# A study on smuggling of migrants

Characteristics, responses and cooperation with third countries

Final Report

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Home Affairs

EMN

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# Abstract

Optimity Advisors[1], supported by the International Centre for Migration Policy Development (ICMPD) and the European Council of Refugees and Exiles (ECRE), was commissioned by the European Commission's DG Migration and Home Affairs to undertake this study. It involved six months of desk research, interviews and data analysis across selected European Member States and third countries. Five case studies explored smuggling activities in Greece, Italy, Malta, Hungary, Bulgaria, Ethiopia, Nigeria, Syria (Lebanon), Pakistan, Egypt, Libya, Turkey and FYR of Macedonia.

The study found evidence of an active market for migrant smuggling services with strong communication networks. The business model is network based, forming active Hubs where the intensity of smuggling activities is greatest. Family and diaspora play an important role, particularly in communications.

Operational activities to tackle supply need to be comprehensive, targeted at the Hubs and coordinated across agencies and borders. Activities that only tackle supply could increase risks faced by migrants who are already particularly vulnerable to exploitation and human rights violations.

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1 Matrix Knowledge (including Matrix Insight) formally joined the global consultancy group Optimity Advisors in September 2014. As its European arm, the newly combined business runs the public policy arm of Optimity Advisors' global operations. For more info go to: www.optimityadvisors.com

## List of acronyms

| Acronym | Definition |
| --- | --- |
| AU | African Union |
| CoE | Council of Europe |
| DG Home | Directorate General for Migration and Home Affairs |
| ECRE | European Council of Refugees and Exiles |
| EEAS | European External Action Service |
| ECHR | Convention for the Protection of Human Rights and Fundamental Freedoms |
| EMN | European Migration Network |
| EMN Ad-Hoc Query | Responses to EMN Ad-Hoc Query on Facilitation of irregular immigration (migrant smuggling) to the EU: national institutional frameworks, policies and other knowledge-based evidence (2014) |
| EU | European Union |
| Eurojust | EU's Judicial Cooperation Unit |
| FRA | EU Agency for Fundamental Rights |
| Frontex | Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union |
| GMG | Global Migration Group |
| HRW | Human Rights Watch |
| ICMPD | International Centre for Migration Policy Development |
| IFRC | International Federation of the Red Cross and Red Crescent Societies |
| ILOs | Immigration Liaison Officers |
| IMO | International Maritime Organization |
| IOM | International Organization for Migration |
| JOs | Joint Operations |
| OHCHR | United Nations High Commissioner for Human Rights |
| OSCE | Organization for Security and Co-operation in Europe |
| PTN | Polis och Tull i Norden |
| SAR-Convention | International Convention on Maritime Search and Rescue |

| Acronym | Definition |
|---|---|
| SOLAS | International Convention for the Safety of Life at Sea |
| UNITED NATIONS Protocol against Smuggling | Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime |
| UNCLOS | United Nations Convention on the Law of the Sea |
| UNTOC | United Nations Convention against Transnational Organized Crime |
| UNECA | United Nations Economic Commission for Africa |
| UNHCR | United Nations High Commissioner for Refugees |
| UNODC | United Nations Office on Drugs and Crime |

# 1 Introduction

A consortium comprising Optimity Advisors, the International Centre for Migration Policy Development (ICMPD) and the European Council on Refugees and Exiles (ECRE) was commissioned by the European Commission's DG Migration and Home Affairs to undertake a "Study on smuggling of migrants: Characteristics, responses and cooperation with third countries." (HOME/2011/EVAL/01). This document contains the Final Report for this study.

Despite it being a pressing political issue, migrant smuggling remains an rather under-reported area of research, with scattered and incomplete information available. For example, no systematic review and evaluation of existing policies against smuggling facilitation has been carried out to date, and the understanding of the role of third countries in the smuggling process remains limited. Investigation and research undertaken on the issue of migrant smuggling by European and national authorities and agencies, in particular by Frontex and Europol as well as national police research units, is often restricted; given the sensitive nature of the topic, the information is not always publicly available.

Published research arises mainly from PhD studies based on individual aspects of migrant smuggling, routes, population etc. In addition, numerous case studies exist, for example, on individual geographical areas or destination countries/regions, which are relevant in time and context. There are few larger and more comprehensive studies covering these themes. For example, in 2011, the United Nations Office on Drugs and Crime published a review of research on migrant smuggling[2] in order to fill this gap by surveying sources and research studies. Its review also covers concepts, methodologies, the scope of the problem, profiles of those smuggled and those who smuggle, networks and the human and social costs. Even though more empirical information has been added since then, this review remains extremely comprehensive and one of the few larger studies on the phenomenon.[3]

The research undertaken for this study is intended to contribute to the research evidence and close some of the existing gaps, particularly in relation to the business of migrant smuggling. Nevertheless, the study has identified priorities for further research; these are described in the concluding section.

The Final Report consists of the following main sections:

⭐ Chapter 2 provides the objectives and scope of this study;

⭐ Chapter 3 presents the methodology;

⭐ Chapter 4 presents findings on the phenomenon and dynamics of migrant smuggling;

⭐ Chapter 5 provides the legal and policy frameworks, programmes and operational responses, including the relevant institutions addressing migrant smuggling;

⭐ Chapter 6 discusses the main conclusions based on data collection and case study findings.

Annexes:

⭐ Research questions

⭐ Rationale for case studies

⭐ Conceptual framework for conclusions

⭐ List of stakeholders EU/international level

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2 Smuggling of migrants, a global review and annotated bibliography of recent publications, UNODC (2011).
3 An overview of completed, on-going and planned research can be found in Chapter 6.4 and Annex 10 of this report.

- ⭐ List of stakeholders case study countries

- ⭐ List of stakeholders additional countries

- ⭐ Secondary movements

- ⭐ Overview of relevant institutions at international and EU level

- ⭐ Descriptions of migration dialogues

- ⭐ Bibliography

Alongside this Final Report, five case study reports are submitted providing detailed findings from case study research.

## 2 Objectives and scope

The objectives of this study are described in the Terms of Reference (ToR) and are listed below:

*Objectives:*

★ Map and analyse policies, programmes and operational responses implemented by selected EU Member States and third countries[4] aimed to fight against, reduce and prevent migrant smuggling to the EU.

★ Draw concrete comparative assessments of practices in various parts of the world where smuggling of migrants occurs, based on a factual and comparative picture of the scale, characteristics, trends and patterns of the phenomenon.

★ Draw conclusions based on the data collection and case study outcomes.

These objectives have been translated into different tasks (as per the ToR):

*Tasks:*

★ To provide a concise overview of the completed, on-going and planned research in the area of smuggling of migrants, drawing on research undertaken by international organisations, NGOs, academic institutions and other sources.

★ To complete the mapping exercise of institutional arrangements in place in Member States to understand which national and international bodies are involved and how they work together.

★ To provide a mapping of the characteristics of the phenomenon to establish basic facts about the situation, including:

   o An explanation of the dynamics of smuggling operations, including financial operations, the countries of origin and transit for smuggled persons and the main routes;

   o Estimates of the scale of the phenomenon in relation to specific typology of borders (sea, land, air) across the past five years, including data on the profile and motivations of facilitators of smuggling (citizenship, gender, age) and by country of apprehension, and considering the relationship between smuggled migrants and diaspora;

   o A description of the different patterns and modus operandi per typology of border (sea, land and air) and the scale of organised criminal activity in this area;

   o A description of the secondary movements of smuggled migrants within the EU (among Member States).

★ To provide a mapping of existing policies and programmes tackling migrant smuggling both at EU level and in third countries, including:

   o Measures already in place (legislation, programmes, projects, agreements, joint operations);

   o Cooperation between specific Member States and third countries;

   o Political processes or dialogues in place with third countries;

   o The extent to which measures are/have been tailored to particular circumstances/types of smuggling, and the degree to which these are/have been effective;

   o Links with return policies and specific target countries (i.e. specific readmission agreements for smuggled migrants);

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4 For list of pre-defined countries, see overview in Chapter 2.

★ Finally, to provide conclusions based on the data collection and case study outcomes.

The aim of this study was also to contribute to the Commission's EU Action Plan against migrant smuggling. However, the Action Plan was developed earlier than envisaged and adopted on 27 May 2015.

*Scope and limitations of this study*

With reference to the objectives described above, the study has a very wide scope including all characteristics of the phenomenon itself as well as policy responses at national, European and international level. This study was limited to an overall timeframe of nine months. Which meant that the organisation of fieldwork, data collection, analysis and reporting was limited to a timeframe of six months. Data collection itself was undertaken within four months on all mentioned tasks. This is a complex topic and the findings and analysis reported here should be read in the context of these limitations.

While this Final Report provides a mapping of policies at international, European and national level addressing the smuggling of migrants, as outlined as a separate task by the ToR, the study was not resourced (in time or budget) to enable a thorough evaluation of the effectiveness of each of these policies. Instead, stakeholders were asked to give their opinion on the perceived effectiveness of specific policies, which resulted in anecdotal evidence. More research is needed in order to assess the impact of said policies and determine good-practice examples.

As discussed with the Commission, this study does not explore the root causes of migration, as this is a complex discussion and would require a separate study. It predominantly focuses on the motivations of migrants for using the services of a migrant smuggler, which is often perceived as their last resort and identifies insights into how these motivations impact on smuggling as a business.

Although migrant smuggling is defined as "facilitation of unauthorised entry, transit and residence"[5] as per Council Directive 2002/90/EC, this report does not analyse smuggling as the "facilitation of unauthorised residence". The study approach only allowed for in-depth research on the facilitation of entry and transit.

As indicated in the ToR, the study only covers a pre-defined selection of European Member States and third countries. The following distinction was made in agreement with the Commission between these pre-defined countries:

★ Countries that are thoroughly analysed in the five case studies. The rationale for these case studies is based on their relevance according to indicators such as the number of irregular migrants apprehended, border type, modus operandi, migration route and relationship with third countries, following the requirements in line with the tender specifications. More detailed motivations per case study can be found in Annex 2. Maps depicting these routes can be found below.

  1) Syria – Lebanon – Egypt – Italy;

  2) Ethiopia – Libya – Malta/Italy;

  3) Pakistan – Turkey – Greece;

  4) Nigeria – Turkey – Bulgaria;

  5) Greece – The Former Yugoslav Republic of Macedonia – Serbia-Hungary

★ Additional countries analysed on a more general basis through desk research and several in-depth interviews. The Member States within this group of additional countries are: Spain, Belgium, France, Germany, Poland, Netherlands, Sweden and United Kingdom. The third countries

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5 COUNCIL DIRECTIVE 2002/90/EC of 28 November 2002 defining the facilitation of unauthorised entry, transit and residence.
  http://picum.org/picum.org/uploads/file_/Council%20Directive%202002-90-EC.pdf

within this group are: Mali, Niger, Iraq, Afghanistan, Bangladesh, Algeria, Morocco, Montenegro, Eritrea, Somalia and Sudan.

★ As agreed with the Commission, one country of destination, Sweden, is covered in more detail to look at secondary movements of migrants coming from Eritrea to Sweden. This country has been chosen for in-depth research as it is regarded as one of the most important countries of destination in the EU for smuggled migrants.

