

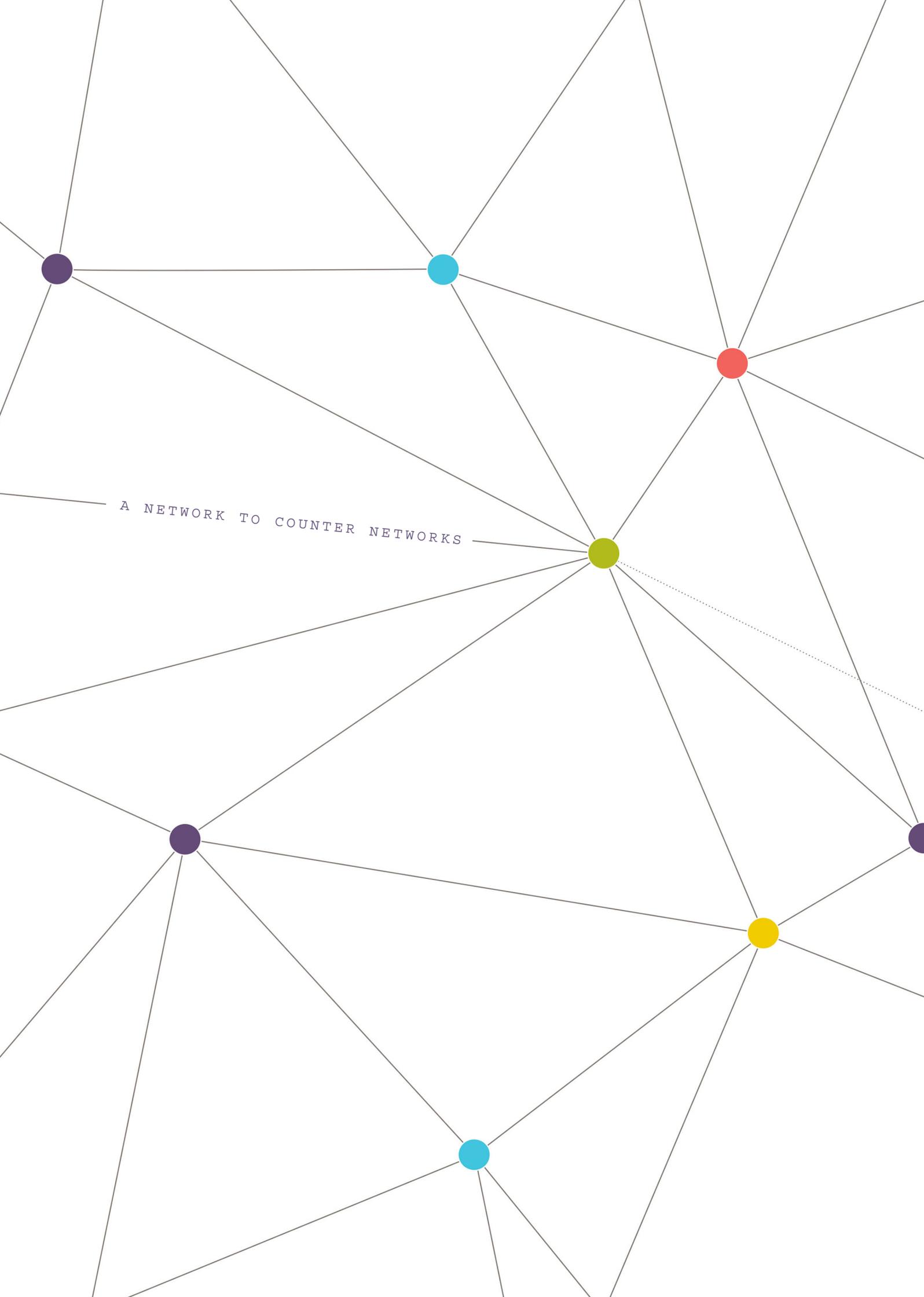
THE GLOBAL INITIATIVE  
AGAINST TRANSNATIONAL  
ORGANIZED CRIME

# Understanding contemporary human smuggling as a vector in migration

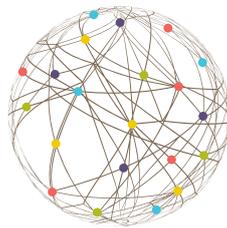
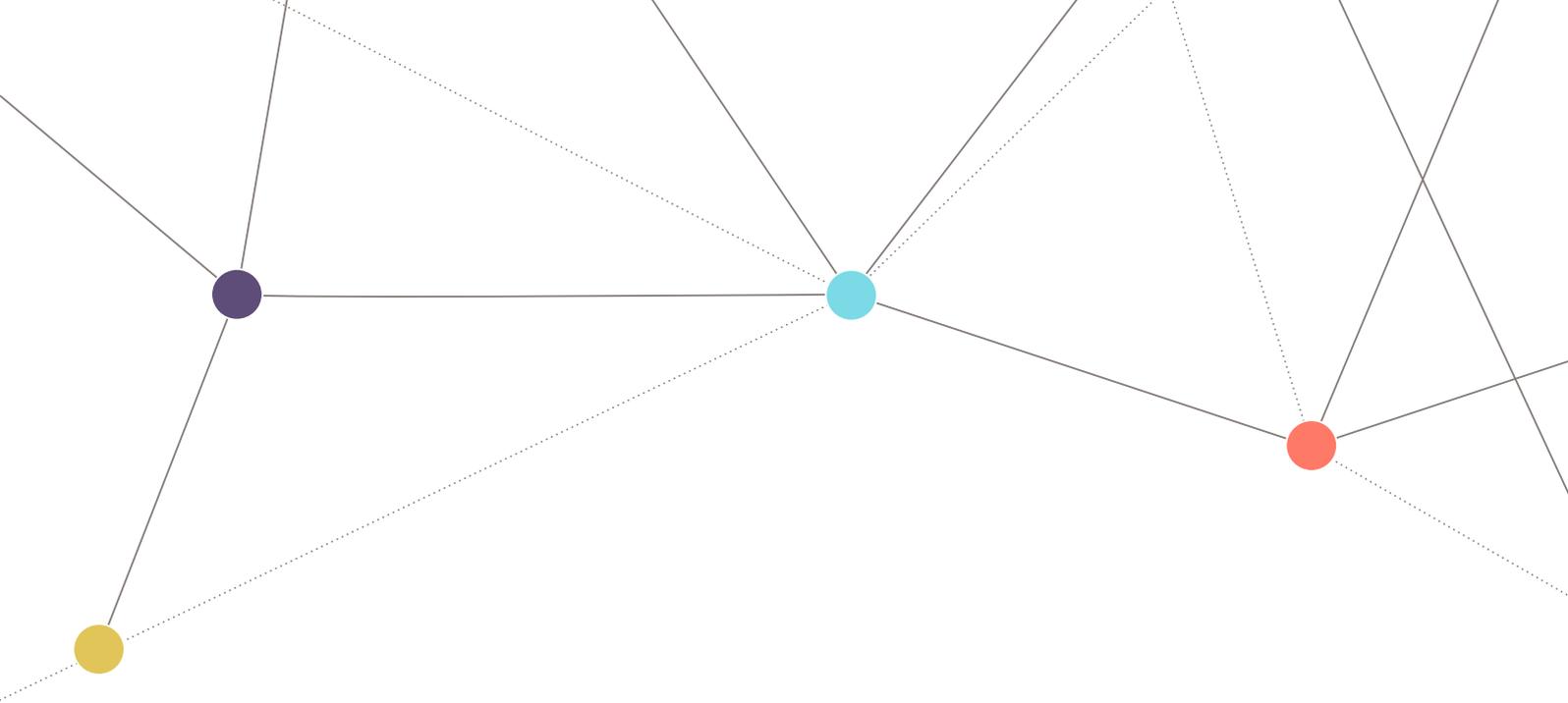
A field guide for migration management and humanitarian practitioners



May 2018



A NETWORK TO COUNTER NETWORKS



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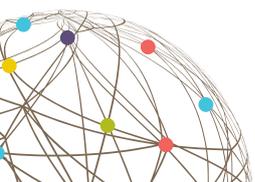
Cover: A truck loading migrants and goods on the southern Libya highway. Photo by Tom Westcott

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The Global Initiative Against Transnational Organized Crime  
WMO Building, 2nd Floor  
7bis, Avenue de la Paix  
CH-1211 Geneva 1  
Switzerland

[www.GloballInitiative.net](http://www.GloballInitiative.net)



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# Acknowledgements

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This guide was written by Tuesday Reitano and Lucia Bird Ruiz-Benitez de Lugo, but draws from and distils the experience and expertise of a team from the Global Initiative Against Transnational Organized Crime, namely Mark Shaw, Mark Micallef, Peter Tinti, Matthew Herbert, Samantha McCormack and Livia Wagner. It also collates fieldwork, research and analysis in more than 18 countries in Africa and the Middle East, much of which has already been published by the Global Initiative in other publications.

The Global Initiative hopes that this will be a useful contribution to organizations with responsibility for migration management, protection of refugees and people on the move, humanitarian and development practitioners, and policymakers more broadly.

We would gladly support the dissemination of the guide to the members of your organization by making our staff available for presentations, or through a modular training course that we have prepared to accompany the guide.

You are most welcome to circulate the guide or excerpt parts of it for your own in-house training programmes. We just ask that you acknowledge the source, and if possible let us know.

We welcome feedback on the guide and its utility for your work, on any additional information that you might have sought or other ways to improve it, and how we can further support your work.

Please do not hesitate to contact us.

Tuesday Reitano  
Deputy Director  
Global Initiative Against Transnational Organized Crime  
Tuesday.Reitano@GlobalInitiative.net  
www.globalinitiative.net



# Summary

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Human smuggling, while playing a major role in irregular migration, is a phenomenon that is poorly understood, and the distinction between human smuggling and trafficking often blurred. The policy approach to migration and human smuggling has been predominantly confined to law enforcement and securitization – an ineffectual response that results in migrants being criminalized by the state and perceived as ‘others’ by citizens. This guide analyses in depth the dynamics and trends of the human-smuggling industry, focusing on migration from and through the Middle East, North Africa and sub-Saharan Africa to Europe. Its goal is to provide practitioners, policymakers and law-enforcement officials with detailed information to enable them to understand how human smuggling works as a vector in migration, and to formulate a more effective, holistic policy response than has been achieved to date.

# Introduction

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People across the globe are on the move on an unprecedented scale, and it has become increasingly difficult to draw effective distinctions between the numerous definitions that are used to describe them – asylum seekers, economic migrants, refugees, displaced persons, for example. The reality of global mixed migration is complicated.

Human smugglers have proven to be the transportation system that underpins irregular movement. Key features of globalization – including in particular the role of the internet and social media as connectors and platforms for information exchange and money transfer – have empowered human smugglers in terms of their capacity to recruit clients, facilitate their journeys during migration and evade detection. As a consequence, smugglers play a major role in amplifying the scale of irregular movement.

Yet, at the same time, human smuggling is a phenomenon that is understudied and poorly understood, particularly by migration practitioners. The existing framework of responses to human smuggling, as enshrined in the dedicated Protocol to the UN Convention on Transnational Organized Crime (UNTOC),<sup>1</sup> largely places the onus of response on law-enforcement authorities and the criminal-justice sector, while the protection of migrants and refugees<sup>2</sup> remains the purview of humanitarian workers.

However, it has become increasingly clear that smugglers determine not only who moves, how they move, and the migrants’ routes and destinations, but that the safety of migrants is also largely in their hands.

It has therefore become imperative that agencies and actors with mandates for managing migration or for protecting those on the move have a better understanding of human smuggling as a vector in migration, and that practitioners become more adept at monitoring smuggling markets and their impact on their work.

In order to shed light on the increasingly pivotal role played by the human smuggler, this report reviews the typologies of human smuggling and considers the various players involved in smuggling networks, and the role that smuggling plays in communities. The authors argue that smuggling should be analyzed and addressed as a supply and demand industry, one that is subject to market forces that determine recruitment drives, prices and the dangers that migrants are likely to be exposed to.

As demand for the services of smugglers has increased progressively since around the turn of the millennium, the power dynamic between smuggler and migrant has tipped in favour of the smuggler, eroding the safeguards traditionally protecting migrants and making them increasingly vulnerable to abuse. Moreover, the notorious involvement of state officials allows this abuse to occur in broad daylight with widespread impunity.

***‘Smugglers determine who moves, how they move, and the migrants’ routes and destinations, and the safety of migrants is also largely in their hands.’***



Human smuggling in the regions under analysis here does not consistently follow one form or structure, and the smugglers involved are not one consolidated or monolithic entity. Different characteristics of the business model and the actors involved can all influence the risk to migrants, as well as indicate the capacity of groups to move large numbers of migrants.

Identifying indicators that practitioners can use to diagnose a shift in the nature of smuggling networks across a spectrum, from, at one end, benign community resilience mechanisms, which help people to migrate in situations of vulnerability to, at the other end of the spectrum, highly criminalized outfits, will help them shape policy responses that aim to achieve better, safer migration management.

Nascent evidence suggests that better, and continuous analysis of, for example, the payment mechanics of the smuggling market and their impact on the safety of the migrant or refugee would help one to build safeguards back into the system, and might indicate the growth of more worrying practices, such as the consolidation of exploitative criminal enterprises, trafficking rings or kidnapping for ransom.

This report explores the relationship between state and smuggler, and the often overlooked difference between corruption and state policy, which must be considered for actors in the field, as well as policymakers trying to design effective responses that will protect migrants and contribute to overall better migration management.

The authors emphasize the crucial yet often blurred distinction between human smuggling and human trafficking. This lack of clarity has hampered policy responses seeking to address both smuggling and trafficking; it is a blurring that is evident among practitioners and the general public.

Analyzing the smuggling industry from these distinct but interlinked perspectives allows for a holistic rethink of the role that smugglers play in the movement of humans. This analysis culminates in a set of guidelines and alternative options for consideration.

Placing current migration flows in their global context, and recognizing that their scale, although unprecedented, is unlikely to be soon reversed, means that human smugglers are likely to remain a long-term feature of irregular migration, and to play an increasing role in it.

