migrants came from about 5 per cent of its *municipios* (counties) in interior Mexico (Cornelius, 2005). One then must ask why transnational migrants do not come evenly from the most destitute regions of the world or country and why migrants tend to come from concentrated regions in their home countries (Zhang, 2008).

Migration, either regular or irregular, follows a few predictable patterns. At the micro or personal level, disparities in earnings draw individuals from low-wage countries towards high-wage countries with prospect for greater personal or family wealth. Wage differences between sending and receiving countries are the most important factors for people to move (Harris and Todaro, 1970; Mahler, 1995). At the macrolevel, countries with shortage in labour attempt to recruit workers from abroad to fill the demand of the economy. As the economy expands or contracts, the labour market fluctuates and countries in need of labour thus respond by encouraging or discouraging immigration. Individual labourers, on the other hand, adjust and adapt to the cycles of economy. A state of equilibrium is thus achieved through periodic redistributions of labour through migration (Massey et al., 1998). International population migration thus becomes an equalizing mechanism to balance the distribution of economic resources across countries (Massey et al., 2002). Labour markets in post-industrial nations have become bifurcated, with high pay and steady jobs on one end, low pay and unstable jobs on the other. The dual labour markets are particularly salient in major cities, such as Los Angeles and New York where managerial, administrative, financial and technical jobs have achieved high levels of concentration and also created high demands for low-wage services. Such a bifurcated labour market structurally depends on a steady influx of cheap foreign labour to sustain itself (Piore, 1979).

Beyond the earning disparity factor

Although wage differentials or relative deprivation and the prospect of elevating one's family status and financial standing in the sending country provide a strong incentive for people to migrate, it is not a sufficient condition. Far more people in developing countries are aware of the earning differentials and dream of a life as an immigrant in a Western country than those who actually take the journey. The fact that not more people from developing countries participate in transnational migration suggests that the decision to migrate involves more than monetary factors. Access to migrant smugglers and the ability to purchase quality smuggling services become important factors in this decision-making process.

Kinship and community ties, legal barriers and human smugglers, airlines, railways and shipping companies, and even law firms, human rights groups and anti-immigration activists are all part of this complex picture, each group playing out some roles that directly or indirectly affect the flow and direction of legal as well as illegal migration (Pieke, 1999). In practice, most migrants follow existing networks to particular destinations rather than simply moving to the country where most money can be made (Zhang, 2007). Facilitators (or migrant smugglers) are important players in these existing migration networks.

Families send their members to distant places in search of jobs to assure the overall financial well-being of the family. These migrants effectively become an insurance policy for the aging parents and other family members against crop failure, market crash and a host of other adverse economic conditions at home. In return, a family increases its resources to deal with a host of current and future financial uncertainties. Economists have long perceived such migration practice as a collective act to maximize a family's income, minimize risks and loosen constraints associated with a variety of market failures (Stark and Bloom, 1985). Migrants are rational actors who calculate social and personal costs against potential profits in their decision-making and move to a foreign country where they can expect positive financial returns. Therefore, any attempt to seek and procure smuggling services must be factored into this calculus of costs and benefits. Wage differences are not the only incentive that motivates people to move, and migration decisions are not made by isolated actors. They are taken within larger units of interrelated people, such as families or households and sometimes an entire community (Stark, 1991).

Still, other scholars argue that transnational migration of labour forces reflect the penetration and expansion of the competitive market economy advocated and promoted by the Western countries. This world system perspective perceives the global marketplace as being dominated by a few core nations that command vast amounts of capital and resources. As a result, the global economic system is moving towards greater interdependent and integrated, with other countries on the periphery are supplying not only surplus labour but also consumer markets. However, the global expansion of a market economy causes disruptions to the traditional economic systems and livelihoods and therefore dislocation in these peripheral regions into the world, which in turn generate population migration (Morawska, 1990). Therefore, transnational irregular migration does not necessarily represent a lack of economic development in the sending countries but disruptive development itself, because historically, it is not the poorest countries that dominated international migration but countries that experienced economic development. These theories all try to explain the same phenomenon from different angles and at different levels of analysis. There are, however, consistent elements in transnational migration that these theories attempt to explain.