This study does not aim to provide an exhaustive and comprehensive analysis on all smuggling routes. Only those routes that are being taken in the context of the case study countries have been analysed in more depth (see 7.2 for case study rationale). The time scope for data to be collected in this study was 2009-2014, and, if available, the first half of 2015. The cut-off date for data collection (fieldwork) for the five case studies was 30 April 2015. The cut-off date for data collection for additional research was 30 June 2015.

The maps below present the five case study routes.

Figure 1 Central Mediterranean route (Case Studies 1 and 2)



*Source: ICMPD (2015), i-Map.*

Figure 2 Eastern Mediterranean route (Case Study 3)
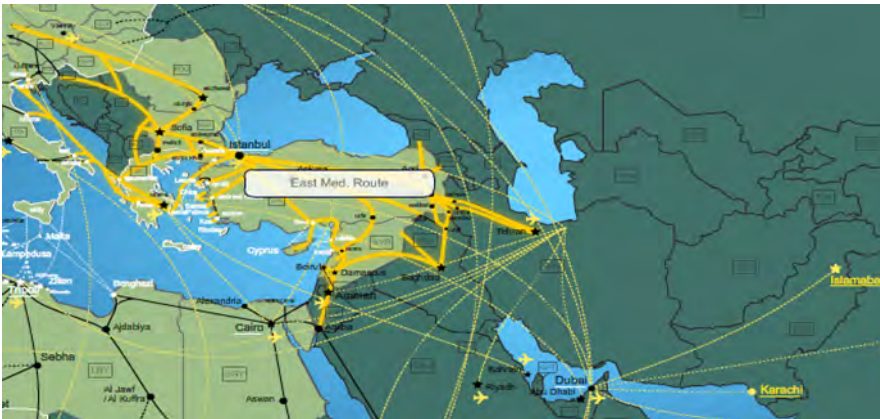


*Source: ICMPD (2015), i-Map: Budapest Process region Pakistan.*

Figure 3 Western Balkan route (Case Studies 4 and 5)
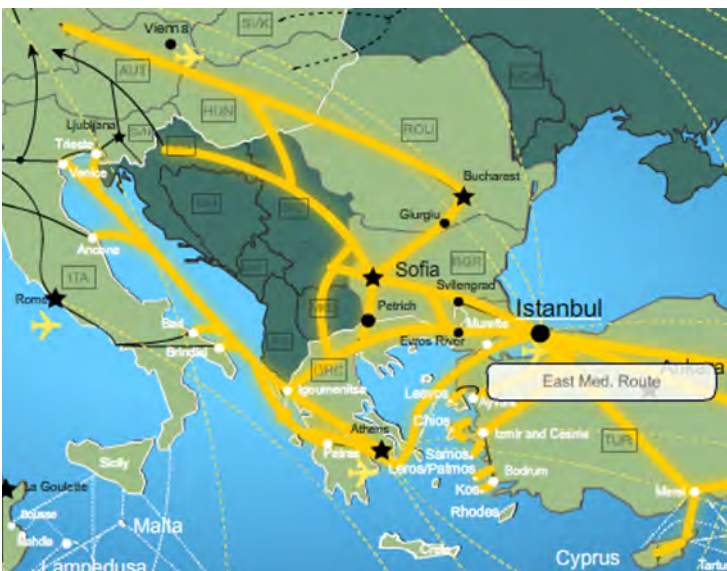


*Source: ICMPD (2015), i-Map.*

# 3   Methodology

## 3.1   Overall approach

The analytical framework and specific methodology that forms the basis of this study is described in detail in the inception report submitted on 4 February 2015.

At the start of this study, an elaborated list of research questions was designed, which can be found in Annex 1. These research questions are addressed in this report.

In addition, the table below provides a summary overview of the study tasks and related methodology, as well as the intended outputs.

Table 1 Study tasks, methodology and findings in this report

| Tasks | Methodology/research tools | Report chapter |
|---|---|---|
| Overview of the completed, on-going and planned research in this area | • Desk research<br>• Input from team experts | Bibliography;<br><br>in addition, Chapter 6 provides an overview of research priorities and research gaps |
| Completion of the initial mapping of institutional arrangements and the national/international bodies dealing with the smuggling of migrants | • Desk research<br>• EMN Ad-Hoc Query analysis<br>• In-depth interviews with stakeholders at Member States and EU level<br>• Five case studies | Chapter 5 |
| Mapping of the characteristics of the phenomenon | • Desk research<br>• EMN Ad-Hoc Query analysis<br>• In-depth interviews with stakeholders at MS and EU level<br>• Five case studies | Chapter 4 |
| Mapping of existing policies and programmes | • Desk research<br>• EMN Ad-Hoc Query analysis<br>• In-depth interviews with stakeholders at MS and EU level<br>• Five case studies | Chapter 5 |
| Conclusions | • Data triangulation<br>• Workshop<br>• Data analysis | Chapter 6 |

The research tools for this study included desk research, the analysis of an EMN Ad-Hoc Query on facilitation of irregular immigration to the EU, interviews with stakeholders at international, EU and national level, and the development of five case studies focusing on specific routes taken by smuggled

migrants to the EU[6]. In line with the ToR, and as agreed with DG Migration and Home Affairs and the Steering Group, each case study included at least one country of departure, transit and first arrival in the EU. Each case study was selected according to indicators such as the number of irregular migrants apprehended, border type, modus operandi, relationship with third countries etc.

## 3.2    Data collection

The data collection took place between February and June 2015. The cut-off date for data collection for the case studies was 30 April. The cut-off date for data collection for additional research was 30 June 2015. As the phenomenon of migrant smuggling adapts easily to changing circumstances, this study mainly looks at the most recent data of the past five years (2009-2014). Information for the first half of 2015 is included, if and where available.

### 3.2.1    Desk research

Desk research included the analysis of numerous research reports published over the past five years, databases from Frontex, Eurostat and the International Organization for Migration (IOM), and websites of different international and EU organisations (such as UNODC, IOM, Europol) have been analysed. As a lot of tragedies happened during the research period and policy responses have been developed since early 2015, the team has made use of news articles to report on the most recent information. The sources used for this study can be found in the overview of research in Annex 10. A distinction is made between literature used in this report, literature used for the case study reports and relevant literature relating to migrant smuggling which has been considered but not directly quoted in this report. In the final section of this report (section 6.4) an analysis is provided on possible research gaps and priorities for further research.

Another information source was the EMN Ad-Hoc Query, which is a compilation of responses from 19 EU Member States to an EMN query on facilitation of irregular immigration to the EU: national institutional frameworks, policies and other knowledge-based evidence, requested by the European Commission on 21 August 2014.[7]

Alongside desk research, the study team has conducted interviews with 178 stakeholders among different stakeholder groups: migrants, smugglers, policy officials, law enforcement officials, NGOs, universities and think tanks.  A number of informal conversations with migrants have also taken place. A breakdown can be found below, along the different levels of research.

### 3.2.2    Interviews international/EU level

The research team conducted interviews with 27 stakeholders at international/EU level (five with international organisations, 18 EU bodies, four NGOs) (See Annex 4 for a full list of interviewees).

### 3.2.3    Interviews in additional countries

In eight Member States[8], which fall within the "additional countries" analysed as per the ToR, semi-structured interviews were conducted with 26 different stakeholders from ministries and policy departments, enforcement agencies, universities, think tanks and NGOs. As discussed with the Steering Group, a larger number of interviews were conducted in Sweden. Besides the stakeholders consulted in all additional countries, here the research team also conducted interviews with three migrants and one smuggler (See Annex 6 for a full list of interviewees).

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6 1) Syria – Lebanon – Egypt – Italy; 2) Ethiopia – Libya – Malta/Italy; 3) Pakistan – Turkey – Greece; 4) Nigeria – Turkey – Bulgaria; 5) Greece – The FYRoM – Serbia-Hungary.

7 Compilation of responses from 19 EU Member States to an EMN query on facilitation of irregular immigration to the EU: national institutional frameworks, policies and other knowledge-based evidence. Compilation produced on 17 November 2014.

8 Spain, Belgium, France, Germany, Poland, Netherlands, Sweden, United Kingdom.

### 3.2.4   Case study research

The case study research featured a mix of desk-based research, legal and policy analysis and field work in Bulgaria, Ethiopia, the Former Yugoslav Republic of Macedonia (FYRoM), Greece, Hungary, Italy, Lebanon, Malta, Nigeria, Pakistan and Turkey. Fieldwork included semi-structured interviews, informal conversations, as well as field observations. In places where fieldwork could not be done (Syria, Libya and Egypt), phone interviews took place with relevant experts instead.

A total of 46 authority or policy maker interviews were conducted which included national level policy makers, local law enforcement agencies, the coast guard and public prosecutors. In addition, a total of 54 interviews were conducted with a wide range of civil society actors such as the United Nations High Commissioner for Refugees (UNHCR), IOM, relevant national NGOs, Human Rights Watch (HRW), the Regional Mixed Migration Secretariat, social workers, journalists, academics etc. Informal conversations (in addition to the 54 official interviews) with civil society actors (international NGOs in particular) were also an important source of information (Bulgaria, Hungary, Lebanon/Syria). In cases where access to migrants and migrant smugglers was limited, interviews with civil society actors were increased to complement the findings of the research.

A total of 68 interviews with migrants were conducted across the case study countries. Various methods were used to undertake these interviews, including the use of "snowball sampling" through personal contacts (Bulgaria, Ethiopia, Greece, Italy, Malta, Pakistan, Turkey), "site selection strategy"[9] (Bulgaria, Italy, Turkey), and at reception centres after permission from authorities (the FYRoM, Hungary, Italy). A number of informal conversations (in addition to the 68 official interviews) with (aspiring) migrants who felt uncomfortable with providing input in an interview format took place in Hungary, Italy, Jordan and Lebanon. In Lebanon, migrants specifically rejected the interview request with the argument that they would not participate or support research the result of which may be to restrict the availability of smugglers' services to them. Interpreters were used where needed (Hungary, Italy, Pakistan).

Finally, seven interviews with migrant smugglers were conducted in four countries (Ethiopia, FYRoM, Greece and Turkey). As expected, conducting interviews with migrant smugglers turned out most challenging as they often assumed potential collaboration with the police (Greece, Turkey). For some of the countries under study, requests to authorities or other gatekeepers to interview convicted smugglers were denied or not possible in the given timeframe (Bulgaria, Ethiopia, Italy, Pakistan). In fact, "site selection strategy" or personal contacts and "snowball sampling" was the primary successful method with regard to five of the interviews with smugglers conducted.[10] However, the sensitive security situation in areas or regions where migrant smugglers operate did not allow for applying these methods in the given study timeframe (e.g. Greece, Nigeria, Pakistan).

More information on the specific dates of fieldwork, the particular challenges faced by each country researched and interview partners is included in the case studies (Sections on Methodology, and Interviews and Consultations) which will be submitted separately, alongside this report. An overview of the interviewed stakeholder groups can be found in Annex 5.