***'Analyzing the smuggling industry from these distinct but interlinked perspectives allows for a holistic rethink of the role that smugglers play in the movement of humans.'***

## **Who is this guide intended for and what is its aim?**

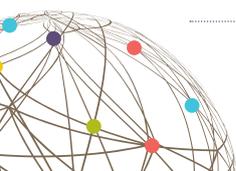
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This guide seeks to provide practitioners, policymakers and law-enforcement officials working in the field of migration management, humanitarian or refugee response, or more broadly on development, with updated, accurate and comprehensive information, so they can choose to harness the power of their mandates to change the course of responses to migration. The guide offers an alternative narrative to the security-dominated discourse.

The guide provides in-depth analysis of the definitions, trends and mechanics essential to understanding the vectors of current migration flows. In particular, it examines the pivotal role played by the human-smuggling industry in reacting to, and shaping, the movement of humans. It draws from the results of numerous field studies, investigations and research exercises conducted by the Global Initiative between 2013 and 2018, and brings together the findings of its authors, garnered through more than a decade of work in the subject.

Rather than attempting an in-depth scrutiny of the context of specific migratory routes, which might cloud an appreciation of their shared features, this guide highlights instead the global characteristics of the human-smuggling industry, analyzing it as a transnational service shaped by the forces of demand and supply.

In order to enhance readability, referencing has been kept to a minimum. Instead, a bibliography containing the most relevant and informative supporting documents is provided at the end for further reading.



By providing practitioners with a comprehensive understanding of the current state of the human-smuggling industry, this guide empowers them to apply information about the global market as a whole to each specific situation. The aim is to improve their ability to:

- Recognize and understand the phenomenon as it plays out in their locality.
- Interpret changes in market dynamics, patterns and trends.
- Understand the implications for their mandates for protection, mitigation, development, stability and response.

## What is a smuggler?

Human smugglers are service providers who are generally perceived as facilitators of human movement. The service that a smuggler provides – for a fee – is to help a migrant to overcome a boundary or a barrier that they would be challenged to surmount on their own.

In cases where safe and legal routes are open to migrants, they are able to arrange their own travel or hire a relocation consultant or recruitment agency, who help people find jobs, plan trips and integrate into new locations. Where no such legal channel exists, however, or access to it is restricted, and a migrant is travelling illegally or irregularly, it is the smuggler that provides that service.

The kinds of barriers that necessitate the services of a human smuggler come in many forms. They may be physical – to help migrants cross a challenging piece of terrain, such as a sea, desert or giant border fence; they may be political – a heavily armed border, a violent conflict zone, a high surveillance presence in an authoritarian state, a country with a restrictive immigration policy or an impenetrable visa regime; or they may be cultural, such as when an irregular migrant fears crossing territory where he doesn't speak the language or visually stands out from the locals. Smugglers often help protect migrants from local bandits, criminals and rent-seeking local officials.

These challenges are not static, but change and shift according to policies and the prevailing environment, and the market adapts accordingly. If a border becomes heavily militarized, if there is a law-enforcement crackdown in one hub, or a conflict intensifies, for example, the market will adapt and smugglers will find new routes for their clients. They will also raise the price to compensate for the increased risk.

The higher the barriers and the more complex the routes, the higher the demand for smugglers becomes, the more specialized they need to be and, consequently, the more they charge.

## Distinguishing between human smuggling and human trafficking

Politicians and the media use the terms 'migrant' and 'refugee' interchangeably, prompting a backlash from practitioners working in the field, who insist that the distinction goes beyond the purely lexical and instead lies at the heart of appropriate policy responses. Likewise, it is imperative to distinguish between the terms 'human trafficking' and 'smuggling of migrants'.

Although often aggregated and overlapping, the two are distinct crimes under the UNTOC. In specific protocols in the Convention, which has been ratified by the majority of states,<sup>3</sup> human trafficking is defined 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 for the purposes of exploitation ...'<sup>4</sup> Smuggling of migrants is defined 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.'<sup>5</sup>

It is key to consider the differences in these definitions. In the case of smuggling, the victim is the state rather than the person who is smuggled, whereas, in trafficking, the crime is against the victim of trafficking. The two



are distinguished further by the fact that smuggling requires movement across an international border, whereas trafficking does not. Trafficking can take place within a state or territory, or even a person's own home. In both cases, however, their inclusion as protocols to the UNTOC indicates the intention of states to focus on the transnational organized-crime aspects of trafficking and smuggling.

In the case of illicit migration, both human smuggling and trafficking involve the recruitment, movement and delivery of migrants from a host to a destination state. Unquestionably, the line between smuggling and trafficking can blur: migrants are often subject to significant abuse and exploitation at the hands of their smugglers on their migration journey, including forced and bonded labour, sexual exploitation, extortion and physical abuse. Arrangements that begin as a willing transaction between migrant and smuggler can end in trafficking. However, the majority of those who use the services of a smuggler to move irregularly do so successfully and under the contract determined between the two parties.

While the experience of the person in transit is important, when drawing a line between human trafficking and smuggling, the defining feature is in fact the intent of the perpetrator. Under the Trafficking in Persons Protocol, Article 3(a) defines trafficking as constituting three elements: (i) an 'action', being recruitment, transportation, transfer, harbouring or receipt of persons; (ii) a 'means' by which that action is achieved (threat or use of force, or other forms of coercion, e.g. abduction, fraud, deception, abuse of power or a position of vulnerability) and the giving or receiving of payments or benefits to achieve consent; and (iii) a 'purpose' – namely, to exploit. In the successive article, 3(b), the Trafficking in Persons Protocol makes it clear that the consent of the victim is irrelevant when any of the means included in the definition have been used.

The frequent and seemingly inconsequential way in which human trafficking and human smuggling have been conflated has policy consequences. The actions and interlocutors required to combat trafficking only marginally intersect with those required to combat smuggling. Depending on the context, responding to human trafficking may require focus on recruitment agencies, on criminal enterprises engaged in sexual exploitation, and on a very restricted portion of the human-smuggling community. More often than not, a proper response to human smuggling, however, requires a dialogue between states, targeted at increasing legal channels for movement, addressing integration and service delivery for vulnerable population groups, improving levels of security, reducing violence, and enhancing development, economic opportunity, democratic governance and the rule of law in the sending states in question.

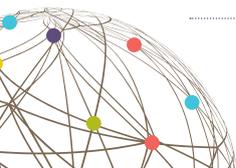
***The actions and interlocutors required to combat trafficking only marginally intersect with those required to combat smuggling!***

Furthermore, to continue to treat these two issues as twin threats allows partners to take the relatively neutral and security-focused actions to combat 'trafficking', while overlooking the broader requirements for suppressing smuggling and better managing migration, while at the same time claiming to have complied with the spirit of an international agreement. A securitized response, moreover, has the tendency to drive human smuggling away from its most benign forms towards a more violent and exploitative framework.

## Typology of the smuggling industry

Smuggling networks exist across two different spectrums: one of criminality (discussed in greater detail in the section titled 'A spectrum of criminalization') and one of violence. At the criminality end of this scale, groups range from highly criminal, large-scale transnational networks to small ad hoc 'family business' outfits. In the case of the latter, the smuggler and migrant commonly share the same background and ethnicity, often hailing from the same community.

As a criminal enterprise, the smuggling industry carries an inherent level of violence and risk. However, the scale of violence found in the networks is very broad: some groups are benign, and consider the safety of the



migrant as a key consideration; others are extremely violent. The degree of violence does not necessarily correlate with the size of the smuggling ring: small enterprises may be more violent and carry higher risks than larger-scale smuggling enterprises. More commonly, the level of violence will be shaped by the context in which the smuggling network operates, including the location, the specific smuggling route and possibly the socio-economic profile of the migrants for whom it caters.

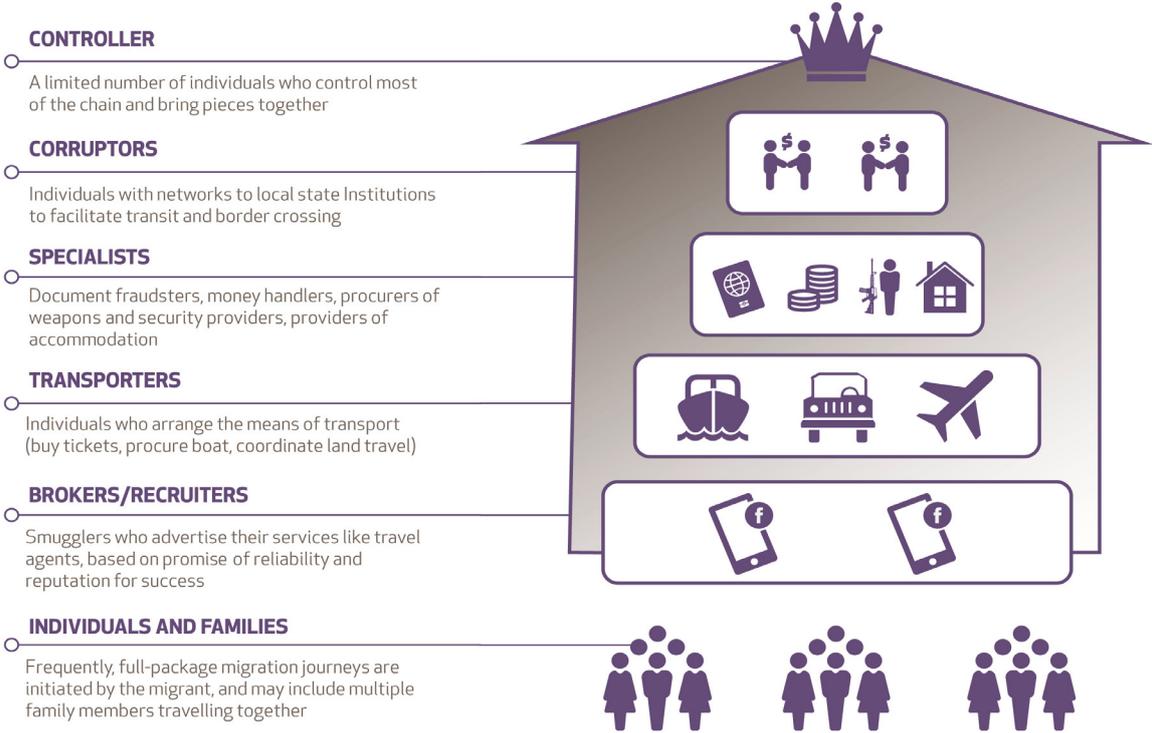
Larger smuggling teams may span a number of countries, with hundreds of people in their employ, while smaller, localized groups may work on a very lean model, with fewer permanent members, and instead cooperate extensively with other local groups to coordinate operations.

Either way, there are broadly two typologies in the migration industry, the ‘full package’ and the ‘pay as you go’ model, which segment the market according to the purchasing power of the migrant. This segmentation begins at start of the negotiation process, and cuts across all services offered in the industry, from types of accommodation, level of service provided and, perhaps most crucially, modes of transportation.

**Full-package smuggling service**

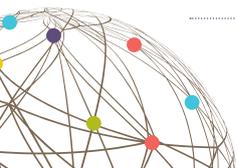
The full-package model is more commonly used in the case of migrant journeys over long distances traversing different regions, and often ending in a destination country in Europe (see Figure 1 for a summary). By contrast, for many migrants using the pay-as-you-go model the destination country is not important, or not even known.

**Figure 1:** Full-package smuggling: The parties involved



**Source:** Tuesday Reitano, Human smuggling from West Africa to Europe, in *Illicit Financial Flows: Criminal Economies in West Africa*. Paris: OECD Publishing, 2018

With the full-package service, migrants pay smugglers to arrange every component of their trip. This includes transportation, accommodation and fraudulent or illegally procured documentation. The service may also include integration support on entry into the destination country, such as procuring connections within the community,



assistance with finding work, enrolment into schools and shielding them from the authorities, who may be seeking irregular migrants. Journeys are tailored to the needs of the individual migrant, but with a price tag of tens of thousands of dollars per person, and the fee typically payable in advance, in the Middle East and Africa, this is an exclusive level of service that is accessible to only the most privileged.

The complexity and cost of the journey mean that only a small number of sophisticated and highly liquid smuggling networks have the logistical and financial wherewithal to offer this service. Some work within the legitimate travel or international recruitment industries, and offer smuggling services on the side. The infrastructure of their legitimate business helps them access the contacts and knowledge that are needed to operate such an enterprise. A large number of agents are needed, whose trustworthiness needs to be verified, and each step in the operation is likely to be facilitated by greasing someone's palm. The kingpins of these select enterprises frequently rotate those involved to prevent any from holding a dangerous proportion of intelligence, and to ensure that none make a bid to control this highly lucrative business.

Networks that provide full-package services need to interact with the formal economy, such as when they buy plane tickets, liaise with employment agencies etc., and they therefore need to be able to launder money between the formal and informal sectors. Some full-package services run their businesses very much in the open – they have their own premises and advertise their services, including the cost of specific journeys, on posters and signs, and online. Transfers may be effected electronically, and a significant proportion of the money generated typically leaves the source region and sometimes goes towards funding the building of their businesses, both the licit and illicit sides.

Given the network of contacts and skills needed to coordinate such migrant journeys, the barriers to entry are high for the operators, and incumbents guard their position, and their profits, jealously. The large sums of money involved in procuring this level of service grant the migrant a significant degree of power, and the smugglers must cultivate a good reputation in order to sustain their business. Although levels of violence experienced during migration are much lower in the full-package service than in the pay-as-you-go model, they are still criminalized networks, so a degree of protection from violence is always required.

### **Pay as you go model**

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If the full-package service is the bespoke, upper end of the migrant-smuggling business, then pay-as-you-go is the mass-transit bulk trade. The vast majority of irregular migrants use the pay-as-you-go method. With this model, the journey is made in stages, often over shorter distances, and smugglers are hired to help migrants get through specific obstacles one leg at a time. As the numbers of migrants on the move have increased steadily since the turn of the millennium, and the rate appears to be accelerating due to the growing number of unresolved conflicts across the Middle East, and in North and sub-Saharan Africa, the importance of this low-cost system has increased, servicing, as it does, the needs of the majority of migrants on the move. With this service, almost all payments are made in cash, and the fees are remitted to highly localized smuggling networks. This model generates significantly smaller external financial flows than the full-package structure, as more of the profits are retained locally, where smugglers operate their businesses, and are reinvested in their livelihoods and operations, rather than being sent overseas.

