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Five Misconceptions About Migrant Smuggling

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Migrant smugglers occupy a special place in the European 'migration crisis' discourse. They are depicted as the facilitators of irregular migrants' journeys, and as criminals who take advantage of people's vulnerability and naïveté. Stories of ruthless smugglers who abuse, abandon or even murder those who rely on their services are common in popular media, as well as in mainstream academic, policy and law enforcement narratives of migration.

These characterizations are not unique to Europe: around the world, smugglers are systematically depicted as immoral figures who organized in networks have hijacked border controls worldwide.[1] While it is true that migrants do face victimization and violence in the context of their journeys, research and data on the interactions between migrants and those behind their journeys are limited. This has often led to the proliferation of misinformed claims concerning smuggling, its organization and its actors. This policy note addresses five of the most common misconceptions connected with smuggling. It seeks to improve our collective understanding of irregular migration facilitation practices but also the implications of the actions developed to counter them.

Migrant Smuggling is Controlled by Transnational Criminal Networks

While often described as organized into intricate and sophisticated networks, smuggling presents low levels of organizational complexity.[2] Official data show most people convicted for smuggling are in fact independent operators,[3] often working on behalf of friends and family members, or who are migrants themselves trying to reach a destination.[4] Other smuggling facilitators work in loosely connected groups of varying size,[5] and refer business opportunities to each other without the need to be structurally or organizationally connected.[6] As

migrants increasingly travel to more distant destinations and along more remote routes in order to avoid law enforcement detection, smuggling facilitators do also work with contacts that span across countries and even continents.[7] Research however indicates as migration enforcement and criminalization increases, smuggling activities are increasingly been facilitated by local operators, who specialize in the provision of specific tasks.[8]

Migrant Smugglers Are Foreigners Operating from Abroad

Within Europe, about fifty percent of all smuggling-related apprehensions and convictions involve EU citizens and residents.[9] Women are also charged in smuggling cases –in the US alone, they constitute about a third of those prosecuted at the federal level.[10] In the South Pacific, North Africa, Europe and the US Mexico Border, researchers have found evidence of the participation of children and adolescents in smuggling, who perform tasks in exchange for pay and/or as a way to offset the costs of their own migrations.[11] In both the US and Europe, members of NGOs and humanitarian groups have also been charged with smuggling.[12]

Many countries around the world lack laws criminalizing smuggling. In many communities facilitating migrants' journeys is seen as part of a complex series of care, support and knowledge that help communities and their members move and survive. Together these practices may be known to be illicit, but legally do not constitute a crime.[13] This is also part of the reason why many migrants do not consider smuggling facilitators criminal actors, but service providers and even benefactors. [14]

Human Smuggling Has a Sophisticated Business Model with Vast Profits for Those at the Top

It is virtually impossible to estimate the size of the smuggling market. It is even harder to determine its profits, given its underground, unregulated nature. What the evidence shows is that prices and services vary greatly, and are often negotiated on the basis of reciprocity, social trust, or simply as a good business practice.[15] Some migrants are able to afford better or higher quality services than others and may travel under less precarious conditions; yet it is most often enforcement what shapes the conditions migrants face and the travel methods they pursue.[16]

Many researchers have argued that stepped-up migration enforcement has led smuggling to become more sophisticated.[17] Evidence shows however that worldwide smuggling is becoming increasingly fragmented. Most smuggling efforts are in hands of local, independent operators who offer migrants affordable or low-cost options that cover specific, short segments of their journeys (e.g., pay-as-you-go services).[18] This leads most migrants to enter into agreements with multiple facilitators during their journeys, which on the one hand may reduce up-front costs, but most importantly eliminates or limits the need for hierarchical, network-like forms of smuggling.[19] This also means most profits are immediately recirculated into the communities of smuggling facilitators –often working-class, elderly, disabled, native and indigenous men, women and children.[20]

Terrorists/Narco-traffickers/Sex traffickers Are Taking over the Migrant Smuggling Market

It is not uncommon for groups who benefit from illicit activities to come in contact with one another. In fact, knowing who each other are and what they do is essential to their operation. Groups share specific borders and/or locations as these may provide logistical advantages. [21] In the case of smuggling, evidence has also shown groups effectively devise and rely on verbal agreements and the imposition of tax-like tolls that regulate access to specific routes and/or places. This ensures order, reduces the potential for conflict and –most importantly—limits the likelihood of law enforcement detection. [22] The potential consequences of non-compliance (ranging from threats to being banned from using a route or territory to forms of physical violence) often serve as deterrent. This does not mean, however, that criminal organizations or their markets are structurally connected or that they have converged. Terrorism actors, as well as people involved in the clandestine transport of hard to obtain, expensive or unique goods, often devise their own, alternative travel arrangements.[23] They are unlikely to rely on migrant smuggling mechanisms, which often involve long,

dangerous routes plus provide limited control of the journey and/or its outcomes.

If We Stop Migrant Smuggling, Migrants Will Be Safe

Most migrants in the world today travel to and enter the countries where they live legally, but many are or rather become irregularised through the restrictions governments' impose on their ability to stay or to become recognized as regular residents. We do know that the reliance on smuggling emerges from the lack of accessible, legal and safe mechanisms for mobility. Excessive, cumbersome, expensive bureaucratic requirements increasingly limit the ability of growing numbers of people to get documents establishing their right to move and put them at serious risk not only of being victimized by smugglers, but also by corrupt authorities, petty criminals and the general public. In other words, what puts people at risk is the "protracted condition of illegality"[24] that emerges from their status as irregular migrants, rather than smugglers alone.

So, How Do We Stop Migrant Smuggling?

The answer is relatively simple: by providing open, unrestricted, dignified access to the tools that allow for people's legal, safe, organized, expeditious mobility. Agreements like the one allowing Albanians to enter and work in Italy led to the almost immediate disappearance of the local smuggling market.[25] The implementation of regional practices allowing people to work and travel without additional requirements and/or restrictions have also been shown to reduce reliance on dangerous corridors or the proliferation of exploitative labour conditions. While smuggling is often conceptualized as an organized crime threat, around the world many people are criminally charged with smuggling for introducing friends, families or themselves into countries different from their own for no financial or material motive or in order to reach safety. The legal designation of these practices as smuggling contravenes international protocols implemented to provide different layers of migrant protection—including the United Nations Protocol on Smuggling.[26] The widespread implementation of a clause establishing the facilitation of irregular migrants' journeys for no financial profit, and the provision of humanitarian assistance as not constituting a form of smuggling, could have an immediate benefit on those in need of relief and protection, and avoid costly detention and legal processes.

In sum, targeting exploitative and violent practices against migrants in transit requires the endorsement of international agreements, commitment from all stakeholders, and empirical, reliable, grounded research and data on smuggling and its implications from the perspective of all parties involved.

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Endnotes

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