### 3.2.5   Data analysis

In the last phase of this study, an in-depth analysis of the information stemming from the desk research, interviews and the case studies was undertaken regarding the characteristics, responses and cooperation with third countries in the context of the smuggling of migrants. The findings have been triangulated by comparing interviews with research reports, news articles and the case studies.

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9 See Janine Dahinden & Denise Efionayi-Mäder (2009): Challenges and Strategies in Empirical Fieldwork with Asylum Seekers and Migrant Sex Workers. In: Ilse van Liempt & Veronika Bilger (eds.): The Ethics of Migration Research Methodology. Dealing with Vulnerable Immigrants. Brighton. Portland: Sussex Academic Press, pp.98-138.
10 In Hungary, such personal contacts did lead to a contact but the smuggler was arrested before the interview could take place.

# 4   Patterns of migrant smuggling

This chapter examines the characteristics of migrant smuggling within different legs of migrants' journeys: from their point of departure, through transit countries to the first point of entry within the EU and to their final destination within the EU. It starts with an overview of tragedies related to migrant smuggling and continues with a synopsis of what is known from official statistics about the numbers of smuggled and irregular migrants along different entry routes. This description is then followed by more in-depth findings from the case studies and research in additional countries on the different routes used by migrants outside and within the EU and the characteristics of the phenomenon. These in-depth findings also provide information on characteristics of the phenomenon on a national level.

It is important to note that this research does not aim to provide an exhaustive and comprehensive analysis on all smuggling routes and also does not cover all 28 EU Member States.

## 4.1 Smuggled and irregular migrants into the EU

### 4.1.1   Tragedies related to migrant smuggling

Of the total number of reported migrant deaths in the world, the majority occur in the Mediterranean[11]. The conflict in Syria and instability in North Africa, coupled with Libya's inability to control its borders has led to a sharp rise in the number of migrants being smuggled from African countries into the EU by boat. This, in turn, has led to a significant increase in the number of deaths at sea. In 2014, almost 3 300 migrants[12] lost their lives, which accounted for 78% of the total amount of reported migrant deaths in the world.[13] This percentage can be expected to be much higher in 2015, as more than 1 800 people[14] have reportedly died in the Mediterranean in the first six months of 2015. IOM estimated that the total number of migrant deaths may even reach 30 000 in 2015[15]. This would be almost 10 times as many as in 2014. It should be noted, however, that the number of migrants coming to the EU has also significantly increased.

The recent drowning of 800 migrants[16], when their boat capsized crossing the Mediterranean in April 2015, is a pertinent example of the risks faced by migrants attempting to cross the EU's southern external borders. In this incident, around 350 were believed to be Eritreans. Other migrants were nationals of the following countries: Syria, Somalia, Sierra Leone, Mali, Senegal, Gambia, Ivory Coast, Ethiopia and Bangladesh.[17]

Migrants also lose their lives during other parts of their journey to the EU; many have died crossing the Sahara desert, due to starvation and dehydration. In June 2015, the remains of 18 migrants were found in the desert of Arlit in Niger.[18] These migrants were nationals of the following countries: Algeria, Central African Republic, Cote d'Ivoire, Guinee, Liberia, Mali, Niger and Senegal. A few days later, the remains of 30 migrants were found in the Sahara desert on the Agadez to Bilma route near Dirkou in Niger.[19] Around

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11 IOM, http://missingmigrants.iom.int/latest-global-figures,  3279 migrants deaths in 2014.
12 Ibid
13 Ibid, 3279 migrants reportedly died in the Mediterranean out of a total of 4191 reported migrant deaths in the world.
14 Mediterranean update IOM, missing migrants project, 17 June 2015.
   http://www.iom.int/sites/default/files/infographic/IOMMediterraneanUpdate-June17.pdf
15 Mentioned in several news articles. For instance by BBC: http://www.bbc.co.uk/news/world-europe-32399433, on the website of Al Jazeera: http://www.aljazeera.com/news/2015/04/iom-mediterranean-death-toll-top-30000-2015-150421232012080.html, the Independent: http://www.independent.com.mt/articles/2015-04-21/local-news/Mediterranean-migrant-deaths-could-top-30-000-this-year-if-current-rate-continues-IOM-spokesman-6736134212
16 Mediterranean migrants crisis: What happened on the sinking boat? (23 April 2015). BBC news. http://www.bbc.co.uk/news/world-europe-32411381
17 The exact number on 17 June 2015 is 1868 migrant deaths. Source: Mediterranean migrants: Details emerge of deadly capsize, BBC news, 21 April 2015. Retrieved 180615 from: http://www.bbc.co.uk/news/world-europe-32399433
18 Flash update Sahara crossings, IOM, 16 June 2015
   https://www.iom.int/sites/default/files/press_release/file/SaharaCrossingsJune16.pdf
19 Ibid.

100 000 migrants try to make the journey through the Sahara desert each year.[20] Different statements have been made in the media by IOM on estimates of the total number of deaths in the Sahara desert, ranging from hundreds every year[21] to at least the same amount of migrants dying in the Mediterranean Sea[22] (i.e. thousands per year).

In some cases, there is a fine line between migrant smuggling and human trafficking. The difference between the two is that human trafficking usually involves "coercion" whereas migrant smuggling takes place with the consent of the person. Both types can occur when migrants are smuggled. Although human trafficking is not within the scope of this research, it is important to mention that some migrants report on abuse, rape, torture[23] and deprivation during their journey to Europe. There are also reports of migrants being abducted by smugglers for ransom to be paid by their families or migrants who are persecuted for religious reasons. Those that try to earn money for their journey in a transit country are often exploited by their "employers"

### 4.1.2    Scale of the problem

*How to measure the scale of migrant smuggling*

Over the last 15 years, an enormous effort has been made in improving and harmonising the quality, reliability and comparability of statistical data on irregular migration to and within the EU, and yet statistical data are often unavailable, unreliable or not comparable. Due to its hidden nature, the extent of irregular migration in general and migrant smuggling in particular are difficult to assess. Statements have to be based on the availability of statistics on observed events, which derive from two main sources, official statistical records (such as national statistical records and IOM) and estimates based on these statistics (Frontex). In Europe, related estimates are based on the extrapolation of data stemming from other sources, such as border apprehension figures, asylum applications and court decisions. In countries where improving the quality, reliability and comparability of statistical data was not necessarily a priority over the past years and where such administrative data are unsystematically collected, not observed or not recorded, it is impossible to assess the extent of irregular migration or migrant smuggling, let alone to compare across countries.

According to the "Facilitator's Package"[24], migrant smuggling is defined as "facilitation of unauthorised entry, transit and residence, although – as mentioned above – this report does not discuss smuggling as the facilitation of unauthorised residence. Irregular migration refers to "*movement that takes place outside the regulatory norms of the sending, transit and receiving countries.*"[25] An irregular migrant is defined as "someone who crosses a border without proper authority or violating conditions for entering another country".[26] However, a migrant can enter legally with authorisation, but can become irregular by overstaying the visa.[27] Migrant smuggling can, then, also be defined as the facilitation of irregular migration. Most available statistics refer to the number of irregular migrants who entered the EU

20 Migrant bodies found in Niger after Sahara sandstorm, BBC News, 15 June 2015, http://www.bbc.co.uk/news/world-africa-33133504
21 IOM in: Migrant bodies found in Niger after Sahara sandstorm, BBC News, 15 June 2015, http://www.bbc.co.uk/news/world-africa-33133504
22 IOM in: African migrants risk all in Sahara to reach Europe, Flynn Daniel, Reuters, 28 May 2015.
    http://www.reuters.com/article/2015/05/28/us-europe-migrants-niger-idUSKBN0OD1UK20150528
23 Libya: Horrific abuse driving migrants to risk lives in Mediterranean crossings, Amnesty International, 11 May 2015.
    https://www.amnesty.org/en/latest/news/2015/05/libya-horrific-abuse-driving-migrants-to-risk-lives-in-mediterranean-crossings/
24 EU 'Facilitators Package' composed of Council Directive 2002/90/EC http://eurlex.
    europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2002:328:0017:0018:EN:PDF and Framework Decision 2002/946/JHA
    http://eurlex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32002F0946&from=EN
25 Smuggled Futures: The dangerous path of the migrant from Africa to Europe. The Global Initiative Against Organised Crime. 2014.
    http://www.globalinitiative.net/download/global-initiative/Global%20Initiative%20-%20Migration%20from%20Africa%20to%20Europe%20-%20May%202014.pdf
26 Jordan & Düvell, 2002, p. 15, in: Kuschminder, K., J. de Bressser and Melissa Siegel (2015). Irregular migration routes and factors influencing migrants' destination choices, Maastricht School of Governance, p.10.
27 De Haas, 2008, in:Kuschminder, K., J. de Bressser and Melissa Siegel (2015). Irregular migration routes and factors influencing migrants' destination choices, Maastricht School of Governance, p.10.

or are living in the EU and not necessarily the numbers of migrants that are smuggled into the EU.

Figure 4 below shows that a distinction has to be made between groups of migrants that entered the EU legally and illegally and between groups of migrants that are facilitated to get into the EU and the groups of migrants who are not facilitated.

The proportion of migrants who entered the EU legally and illegally among the total number of irregular migrants in the EU is unknown and might be higher or lower than presented in Figure 4. For instance, the EU-funded research project Clandestino[28] found that the majority of people who could count as irregular migrants enter the EU legally and subsequently move into an irregular status[29] (i.e. overstay their visa). A recent (2015) research report on irregular migration[30] underlines this finding by stating that the majority of irregular migrants residing within the EU entered regularly and by overstaying their visa became irregular migrants. However, the researchers add to this statement that this was the case before 2014. This would suggest that with the large influx of migrants irregularly entering the EU in the past year, this proportion might have changed.

The share of irregular migrants facilitated to enter the EU is also unknown and might be higher or lower than presented. Different organisations have varying estimates concerning the scale of the "smuggled proportion" of migrants that have entered the EU irregularly. For example, the Migration Policy Institute (MPI) believes that the "vast majority of unauthorised migrants are smuggled."[31] In 2014, Global Initiative estimated that 80% of migrant journeys from Africa to Europe were facilitated by migrant smugglers.[32] The UNODC also mentioned that clandestine travel to Europe from Africa is very difficult without the support of smugglers[33], which would suggest that a large percentage of migrants that arrived in the EU illegally are facilitated by a smuggler. Although these examples mainly refer to migrants coming from Africa, findings from this study also provided evidence for this general statement. Stakeholders contacted by the research team in Spain, Germany and Sweden all assumed that 100% of irregular migrants that entered the EU illegally are facilitated[34].

These estimates mainly refer to the proportion of irregular migrants that have entered the EU illegally. However, there might be a proportion of irregular migrants that have entered the EU legally but then overstayed their visa. As mentioned above, according to the Facilitator's Package, "smuggling"refers to the facilitation of unauthorised entry, transit and residence. Facilitators may provide a visa through channels outside the official channels and would then fall under the category of "facilitation of irregular migration". Another method is, for example, to provide false documentation (such as level of income and false reasons to travel, e.g. work/study) to receive authentic travel documents, with a view to intentionally abusing the terms of the visa. For example in case study country Nigeria, counselling in this regard had become a common method for smugglers. More details can be found in section 4.2 on findings from case studies and additional country research.