Pay-as-you-go smuggling rings tend to be informal operations that facilitate movement across subregions within broader geographic areas where documentation is not needed. The degree of organization within the network and the level of liquidity required will depend on the number of people being moved and the logistical complexity of the journey. However, generally, these local outfits are typically less organized and hierarchical than those operating full-package models, and they operate through webs built upon shared ethnicity rather than pragmatic business relationships, and they often speak the same language as their migrant clients.

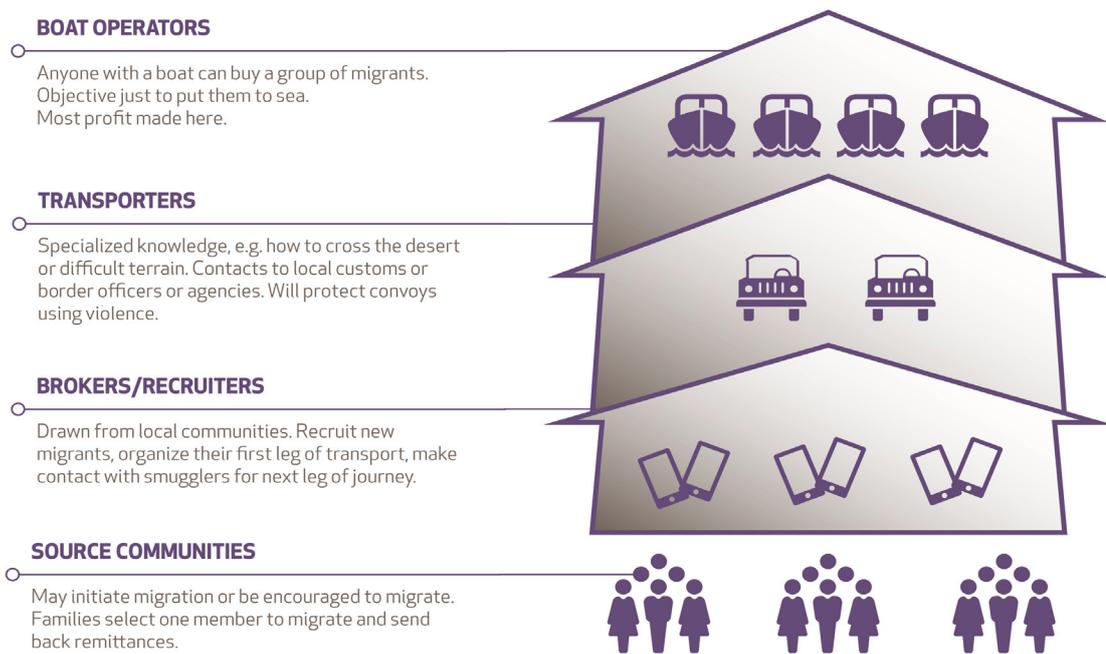
Less organized structures mean that affiliations are looser and actors will cooperate for short periods of time – when it is helpful to do so for business. However, the increased smuggling profits to be made over long-established routes



have meant that such networks have become more consolidated along business lines and more organized, leading to steeper hierarchical structures in what were previously flat or fluid power dynamics.

Transport is provided in the form of chartered buses, 4x4 vehicles, transport containers, or the infamously overloaded fishing vessels and rubber dinghies, images of which have become familiar through the media. Given that the major investment is the fixed cost for transportation, and the variable costs per person constitute only the tiny incremental costs of water, food and perhaps rudimentary accommodation, the more people who can be crammed into each trip, the greater the profit margin. Hence, the market incentive for pay-as-you-go smugglers is to transport as many people as possible, recruited through as wide a network of brokers as can feasibly be mobilized.

**Figure 2:** Pay-as-you-go smuggling

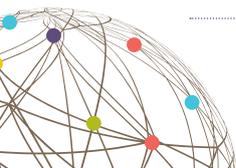


**Source:** Tuesday Reitano, Human smuggling from West Africa to Europe, in *Illicit Financial Flows: Criminal Economies in West Africa*. Paris: OECD Publishing, 2018

**Roles within smuggling networks**

The key players in the human-smuggling industry fall into two broad categories: logisticians and specialists. Logisticians, who are likely to form the permanent elements of the smuggling team and coordinate smuggling operations, are typically highly localized. In contrast, specialists are often hired into smuggling networks on an ad hoc basis when their specific skills, typically in the informal financial or counterfeit markets, are needed. However, in addition to these two core groups there is a vast array of ‘connection men’. These are the brokers, or recruiters – the first link between the migrant and the smuggling network. The roles and functions of these groups are discussed in the subsections below.

Falling between the categories of logistician and specialist are the ‘corruptors’, those whose role it is to ensure that key officials turn a blind eye at the critical moment, provide documents key to movement or enable the industry in numerous other ways. These are discussed more fully in the section titled ‘Corruption and the role of the state in migration’.



## Migrant recruiters

Recruiters are the front face of the migrant smuggling industry. Called by various names locally (*samsara, mandub, wakil, passeur*, to name just a few), they all perform essentially the same function. Their role is to attract or recruit prospective migrants into beginning their journey. This function is often performed by returnee migrants, or migrants working with smugglers to fund the next leg of their journey by bringing along a number of paying friends. Recruiters typically share the ethno-linguistic background of the would-be migrants they are targeting, leveraging ties of kinship to nurture trust and encourage movement. Speaking a common language is key at this stage of operations, although where the trade has professionalized, the function can become increasingly dehumanized and communication will cease being a priority.

Recruiters (also sometimes referred to as brokers) often have durable relationships with parts of the smuggling network and regularly feed their clients into the same smuggling ring; but their affiliations are typically fluid. A recruiter could quit the business, or 'go dark', without attracting much attention or concern from the broader network. Recruiters are the most visible actors in the smuggling industry, and hence the most often arrested. They are also entirely dispensable and easily replaceable, as they are often not even considered part of the core smuggling group, making them an ineffective target of intervention operations.

Recruiters seek to increase demand by advertising the service provided, emphasizing the safety and speed of the journey (largely falsehoods), and offering discounts and price cuts. A common incentive used to swell numbers, and consequently the profits that can be earned by the recruiter, is a package they offer to bring fellow migrants and travel for less or for free. This kind of bulk discount scheme normally requires a migrant to bring anywhere between three and five additional migrants in order to qualify for a price reduction. They employ a variety of techniques to build up a local reputation, the most common being word of mouth and referrals from previous migrants, increasingly through public social-media platforms.

Recruiters may also offer ancillary services to the migrants in the period between recruitment and travel, including accommodation. This kind of protection may be an incentive for the migrant to select that smuggler in a dangerous and unknown environment. While the migrant remains in an area where they can move freely and with minimal risk – for the sake of example, within the borders of the Economic Community of West African States (ECOWAS) (a source region for a number of sub-Saharan migrants) – the recruiter is likely to keep loose tabs on the migrant, largely by phone. But, as soon as the migrant is somewhere where there are legal constraints on his or her movement, then the provision of accommodation, known as 'connection houses', by recruiters becomes almost mandatory, and migrants will be discouraged to move far independently.

Recruiters may also help migrants to find work to fund their journey. In some cases, they may take a fair proportion of a migrant's wages in return. However, the power dynamic is such that many migrants find themselves in situations akin to indentured labour, working to repay rocketing 'debt' to the person who recruited them. In some cases, migrants may live and work for many months, or even years, to earn enough to continue their journey.

While such ancillary services provide recruiters with an additional source of revenue, most of their profits come from their fee for recruiting migrants. Recruiters commonly have a quota they need to meet before they can pass the migrants on to the next link in the chain – the transporters. Consequently, the faster a recruiter can meet his quota and pass the migrants on, the lower his running costs and the greater the profits. Recruiters are therefore incentivized to fill quotas as quickly as possible, using any means to encourage potential migrants to embark upon their journey.

***'The key players  
in the human  
smuggling industry  
fall into two broad  
categories: logisticians  
and specialists!'***



## Logisticians

Logisticians are at the epicentre of the smuggling web, controlling and coordinating each facet of the operation. They perform various functions.

## Drivers

Drivers, although at the bottom of the smuggling hierarchy, are nevertheless essential to its workings and consequently need to be trusted and tested members of the operation. The kinds of terrains traversed by smuggling rings, such as the Sahel between Niger and Libya, often require specialist knowledge of the area to ensure timely and safe transit. This is particularly crucial where border crossings are planned around scheduled ‘breaks’ among border patrols – missing a time slot by a few minutes could place the entire operation in jeopardy.

Drivers are therefore often recruited from the areas that the group is transiting, providing locals in typically poor regions with a lucrative source of employment. They often supplement the income they receive from transporting migrants by smuggling other goods on the return journey, and consider migrants as just another commodity, albeit a human one. For example, in the journey made by drivers back from Libya to Niger to pick up more migrants, a significant proportion smuggle fuel.

Drivers are responsible not only for the safe arrival of their passengers, but also for carrying out logistically complex and time-sensitive handovers to the next set of logisticians in the chain. Drivers face a high risk of apprehension by law enforcement and of being attacked by rival smuggling gangs.<sup>6</sup> They therefore need to be highly competent, trusted and well-remunerated cogs in the smuggling machine.

## Transporters

Movement – and consequently transport – is at the heart of the human-smuggling industry. The status of transport operations is reflected in the seniority of the group of figures who procure and control transportation logistics. Transporters have little interaction with the migrants. These people are typically close to the organizer, if not the organizer him (or her) self. In smuggling networks, transporters are in charge of hiring drivers, procuring vehicles and coordinating significant legs of the operation. Because of the level of specialist knowledge required, including awareness of the terrain and environment, and the need to know the right contacts to bribe, the barriers to entry can be high.

In the pay-as-you-go model, transporters are essentially localized service providers, usually specializing in one particular region, possibly even on one specific leg of the journey. By contrast, in the full-package model, transporters may be responsible for organizing larger stages of the journey, or even the entire trip, hence it may be appropriate to class them as transnational criminals.

Transporters recruit, coordinate and remunerate the network of drivers, boat crews and others involved in the various systems of transport, and must ensure those in their employ are trustworthy and fully briefed. A transporter will often be privy to significant intelligence about the structure and strategy of the smuggling ring, rendering him a major loss if he is caught or induced to betray the group.

## Intelligence gatherers

Smuggling networks have shown that they are often alive to every nuance or change in immigration policies and asylum systems, and that they know how to exploit each to maximize profits and increase flows. The migrant crisis in Europe has highlighted how knowledgeable such networks have become. For example, within weeks of the launch of the Mare Nostrum operation in the Mediterranean in 2013, smuggling networks had changed their strategy, by replacing the vessels – initially durable boats designed for long journeys – with flimsy rubber dinghies, recognizing that migrants would only need to reach international waters in order to be rescued, rather than having to make it all the way to shore. These weaker, overloaded vessels caused both profits – and casualties – to spike. Meanwhile demand remained unaffected.



Smuggling networks that offer fraudulent visa schemes are constantly updating the information and sample papers they have so as to ensure the paperwork they provide is up to date and that it will be accepted by immigration authorities. Advertising by smuggling networks in Europe on social-media platforms highlights the intelligence capabilities of specific rings, guaranteeing undetectable paperwork.

Intelligence gatherers, who are also strategic players in the smuggling hierarchy, are responsible for keeping the groups in tune with ever-shifting regulations and systems. Modern communications technology enables instantaneous transmission of information globally. Social media have become a crucial mode of communication both within smuggling rings, and between smuggler and migrant. Some of the most established smuggling rings globally, namely those in China and Mexico that facilitate movement to the US, or the groups smuggling Afghans and Pakistanis through Iran, employ a permanent group of informants to systematically gather information across all transit and destination states. This information is then shared with higher-level operators and coordinators across the route through instant-messaging services, like WhatsApp or Facebook Messenger. Communication is in real time, making networks highly flexible and able to react to any shift in the factor matrix at lightning speed.

### Security providers

The final group of logisticians are the security providers. These are the thugs and heavies who protect operatives from both the state and rival operations, and keep migrants and smugglers in line. Those who hire and arm these security providers need to acquire weapons outside the purview of the state, an operation of varying complexity depending on the degree to which the weapons market is regulated (in many smuggling hotspots, arms are easily available). These enforcers will often accompany convoys of migrants in transit, providing both discipline and protection, and guarding halfway houses where migrants are kept between legs of the journey.

The scale of violence that occurs in each smuggling network varies widely between routes. In contexts where violence is endemic, such as along the Niger–Libya corridor, greater security is needed and the risk to migrants of becoming victims of violence during the migration journey is heightened. Where states enhance enforcement and control measures, the power dynamic between smugglers and migrants shifts, increasing the vulnerability of the latter and heightening the likelihood that the smuggler will use violence to subdue and control the migrant.

### Specialists

Specialists, who tend to be based in urban hubs and capital cities, offer their services – ranging from loan sharking to drug trafficking to white-collar crime – to a number of informal or illicit markets.

Informal money dealers and counterfeiters underpin smuggling networks by facilitating the transnational movement of the illicit financial flows generated by this multimillion-dollar industry. An extensive matrix of financiers, escrow holders, money launderers and their intermediaries has developed in tandem with the scale and geographic scope of the modern smuggling industry. These people process, transfer and clean the profits generated.

### Moving money: *Hawala* traders

The informal money-transfer system (known as *hawala* in Arab countries and parts of Asia) is integral to the functioning of the human-smuggling industry. With *hawala*, significant sums of money are transferred across huge distances almost instantaneously, successfully sidestepping formal financial institutions.

With *hawala*, money is transferred between individual agents on a trust-based system. Money does not physically move, but the payment is taken and credited through long-standing business relationships. Where the *hawala* system is used by criminal organizations to move and launder profits, the threat of violence further incentivizes compliance. For example, in the context of a smuggler transaction, the migrant will make a local payment to a *hawala* dealer (known as a *hawaladar*) in cash to pay a smuggler in another city or country. The *hawaladar* then calls another *hawaladar* in his network in that city, to verify the payment has been made, and the money can then be released to the smuggler at the other side. Typically, a unique number or code word will be used to verify the payment.



*Hawala* traders tend to offer their services to licit commercial enterprises, such as restaurants, travel agencies, petrol stations and dry-cleaning companies. This allows money received illegally, in the form of payments from migrants or between smuggling actors, to be injected into the legal sector, thereby cleaning it through legitimate processes and intermingling it with licit funds. The funds are 'layered' by moving them, or a portion of them, across a number of licit transactions, making it almost impossible to trace the money and separate it from legal proceeds.