The nexus between organized crime and migrant smuggling

The UN Palermo Convention suggests two changes in the development of organized transnational migrant smuggling activities: (1) migrant smuggling is an organized crime that contributes to the increase of transnational irregular migration; and (2) migrant smuggling has grown into a serious international problem that demands international attention and counter strategies.

Once migrant smuggling is framed as organized crime, it takes on political significance and pushes for coordinated international efforts if the Western countries desire to reduce the flow of unauthorized population. However, Gallagher and David (2014) contend that these concerted efforts on identifying and responding to migrant smuggling only attracted international attention in the 1980s and 1990s when the United States and European countries experienced large influxes of unauthorized migrants. The focus of attention is now cast on those who facilitate irregular migration, rather than on the underlying causes for people to resort to irregular channels to migrate. As if by doing so, these nations can put an end to the flow of irregular migration; or at the minimum, human smugglers are considered major contributors to unauthorized transnational migration.

The nexus between migrant smuggling and organized crime has been a contested issue. Around the time when the Palermo Protocol was passed, migrant smuggling caught much attention in the United States, particularly about Chinese human smuggling. Chinese organized crime was blamed for much of the human smuggling activities from mainland China to the United States. For instance, the Government of the United States reports as well as the INTERPOL intelligence analysis all pointed to criminal organizations in Taiwan, Province of China and Hong Kong, China as the primary players in these spectacular smuggling operations from mainland China to the United States and European destinations.[117]

It should be noted that there is a long debate on the differences between organized crime and crime that is organized, and Finckenauer (2007) argues that organized crime needs to possess the cultural and organizational attributes similar to those of the Italian mafia. It is beyond the scope of this paper to debate over whether migrant smuggling should be classified as organized crime. Suffice it to say, migrant smuggling is a coordinated activity that involves multiple individuals over some distances. Like many other organized crime entities, migrant smugglers conspire against and circumvent government control over their enterprising activities. If one chooses to define organized crime loosely as any enterprising activities, in which individual entrepreneurs with the financial wherewithal and right connections form loosely affiliations to provide underground travel services, then migrant smuggling fits the “organized crime” narrative.

[117] For a detailed discussion on how the Government of the United States as well as European officials claimed the linkage between Chinese human smuggling and traditional Chinese organized crime groups, see Chapter 9 “Human Smuggling and Traditional Chinese Organized Crime” in *Chinese Human Smuggling Organizations* (Zhang, 2008).

Zhang and Chin (2003) propose a different strategy to reconcile the different perspectives on organized crime – grouping organized criminal activities into two main categories: (a) territorial; and (b) non-territorial. Traditional organized crimes, such as prostitution, drug distribution, loansharking, protection and extortion, are mostly territorial where there are well-defined neighbourhoods. A territorial criminal entity tends to be monopolistic and boundary-delimited. Issues, such as legacy, identity and loyalty are of vital importance to these criminal organizations. These criminal organizations also tend to be hierarchically arranged, with a godfather sitting above layers of lieutenants and street soldiers.

Little empirical research is available to substantiate the involvement of traditional organized crime in transnational migrant smuggling. No empirical researchers have staked out any such claims that they found any evidence to suggest the involvement of any traditional criminal organizations in the transnational migrant smuggling businesses.