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28 http://irregular-migration.net//index.php?id=157
29 Clandestino Project: Final Report. 2009. p 52 http://www.gla.ac.uk/media/media_147171_en.pdf
30 Kuschminder, K., J. de Bressser and Melissa Siegel (2015). Irregular migration routes and factors influencing migrants' destination choices, Maastricht School of Governance, p.10. They refer to several sources: i.e. Collyer & De Haas, 2012; Brekke & Aarset, 2009; Castles, De Haas, & Miller, 2014; Koser, 2010; Kromhout, Wubs, & Beenakkers, 2008; Triandafyllidou, 2010; van Meeteren & Pereira.
31 Securing Borders. The Intended, Unintended, and Perverse Consequences, Migration Policy Institute 2014, p. 7.
32 Smuggled Futures: The dangerous path of the migrant from Africa to Europe. The Global Initiative Against Organised Crime. 2014. p 1. http://www.globalinitiative.net/download/global-initiative/Global%20Initiative%20-%20Migration%20from%20Africa%20to%20Europe%20-%20May%202014.pdf
33 Smuggling of migrants, a global review and annotated bibliography of recent publications, UNODC (2011), p.25
34 Swedish police, Interview Representative Ministry of Interior, Spain and Combined interview with head of the Joint centre for analysis and strategy on illegal migration, German Federal Police, and head of the section for crime investigation , German Federal Police, Germany.

Figure 4 Irregular migrants in the EU: Smuggling of migrants as a subset of irregular migration
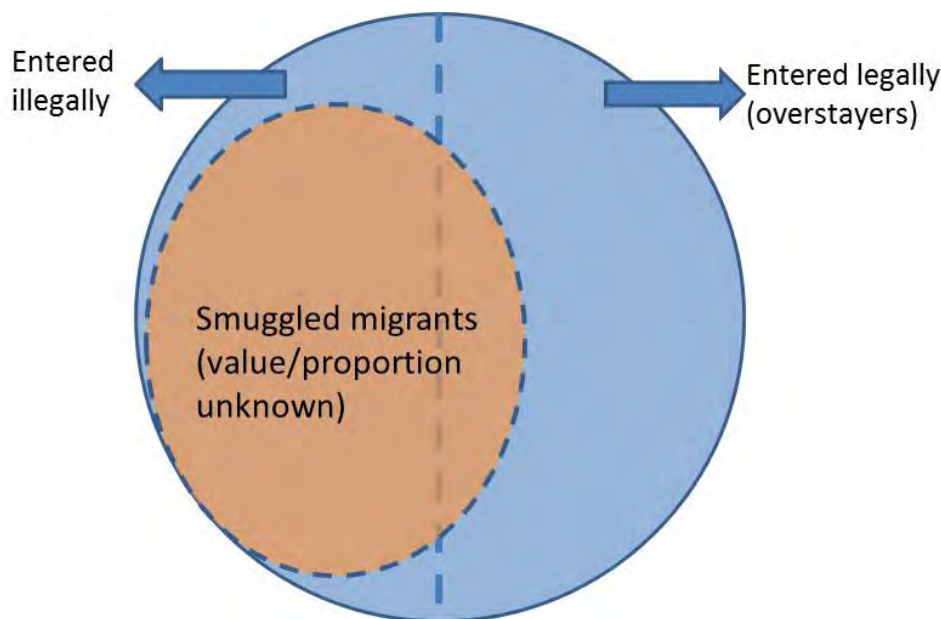


*Source: Optimity Advisors*

*Note: The term 'entered legally' should be understood here as migrants having entered the EU with actual legal documents or with documents that are accepted by authorities and regarded as legal.*

### Number of 'smuggled migrants' in the EU

Based on the discussion above, a distinction is made in this study between the number of migrants crossing the border irregularly and the number of irregular migrants residing in the EU. A further breakdown of the number of irregular migrants coming to the EU can be found in the section on routes (4.1.4)

Taking all sea, land and air routes together, more than 280 000 people were detected of illegally crossing the border in 2014.[35] This number has increased by 164% compared to 2013. More than 220 000 irregular migrants were detected at the EU sea borders in 2014.[36] In the first five months of 2015, more than 100 000 migrants have arrived in Europe by boats,[37] according to IOM. The majority arrived on the shores of Italy (most via Libya) and Greece (most via Turkey). It is not known what percentage of illegal stayers were facilitated by a smuggler, though the majority of irregular migrants detected crossing the border irregularly is believed to have been smuggled into the EU.

The numbers of detections of illegal stay within the EU are much higher than the number of detections of illegal entry into the EU. In 2014, more than 440 000 migrants were detected for illegal stay within the EU[38]. Most detection took place inland (383 507), followed by air borders (33 789) and land borders when leaving the EU Schengen area (15 345)[39]. According to the Clandestino project[40], there could be 1.9-3.8 million undocumented migrants in the EU.

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35 Frontex Annual Risk Analysis report 2015, p.57. Frontex data is based on monthly statistics exchanged among Member States within the framework of the Frontex Risk Analysis Network (FRAN). One of the key indicators for 2015 was detections of illegal border crossing through the green border or at BCPs.
36 Ibid.
37 Meditareanean update: 101 900 migrant arrivals in Europe in 2015, Di Giacomo, Flavio (9 June 2015). http://weblog.iom.int/mediterranean-flash-report-0
38 Frontex Annual Risk Analysis report 2015, p.59.
39 Ibid.
40 Clandestino Project: Final Report. 2009. p 12 http://www.gla.ac.uk/media/media_147171_en.pdf

### 4.1.3 Profile of migrants

The majority of migrants detected when illegally crossing the EU border in 2014 were male (71%)[41]. Only 11% of those detected migrants were female (and for the remaining 18%, the gender is unknown). Of the number of migrants illegally crossing the border, 15% were minors[42] (83% were adults and for the remaining 2% the age is unknown)[43]. One of the reasons for this high percentage of minors might be that smugglers wrongly promise that an unaccompanied child will be given automatic asylum, after which their families can join them.

According to Frontex, the main nationalities of migrants detected arriving illegally in the EU in 2014 were Syrian and Eritrean, Afghan and Kosovars.[44] It should be noted that the first three nationalities, have high recognition rates as refugees in European Member States. The number of Syrians illegally crossing the EU border increased significantly in 2014, compared to 2013, by 210%.[45] Although smaller in number than the nationalities in this figure, the number of migrants from Mali increased significantly in 2014 by 266% (from 2 887 to 10 575)[46], which is probably due to the political conflicts and the forthcoming humanitarian crisis in Mali[47]. These data show that most irregular migrants come from countries which are in political turmoil.

Figure 5 Top four nationalities of migrants illegally entering external EU borders (land and sea borders) in 2014, compared to 2011, 2012 and 2013[48]
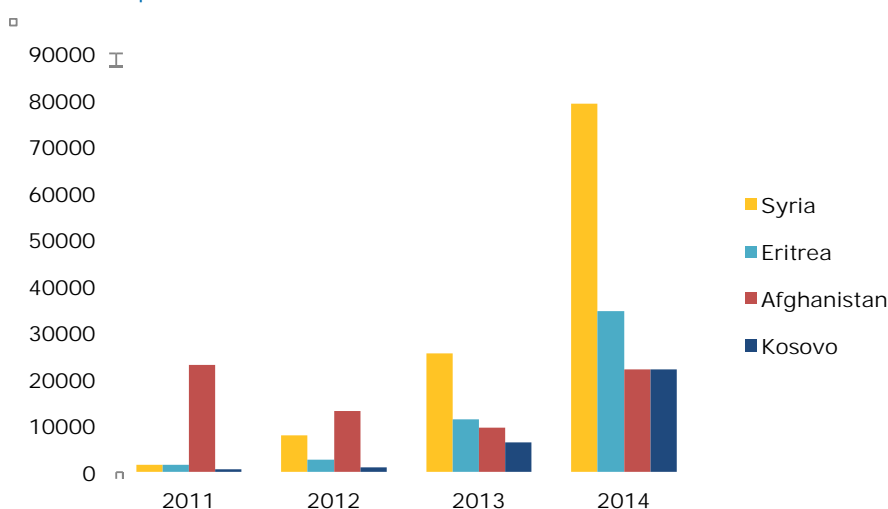


*Source: Frontex[49]*

When looking at sea borders only, the top four nationalities of migrants detected when illegally crossing the EU border in 2014 were Syrian (66 698), Eritrean (34 323), Afghan (12 687) and Malian (9 789)[50]. In 2014, the top nationality of migrants landing illegally on Italian and Greek shores was in both cases Syrian, while in the first five months of 2015, according to the Italian Ministry of Interior, the top three nationalities coming to Italy were, in descending order, Eritrean, Somalian and Nigerian[51]. The majority of Syrians are believed to have entered the EU in Greece in the first half of 2015[52] (see figure below). This means that

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41 Annual Risk Analysis 2015. Frontex. 2015. p 17.
42 It is unknown however what percentage of these minors were unaccompanied.
43 Ibid.
44 Annual Risk Analysis 2015. Frontex. 2015. p 56.
45 Annual Risk Analysis 2015. Frontex. 2015. p 57.
46 Ibid.
47 UNHCR country operations profile Mali (2015), UNHCR.
48 Annual Risk Analysis 2015. Frontex. 2015. p 57.
49 Frontex data is based on monthly statistics exchanged among Member States within the framework of the Frontex Risk Analysis Network (FRAN). One of the key indicators for 2015 was detections of illegal border crossing through the green border or at BCPs.
50 Ibid.
51 Declared nationality of migrants landed by sea in Italy, 2013-2015 (updated to 13/5/2015), Italian MoI.
52 Mediterranean update IOM, missing migrants project, 17 June 2015.
   http://www.iom.int/sites/default/files/infographic/IOMMediterraneanUpdate-June17.pdf

there has been a shift in the route from Syrians entering the EU. The figure below presents the top five nationalities of migrants illegally entering the EU in Italy and Greece between January and May 2015, which shows that the main nationality entering Greece in the first half of 2015 is Syrian.

Figure 6 Top five countries of origin of migrants arriving in Italy and Greece (1 January-31 May 2015)[53]
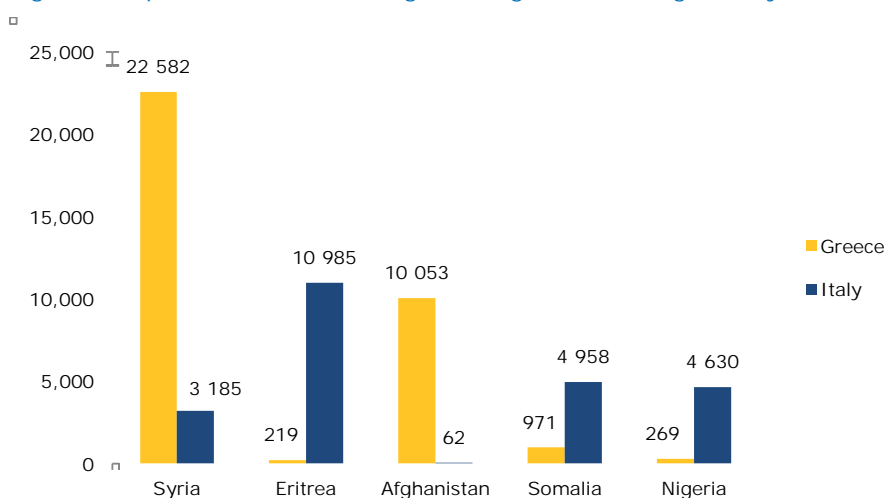


*Source: IOM*

### 4.1.4 Dynamics on migratory routes

This section will describe the dynamics on migratory routes over sea, land and air. A more detailed description on the modus operandi of migrants on each of these (legs of the) routes, can be found in section 4.2.4.