*Hawala* traders take a cut of profits either as a percentage of the quantum transferred, or through currency fluctuations and spreads in exchange rates. This form of commission taken by individuals handling cross-border money transfers is low compared with formal banking institutions, typically between 1% and 3% (depending on the number of agents required to effect the transfer and the level of risk involved), compared with the 5% or so fee charged by Western Union or other similar financial institutions.

The *hawala* system is used by human-smuggling operators because it leaves no recordable paper trail, as it evades traditional methods of tracking illicit financial flows, such as financial regulation, financial intelligence units and suspicious-transaction reports. Running parallel to legitimate financial movements of capital, *hawala* transfers also fall outside the scope of tax and regulatory regimes, saving costs for its users and robbing states of tax revenue. The lack of bureaucracy involved makes it far faster than formal channels. It is also predominantly anonymous because *hawala* traders usually match depositor and retriever through alphanumeric codes or quick response codes (barcodes readable by smartphones). The spike in profits generated by the human-smuggling industry since 2015 has catalyzed innovation and professionalization in the *hawala* network, an example being the growing use of such smartphone codes to verify identity.

### Counterfeiters

Migrants move in the hope of starting a new life elsewhere. Fake documents provided by counterfeiters are often essential to this. Even in cases where an individual has a valid claim for asylum (or even a visa for travel), they may not have all the identity documents they need to submit their claim. Counterfeiters might assist with procuring a missing birth certificate, for example. Moneyed migrants can dodge dangerous overland routes and border crossings by obtaining fake passports and flying directly to their desired destination, while even those who are forced to travel overland may try to acquire identity documents that would facilitate their passage or their asylum claim. The human-smuggling boom has created unprecedented demand for the services of counterfeiters, who are increasingly highly skilled and specialized.

This demand for fake documentation is met in various ways in the smuggling industry. Firstly, and most simply, lost, doctored, stolen or rented genuine documentation is collected and sold by specialized criminal networks. It is virtually impossible to identify a genuine but stolen passport, unless the passport number is stored on the 68-million-strong global database of stolen documents. Criminal networks have been adept at growing the number of passports in their inventory by counterfeiting, or stealing, documents required in the passport application process. Although the security surrounding the issuing of passports has increased, and it has become more difficult to apply for multiple passports, many of these new measures have come too late, and there are a vast number of genuine passports in circulation on the black market.

Smugglers also take advantage of the time constraints under which border officials work by providing migrants with the genuine passports of people who look similar to them. Border officials admit that they struggle to distinguish between people from certain regions. This 'imposter method' is growing in popularity, particularly among sub-Saharan Africans, and intelligence gatherers have kept smuggling rings aware of this weakness in the border-control system. Ever increasing numbers of migrants are thus smuggled into other countries on the valid passports of friends or relatives.

Networks specializing in counterfeit documents have access to thousands of genuine passports at any given time, the cost of which will depend on a number of factors but principally on the value of the nationality ascribed by the



passport. The range is significant, from \$1 750 for lower-utility passports, such as Peruvian ID, to \$15 000 to \$20 000 for the highly desirable UK or US passports.<sup>7</sup>

Global trends in movement also affect price and desirability – in early 2015 for example, Syrian passports granted holders access to expedited asylum processes with significantly higher chances of success. As a result, the demand for, and price of, Syrian passports on the black market spiked. The smuggling market responded almost instantaneously – the seizure of 10 000 fake Syrian passports in Bulgaria gives an insight into the likely scale of the market.<sup>8</sup> The availability of passports of specific nationalities also determines price. Swedish passports, despite being highly desirable, will be cheaper than certain other European nationalities because Sweden permits Swedes to hold multiple passports simultaneously, making them easier to be acquired by criminal networks.

Alternatively, smuggling rings provide migrants with legitimate visas, acquired illegally, permitting travel on their own passports. Research conducted between 2005 and 2009 suggests that the prices for visas for Europe and the US was between €3 000 and €5 000.<sup>9</sup> As passport technology becomes increasingly sophisticated, including in particular the use of biometric passports, visa fraud is a growing illicit trade.

Where a 'genuine' passport cannot be obtained, criminal networks are also known to manufacture entirely counterfeit documents. Although passport verification systems have become increasingly sophisticated, counterfeiters have kept pace. Some cities, often the capitals, which are high-transit zones for migrants and legitimate travellers, have become hubs of the counterfeiting industry, or at least the place where counterfeit vendors can be found, though the actual production is elsewhere. Johannesburg, Nairobi, Cairo, Beirut and Istanbul are examples of such towns. Thailand retains this dubious distinction globally.<sup>10</sup>

## Human smuggling as a community 'enterprise' and a source of economic opportunity

In many regions, the human-smuggling trade has significant local legitimacy, and is seen as an important source of income where employment and industry are limited. Movement is integral to many cultures, and smugglers are perceived as facilitators of this cultural phenomenon. Human smuggling has become an economic lynchpin in societies across a number of regions, where legitimate livelihoods were scarce to begin with or have been eroded by insecurity, environmental degradation, bad governance or policy. For some nomadic communities, smuggling remains one of the few credible alternative livelihoods, and not one that is perceived as illegal or immoral.

In its most localized and benign form, smuggling benefits the communities it occurs in, as those involved plug profits into resilience activities, such as housing, education and legitimate business. Some locals may work as drivers or recruiters, exploiting their local knowledge to provide a service. The trade also engenders a raft of ancillary roles that cater to the needs of the migrant population. For example, those providing accommodation, food or other services benefit from gainful employment where alternatives are scarce.

However, where organized crime penetrates the smuggling industry, the bulk of the profits reaped by the highly criminalized smuggling groups are likely to be reinvested into the smuggling business – for example, to buy vehicles and boats etc. – or the proceeds are moved elsewhere, limiting the benefit to the local community. Instead, such profits are likely to increase the prevalence of weapons and security actors needed to protect the booming enterprise from competition. This pattern engenders a spike in violence as rival groups vie for power or assert dominance, to the detriment of the community. In this context, ancillary services described in the paragraph above are more likely to be performed as part of the central functions of the criminal group, engaging local actors in criminal enterprise and blurring the distinction between informal and criminal economies.

***'In its most localized and benign form, smuggling benefits the communities it occurs in, as those involved plug profits into resilience activities, such as housing, education and legitimate business.'***



In some cases, profits have flowed to terrorist organizations. For example, extremist groups and criminal networks have intertwined with armed insurgent groups of the Azawad liberation movement in Mali, and are also part of the complex ongoing transition in Libya. This diverts smuggling profits away from the community and causes greater insecurity and violence both by the terrorist cell itself and by the counterterrorist actions likely to follow. Smuggling profits can therefore be seen as a double-edged sword: both a source of stability and a catalyst for greater insecurity.

Where smuggling has proliferated to the exclusion of other industries, communities, indeed entire regions – and parts of Niger are a key example of this – may become entirely dependent on smuggling for their economic survival. This threatens to bring about socio-economic implosion and deprivation, should the flow of movement dry up.

Smugglers interviewed in Niger suggest that this would trigger more criminalized and violent activities, such as kidnapping.<sup>11</sup> Measures taken in early 2017 drastically reduced the flow of migrants moving through Agadez, in Niger, previously a bustling migration hub. It is likely that smugglers have moved their workings underground, to the detriment of the local community previously benefiting from the host of economic opportunities the smuggling industry offered. Reliance on the smuggling industry aligns the interests of the community, and arguably even the state, with those of the smugglers, making them even harder to effectively displace or suppress.

# The economics of the human smuggling industry

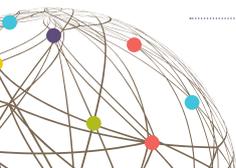
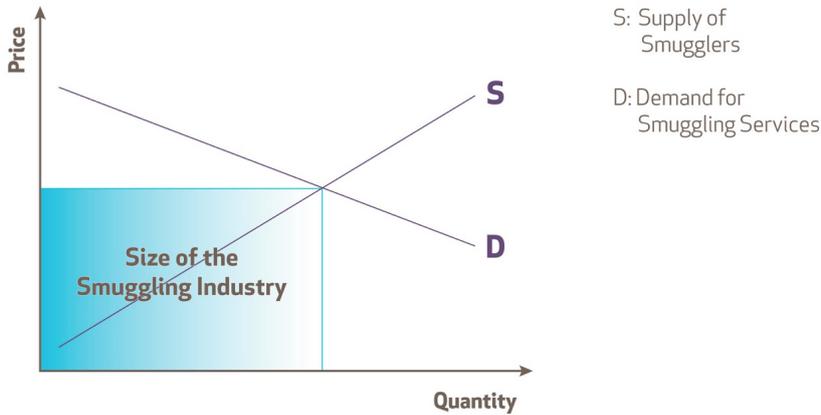
## Human smuggling: A supply and demand industry

Essentially, smuggling is a service industry, determined by the laws of supply and demand, and largely regulated by the dynamics of the market. As shown in Figure 3 and described in the previous section, the smugglers offer services all along the supply curve, at different price points depending on the migrants they can recruit for the journey. Similarly, migrants seeking to move irregularly at all income levels need a facilitator to help them. The point of intersection is where the critical mass of migrants can afford to pay, and there are smugglers prepared to move them at that price, given the levels of cost and risk to themselves.

The demand for smuggler services increases in proportion to the challenges to migration. Where there are low barriers for a migrant to overcome in his journey, there is less need for the services of a smuggler; where the barriers are high, the greater the need for a smuggler becomes.

Similarly, there are far fewer players in a challenging migration market, and the price that they can command is high. The opportunists and ad hoc smugglers fall away, and you are left with only the most proficient, expensive, and arguably the most criminal actors remaining. They are the criminals with the best networks of corruption, they are the most proficient at delivering threats, carrying out extortion and executing violence, and they will use these skills to smooth the path of a migrant from place to place.

**Figure 3:** The economics of the smuggling industry



Smugglers do not create the original demand for their services, but with a business model that offers significant economies of scale, they will go to considerable lengths to shape, expand and grow the market to increase their profits. If the overall goal of government and agencies is to reduce the size of the smuggling market, then the objectives of any kind of policy or programmatic response would need to be twofold: to shift both the supply and demand curves downwards, shrinking the size of the smuggling industry as a whole. Smugglers should therefore be understood as a factor in affecting migration flows, and not merely as passive beneficiaries.

## Recruitment enabled by social networks

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Key to the operation of the smuggling industry are the high levels of trust that a migrant seeks in a smuggler because he or she needs help to migrate, and thereby entrusts the smuggler with his or her life. In smuggling networks with low levels of criminality, the migrant wields significant power in the client–smuggler relationship.

Recruiters leverage social networks, often built upon ethnic or cultural bonds, to gain clientele. Recruiters are typically part of the community that they serve, and are often perceived as facilitators of movement or ‘connection men’. They therefore have a vested interest in providing a successful service, as they will suffer at the hands of the community if they fail to do so.

Social media play an increasingly crucial role in advertising the services of smugglers. In communities where migration is a cultural phenomenon, most locals will either have the number of a smuggler, or know how to obtain it. However, the increasing availability of smuggling contacts across social networks exponentially expands the traditional reach of such rings. The recruiter may promulgate among the community images of and messages from ‘successful migrants’, using social-media platforms, like WhatsApp, to encourage movement.

Increasingly, and this is particularly the case in regions with high rates of internet penetration, prospective migrants will most likely use social media both before embarking on the journey, to select a smuggler and possibly identify desired destination countries or routes and, during the journey, to communicate with the smuggler and their community. Social networks can also be used both to help protect migrants’ safety, through systems such as the escrow payment method (discussed below), and to contact and extort the migrant’s community.

Investigations by the European Migrant Smuggling Centre of the European Union Agency for Law Enforcement Cooperation (Europol) found that the use of social media by smugglers, both to recruit network members and advertise to clients, is rocketing, and that smugglers operate with near impunity across the web. While 148 social-media accounts suspected to be connected with the smuggling industry were communicated to the European Migrant Smuggling Centre in 2015, this figure increased by nearly 800% to 1 150 in 2016.<sup>12</sup> Facebook continues to be the favoured platform for smugglers, although they are starting to use other networks, including Telegram. Most social-media activity linked to smuggling rings originates from outside the European Union (EU), with Turkey being a key hotspot. However, there has been an increase in the number of EU accounts advertising counterfeit documentation and services to facilitate transit through the EU to other continents, particularly the US.<sup>13</sup>

Smugglers are significantly ahead of state vigilance when it comes to social media, which currently allow them almost risk-free access to vast pools of would-be-migrants. Social media, as well as private channels, such as WhatsApp, and messenger services, can help provide migrants with information, empowering them to make informed decisions. Unfortunately, however, the wealth of false advertising across social media dilutes its informative value, allows for fraud, and principally feeds the desire to migrate, with migrants drawn to the advertised ‘perfection’ of destination countries.

## What sets price?

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A number of factors will determine the price of a particular journey at a specific time, and the price will fluctuate according to the dynamics of the market. As the smuggling market is highly flexible, and in some cases dependent



upon the political situation of highly volatile regions, price fluctuations can be quite significant. The price of a particular journey is set to reflect:

- Level and urgency of the demand: In normal conditions, the demand for irregular migration will increase as the price falls. However, this depends on the nature of the demand. Refugees moving for humanitarian imperatives will have a different, less elastic, demand curve, whereas, primarily, economic migrants will have a more elastic demand curve.
- Level and nature of risk: As explained above, the role of a smuggler is to help migrants to cross barriers that may be physical, geographical and/or political. The higher the level of risk, or the more specialized the service being offered, the more a smuggler can charge a migrant for the passage. For example, there are only a limited number of actors that can navigate a car convoy across the Sahara safely.
- Level of trust: Analysis has clearly shown that, with their own lives at stake, migrants are sensitive not only to price, but also to the reputation and perceived trustworthiness of the smuggler and the service being offered.

Smugglers set price incentives to expand their businesses and recruit new clients. Examples of group rates, and discounts during inclement weather and for referrals have been repeatedly documented.

Currently, prices in a number of regions are unprecedentedly low, showing that migration has become a numbers industry and decreasing the importance of each individual market to the profitability of the smuggling operation.