However, if one foregoes Finckenauer's position and extends the definition of organized crime, then there is ample empirical evidence to suggest that human smugglers are collectively an organized criminal entity, albeit loose affiliations of entrepreneurs who share little more than a desire to make money through illicit means. In fact, the most successful migrant smugglers are nothing but brokers who know where to acquire and deploy the necessary resources to move clients through different way stations to their eventual destination. For instance, after an eight-month investigation, an investigation by the *Pittsburg Tribune-Review* found that most migrant smugglers along the United States–Mexico borders were American citizens, doing the smuggling gig just for quick cash.[118] After a review of court records, the investigators found that 92 per cent of all convictions in the United States for migrant smuggling were tied to just the southernmost counties of four States along the Mexico border. A total of 3,254 smugglers were convicted between 1 January 2013 and 31 December 2014. Three of every five coyotes caught in the southern borderlands were US citizens who smuggled immigrants in exchange for money, drugs or both. Americans play key roles in the smuggling operations, especially driving unauthorized aliens across vast distances and interfacing with other Americans. Their payment varies tremendously depending on the type of services they provide, such as guiding migrants around border checkpoints and transporting them to safehouses.

[118] In a series of reports collectively titled "The American Coyotes," investigator Carl Prine and photographer Justin Merriman spent eight months traversing the United States–Mexican border regions, talking to smugglers and migrants, and observing their business transactions. The full collection of the stories can be found at http://triblive.com/americancoyotes/

In a market environment where goods and services cannot be openly advertised and traded, brokers are functionally imperative in connecting otherwise disjointed partners for business transactions (Burt, 2005). The nodal positions occupied by the brokers also controls access to the desired services or goods. As long as the asymmetries of information and access remain, the broker will benefit from this competitive edge (Burt, 1992; Morselli and Roy, 2008).

For the non-territorial transnational migrant smuggling rings, much more research is needed. Little is known about how smugglers of different ethnic and national backgrounds mobilize resources and find partners to collaborate in the transportation of unauthorized migrants. Much empirical work is needed to develop and test theoretical understandings of how loosely affiliated groups of individuals seem capable of accomplishing seemingly complex criminal operations over vast distances. From cross-border migrant smuggling to drug trafficking, there is no shortage of successful stories as well as spectacular failures. Criminal entrepreneurs have managed to carve out profitable niche market for offering underground travel services to whoever is willing to pay. Migrant smugglers are capable of ingenious use of social networks and counter-enforcement maneuverings.

Emerging nexus between drug trafficking and migrant smuggling

What has emerged in recent years from recent field activities by this author in San Diego and research colleagues elsewhere along the United States–Mexico border is that an increasing number of unauthorized migrants from Mexico reported that they were often forced by their smugglers to carry drug-stuffed backpacks when crossing into the United States. Official reports also suggest such a trend. For instance, in a recent case, three Mexican men were caught using a 27-foot fishing boat of the Texas coast of Padre Island National Seashore for smuggling unauthorized migrants into the United States (US ICE, 2016). The three Mexican smugglers launched their boat from Playa Bagdad in the northern Mexican state of Tamaulipas, right near the United States border, and headed towards the Corpus Christi area. The trip was short but daring. These smugglers reportedly were operating their boat in the dark of the night without its lights on and with multiple tanks of leaking fuel. There were eight unauthorized passengers onboard. Along with the human cargoes, the Customs and Border Patrol officers also discovered 10 bundles of marijuana wrapped in plastic, weighing 530 pounds. There has been an increase of reports on overlapping activities between drug traffickers and migrant smugglers.

However, no prior research in the United States has found evidence to that pointed to overlaps between drug trafficking and migrant smuggling activities. In other words, drug traffickers and migrant smugglers seemed to occupy separate marketplaces. Much research is needed to substantiate such overlaps and provide explanations as why and how these two markets are merging. One possible hypothesis is that intensified border security reduces geographical places and forces both drug traffickers and migrant smugglers to converge onto a few available transportation routes. While little empirical exists to explain how these two groups of enterprising agents may interact within restricted geography, it is fair to speculate that the better armed ones, mostly the drug traffickers, most likely prevail in the control of the physical pathways into the United States. Migrants thus are increasingly being used as couriers to move drugs into the United States either as a condition of their smuggling operation or as a form of payment. There is little research on whether drug traffickers are forcing out the migrant smugglers or that migrant smugglers have expanded to collaborate with drug traffickers for additional income.