At the time of this research, the main sea route into the EU is the Central Mediterranean, with 170 664 migrants detected at the sea border in 2014[54]. This number has increased by 277% compared to 2013. The second important sea route is the Eastern Mediterranean, with 44 057 detected migrants at the sea border in 2014, which is an increase of 272% compared to 2013. The table below presents the number of detections at sea borders per sea route in the past five years, based on Frontex data[55].

Table 2 Number of irregular migrants detected per sea route[56]

| | 2009 | 2010 | 2011 | 2012 | 2013 | 2014 | % change* |
|---|---|---|---|---|---|---|---|
| Central Mediterranean route | 11 043 | 4 450 | 64 261 | 15 151 | 45 298 | 170 664 | 277 |
| Eastern Mediterranean route (sea only) | 28 848 | 6 175 | 1 467 | 4 370 | 11 831 | 44 057 | 272 |
| Western Mediterranean route (sea only) | 5 003 | 3 436 | 5 103 | 3 558 | 2 609 | 4 755 | 82 |
| Black sea route | 1 | 0 | 0 | 1 | 148 | 433 | 193 |
| Western African route | 2 244 | 196 | 340 | 174 | 283 | 276 | -3 |

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53 Mediterranean update IOM, missing migrants project, 17 June 2015.
   http://www.iom.int/sites/default/files/infographic/IOMMediterraneanUpdate-June17.pdf
54 Annual Risk Analysis 2015. Frontex. 2015. p 16.
55 It should be noted, however, that increased/decreased enforcement activities in different countries at sea borders can have an impact on the number of irregular migrants detected at the border.
56 Annual Risk Analysis 2015. Frontex. 2015. p 16.

*Percentage change between 2013 and 2014
Source: Frontex 2015*

The main land route is the Western Balkan route with 43 357 detected migrants at the European land borders[57]. This route has increased considerably over the last year by 117%. As can be seen in the table below, the Eastern Mediterranean route over land (crossing the land border from Turkey to Greece and Bulgaria) has decreased by almost 50% over the last year.

Table 3 Number of irregular migrants detected per land route[58]

| | 2009 | 2010 | 2011 | 2012 | 2013 | 2014 | % change on previous year |
|---|---|---|---|---|---|---|---|
| Eastern Mediterranean route (land) | 11 127 | 49 513 | 55 558 | 32 854 | 12 968 | 6 777 | -48 |
| Western Balkan route | 3 089 | 2 371 | 4 658 | 6 391 | 19 951 | 43 357 | 117 |
| Circular route from Albania to Greece | 40 250 | 35 297 | 5 269 | 5 502 | 8 728 | 8 841 | 1.3 |
| Western Mediterranean route (land) | 1 639 | 1 567 | 3 345 | 2 839 | 4 229 | 3 087 | -27 |
| Eastern borders route | 1 335 | 1 052 | 1 049 | 1 597 | 1 316 | 1 275 | -3 |

*Source: Frontex 2015*

Almost 70% of all document fraud detections in 2014 were at air borders. Data on detection of migrants using fraudulent documents at air borders in 2014 show that Istanbul Ataturk Airport in Turkey is still the most reported last embarkation airport in third countries for this type of modus operandi.[59] Murtala Muhammed (LOS) international airport in Lagos, Nigeria, is the second most common embarkation point.[60]

Frontex data on detection of document fraud on entry into the EU/Schengen area from third countries in 2014 indicate that Madrid was the main entry point into the EU for fraudsters via air routes (1 034 detections).[61] Interviews with stakeholders confirmed that a large proportion of irregular migrants to Spain come from Latin America, mainly because of the common language the countries share. This could be a reason why Madrid is an important entry point for air routes. Paris, Charles de Gaulle, was the second most important entry point into the EU via air routes (720 detections).[62] The case study findings suggest that irregular migrants from West-Africa often use air routes. French colonies are traditionally source countries for migration to France, which could explain the importance of Charles de Gaulle as an entry point into the EU. According to Frontex data, Moroccan and Nigerian nationalities are in the top five of nationalities

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57 Annual Risk Analysis 2014. Frontex. 2015. p 16.
58 Annual Risk Analysis 2015. Frontex. 2015. p 16.
59 Annual Risk Analysis 2015. Frontex. 2015. p 26.
60 Ibid.
61 It should be noted, however, that increased/decreased enforcement activities in different countries can have an impact on the number of irregular migrants detected at airports.
62 Annual Risk Analysis 2015. Frontex. 2015. p 26.

committing document fraud[63]. More information on document fraud can be found in section 4.2.4 (Modus operandi per type of border)

Document fraud detections have decreased slightly in 2014 to 9 400 detections. According to Frontex, this is mainly due to the use of more sophisticated methods for document fraud.[64]

Figure 7 Document fraud detections per border[65]
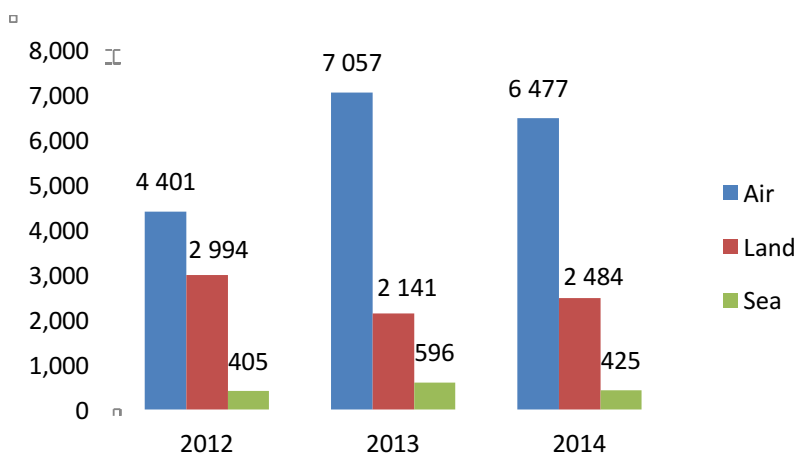


Source: Frontex 2015

Finally, more than a quarter of irregular migrants detected for entering with fraudulent documents tried to cross the EU external land border. Document fraud via land border has increased in 2014 compared to 2013 (16%), while document fraud via air has decreased slightly (8.2%)[66.]

Some migrants use a combination of different routes through air, land and sea. For instance, two stakeholders in Germany and Spain interviewed for this study mentioned that they observed a new trend of Syrians who increasingly fly to Morocco or Algeria and then enter the European Union in Spain via land or sea.

## 4.2   Evidence from the five case studies and additional countries

This section will present the more in-depth findings from the case study research and additional country research. Firstly, transit and destination countries will be discussed together with the characteristics that contribute to becoming a popular transit and/or destination country. Secondly, the modus operandi, financial aspects and supply and demand of migrant smuggling will be outlined. The final subsection will focus on secondary movements within the EU.

### 4.2.1   Most frequent destinations for smuggled migrants

The case study research shows that a considerable number of irregular migrants do not have a concrete destination in mind when they decide to leave their country. Their overriding aim is to make it "to Europe". The choice of a specific destination within the EU is made upon the image of an EU Member State as a "good country", i.e. a country that is believed to offer favourable conditions in terms of residence, work and links to networks of relatives and compatriots. The chosen country of destination is not always led by accurate information, but also by "myths" or vague information from other migrants who had travelled

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63 Annual Risk Analysis 2015. Frontex. 2015. p 28.
64 Ibid.
65 Annual Risk Analysis 2015. Frontex. 2015. P. 62.
66 Ibid.

there before, as well as the smuggled person him/herself. Those who have a concrete destination in mind also take into account existing images but base their decisions mainly on the presence of their families, other relatives, friends or compatriots in countries of destination. Both aspects – image as a "good country" and network factors – reinforce each other and result in the emergence of only a few desired destinations that attract the majority of migrants reaching the EU in an irregular way. The main destinations for irregular and smuggled migrants in Europe most frequently quoted in the fieldwork of the case studies and from analysing available statistical indicators were: Germany, Sweden, France, United Kingdom, Austria, the Netherlands, Belgium and Denmark. See Annex 7 for a detailed description of asylum applications, statistics on illegally present migrants and Dublin requests as indicators for secondary movements and destination countries. However, there are three important aspects to consider:

Firstly, the characterisation of a country as a "destination country" or, conversely, a country of transit is a matter of interpretation and perspective. Migrants can stay in a country for quite some time before moving on, changing the characterisation from "destination" to "transit".

Secondly, a distinction needs to be made between "aspired" and "actual" destinations. From the perspective of individual migrants, the latter might be mere places of transit[67].

Thirdly, the status of a country as an "aspired destination" can change over time. As a result of the economic crisis, southern EU Member States, notably Italy, Greece and Spain, have lost much of their appeal as preferred destinations and turned into countries of transit.

### 4.2.1.1 What makes a country an attractive destination?

Migrants from a given country or region of origin do not necessarily constitute a homogenous group when it comes to motivations or migration patterns, a fact that refers to smuggled migrants as well.[68] Individual decisions to leave the home country or country of current residence and to move to a specific "country of destination", are based on a variety of factors. Such factors comprise political and economic developments in countries of origin and the resulting potential of refugees and migrants, the proximity or distance of countries of origin and destination, the geographical position of a "target country" on prevailing migration routes, the existence of ethnic communities and networks in the country of destination and/or en route, potential job opportunities on formal and informal labour markets, and legal and practical aspects of immigration, asylum and reception systems. All of these factors come into play in turning specific countries into "attractive" or "unattractive" destinations for migrants from certain countries or regions of origin. The actual impact of these factors on the individual and accumulated levels is, therefore, difficult to assess. However, based on the review of previously conducted research and the findings of this study, some main factors that influence the size and distribution of flows of smuggled migrants can be identified, which are further discussed below.

*The impact of migrant networks*

Migrant networks are key in shaping migration flows. Over time they develop into "autonomous social structures", become institutionally stable and continuously "feed the very migrations that initially produced them".[69] The importance of migrant networks is not limited to legal migration flows, potent migrant networks in certain "target countries" and along migration routes play an important role in shaping the size and direction of irregular migration flows, too. They provide vital information in the preparation of the journey, provide financial and emotional support, and assist in insertion and integration processes after arrival.