## Payment modalities

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The payment mechanics have significant ramifications for the relationship between smuggler and migrant. A migrant's ability to negotiate a mechanism more conducive to his or her safety may be contingent on the original power dynamic upon the start of the journey.

Migrants travelling on the pay-as-you-go smuggling typology will, from the outset, hold less power in this relationship than the more privileged few who can afford the full-package modality. In the latter case, the migrant is more likely to be able to have a say in the payment structure. In pay-as-you-go models, where smuggling is more community embedded, paying into escrow will be more common. In contexts where the smuggling network is highly criminalized and where the migrant is seen as a commodity, payment upfront, or the 'travel-now-pay-later' structures may apply.

***'The payment mechanics have significant ramifications for the relationship between smuggler and migrant!'***

### Pay upfront

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In many smuggling industry transactions, a portion of the fee for the journey is paid to the smuggler upfront. Sometimes this entails a payment for the leg of the journey that that specific smuggling ring controls; in some cases, payment will be made upfront for the entire journey. The latter significantly compromises the safety of the migrant because the smuggler has no financial incentive for safeguarding the life of the migrant, or ensuring they reach the final destination. In such cases, the smuggler's reputation may be the only safeguard for migrant protection. In many markets where payment in full is demanded, the industry has become highly commoditized, demand appears insatiable and, consequently, reputation is less important.

### Payment to a trusted third party

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Many smuggler deals are conducted with the money held by a trusted third party – essentially an escrow system, which grants migrants a certain degree of protection by ensuring that both migrant and smuggler have an interest in the journey being completed safely. The smuggler begins the process of arranging the journey, often fronting a



large portion of the cost of the journey himself, while the bulk of the money, or the total fee, is paid to a designated money holder whom everyone knows. The fee is not released to the smuggler until the migrant has safely arrived. The funds might be provided by the migrants themselves or by their family, either locally or in the diaspora.

Before the era of smart phones and electronic money transfers, the migrant would tear a photograph of himself or herself in half, and give one half to the smuggler. Once the migrant had safely reached his destination, he would send the remaining half of the photograph to his family. The smuggler would then return with his portion of the photograph as proof of having completed his side of the deal and receive payment.

Today, photographs have been replaced with smart-phone transfers. A partial escrow system is also used, whereby before starting the journey, the migrant will pay a percentage of the fee due to the smuggling operation to cover service costs; meanwhile, between 40% and 60% is transferred to a trusted third party and held in escrow. The payment is made either in cash, through a money-transfer operator or through the informal *hawala* system (explained above). The escrow is released only when proof, often provided electronically by smart phone, is given to the third party of the migrant's safe arrival at the destination.

These payment structures place the success of the migrant's journey at the heart of the smuggler's enterprise and influence its profitability: if the migrant fails to arrive for whatever reason, the smuggler loses not only the money he has paid upfront for the journey but will also fail to receive the proportion of the fee held by the third party. Moreover, there is also a reputational loss, in that the local recruitment broker will be held to account in the community, where he may be castigated and his reputational value diminished, as will his subsequent ability to recruit additional clients.

### Pay later

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The 'migrate now pay later' scheme has emerged as the human-smuggling market has grown and, with it, the protection risks for the migrant. These have become significant, with an increased likelihood that the migrant will suffer high levels of abuse, or become a victim of trafficking at a point in the journey.

Under this payment system, recruiters encourage migrants who lack the funds needed to embark on their journey on the understanding that they can work to earn the fee at a later point in the journey. In some instances, employment for migrants is arranged under fair terms. But, in most cases, migrants find themselves working as temporary indentured labour, and a disproportionate amount of their wages go towards paying 'expenses', such as payment for accommodation and food, rather than towards servicing the debt.

In East Africa, including the Horn of Africa, as well as in Libya, it has become increasingly common for the 'pay later' migrant to be kidnapped and held for ransom. Typically, a migrant will be told they only need, say, US\$100 to make the trip, but then find themselves held against their will after leaving their country. The family will then be asked to pay thousands of dollars for their release. The migrant may be forced to work for the kidnap gang while being held, and abused or tortured to increase the urgency of the payment.

In other instances, debt collectors seek payment at the end of the journey, or the end of a leg of the journey. In many cases, these debt collectors have links to human-trafficking networks and, in the likely scenario that the migrant is unable to pay, the migrant is sold to traffickers in lieu of payment. This payment structure demonstrates that rising prices do little to quash demand, and migrants will merely seek alternative methods to pay, compromising their safety in the process.

Economic migrants have tended not to come from the poorest sections of society, as such people lack the financial means to migrate. However, the pay-later structure may be changing this phenomenon, offering mobility to segments of society for whom this was previously unthinkable. This has served to swell the pool of would-be-migrants further, and is another factor increasing migration flows. The poorest are typically also the most marginalized and least informed.



Recognizing that the migrant pool is growing, and includes this most marginalized group, highlights the need to work not only with central state actors in developing migration dialogues, but also to engage with a broader spectrum of the community.

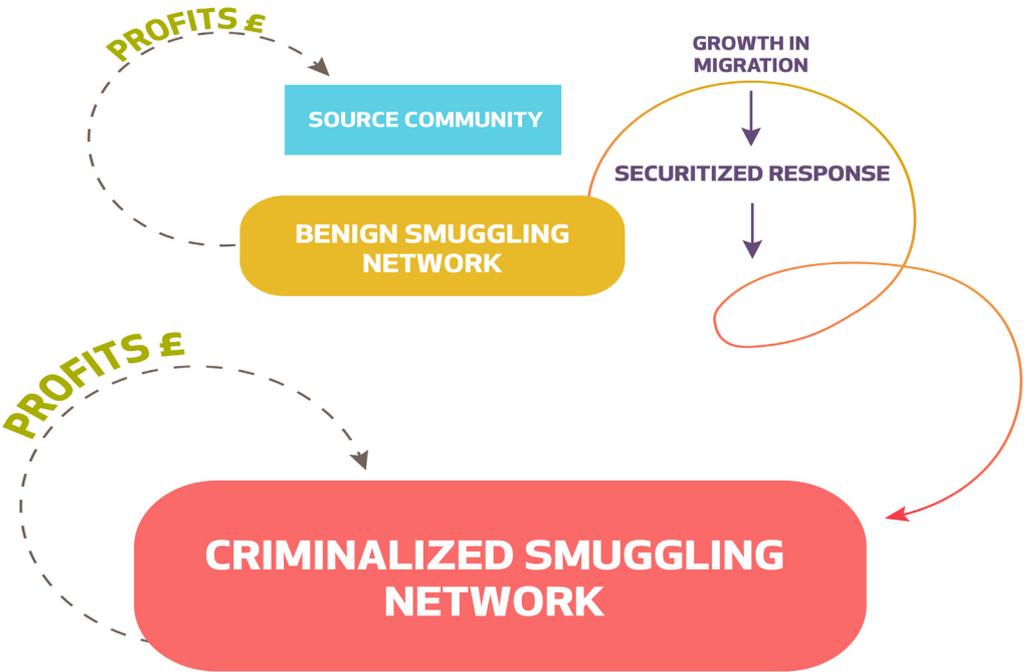
# A scale of criminalization: Smuggling markets – from benign to criminal

Organized crime’s involvement in a flourishing smuggling industry poses a risk not only for migrants, but also for the states from which migrants are sourced, those through which they transit and the destination states where they finally arrive.

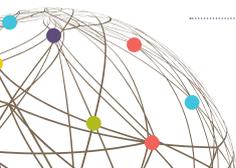
Evidence across the globe has shown that when smuggling is at its most benign, the actors facilitating irregular migration tend to hail from local communities, and they spend their profits from smuggling in the local economy and invest in resilience activities, such as housing, education, health, or building legitimate business.

But when organized crime enters the market, the profits from the industry are reinvested in growing the smuggling business (e.g. by buying more cars or boats, or recruiting more widely) and in increasing its profitability (by, for example, procuring cheaper vessels and fake life jackets). This lays the foundation for criminal infrastructure that can easily be adapted to other commodities, leading to a wider network of corruption that reaches into the higher levels of the state, often entailing considerable investment in security in the form of firearms and violent actors hired to protect the booming trade from competition.

**Figure 4:** Negative spiral – Consequences of securitized responses



As organized crime encroaches on the industry, with the increasingly negative consequences that this implies, typical strategies to counter organized crime are triggered by default. Law-enforcement action is intensified, more walls are built, border guards are deployed, and detentions and prosecutions quickly follow. Hence the



barriers to migration are raised yet again, and the industry hardens still further into its criminalized form in an attempt to surmount those barriers.

A regrettable self-reinforcing negative spiral comes in to play where a securitized response to irregular migration and human smuggling is enacted: the smuggling industry shifts across the spectrum from a community mechanism to a corrupt, violent industry controlled by organized-crime groups.

Repeatedly building barriers without providing any alternatives, or forcing the displaced into camps where their needs are partially and poorly met, creates large population groups that can become a source of social unrest. They come to constitute a tinderbox of violent discontent and are a prime recruiting ground not only for smugglers and traffickers, but also for local militias, those involved in conflicts and predatory terrorist groups.

## Indicators of criminal consolidation

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There are a number of signs that the industry supporting irregular and illicit immigration is consolidating from an ad hoc or community-based informal service, towards a more professional, organized, criminal or even industrial enterprise. In this pattern of criminalization, migrants are commoditized and the implications for levels of corruption and stability in states of source, transit and destination could be severe.

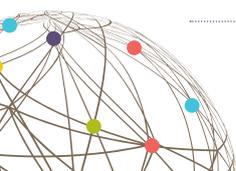
Although none of the following markers can be used as evidence in isolation, analyzing them together, within the specific context of the time, states and people involved, can provide an early indication of criminalization of the human-smuggling market, and possible increases in migration flows. These markers are pricing structure, profile of migrants, characteristics of the journey and levels of violence.

### Pricing structure

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- Changes in price can be a very useful indicator of changes in the market, though they have to be analyzed alongside other considerations. Rising prices may reflect an increased risk to the smuggler, or the consolidation of the market (resulting in less competition or a monopoly on control), or they may reflect increased quantity or urgency of demand. Falling prices may, on the other hand, show that smugglers are trying to capture or build market share, or capitalize on economies of scale.
- Less than the actual cost of the journey itself, how early in the process migrants pay and how long the journey is would suggest a higher degree of organization, and a more extensive and sophisticated smuggling network, with local agents and officials in multiple jurisdictions.
- Where 'travel now pay later' schemes are reported, this would raise a warning flag of criminalization in the industry, as these modalities have higher risks of being coupled with extortion and human trafficking or forced labour.
- Pricing deals, like group discounts being consistently reported, are an early indicator that the industry is scaling up. Another is when there are reports of multiple-attempt packages. This is a key feature in Central American migration, for example, where migrants pay an agreed amount for three attempts to successfully breach the US border.
- Bribes paid, who they are paid to, and how much they involve (whether they are rising or falling) can provide a useful indirect measure of the market. Where migrants report paying bribes directly to state officials (e.g. border guards or police), the market would appear to be unconsolidated. Where they state that they have seen their smugglers paying bribes, again the implication would be that the market is low level and fragmented, because these transactions are done in the open, and officers receive money

***'A regrettable self-reinforcing negative spiral comes in to play where a securitized response to irregular migration and human smuggling is enacted!'***



directly. However, when migrants are unaware of bribe payments or do not see state officials taking bribes, this would suggest the smugglers are more organized and established, as payments are made at an institutional level to agents who work in state structures.

### Profile of migrants

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- As mentioned, because of the nature of the relationship between smuggler and migrant, smuggling occurs predominantly on ethnic lines, with migrants' journeys mostly facilitated by people of the same or very similar ethnicity, language and appearance. When migrants deviate from the profile of their smugglers significantly, then that suggests a smuggling group with a very high degree of criminal control (almost a monopoly) over the industry.
- The incidence of women and children being smuggled (both individually and in family groups) is also an early warning that large-scale movement can be anticipated. Lone children, in particular, are often a sign that smugglers are manipulating migration patterns to exploit asylum procedures in receiving states. Women travelling alone on a repeated basis presage a high likelihood that human trafficking for sexual exploitation or forced labour is involved. In both cases, the protection implications and reputational risks for receiving states is high.

### Characteristics of the journey

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- The speed at which a journey is completed is an indicator of criminal consolidation, as it suggests a higher degree of organization and coordination among groups facilitating journeys, or that one group has taken control over a longer route and has shifted into mass movement.
- The use of major transport nodes (e.g. airports, seaports and major border crossings) is a sign of a more sophisticated criminal industry that is able to take advantage of stronger corruption networks.

### Violence

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There are three types of violence associated with the smuggling market, and these require a far more careful analysis to determine how they indicate the level of criminal consolidation in the smuggling industry.

- Levels of violence against migrants – in the form of beatings, rape, forced labour and general mistreatment – are often highly emphasized by migration protection agencies and migrants themselves. However, it tells little of utility about the nature of irregular migration. This type of violence appears to be a regrettable negative externality of vulnerable people who migrate, and is widely prevalent in migration of all contexts, apart from those journeys at the highest end of the spectrum. For analytical and response purposes, while some mitigation and protection measures can be made (e.g. distribution of contraceptives, for example), this kind of violence has little analytical value for understanding the smuggling market. Across the region and territories under study, there is little or no penalty or censure by authorities for violence against migrants, who are often marginalized and treated as second-class citizens or worse. As such, violence and abuse have become embedded in the interaction between smuggler and migrant.
- More relevant to assessing criminal consolidation are systematic signs of kidnapping and extortion of migrants. These are indicative of the kind of criminal control that is worthy of significant concern and response.
- Violence between competing groups over control or protection of the smuggling industry is another marker of high relevance, as it indicates fluctuations in the balance of power and the localized political economy. Across illicit trades, competition between groups is often the trigger for the highest levels of violence and loss of life. Competition between groups also has an impact on migration routes, and the other sources of funds that smuggling groups have access to and how they choose to spend their money shapes the market. High levels of competition necessitate security to protect the migrants as assets, which means an increasing number of those involved in inter-network violence.