Conclusion and ways forward

Following the 9/11 events in the United States, migrant smuggling as a research topic has received scant attention. One would think that migrant smuggling may be translated into border security issues or carry national security implications. However, current discourse on national security, especially on anti-terrorist activities, takes places largely without any reference to migrant smuggling. This lack of official attention on migrant smuggling can saliently evidence the number of open solicitations by the federal government for funding migrant smuggling related studies. This author is not aware of any in the past 15 years. In fact, other than the survey of 300 unauthorized Chinese migrants in New York City by Chin (1999) who attempted to understand the trans-Pacific smuggling operations, no one else has carried out a similar study inside the United States since.

Patterns and changes in migrant smuggling in the United States reflect a multitude of social, economic and political factors. But few researchers are currently funded to engage in systematic data collection to study this topic. The changing roles and functions of migrant smugglers may provide much information to policymakers, as well as law enforcement agencies on the broader societal and economic conditions under which migration takes place. For instance, following the significant build-up in security along the United States–Mexico border, illegal crossings by individual migrants themselves have largely disappeared. In the face of increased costs and hazards, migrants routinely seek human smugglers for a multitude of services, ranging from personal protection to food and shelters, and to transportation.

Most policymakers as well as border security agency administrators are aware of the growing dependence of unauthorized migrants on smugglers, but little research is available to study the complexity of migrant smuggling (including its variations and interconnections with other migration dynamics). In an election year and with inflammatory statements made against unauthorized migrants, it is easy to find simplistic proposals and one-dimensional policies that claim to produce drastic outcomes. Few anticipate any possible consequences, such as subjecting migrants to extreme exploitation, violence and even death.

Migrant smuggling rises and falls in response to the needs in the market of irregular migration. Many factors seem to influence the direction of unauthorized immigration, from broad labour market conditions to tightening of border control. In the past decade or so, irregular migration from Mexico to the United States seemed to march on its own beat, a steady decline, irrespective of the fluctuations of the labour and economic conditions in the United States. Illegal migration seems to have its own barometers that measure the informal economy of the host country and responds to a far more complex set of conditions than mere economic factors. Parasitic to this irregular migration, migrant smugglers will most likely fluctuate also depending on the demand by unauthorized migrants for their services. Efforts to control unauthorized immigration create and maintain a marketplace where enterprising agents with the right social connections and resources converge to provide smuggling services. Once in business, human smugglers can only hope for more clients and thus may have indeed become a major contributor to sustained illegal migration.

Similar to other illicit enterprises, transnational migrant smuggling activities expand and contract in response to political and social conditions that interfere with the illicit marketplace. In general, the greater a destination country attempts to reduce its influx of unauthorized migrants, the greater the need for "professional" assistance provided by these human smugglers. Entrepreneurs of diverse backgrounds and resources find one another, motivated by a common desire to make money, to form transient alliances or networks, and enable fee-paying migrants to move successively from one way station to the next. Along the way, most migrants probably arrive uneventfully while others fall prey to unscrupulous vendors. Unfortunately, in North America, there is little systematic research on how immigrants seek out smugglers, and how smugglers form alliances and distribute profits. Moreover, as border security becomes tightened, smuggling channels are limited for migrant smuggling as well as drug trafficking. Is it inevitable that the reduced money-making opportunities will lead to coalition of human smugglers and drug traffickers? Little is known about the social organization of human smugglers both as a social phenomenon and as a criminal enterprise.

There is much need to understand the social organization of migrant smuggling within the broader context of irregular transnational migration. A collective and coordinated effort is needed to move current on migrant smuggling in the United States, which remains haphazard and individual endeavors, to a higher and more policy relevant level.

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