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67 A useful short discussion of the term transit migration is provided by Düvell et al 2014, http://imiscoe.org/publications/library/2-imiscoe-research-series/7-transit-migration-in-europe

68 Papadopoulou, Aspasia, Kurdish Asylum Seekers in Greece: The Role of Networks in the Migration Process, UNU/WIDER Conference on Poverty, International Migration and Asylum, 27-28 September 2002, http://www.wider.unu.edu/conference/conference-2002-3/conference%20papers/papadopoulou.pdf (18. February 2006), S. 1.

69 Light, I., et al. 2004 "Migration networks and immigrant entrepreneurship", available at www.sscnet.ucla.edu/issr/paper/issr51.pdf

In the course of this study there were numerous accounts of the role of migrant and family networks in organising irregular movements: The research confirms that Syrian nationals, for example, aim at Sweden and Germany as final destinations, because established family networks exist in these countries and international protection is considered available for them.[70] Syrians displaced in the region seem to have access to good information on available options via informal social networks and family members and friends who had earlier embarked on the journey to Europe. For them, social media has developed into the main means of communication, with individuals frequently having Facebook, Skype, WhatsApp and Viber accounts.[71] Once they have arrived in transit countries such as Egypt, Turkey, Greece, Hungary, or Italy, information about the completed leg of their journey is shared online including pictures of fake or altered travel documents; used boats and other means of transportation; drawings and maps of the routes; information about departure times and starting points for assisted journeys, as well as the phone numbers of smugglers and brokers located in transit countries. Many Syrians travel with sufficient money to organise the respective stages of their journey, others receive the money from family members once they arrive in transit countries. Migrants acknowledge not only the importance of networks on the route but also after arrival at the final destination and hope that those relations will help them to start their "new life".[72]

Migrant networks not only have "multiplier" effects in attracting newcomers but also "channelling effects" in directing irregular migration flows from a certain country or region of origin to specific "target countries". The result is a "clustering" of migration flows, i.e. the concentration of migrants from a certain country or region of origin in specific "target countries".[73] The findings of this study clearly confirm a trend towards such clustering. All available indicators point towards the concentration of migrants from specific countries of origin in specific European countries of destination (see Annex 7 on secondary movements).

Interviews with relevant stakeholders in the additional country research also confirmed the impact of family ties and ties to the wider diaspora present in Member States for channelling smuggled migrants. For instance, smuggled migrants from Belgium's ex-colonies Congo, Burundi and Rwanda are believed to prefer to go to Belgium because of their social network in this country.[74] For smuggled migrants from the French ex-colonies Algeria, Morocco, Tunisia, Senegal and Mali, France is a preferred destination for similar reasons.[75] In the United Kingdom, a larger proportion of Afghans can be found as a result of their diaspora in the United Kingdom.[76]

### The impact of smuggling networks

The activities of the migrant smuggling industry have similar effects as migrant networks. Smuggling networks not only play a key role in facilitating irregular migration movements but also in channelling these movements towards or away from particular transit and destination countries.[77] The channelling sometimes includes the deliberate deception of clients. For example, an official from an EU embassy in Abuja interviewed in the course of the study reported in the context of smuggling from Nigeria that smugglers make use of their clients lack of awareness of the political geography of Europe by offering smuggling services to countries neighbouring the EU, such as Ukraine, making migrants believe that they will gain access to the Schengen zone and have the possibility of further movement within the EU.[78] Quite frequently, the channelling is a result of stepped up control measures and increased pressure of the authorities on the smuggling business in a country or region. For the exit from Greece, for example, it was repeatedly reported that the building of fences at the Greek-Bulgarian border, control measures by the Greek government and

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70 I S 1; I S 3, Case Study 1: Syria – Lebanon – Egypt – Italy.
71 Informal conversations with Syrian male refugees in Jordan, Case Study 1: Syria – Lebanon – Egypt – Italy.
72 MK/M/IQ/1, Case Study 5: Greece – the FYRoM – Serbia-Hungary.
73 Neumayer, Eric, Bogus Refugees? The Determinants of Asylum Migration to Western Europe,
   http://www.lse.ac.uk/collections/geographyAndEnvironment/research/Researchpapers/rp82.pdf (22. February 2006), S. 10
74 Interview representative Federal Judicial police, Belgium.
75 Interview representative DG of Foreigners in France, Ministry of Interior France.
76 Combined interview with Head of Asylum and Family Policy Unit (International and Immigration Policy Group, Home office),
   representative from Border and Immigration System Directorate (Home office), and Inspector/ Senior Analyst International analysis
   (Immigration Intelligence department, Home Office), United Kingdom.
77 Bilger, V., Hofmann, M., Jandl, M. 2006. Migrant smuggling as a Transnational Service Industry: Evidence from Austria, in
   International Migration Vol. 44 (4) 2006, p. 59 – 93.
78 NGA/A/7, Case Study 4: Nigeria–Turkey-Bulgaria.

the unfavourable conditions for smuggled migrants once they had entered Bulgaria, made the use of the land route exiting Greece a lot less common and resulted in a shift of movements to the sea route.[79] Ultimately, such a shift brings about a shift in onward countries of transit and destination as well.

*The impact of legal and practical aspects of immigration, asylum and reception systems*

Receiving international protection is not the only motive for entering the asylum system. Engaging with the asylum system is the only option for obtaining a temporary residence status and for gaining access to basic supplies, health care and housing. As stated above, it is assumed that a large number of smuggled migrants apply for asylum once they have reached their final destination and to a lesser degree also while on the route. The legal and practical aspects of immigration, asylum and reception systems in the respective countries of transit and destination, therefore, constitute obstacles to overcome and determine the opportunities migrants can make use of. The research findings suggest that some migrants are well informed about asylum. A Syrian migrant interviewed for this study in Greece explained his decision not to move onward to Bulgaria, [there] "they don't understand the meaning of refugees"[80].

By contrast, Germany is known for having a slow asylum application process and asylum applicants receive high levels of social security benefits during the process. Stakeholders interviewed for this study mentioned that this contributes to choosing Germany as a preferred destination country.[81] Another element was mentioned by an Afghan migrant, who was recently returned to Italy. In view of the high recognition rates for Afghans in Italy, he reportedly felt all he had to do was sit out two years, then he could travel on to the UK.[82] Stakeholders in Belgium also mentioned that, in their experience, smuggled migrants know in which Member States it is not compulsory to show identity papers when stopped by a policeman on the street[83]. Again, related information is reportedly shared among migrant networks and via social media. Such information concerns, among others, types of residence permits, duration(s) of residence permits, waiting periods for decisions, accommodation and benefit standards and – very important – legal provisions and waiting periods for family reunification.[84]

Imbalances in reception standards, rights for asylum seekers and overall living conditions between the EU Member States can trigger secondary movements within the EU.[85] For example, according to UK government officials interviewed for this study[86], the United Kingdom has become less popular for asylum seekers in the past few years as a result of establishing less favourable conditions in the areas of reception standards, immigration control and access for irregular migrants to health care[87]. Also reportedly, most migrants do not want to stay in Italy because of the manner they are received: recent reports at the international level address the lack of legal guarantees for undocumented migrants in Italy. The likelihood of getting returned to their home country or a third country is another important aspect considered by migrants in making their choices on destination countries.[88]

### 4.2.2   Most frequent transit countries for irregular movements

As the last countries prior to entry into the EU, transit countries such as Turkey, Egypt, the FYRoM, Serbia and Libya, are, in fact, the critical states of a smuggling journey and critical countries in relation to the management of irregular migration. For the development of a given country into a transit country for

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79 TR/I/21, Case Study 3: Pakistan - Turkey-Greece; TR/M/AF/23, Case Study 3: Pakistan - Turkey-Greece and BG/I/10 Case Study 4: Nigeria-Turkey-Bulgaria.
80 GR/M/SY/01, Case Study 5: Greece – the FYRoM – Serbia-Hungary.
81 DE: Combined interview with head of the Joint centre for analysis and strategy on illegal migration, German Federal Police, and head of the section for crime investigation , German Federal Police, Germany and UK: Combined interview with Head of Asylum and Family Policy Unit (International and Immigration Policy Group, Home office), representative from Border and Immigration System Directorate (Home office), and Inspector/ Senior Analyst International analysis (Immigration Intelligence department, Home Office), United Kingdom.
82 Nooralhaq Nasimi, Afghanistan and Central Asian Association. April 2015.
83 Interview representative Federal Judicial police, Belgium.
84 The list of topics was obtained from a facebook group page and translated from Arabic to English, Case Study 1: Syria – Lebanon – Egypt – Italy.
85 See also Jan-Paul Brekke, Grete Brochmann, Stuck in Transit. The Dublin Regulation, National Discrepancies and Secondary Migration of Asylum Seekers in Europe, p. 15.
86 Combined interview with Head of Asylum and Family Policy Unit (International and Immigration Policy Group, Home office), representative from Border and Immigration System Directorate (Home office), and Inspector/ Senior Analyst International analysis (Immigration Intelligence department, Home Office), United Kingdom.
87 Ibid.
88 See for example HU/M/PK/9, statement by an Afghan migrant, Case Study 5: Greece – the FYRoM – Serbia-Hungary.

irregular movements and/or movements assisted by smuggling networks, the same set of factors applies as for countries of destination: the political and economic situation in countries of origin, the proximity or distance of countries of origin and transit, the geographical position of a transit country on prevailing migration routes, the existence of ethnic communities and networks, job opportunities on formal and informal labour markets to save money for the onward journey, and other factors related to the immigration, asylum and reception systems that can work in favour for organising the next step in an irregular migration or smuggling project.

Please note that the findings below hold for the specific period of research. As mentioned before, the cut off date for data collection for the case studies was 30 April 2015 and the cut off date for additional research was 30 June 2015. As migrant smugglers are flexible and adaptive, the situation might have changed since then.

### 4.2.2.1 What makes a country a transit country?

*Geographical position*

Countries develop into transit countries because of their geographical position on an irregular migration route, i.e. their location between countries of origin and aspired final destinations and the necessity to cross them. This applies to the main transit countries identified in the course of this study regardless of whether they are located outside the EU, like Lebanon, Turkey, Libya, Serbia or the FYRoM, or inside the EU such as Greece, Italy, Malta or Hungary. The role of transit countries and the reasoning of migrants can be exemplified by the case of Greece, which is a transit destination for the majority of irregular migrants who enter the country as the first leg of their journey within the European Union. The choice of Greece is a result of its geographical position close toTurkey, its reputation as a Hub, where assistance can be found and the information migrants have regarding the opportunities for organising the next legs of the journey. A Syrian migrant interviewed in course of this study explained: "We come to Greece and our journey starts from here."[89]

*Formation of main Hubs*

Over time, however, another dimension is added to the geographical position. As irregular migrants have to pass through these countries along the routes to aspired destinations and are in demand of the services of smuggling networks to do so, the latter establish and step up their businesses in those countries and cities where they can expect to meet large numbers of clients. Certain transit locations develop into main "Hubs" due to their reputation as a market place for smuggling services. Irregular migrants are ready to take lengthy detours to reach those Hubs because they assume that reaching them will facilitate their onward journey to their final destination. Regularly such Hubs develop at critical points along migratory routes where particularly difficult stages have to be overcome or where "favourable" conditions facilitate the activities of migrant smugglers.[90]

Aside from transit and/or Hub countries, findings from the case studies highlight a number of Hub cities as important places where onward movement is organised. For preparing the journey into Europe, Alexandria is the most important Hub of the smuggling networks operating on the Egyptian coast. Istanbul, Izmir, Edirne, Balikesir, Canakkale, Aydin and Mugla function as Hubs for preparing onward movements from Turkey towards Europe. On Turkey's Eastern borders, Van, a major social and economic centre in the Eastern Anatolia region, is a first point of entry from Iran and, just like Ağrı and Doğubeyazıt[91], is a main Hub city from where irregular migrants' onward movement within Turkey is organised. In Libya, besides Tripoli, Benghazi and areas around both, the Regional Mixed Migration Secretariat (RMMS) refers to the increasing significance of the town Sebha as a key Hub between the south and the north.[92] In Sudan,

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89 GR/M/SY/01, Case Study 3: Pakistan – Turkey – Greece.