# Corruption and the role of the state in migration

Human smuggling is – to differing degrees, depending on the region – a state-enabled industry. Firstly, it is principally the policies of states that prompt movement, and the punitive approach taken towards irregular migration that ensures there is a consistent demand for the services of human smugglers. Those who move have a reason for moving: often they are those marginalized by the state and excluded from the rewards of growth and development. Similarly, smugglers are most often those excluded from legitimate enterprise and barred from earning decent livelihoods through licit industries. The very existence of a smuggling industry is predicated upon the decisions of the state, and the nature of the industry, benign or criminal, is similarly state-dependent.

## Corruption of state officials

Secondly, corruption at all levels of the state is integral to the functioning of the smuggling market.

At a local level, police and other security and border officials collude with smuggling operators to facilitate the irregular movement of migrants.

The price paid for smuggling services will often be higher in the case of safer routes, which typically involve greater collusion of state officials, and lower for more dangerous routes based on evasion of border controls. The irregular movement of migrants across borders is normally tacitly permitted by border guards, and this acquiescence is paid for by countless bribes at different levels of the authorities. These include border guards, policemen or the military, who are paid to look the other way as migrants are moved across borders; consular officials are also bribed to grant visas illegitimately or supply sample visas that can be counterfeited.

***'Human smuggling is – to differing degrees, depending on the region – a state-enabled industry.'***

Smuggling networks exploit weaknesses in state institutions and create new paths of corruption, weakening the system further. In certain regions, corruption is standardized. For example, there is an agreed tithe payable per migrant to cross certain borders. Collusion can also be blatant: in sub-Saharan Africa, military escorts have 'protected' migrant 4x4 convoys during desert crossings. The degree to which corruption is systemic – in the sense that it permeates entire institutions – varies across regions. In states with the most punitive border-control policies, it is only the state itself, or those very close to the state, that can enable movement.

## State and smuggler: A symbiotic relationship

In many regions, the state and its institutions have a symbiotic relationship with the smuggling industry. While smugglers rely on corrupt state officials to perpetuate their business, officials in state institutions may come to rely upon the bribes received to enable smuggling to happen, and the community or central state itself may benefit from the remittances made by successful emigrants who have found work, which prop up the local economy. In these cases there is little incentive for the state to genuinely seek to limit irregular migration.

Remittances can be a key source of economic stability for some countries, particularly because, unlike with foreign direct investment, the largest source of foreign inflows, they are countercyclical – in other words, they increase when the domestic situation worsens. In addition, they often flow to the poorest members of society, decreasing inequality by providing income-smoothing opportunities. In addition, the profits gleaned from the smuggling industry through corruption can provide a crucial supplement to livelihoods, shoring up stability.

Meanwhile, the bribes gained from collusion can form the lion's share of state officials' salaries. (In some places, such as Niger, where salaries have been frozen for many months, they make up officials' entire income.) In these cases,



such bribes are key to survival. In many regions, taxing illicit trade is an accepted element of employment as a state official, and seeking to counter such corruption may act to destabilize local balances of power, further excluding communities for whom such profits are a lifeline.

In order to bolster the integrity of such officials, states would need to ensure that salaries for serving officers are paid and that they are sufficient to avert petty corruption. There appear to be insufficient resources or political will to do this in a number of key places that experience irregular migration. Currently the costs of corruption are low in many regions, commensurate to the minimal institutional resistance to the smuggling trade. As international attention focuses on migrant smuggling, however, greater sanctions for corruption will engender a consequential rise in the cost of collusion. This will create greater incentives for state and non-state actors to continue to enable the trade.

Where the opportunity to migrate fulfils an important community need, communities will typically view migration as a legitimate resource and may bring direct pressure to bear upon political representatives to enable the functioning of the industry. Even where such pressure is not brought, regional politicians will be aware of the extent to which communities rely on migration, and in some cases the profits of the smuggling industry, as a source of income. Particularly in areas where party majorities are narrow and political seats highly contested, political pressure from communities who rely on migration opportunities can be leveraged to significant effect. Where significant majorities shore up safe seats, such pressure will be less powerful.

When queried about the role of such interests, politicians and community leaders generally downplay concerns by arguing that such reliance is engendered by poverty and high unemployment. Although these factors are undoubtedly at play, the reality of the community's, and consequently the state's, relationship with the migration market is significantly more complex than this.

## Considering corruption in policy responses

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Where corruption levels have grown to become a lynchpin of the structure of institutions, it is crucial that responses seeking to address migration recognize this and interact with agencies accordingly. Seeking to displace corruption directly may yield greater harm than good.

To date, migration responses have focused on fostering a dialogue with state institutions. A calibration of the role of corruption is key in modelling successful interventions, as such policies, in isolation and by ignoring the inextricable link between corruption and smuggling, may be not only ineffective but counterproductive, deepening the reach of corruption and benefiting those enabling the industry.

Corruption lies at the very heart of the successful operation of the smuggling industry, and displacing it is among the greatest challenges that responses must address. However, although it is tempting to see anti-corruption policies and training as an overarching solution, without linked policies that target drivers of movement, these will prove ultimately ineffective and lend themselves to greater securitization of the migrant market.

## Distinguishing between corruption and policy

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It is crucial to distinguish between where the policy of the state enables migration and the smuggling industry, and corruption, which is rightly interpreted as actions by state officials that contravene the policies of the state. State policies are dynamic and can engender significant changes in the state–smuggler nexus.

Recent policy changes in Turkey provide a particularly clear example of how a shift in policy can transform the role of corruption in smuggling. In 2015 Turkey emerged as a key transit state in migration to Europe for Syrians and other nationalities. This catalyzed the EU–Turkey deal, whereby Europe traded various financial and political benefits in return for renewed efforts to crack down on migrant smuggling by the Turkish state. This included the 'one-in, one-out deal', which sought to return migrants arriving in Greece to Turkey.



Prior to this, Turkey had made minimal efforts to counter migrant smuggling, the barriers smugglers needed to overcome were very low and the industry could be seen as ignored by the state, if not permitted by it. Consequently, corruption was not key to the successful functioning of the industry. However, when policy change engendered increased border patrols and law-enforcement measures, corruption became pivotal to the modus operandi of smugglers. Lower-level operators were pushed out of the market, to the benefit of organized-crime groups, which had the funds and contacts to collude with state officials. Clearly, policy responses need to appreciate whether smuggling is aligned to state policy, or whether it is corruption within the state that enables the industry to flourish.

Turkey is also an illustrative example of a state that has leveraged migration and the smuggling industry to further its own political goals. By entering into the EU–Turkey deal, Turkey won many concessions it had failed to gain through political negotiations for years. Perhaps the most blatant example of this kind of exploitation was Colonel Muammar Gaddafi’s threat to turn Europe ‘black’ if it did not meet certain financial demands and support him. States can exploit the political sensitivity that irregular movement has created to achieve their goals, meaning the relationship between state and smuggler is fluid, the latter imbuing the former with significant power.

## Rethinking the smuggling–trafficking nexus

Typically, for policymakers and humanitarian workers in a migration setting, identifying, and providing protection and recourse to, potential victims of trafficking is a first priority. Identifying victims of trafficking is inherently difficult, as the means of doing so is almost exclusively through self-reporting – in other words, through victims’ own accounts. Although the onus is on the state to identify victims of trafficking, the reality is that the process of identifying them often falls to various agencies of the UN, international aid providers and NGOs. The UN Refugee Agency (UNHCR) and the International Organization for Migration (IOM) – the key agencies for supporting refugees, asylum seekers and migrants – regularly come into contact with victims of trafficking or people who are at risk of becoming victims of trafficking. Both organizations have counter-trafficking field staff who have to identify victims of trafficking in an environment where abuse and violence against migrants and refugees are widespread.

Under the UN Trafficking in Persons Protocol, the defining feature that allows one to establish whether the crime of human trafficking has been committed is the intent of the perpetrator. Neither the victim’s consent nor what they experience en route is relevant to identifying a victim of trafficking. Instead, it is the ‘action,’ ‘means’ and ‘purpose’ of the trafficker that establishes the crime. The perpetrator must have intentionally planned to exploit his victim, and all three elements must be present to constitute the crime of trafficking in persons.

However, the task of identifying the motivations of criminal groups is not easy. Migration and protection agencies rarely concern themselves with gathering data or performing analysis that identifies the groups behind smuggling or trafficking – this is seen as the role of law enforcement. And there is a fear that documenting this would compromise their humanitarian neutrality.<sup>14</sup>

Ambiguities in the difference between smuggling and trafficking have led to wilful mislabelling of the two. Firstly, genuine victims of human trafficking are often incorrectly classified because of the consequential burden on state resources. Smuggled migrants have a far lower, and less defined protection framework – unlike human-trafficking victims, who are entitled (though often not granted) certain remedies, including protection, assistance and compensation. Consequently, it is easier – and cheaper – for states to classify trafficked victims as smuggled migrants.

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to constitute the crime of  
trafficking in persons.’***



Furthermore, smugglers are often labelled as traffickers to stir up public outrage and justify the securitized response mounted by the state. The thinking here is, if the cause of migrant deaths is perceived in the public eye to be 'evil traffickers', then the responsibility cannot be laid at the foot of government to provide alternative entry methods that pose less danger to migrants. When people have been 'trafficked', their consent has not been given, and their motives and decisions are therefore irrelevant to their position. The state is cleansed of wrongdoing, presenting itself as 'protector', and garnering public backing for launching militarized action against 'traffickers'. Thus the state ensures it is labelled as protector rather than as a complicit party. Where a state is complicit in smuggling, arrests and prosecutions can also be used selectively – favouring some smugglers while arresting others, and thus at the same time garnering bigger bribes.

The line between human trafficking and human smuggling is also often blurred by practitioners and policymakers seeking to address both crimes. This engenders policies and solutions that target both ineffectively by failing to identify and separate the distinct markers of each.

The nexus between smuggling and trafficking is in urgent need of a rethink, and greater clarity is needed to shed light on the two phenomena if either is to be addressed with appropriately tailored responses. At the moment, the ambiguities between the two crimes are used for the purposes of political exploitation, rather than ensuring that protection is at the centre of the analysis and response.

There is a tendency both in the media and among practitioners to view smuggling and trafficking across a scale of violence. This view embraces the notion that the greater the violence experienced, the more likely it is that the person is a victim of trafficking. Although it is true that in trafficking dynamics the person will often lack any power, and that in some smuggler–migrant relationships the power balance is more even, levels of violence are not in themselves a conclusive indicator. Levels of violence are often a function of the payment structure, the region and in some cases the specific smuggling ring. Such distinctions can therefore be misleading.

It is our assertion that there are ways to reduce the risks to people on the move, to reduce the levels of attritional violence and the likelihood of exploitation. By building back some of the safeguards that are inherent in the smuggling markets, the distinction between cases of human trafficking and egregious violence more clearly stand out from the cases of aggravated smuggling that occur when these safeguards break down.

Arguably, then, the role of migration and protection agencies in the context of contemporary migration must be to create, incubate and protect those practices that increase the balance of power in favour of the migrant, and do as little as possible to create the conditions in which smuggling groups are empowered. Examples of the kinds of safeguards and innovative strategies that could be used are presented in the section that follows.

In addition, a better understanding of smuggling markets, and building the capacity to monitor for indicators that smuggling networks are consolidating and moving up the scale of criminality would provide an early-warning mechanism that migrants are at greater risk.

## What can we do (differently)?

This section provides a number of policy and programming options that should be considered in seeking to address the role smugglers play as a vector in migration and to reduce the negative impacts of human smuggling, both for migrants and for the stability and security of countries of source, transit and destination.

The model used relatively successfully in Australia, which severely curtails irregular migration and imposes high penalties for migrants and smugglers moving illicitly, while providing benefits to those who move through the legitimate asylum system, is broadly not feasible for Africa and the Middle East. Australia's geographical isolation facilitates its border control in a way that the long, porous land borders of Africa do not. The EU effort to emulate this model with Turkey has also shown the limits of this form of cooperation – it requires strong



states capable of managing migration within their borders and with large financial incentives to do so – and European law makes it challenging to effectively return those whose asylum claims are unsuccessful. Other kinds of responses, therefore, must be considered.

UNTOC is an instrument that is intended to support the effective investigation and prosecution of the transnational organized crime of smuggling of migrants. It accordingly focuses heavily on the criminal-justice instruments that can be brought to bear: the strengthening of legal frameworks to prosecute smugglers, building capacity in state law enforcement, and border and justice institutions to respond to the crime. Within the framework of weak states and widespread corruption, as we have shown, these instruments have a limited efficacy, and in worst case scenarios can be counterproductive. They also are not designed to address the root causes of mobility, which, in turn, drive the demand for smugglers, and are rarely deployed within a framework of national migration policies.

In the Middle East and Africa, to reduce the scale of irregular migration in a way that enhances the safety of migrants and promotes the security and development opportunities for communities in source, transit and destination countries, means shifting away from both traditional responses to smuggling-facilitated migration – those based upon UNTOC – and from the ‘emergency’ or ‘crisis’ response framework.

In order to do this it is imperative to put in place systems and structures that can analyze existing migratory flows and pre-empt mass migration surges that generate the kinds of politically impulsive, expedient responses that have inflicted incredible damage to date. These structures would enable a move towards a systemic understanding of the role human smugglers play in migration, and the development of an effective, more sustainable mitigation strategy to minimize smugglers’ detrimental impact on mandates for good governance, development and human security.

***‘Put simply, the best way to protect migrants and reduce the size of the smuggling industry is to create safe and legal routes, and increase viable development alternatives.’***

## **Accepting compromise: The panacea myth**

To craft targeted, effective responses, policymakers need to clearly identify the objectives of the intervention: is the goal to protect migrants and refugees? To reduce the size, profits or violence of the smuggling industry? Or to reduce irregular migration?

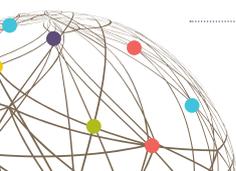
These objectives are not the same, and they are unlikely to be achieved by the same set of policies. Responses that claim to target all three are likely to address none. Seeking to craft a single panacea policy is inherently fruitless. In some cases, the three objectives may be mutually exclusive, or will have other, often politically unpalatable trade-offs, such as tacitly permitting the operation of more benign human-smuggling networks, regardless of their illegality.

Responses to date have proven that reducing irregular migration won’t be achieved by targeting the smuggling market with securitized responses and fence building (alone). Instead, a far more nuanced and development-orientated set of solutions is required.