90 GR/M/SY/01 Case Study 5, Greece – the FYRoM – Serbia-Hungary.

91 Due to the existence of many other smuggling incidents (e.g. cigarettes) and the on-going conflict between the Turkish military and the PKK, migrant smuggling is considered a minor affair in the eastern and south eastern borders of Turkey (TR/A/24, Case Study 3 Pakistan – Turkey – Greece).

92 Regional Mixed Migration Secretariat (RMMS) (2014) Going West. Contemporary mixed migration trends from the Horn of Africa to Libya and Europe. RMMS, Nairobi.

Khartoum has an informal migrant economy and thus also a lively market for illegal onward migration[93], while in Ethiopia, Somalis draw on established networks in Addis Ababa[94], while important Hubs for arranging the smuggling into Sudan are Metema (mainly used by Ethiopians), Humera (used by Eritreans from refugee camps in northern Ethiopia) or Gonder. In Lebanon, Beirut with its airport is a major Hub, in Jordan it is Amman; in Pakistan, the most important Hub cities include Karachi where smugglers use networks connecting Afghanistan, Pakistan and Iran.[95] Quetta, bordering Iran, is also considered an important Hub, particularly for journeys to Iran by land.[96]Within Europe, Athens is the main Hub in Greece to arrange onward journeys to all available routes.[97] Patras and Igoumenitsa are also important Hubs. In these port towns, smugglers are more specialised in organising sea journeys; Ioannina in the northwest is becoming a Hub for crossing the Greek-Albanian border. Since early 2015, a small smuggling market, independent from Athens, seems to be emerging in Thessaloniki "where smugglers try to set up operations to get involved in the exit on the land border" further north.[98] For Italy, it was reported that smugglers are found both outside and inside of reception centres, and that it is a complicated task for social workers in the centres to identify the intermediaries and keep them away. Often they try again and again to enter the centres pretending that they are relatives of people living inside the centres.[99]In Sicily, smugglers present offers to reach EU countries in reception centres, especially in the main reception centre in Mineo, which hosts more than 4 000 migrants. As regards Italian cities, Rome and Milan are the main Hubs for organising onward journeys to other European countries of destination.

According to Global Initiative, in some towns in certain areas in Africa, migrant smuggling groups are so well established that the "smuggling business has become deeply integrated into the local economies of these towns".[100]

Research in additional countries for this study has confirmed that Gao in Mali, for instance, is a major transit Hub and is seen as the gateway to the Sahara. In addition, Agadez, Niger's largest city, is the main Hub for the smuggling routes to Algeria or Libya and further on. Information gathered from the region shows that an estimated half of all West African migrants that arrive in Southern Italy , transit through Agadez, illustrating the significance of this Hub. There are at least 70 known migrant road-stations and transit houses in this region, 18 of which are located in the town of Agadez itself. Some of the areas with high concentrations of these transit houses are often described as "ghettos," and are reported to house as many as 500 migrants at any given time. Up to 4 000 migrants without travel papers can pass through Agadez every week, according to UNODC.[101] From Agadez there are separate transit routes based on different modalities and controlled by different groups. One transportation system known locally as "Afrod" (from French "la Fraude") runs via Arlit (another Hub) to either Tamanrasset or Djanet in Algeria or to Ghat and Ubari in Libya, and is controlled by Tuareg groups. A second transportation system known as Transa runs through Agadez via Dirkou to Liby and is controlled by Tebu, Arab and Hausa groups.[102]

### *"Favourable conditions" in transit countries*

From the perspective of migrants, it is the availability of smugglers and the possibility to work during transit and to earn enough money to pay for organising the next stage of their journey, or the stage to the final destination, which turns a country in a favoured transit point. Sometimes, these factors go hand in hand. Research for this study has confirmed that, despite the ongoing conflict, Libya is still a relatively attractive

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93 See also Treiber, Magnus.  (2014), 'Becoming by moving. Khartoum and Addis Ababa as migratory stages between Eritrea and 'something', in Abdalla, Mustafa; Dias Barros, Denise;  Berthet Ribeiro, Marina (eds):  Spaces in Movement. New Perspectives on Migration in African Settings, 189-205. Rüdiger Köppe Verlag Köln.

94 Rousseau, C., Said, T. M., Gagné, M. J., & Bibeau, G. (1998), 'Between myth and madness: the premigration dream of leaving among young Somali refugees', Culture, medicine and psychiatry, 22(4), 385-411.

95 Actionaid Pakistan 2009a; Mehdi, S.S. (2010), Illegal Migration, Human Smuggling and Trafficking: From Bangladesh to Pakistan and Beyond, Monograph. Yousef 2013.

96 UNODC 2015.

97 GR/S/SY/4, Case Study 3: Pakistan – Turkey – Greece

98 Interview GR/A/03 Case Study 5: Greece – the FYRoM – Serbia-Hungary.

99 I S 1

100 Global initiative (2014). Smuggled Futures: the dangerous path of the migrant from Africa to Europe. http://www.globalinitiative.net/download/global-initiative/Global%20Initiative%20-%20Migration%20from%20Africa%20to%20Europe%20-%20May%202014.pdf

101 Massalaki, Abdoulaye. "Niger passes law to tackle migrant smuggling, first in West Africa". Reuters. May 12, 2015.

102 Kohl, I. (2015). Terminal Sahara. Sub-Saharan migrants and Tuareg stuck in the desert. Vienna Journal of African Studies 28/2015, 55-81.

transit destination because it has the reputation that it is easy to find smugglers organising departures by boats towards Italy. Employers might even help by paying for the crossing and by arranging the journey with smugglers, instead of paying a salary.[103] Migrants from the Horn of Africa heading to Libya are reported to stay in Sudan for longer periods of time to work informally in order to try to make enough money for the next stage of the journey.[104] The study findings also show that, within the EU, Greece (previously a destination in its own right) functions as a Hub offering some informal employment opportunities, although to a much lesser extent than before the economic crisis.

Legal and practical aspects of immigration, asylum and reception systems also play an important role. The case of the FYRoM is illustrative. Most irregular migrants are either detected directly at the borders or later inside the country. The majority apply for asylum and, once they have lodged the claim, they are transferred to the reception centre for asylum seekers situated in Vizbegovo near Skopje, but have the freedom of movement within the FYRoM. According to government officials from Ministries of Interior that were interviewed, more than 95% of the asylum applicants depart before having their asylum claims processed and their status determined.[105] Normally, they abscond from the centre within two to three days and continue their way to Serbia, which confirms that making use of the asylum system plays an important role also for transiting as long as it provides a right to stay on the territory. The sharp increase of asylum applications in the FYRoM in the past years is largely attributed to this transit strategy. Such observations have been made in the course of this study for a number of other countries confirming that the characteristics of asylum and reception systems are an important factor in irregular migration and migrant smuggling and are well integrated in the strategies pursued by migrants and professional migrant smugglers.

### 4.2.3   Shifts and changes

The characterisation of a country as a "transit point" or a "final destination" is never fully unambiguous, as in reality countries can be both at the same time; in addition, countries might change from transit points to destinations and vice versa. For example, up to the 1990s, Pakistan used to be a destination country, while currently Pakistan's "pull" is as a transit country for Bangladeshi migrants who travel further to the Gulf and Middle Eastern countries. Migrants and smugglers try to make use of the favourable conditions they encounter or expect in certain countries, and these conditions might change over time. One important aspect is the possibility for irregular migrants to find work. As long as this possibility exists, a country is likely to remain a desired destination. If this is not the case, its character changes towards primarily being a transit point. This was reported to be the case for Sudan[106], Libya[107], Greece[108] and Spain[109], which, as they offered employment opportunities, had all been perceived as aspired destinations but their status changed to transit countries as the opportunities ceased to exist.

As important are changes in entry and residence regulations and the density of control measures at the borders and within the country. The study research has shown that the tightening of visa regulations for Syrian citizens in Egypt – alongside a more general deterioration of the situation for Syrians[110] – has discouraged Syrians from using Egypt as a country of transit. Syrians now tend to travel to Turkey and, if they are planning to proceed to a European country, continue their journey from there.[111] Lebanese restrictions on entry of Syrians have comparable effects.[112]

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103 Fernandez, Bina. (2013), Traffickers, Brokers, Employment Agents, and Social Networks: The Regulation of Intermediaries in the Migration of Ethiopian Domestic Workers to the Middle East. *International Migration Review*, 47(4), 814-843.
104 Treiber, Magnus. (2013), 'Grasping Kiflu's Fear – Informality and Existentialism in Migration from North-East Africa', Modern Africa. Politics, History and Society. 1/2, 111-139.
105 MK/A/1 Case Study 5, Greece – the FYRoM – Serbia-Hungary.
106 E.g. ET/M/ET/3, Case Study 2: Ethiopia – Libya – Italy/Malta.
107 Ambroso, G., Collyer, M. and Li Rosi, A. (2013) Leaving Libya. A review of UNHCR's emergency operation in Tunisia and Egypt, 2011-2012, UNHCR Policy Development and Evaluation Services (PDES/2013/04), UNHCR, Geneva; IOM (2012) Migrants Caught in Crisis. The IOM experience in Libya, IOM, Geneva.
108 Yusef, K. 2013. The vicious circle of irregular migration from Pakistan to Greece and back to Pakistan. Background Report: Migratory System 3, IRMA Project, Athens: ELIAMEP.
109 Interview Representative Ministry of Interior, Spain.
110 Bauer, W. (2015). Über das Meer. Mit den Syrern auf der Flucht nach Europa. Frankfurt/M: Suhrkamp
111 LB/OS/3, Case Study 2: Syria – Lebanon – Egypt – Italy.
112 http://reliefweb.int/sites/reliefweb.int/files/resources/legal_status_of_individuals_fleeing_syria.pdf

Research suggests that control measures by national authorities and by private companies at the French-UK border may have caused a certain share of migrants to attempt leaving from the Netherlands to the United Kingdom instead of France[113]. Transport companies have taken measures to prevent migrants from climbing into trucks. For instance, they have put heavier locks on the doors and have developed a policy in which drivers are not allowed to stop along the road if not necessary. The NGO Vluchtelingenwerk in the Netherlands mentioned that irregular migrants on their way to the United Kingdom increasingly change their transit route from Calais to Hoek van Holland, as a result of measures taken by lorry drivers in Calais.[114] The Ministry of the Interior in the Netherlands has also noticed an increase of migrants trying to reach the UK via the Netherlands.[115] According to an article in *Newsweek*[116], facilitators provide information to clients on the most successful route to their country of destination. Their advice was not to travel from "France to the UK at Calais right now as the border guards there are cracking down".[117]

These examples show that control measures do have an impact on irregular migration and the activities of smugglers, making it far more difficult for them and pushing them to look for alternatives. However, if such measures are pursued only in the national context, they merely shift irregular flows and smuggling activities to another country or route, creating new hot spots in global irregular movements and the international smuggling industry.