Put simply, the best way to protect migrants and reduce the size of the smuggling industry is to create safe and legal routes, and increase viable development alternatives. In parallel, eroded safeguards need to be rebuilt to make smuggling, which will not be quickly eradicated, less dangerous.

## **Understanding the state’s political economy to tailor an appropriate response**

Responses have predominantly posited the state as the key interlocutor in the migration discourse. However, the nuanced role played by government in the human-smuggling and migration landscape of source, transit and destination countries needs to be more fully understood. Interventions embedded in the political economy of the countries in question, and their implications, will be shaped by the context. Although migration control



should be at the top of the policy agendas of governments, offering only securitized strategies risks creating anti-migration public sentiment and rhetoric, reinforcing feelings of the 'other', and obstructing governments' ability to adopt development-focused policies. The specific political economy of relevant states should be understood, and sustainable responses tailored accordingly.

Where government itself is the predominant rationale for migration, responses should emphasize good governance, prioritize integration of migrant communities and focus on the provision of efficient and fair service delivery in settlement processes, thereby creating conditions of stability and security. Investments in state security or the criminal-justice apparatus are likely to exacerbate rather than calm root causes for migration, and engender fear in the populace.

Where poor economic, security or social conditions mean that smuggling is an important resilience strategy for large segments of the population, and possibly for state institutions themselves, it is important to recognize that governments will have certain incentives to allow smuggling to continue. Naturally, this will obfuscate the response, making governments difficult partners where their interests do not align. Allowing a trafficking in persons–smuggling of migrants nexus to persist will provide incentives to continue blurring the two, allowing them perhaps to target the trafficking, but not the smuggling, or to fail to provide appropriate support to victims of trafficking by downgrading their experiences just to smuggling.

In specific contexts where governments are willing partners in managing migration, but efforts are undermined by low capacity and corruption, anti-corruption measures are important. In all cases, however, working with governments or with communities to reinforce the importance of good governance and adherence to human-rights norms and principles is essential.

An in-depth review of the local political economy should precede and shape policy responses. This will highlight where anti-migrant-smuggling policies engender negative externalities, and allow policymakers to be prepared to mitigate their impact with meaningful measures. At all stages of the response process, from design to implementation, it is key to ensure that responses are human-rights-based.

## Broadening the dialogue

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Recognizing the multiplicity of roles played by state actors in the context of human smuggling highlights the importance of establishing a dialogue with non-state actors. In situations where state actors or institutions are complicit in the smuggling industry, or where migration is used as a strategy for political leverage, investments in state infrastructure need to be counter-balanced with support for non-state actors and enhanced civilian oversight.

Recalibrating the human smuggling industry to enhance migrant protection requires the establishment of direct dialogues with source communities, and a move away from state monopolies over migration management. The majority of migrants – and smugglers who facilitate their movement – come from marginalized and excluded communities, rendering them voiceless in discussions with state actors. Placing the migrant voice at the centre of the migration discourse will help safeguard migrants' rights and ease the return of the industry to its most benign state.

## Mapping and monitoring the smuggling market

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As human smuggling is now a pivotal vector in irregular and mass migration across the globe, there is an urgent need to develop capacity to map and monitor human-smuggling markets. No such capacity exists at present.

### Decrypting data/drowning in data

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A plethora of essential data on migration is available from a number of sources. For example, the UNHCR, the European Border and Coast Guard Agency (Frontex), IOM and other humanitarian agencies and NGOs provide extensive data that profiles migrant flows along specific routes and monitors deaths of migrants, while Global



Positioning System technology tracks and in some cases provides qualitative assessments of violence. However, the kind of data that is needed to identify changes in the smuggling market and anticipate criminal market consolidation in time to formulate a proactive response is not systematically collected or analyzed.

Humanitarian, refugee and migration agencies that are on the front lines of support to mobile populations are constrained by ethical principles surrounding the data they collect. They express caution on disaggregating data by ethnicity, for example, and there is no systematic data monitoring of smugglers. Data-protection regimes also place strict controls on the collection and use of personal data. Given the nature of much of the relevant data, including ethnicity and disability, much of it would be classed as 'sensitive personal data', carrying further restrictions on usage and heavier sanctions.

Data-protection regulations are ill-understood in this field, and given that they are country-specific, it requires a significant knowledge base to apply them accurately. Fear of non-compliance leads to an extremely cautious approach towards data use. A greater understanding of the limits of the regulations would allow for licit collection and usage of data were certain safeguards implemented. Some UN agencies working in locations where smuggling has been a characteristic feature of migration, as well as a protection threat, have done some tracking on a sporadic basis, but there is no capacity to analyze it effectively, cross-reference it against other flows and build a useful model from the data.

Nevertheless, there is growing awareness of the importance of data in understanding and managing migration. A number of governments have launched initiatives to collect more data on migration and store it in a format in which it can be usefully accessed and analyzed. In Ghana, for example, although certain migration data is collected from every entrant into the country, this data is not computerized but filed as hard copy, making it useless for the purpose of analysis. Now there is an initiative to computerize the country's migration data, in partnership with international migration agencies, in a format that can be shared and analyzed.<sup>15</sup>

A limited number of modifications to the kind of data that is collected by front-line agencies would support the capacity for improved data analysis of smuggling, including, for example, migrants' ethnicity (in addition to nationality data already collected), how they arrived at camps, and how much they paid for their journey, and where.

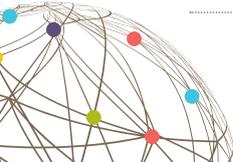
Law-enforcement officials have stated that their data collection focus is primarily to help their investigations into smuggling networks for interdiction and prosecution purposes.<sup>16</sup> This kind of data is therefore sourced through a criminalized lens, which is not helpful in terms of approaching migration outside the criminal sphere. And such officials have not adopted a political-economy-based market analysis that systematically tracks and anticipates the role the smuggling industry plays in human mobility. Standardizing the approach to data through Europol or other multilateral policing bodies would enhance analysts' ability to compare global migration flows.

Policy responses must be underpinned by an evidence basis. If the analytical capacity to track the smuggling industry as a vector in movement were in place, effective programming to respond to large-scale irregular migration would be greatly enhanced.

***'If the analytical capacity to track the smuggling industry as a vector in movement were in place, effective programming to respond to large-scale irregular migration would be greatly enhanced.'***

**Developing a monitoring tool**

It is recommended that a global repository of smuggling dynamics is created. This could draw from international policing and humanitarian actors in order to provide a blended analytical tool in a neutral way, addressing flows not only from Africa, but also Asia and the Americas, and their interdependence.



Such a monitoring tool would:

- monitor the prices being paid for journeys over time and highlight trends in price changes;
- identify and monitor the groups and networks operating along specific routes and in key hubs. This would include identifying the ethnicity of smugglers; and
- identify and categorize the types of violence associated with smuggling – whether this is between groups or specifically against the migrants.

The data collected by this tool could then be analyzed together with the large amount of other data already available on routes and flows, and on the profiles of migrants. Collectively, this could be used to draw conclusions about the state of the smuggling market, to identify vulnerabilities and risks, and to anticipate route displacement or surges in mass migration.

### Identifying and monitoring vulnerabilities

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An analysis of migration trends reveals a number of indicators of movement, which can, to an extent, help predict future trends. Flawed policy has created stagnant, concentrated pools of people behind newly securitized borders. These are ripe recruitment grounds for smugglers, who can exploit the desperation of the migrants and their heightened need for movement. They also become potential profit sources for a whole range of criminal enterprises, including human traffickers. Securitized responses act only as temporary pauses in migration flows, and make the migration mass within limited geographic areas build up. This heightens the concern of states, diminishing their interest in checking the smuggling industry, and in some cases even prompting state-organized atrocities to drive out refugees. In all cases the enforced stasis is eventually broken, and the ensuing migration surge is much harder to control.

This is true of both short-term migration blocks, where recent policies have prevented onward movement, and of long-term displaced populations, who exist with little hope of integration, resettlement or repatriation. The latter are growing in number as ongoing conflicts prevent their returning home, while their appetite for resettlement continues to shrink, and host states, which had never envisaged the original influx, fail to implement integration strategies. Renewed conflict, a change in the political situation, or environmental disaster can trigger mass migration surges with detrimental impacts for the migrants themselves, as well as for host, transit and destination states.

Geographical phenomena are often predictable and can have a direct impact on migration. The 2017 drought in Somalia, for example, which had been anticipated by scientists well before it began, will shape migration flows out of Somalia. This surge could have been prepared for in advance. Governments in high-risk areas are increasingly investing in software that enables more accurate environmental predictions. This kind of technology should be harnessed in the field of migration to map likely future flows.

For these reasons, migration data that is appropriately collected and analyzed will enable international organizations and governments to anticipate surges in mass migration and implement appropriate protection measures. This will help governments to recognize contexts where there are inherent vulnerabilities that smugglers can prey upon to incite migration.

States need to put in place policies and regulatory systems that anticipate migration flows and safeguard migrants rather than applying hastily adopted reactive measures. Identifying key indicators of mass-migration surges equips policymakers with the means to interpret and pre-empt movement, engage with appropriate actors and formulate coordinated responses.

***'Migration data that is appropriately collected and analyzed will enable international organizations and governments to anticipate surges in mass migration and implement appropriate protection measures.'***



## Rebuilding safeguards

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In many contexts the human-smuggling industry has become characterized by chronic abuses. However, as shown, it can also take the form of a more benign service industry predicated on high levels of trust, with safety mechanisms that protect the migrant on his or her journey. The transition to violence has often been catalyzed by the kinds of policies taken by states to prevent irregular migration. It is the role of policies to reverse this trend.

Rather than seeking to eradicate the migrant smuggling industry – a policy goal doomed to failure – the focus should be on bolstering safeguards to enhance migrant protection and reconfiguring the smuggling industry in its original framework as a resilience mechanism, rather than as a source of insecurity and abuse.

The available safeguards that should be bolstered, or in some cases entirely re-created, fall into three broad categories: payment structures, the relationship of trust between smuggler and the migrant community, and journey characteristics. In cases where the smuggling industry has shifted towards its most highly criminalized and violent form, these very safeguards are turned from a means of protection to a means of exploitation – for example, family linkages and violence are used to extort additional money from the migrants. It is therefore imperative that the industry is returned to its ‘normal’ functioning.

### Payment structures

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The systems of payment are pivotal to migrant–smuggler power dynamics and can be effective safeguards, to a degree, regardless of the type of smuggling network. The pay-into-escrow model aligns the interests of the smuggler and the migrant, and guarantees at least an effort on the part of the smuggler to ensure the migrant’s safe arrival. This is because, with this payment system, the profitability of the smuggler’s enterprise hinges on the safety of the migrant. Payments in instalment similarly incentivize smuggling networks to safeguard the migrant.

By contrast, the pay upfront model means the smuggler is little motivated by whether the migrant safely completes the journey or not. Meanwhile, the travel-now-pay-later model is a mechanism that destroys a migrant’s security, and significantly erodes traditional migrant safeguards, leaving migrants extremely vulnerable to abuse. The travel-now-pay-later system is an increasingly common prelude to indentured labour, human trafficking or kidnapping for ransom.

### Relationship between smuggler and migrant community

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From their home town migrants will typically negotiate their journey with the local recruitment broker, an established figure who is well known in the community and who has facilitated the travel of countless migrants before. This provides a degree of security for the migrant, as the smuggler’s reputation is a key asset on which his profitability depends. However, community-based brokers have little control over the violent and criminal actors further down the route, and are unable to offer guarantees of safe passage over larger distances. Shorter migration journeys may act to empower community-based smugglers, although they may not suffice for many migrants. Encouraging ‘check in’ communication points along the migration route leverages the power of the community, both at source and abroad in the shape of the diaspora, to enhance migrant protection. Although the ability of such increased communication to protect one individual migrant is limited, it improves the information available to would-be migrants and acts as a regulatory force shaping the routes taken and the networks used.

Such self-regulation could also be effected through user referral systems – akin to the TripAdvisor concept – for migrants and refugees. In a number of regions, such mechanisms have developed organically. Where this is not the case, state or non-state actors should consider launching social-media platforms to exploit widespread smartphone usage to facilitate the sharing of information. Clearly, platforms would need to be anonymized to allow migrants and refugees to communicate safely. Social media can also be used to produce counter-narrative, informing migrants of the heightened risks and limited rewards of migration.



## Journey characteristics

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Most policy responses have taken the form of reinforcing borders and criminalizing migration, making the journey less safe for the migrant while simultaneously making the smuggler more in demand. It is imperative now to consider how policies can make journeys safer. Options include:

- Creating 'safety hubs' where migrants can get supplies and medical care (including contraception) and are afforded protection and, crucially, where they can 'opt out' without fear of reprisal.
- Creating humanitarian corridors for refugees (providing visas, transportation and integration services, either for all refugees or particularly vulnerable individuals (e.g. children, the sick and the old).
- Restructuring the asylum process by moving points of asylum seeking closer to the migrant; making the journeys shorter, enhancing the ability of the community to protect the migrant; and shaping migration routes to avoid predatory states where migration policies are particularly detrimental to the migrant, or which present greater risks to migrant safety – partly through more awareness raising.

## Advocacy

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Migration, and the role the smuggling industry plays in it, must be placed at the top of the political agenda in source, transit and destination states. However, framing discussions within a rhetoric of securitization will cause further damage. Instead, policies should be shaped within a framework of human rights and governance. There continues to be a significant gap between the actions of states and their obligations under international law. International human-rights law and labour standards should guide discussions regarding irregular movement, and shape state responses. Legislation and regulation regarding migration abound but lack of enforcement often renders such legislation disconnected from what happens in reality. Parliamentarians and other policymakers must therefore keep binding obligations and advisory guidance at the forefront of policy debate.

Migration must be perceived by states as a 'whole-of-government' issue, requiring involvement from all relevant ministries, including home affairs, foreign affairs, employment, education and health. Failure to do so risks compromising the ability of states to implement a holistic approach to migration issues.

***'International human-rights law and labour standards should guide discussions regarding irregular movement, and shape state responses!'***

## Awareness-raising strategies

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The degree to which migrants and refugees are aware of the dangers of the journeys they embark upon before setting off is hotly debated, and will obviously differ from context to context. Some surveys conducted with both successful and would-be migrants show that few are well informed about the risks of the journey before embarking upon them. In a survey conducted by the Global Initiative of migrants who had made the journey across the Mediterranean, 71% of respondents said they did not have the information they needed before they set off on their journey.<sup>17</sup> However, reported instances of migrants and refugees taking specific precautions against the dangers they envisage facing suggest a significant degree of pre-travel awareness. In East Africa, for example, it has been documented that women refugees and migrants have taken oral contraceptives before embarking upon their journey, aware that the risks of rape are high.<sup>18</sup> Similarly, refugees have been recorded to factor in additional funds required to make extortion or kidnap payments on routes where these are a risk.

But, regardless of the level of awareness of risk that migrants may have, there is little evidence that awareness of danger affects the numbers moving to the degree that many assume it should. Research has suggested that the risk appetite of migrants is typically significantly higher than average.<sup>19</sup> Consequently, raising awareness of



the potential danger of migration among would-be migrants may act only as a limited deterrent. Nevertheless, it may enhance the safeguards taken by migrants before they begin their journey. Similarly, even though accurate information about specific routes could help migrants and refugees select less dangerous options – and in some cases it may help them opt for destinations that are closer to home – in most cases it is unlikely to stop movement altogether.

Awareness-raising campaigns to date have focused on highlighting the risks inherent in the journey. However, the high risk appetite of would-be migrants, the often high levels of risk prevalent in their home country, and that part of human nature that precludes the belief that the worst will happen all combine to limit these campaigns' effectiveness.

A little-explored alternative, which could prove more effective, would be to inform would-be migrants of the limitations of the possible reward for migrating. All the more so, as smugglers usually present artificially attractive images of destination countries as a recruitment tool. Shattering such illusions might deter some migrants, and enable them to select appropriate destinations based on accurate information.

Governments of source countries should play a greater role in helping inform potential emigrants about migration opportunities, the risks associated with particular migration routes and the realities of favoured destinations. Several African governments have launched initiatives focusing on opportunities and dangers. For example, Senegal provides pre-departure orientation seminars to inform migrants about possible abuses. However, none have yet sought to illustrate the hardships that migrants will face at the end of a successful journey. Governments should also publicize which payment systems are most likely to leave migrants open to abuse, such as the travel-now-pay-later method. This may encourage migrants to take available safeguards. For some, where the need to migrate is urgent and precludes raising funding, the travel-now-pay-later system may be the only available option, but at least greater awareness of the risks will empower many emigrants and help them make informed decisions.

***'But, regardless of the level of awareness of risk that migrants may have, there is little evidence that awareness of danger affects the numbers moving to the degree that many assume it should.'***

The role of governments, as outlined above, is key. However, where trust in the state is lacking, and the state itself is perceived as a threat, information from state sources will lack credibility and impact. Similarly, where Western governments are perceived to be opposed to immigration, information campaigns on migration will be hobbled from the outset. In such cases, who is chosen to deliver information on migration to migrants would need to be weighed up carefully.

Awareness-raising campaigns delivered by international organizations or state agencies that focus solely on the dangers of the journey to would-be migrants have had limited efficacy. An alternative to consider is to present a more realistic picture of the pros and cons of different destinations. This is not meant to be a disinformation campaign, but an accurate effort to portray realities that would counterbalance the kind of propaganda presented by smugglers that misleads migrants.

Some experimentation in recent years suggests that the diaspora can be a particularly potent voice when communicating with would-be migrants from their communities back home, as such information lends credence and offers realistic images of destinations. However, those in the diaspora may be reluctant to play this role, given the overwhelming development dividend that migration offers to individuals and communities. Cultural barriers of shame may need to be overcome before diaspora members are comfortable sharing imperfect images of their new lives overseas.



## Engaging with the diaspora

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Modern internet-based communication technology has made possible a constant dialogue between communities at home and their far-flung emigrant diaspora. There tends to be a lot of interaction between prospective migrants and those on the move with communities in sought-after final destinations. The diaspora will often be involved in arranging or making payments for migration journeys, and, as such, can play a key role in introducing safeguard systems, such as migrant escrows, which may provide some security for migrants. Efforts to support the reduction of remittance costs, partly by supporting innovative new players in the money transfer market, may serve as an incentive for diaspora populations to engage.

Communication between would-be migrants and their diaspora may highlight the disparities between the status quo at home and the possibilities offered by new opportunities abroad, creating an 'aspiration gap' – one that can often be bridged only through migration. However, if the engagement is well managed, realistic information provided by the diaspora to potential migrants can also serve, conversely, to communicate the risks of the journey, and to control the expectations of prospective migrants in terms of what they might experience in destination countries. Where migrants have been put at great risk of exploitation or abuse, this may encourage the diaspora to assist.

This kind of information was, unfortunately, notable by its absence among many sub-Saharan migrant communities who headed for Libya, clearly unaware of the worsening situation in the country in the aftermath of the 2011 revolution and over the course of the civil war that followed. Many migrants travelled from sub-Saharan regions to Libya in search of employment. Although awareness of the current state of Libya, and the high risks facing migrants seeking to settle in or transit the country, is now growing, the true situation is still often not understood.

Many migrants who made the journey to Libya – originally intending it to be their destination country – have therefore been compelled to continue onwards to Europe. The money to fund such an extended journey is often unlikely to be available and migrants may then be forced to enter into travel-now-pay-later schemes, putting them at high risk of exploitation. Encouraging better, and more pragmatic, information between the diaspora and source communities can help avert such crises.

Such feedback from the diaspora can also ensure migration is dispersed, rather than overwhelming certain destination countries and towns. When a critical mass of migrants from one community settle in one destination area, it triggers network migration, a phenomenon whereby source communities migrate towards a specific destination. In such cases, the absorptive capacity and the employment markets in the destination city may be overwhelmed, increasing the likelihood that migrants will receive very little support upon arrival and be forced to remain in the informal or illegal economy.

The interests of the diaspora in terms of preventing such uncontrolled migration are aligned to those of policy actors seeking to encourage more dispersed movement, and the role they can play in this should be recognized. It is worth observing that, globally, the relative size of the diaspora has correlated with the extent to which migrants along their journey are informed about risks: smaller diaspora communities result in less-informed migrants, who are thus more likely to encounter problems and abuses, lacking, as they are, well-established safeguard systems.

Diaspora play a critical role not only in terms of providing key information to prospective migrants, but also by facilitating migration, either by helping to fund the journey, providing a first port of call upon arrival, or making the logistical arrangements for the journey. There have been examples of members of the diaspora who have served as guarantors or safeguard mechanisms for migrants in transit.<sup>20</sup> Given that diaspora members often pay for the travel or release of the migrant, diaspora engagement can be used to pilot safeguard mechanisms into specific migration corridors.

Efforts should also be focused on supporting legal migration options sponsored by members of migrants' diaspora, which are far more likely to result in successful integration into destination states than unlawful movement.



## Creating mobility

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The securitization of migration has led to the increased criminalization of migrants, and an erosion in the protections afforded to them. It is key to ensure policies do not merely create further obstacles to movement, giving the smuggler more power and putting the migrant at greater risk. The smuggling industry operates in spaces where legal migration processes act as a block rather than facilitator of movement. Minimizing such spaces immediately shrinks demand for smuggling services. Recent research supports this analysis, suggesting that where legal migration channels are restricted, potential migrants are 'deflected' into illicit channels.<sup>21</sup>

It is important that efforts target not only source, but also transit states, helping ameliorate the living conditions of those in refugee camps and pushing for facilitation of localized movement of refugees, which spreads numbers thinly and evenly across larger regions, avoiding stagnant populations and maximizing the possibility of integration. Refugee camps provide rich recruitment grounds for smugglers, and where conditions are dire and desperation high, refugees will be at their most vulnerable.

In areas where legal mechanisms for movement exist, but are too complicated to allow many migrants to comply with them, processes should be rethought and simplified. In Ethiopia a number of legal channels for movement exist, but the requirements are so cumbersome and processes so complex that many migrants eligible for legal migration opt for irregular movement, as they have no hope of success through the licit system. In some cases the path towards legal settlement, for example through asylum claims, requires the migrant to physically be in the destination country before initiating the application – this is true of the Schengen Area in Europe. Such processes compel migrants to seek irregular migration, placing the services of smugglers at the heart of legal immigration systems. Asylum systems need to be reconfigured to accept applications from outside the relevant territory. Although system delays and the possibility of remaining in a destination country informally despite an unsuccessful asylum claim mean that a significant proportion of asylum seekers would embark upon their journey prior to applying, this would at least give migrants the option of applying legally before embarking upon their journey.

***'In areas where legal mechanisms for movement exist, but are too complicated to allow many migrants to comply with them, processes should be rethought and simplified.'***

Where legal channels for movement do not exist, mobility needs to be rethought, and the benefits of labour migration fully understood. Short-distance migration has significant benefits for both source and destination countries, and should be encouraged. Supporting the development of regularization and labour schemes in neighbouring countries and regions would carve legal channels for labour migration that may meet the needs of many of those on the move. Long-distance migration typically results in permanent settlement, whereas movement within or across neighbouring regions is usually cyclical, bringing the benefits of return migration to source countries.

## Facilitating employment opportunities

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The drive to find employment is the key factor in the movement of economic migrants, who constitute a significant proportion of those on the move. Governments, particularly those of countries with predominantly irregular labour mobility, should support the functioning of legitimate agencies seeking to provide services to migrants, widening legal emigration channels, encroaching upon the illicit smuggling market and allowing the state to regulate service providers. Ethiopia, a key migration hub, has established an office for regulating private recruitment agencies. Agencies are required to register, obtain a one-year, renewable licence, report the status of their services, and submit audits to ensure migrants are not cheated either by the agency or foreign employers.



Governments should assist migrants by investigating the legitimacy of offers and choosing safe service providers by maintaining and circulating lists of lawful recruitment agencies and publicizing experiences of victims. Clearly, some migrants will not be able to move through legal channels, and the demand for smuggler services will continue. However, the demand can be significantly diminished, and the choices laid before migrants expanded, so fewer see themselves compelled into irregular migration at the hands of criminal smuggling rings.

Shorter-distance migration should be encouraged in cases where employment can be provided closer to home. A number of campaigns seeking to provide regular employment for migrants among neighbouring states in the Maghreb, particularly in Morocco, have been successful in deterring migrants from embarking upon the journey to Europe.<sup>22</sup> Creating sustainable options with safer living conditions would enable short-term, even seasonal, migration, with the decreased protection risk and enhanced benefits to source and destination states this entails. This would diminish the need for smugglers and reduce the flow of migrants who attempt the hazardous one-way journey to Europe.

Increasingly restrictive immigration policies ignore the growing demand for inexpensive migrant labour in North Africa, the Gulf states and the OECD countries of Europe. Where this demand is recognized, it is usually met through temporary work permits. However, this system is poorly regulated and provides inadequate protection from abuse to workers in this system. Governments should consider entering into bilateral agreements to regulate migrant labour flows. The Global Forum on Migration and Development detailed a set of best-practice recommendations, which should be incorporated into such agreements to facilitate the beneficial matching of demand and supply. These include:

- encouraging circular migration, partly by encouraging return, easing reintegration and allowing for repeat migration;
- providing for mutual recognition of skills and qualifications, and providing appropriate training to the migrant labour force;
- involving all stakeholders in recruitment and regulating the 'conditions' provided by recruitment agencies facilitating movement in order to protect workers from high transport or recruitment costs; and
- closely supervising employers benefiting from labour migration, including working hours, conditions and compensation in order to protect workers' rights (current regulation of such companies is lax across a number of regions, including Europe – state capacity for monitoring these organizations must be enhanced).

In order to successfully plug the growing gap in the labour market, the attitudes surrounding migration need to be addressed to empower governments in shaping policies that enable safer and more beneficial migration flows. Improving and expanding existing licit migration systems would benefit both source and destination countries, and encourage acceptance of the key role played by mobility in meeting the demands of the global labour market.

## Conclusion

Migrant smuggling is the fastest-growing criminal enterprise in the world. This reflects the new role played by mobility in global dynamics. It may be too early to judge what long-term impact the raft of securitized responses will have on migration dynamics, but, in the short-term, they have demonstrably exacerbated the risks of movement and benefited the organized-crime networks that have identified the unprecedented profitability of this burgeoning industry.

Responses to migrant smuggling have been led by criminal justice and security actors, leading to an overall securitization of migration and, in the process, often increasing the vulnerability of those on the move.



This guide is intended to shift the response framework towards one that is integrated, in which humanitarian and development actors are aware that they also have a role to play, and have sufficient information about migrant smuggling markets to understand how their interventions can have value.

This is not to say that there is no role for the criminal-justice sector, for law enforcement, or even for military assets and defence within an integrated response, or that humanitarian and development actors could be successful in isolation. Quite the contrary. However, policymaking thus far has been handicapped by an imperfect understanding of the migrant smuggling phenomenon, a failure to comprehend and anticipate the dynamics of the smuggling market and a wilful blindness to the role of states in creating this permanent state of 'crisis'.

If, as many suspect, global levels of irregular migration are likely to remain at their current high levels, then all actors will need a better understanding of the phenomenon, an increased evidence basis and a broader toolbox of responses. Moreover, targeting human smuggling or trafficking exclusively will do little to either reduce the demand for irregular migration or the potency of its facilitators.

States must acknowledge the consequences of their actions, and review internal policies rather than seek to combat an external 'enemy'. States have influenced the discourse surrounding migrant smuggling, confusing the identity of this 'enemy', with smugglers becoming 'traffickers'. These blurred distinctions have had catastrophic consequences. This guide seeks to address this crucial misunderstanding for, while this remains unresolved, policies targeting both are doomed to address neither.

Clearly, the characteristics of the migrant-smuggling industry will vary according to their geographic and political contexts. However, an in-depth understanding of the smuggling market more broadly should help guide tailored responses regardless of these differences.

A new generation of responses is required. By addressing the misconceptions that have clouded policy response to date, this guide hopes to put policymakers, and other actors in the field, in a position to deliver such integrated and effective responses.



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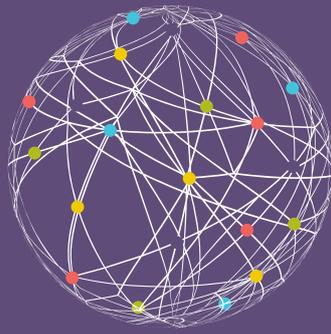
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