Another reason for changes of the characterisation of a country as a "transit point" or a "final destination" includes increased cooperation between countries. For instance, in West-Africa, migrants increasingly use Algeria as a transit country instead of Morocco as a result of increased cooperation between Morocco and the EU on addressing irregular migration[118].

Changes in asylum policies could have an impact as well, although not intentionally. Research findings suggest that the recently changed asylum regime in the Spanish enclaves has *increased* the number of migrants using Spain as a transit country. It is possible to apply for political asylum not only on mainland Spain but also in the enclaves.[119] Although this is probably to allow keeping asylum seekers in Melilla and Ceuta while processing their asylum claims, stakeholders have observed a recent trend of Syrians flying from Turkey to Rabat or Algeria, and then entering Ceuta where the Red Cross refers them to mainland Spain or the enclaves[120]. A recent policy report has also signalled a trend of increased irregular land border crossings from Morocco to Spain.[121]

Another reason for shifts could be changes in the political and security situation of a country. For example, the Frontex Annual Risk Report 2015 mentions that many of the apprehended Eritreans had lived for some time in Libya but decided to leave because of the violence, which would support the above statement.[122]

The table below depicts the links between countries of origin, transit and destination along the routes analysed in this study. Without claiming full completeness, it also presents the main nationalities travelling along those routes and via the transit countries, as well as the main motives stated for doing so.

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113 Versteegh, Kees (15 June 2015). Ze moeten de Noordzee over – van Afghaan tot Chinees – nu ook via Hoek van Holland. NRC de Week, week 24/25, p.7.
114 Versteegh, Kees (15 June 2015). Ze moeten de Noordzee over – van Afghaan tot Chinees – nu ook via Hoek van Holland. NRC de Week, week 24/25, p.7.
115 Ibid.
116 Perry, A. and C. Agius, Mastermind: the evil genius behind the migrant crisis. Newsweek, 19 June 2015, p.40.
117. Perry, A. and C. Agius, Mastermind: the evil genius behind the migrant crisis. Newsweek, 19 June 2015, p.40.
118 Desk research in additional third country Algeria: Mena migration,
    http://menamigration.com/Home/Search?query=tags:%22sub+saharan+africa%22
119 Combined interview with head of the Joint centre for analysis and strategy on illegal migration, German Federal Police, and head of the section for crime investigation , German Federal Police, Germany.
120 Written answers provided by representative General Commissariat for Alien Affairs and Borders, Spain and Combined interview with head of the Joint centre for analysis and strategy on illegal migration, German Federal Police, and head of the section for crime investigation , German Federal Police, Germany.
121 Migration trends across the Mediterranean: connecting the dots (June 2015). Altai consulting, p.39.
122 Source: Frontex http://frontex.europa.eu/assets/Publications/Risk_Analysis/Annual_Risk_Analysis_2015.pdf

Table 4 Links between countries of origin, transit and destination along the routes analysed in this study

| Country of departure | Country of 1st transit | Country of 2nd transit | Desired Country/ies of Destination (CoD)[123] | Nationalities in transit[124] | Main reasons/motivations[125] |
|---|---|---|---|---|---|
| Syria | Egypt (via Lebanon) | Italy, Malta | Germany, Sweden | Iraqi, Palestinian, , Syrian | War, civil war, violent conflict, displacement; Stricter visa regulations in neighbouring countries; Established family/migrant networks on the route and in final destinations |
| Ethiopia | Libya (via Sudan) | Malta | Italy, Sweden and rest of Europe | Eritrean, Ethiopian, Somali | Expected better living and working opportunities in CoD; Lack of legal channels for migration (education/labour); Wars and political instability |
| Pakistan | Turkey (via Iran or air route) | Greece, Italy, Spain | Austria, France, Germany, Scandinavian countries, UK | Afghan, Pakistani, | Legal channels for migration are limited to the Gulf Cooperation Countries (GCC), Political instability, economic reasons and social unrest; Increase in extremism and sectarian-related violence; Irregular migration culture: established networks for irregular migration |
| Nigeria | Niger/Chad and/or other West African countries | Libya, Italy | France, Italy, the Netherlands, Spain, UK | Nigerian, other ECOWAS country nationals | Lack of legal channels for migration; Information deficit regarding legal channels and legal visa application processes; High unemployment; Perception of greater economic opportunities in CoD; Social prestige of emigration; |

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123 In alphabetical order.
124 In alphabetical order. The list does not claim to be fully exhaustive but is based on the findings of the qualitative research conducted in course of the case studies.
125 Quoted in interviews conducted in course of the case studies.

| Country of departure | Country of 1st transit | Country of 2nd transit | Desired Country/ies of Destination (CoD)[123] | Nationalities in transit[124] | Main reasons/motivations[125] |
|---|---|---|---|---|---|
| | | | | | Irregular migration culture |
| Greece[126] | FYRoM | Hungary (via Serbia) | Austria, France, Germany, Sweden, Switzerland, UK, | Afghan, Albanian, Bangladeshi, Eritrean, Georgian, Iranian, Iraqi, Kurd, Pakistan, Somali, Sudanese, Syrian | Better living conditions in countries of CoD; Established family/migrant networks in CoD |

* Fieldwork suggests that the entire route West Africa – Istanbul Ataturk Airport – Bulgaria is not a common route. In general, the number of Africans entering Bulgaria is very small. In January 2015, ca. 15 African migrants entered Bulgaria illegally, of which five were reported citizens of Mali. For the first leg from Nigeria into Turkey, migrants often arrive legally. If Nigerians and other West Africans leave, they usually do not go through Bulgaria.

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126 The route Greece – the FYRoM – Serbia – Hungary was included in this study as a route for better understanding secondary movements of smuggled migrants in Europe.

### 4.2.4 Modus operandi per type of border (sea, land and air)

Investigations and research often include the identification of prevailing "smuggling routes". The actual structures and strategies applied in the migrant smuggling business, however, do not support the notion of the predominance of easily identifiable routes. The function of focal points in transit countries or Hubs which connect these routes is less often examined. One of the main outcomes of this study is the understanding that the geographical representation of the flows (as routes), usually derived from a statistical ex post analysis, are not easily applicable when trying to understand the operational logic of migrant smuggling. Routes may change rather quickly based on a number of factors, while Hubs have the potential to persist and grow in importance over longer periods of time. In this sense, Hubs are the nodes connecting changing routes.  Thus, from an analytical perspective Hubs appear as the main constant, the geographical and operational nodes structuring the myriad of route options on offer and connecting migrants from diverse origin with a variety of destinations. Hubs and the opportunities they offer, more than anything else, define the itineraries of migrant smuggling. It is the Hubs that shape the routes (see also section 4.2.2 on what makes a country a transit country).   A far more common experience is that individuals engage small-scale smuggling networks for particularly difficult parts of the journey. These smaller networks work in cooperation with each other, passing on groups of migrants to the organisation that controls the next section of territory[127].

Research for this study has shown that long distance journeys and multi-stage "travel-packages" are provided and used by those who can afford it (e.g. Syrians). More often, however, irregular migrants travel between these "Hubs" where they reorganise their travel, or work and collect money for the next step. Hubs may initially even be the desired destinations. It is then only when conditions change that migrants devise different plans and decide for onward movements as was, for example, reported for Ethiopians in Sudan, Pakistanis in Greece or sub-Saharan Africans in Libya or Turkey. Furthermore, from an operational perspective, Hubs are the places where migrants and smugglers meet and negotiate over possible options for onward movement including the type of border to be crossed, based on considerations such as time, price and personal choice of the migrant (e.g. in Turkey, onward travel may be organised by sea, land or air). Thus, while conditions across the different routes may change quickly, the basic common denominator for understanding operational aspects in migrant smuggling is the type of border to be crossed (air, sea or land). Even if there are different characteristics and complexities in the various countries, there still are important common characteristics that can be observed across all routes, based on the border type. Thus, rather than comparing routes and route legs per se, the type of border to be crossed is considered the most useful categorisation for understanding differences in modus operandi.

The modus operandi of migrant smugglers is diverse and dynamic. It changes constantly, depending on three variables: (1) border control policies, (2) type of border to be crossed and (3) costs. The nature of an operation is also impacted by the demand i.e. by the number of migrants looking for smuggling services. In other words, smugglers can offer various alternatives to exit or enter a country depending on the route and border conditions and types of transport.

#### 4.2.4.1 How do facilitators get in touch with migrants?

Recruitment appears to be bi-directional. Smugglers recruit migrants and migrants recruit smugglers. In other words, smuggling is a supply and demand driven business. Smugglers offer their services and migrants decide whether the offer seems feasible or not and have some negotiating power, particularly when it comes to prices and possible warranties[128]. Before departure, it is usually the migrant who looks for the smuggler. However, particularly when there is a slump in demand, smugglers also may engage in active recruitment. For instance, when 600 Syrians demonstrated for travel documents enabling them to leave Greece in December 2014, the then government promised fast-track asylum procedures as well as

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127 On the Mediterranean Sea route, a strategy has been revitalised that was believed to have vanished some time ago and could be described as moving as many people as possible as quickly as possible. On the one hand, this recourse is the result of the immense demand for crossings across the Mediterranean. On the other, the movement of larger groups of migrants within a relatively short period of time by crossing particularly sea borders helps to reduce the costs for the smugglers and dramatically increases their revenues.

128 See for example I A 3, Case Study 1: Syria – Lebanon-Egypt-Italy; MT/M/SO/2; MT/M/SO/1, I S 5  Case study 2: Ethiopia – Libya –Malta/Italy; I/M/SY/9, TR/N/4, TR/M/AF/23, Case Study 3: Pakistan-Turkey-Greece; TR/M/BI/29, TR/N/4, TR/M/24, BG/OS/BG/SY/1, Case Study 4: Nigeria – Turkey-Bulgaria.

accelerated family reunification procedures for those having family members in other EU Member States. The expectation of alternative options reportedly reduced demand for smuggling services, to which smugglers responded by actively advertising their services among protesters.[129]

To get in contact with migrants, smugglers need to gain the trust of potential customers. Gaining trust, depends on one's appearance and behaviour towards the client as well as on a good reputation among other clients (as well as other smugglers, who refer clients for onward travel).[130] As a corollary, information on smugglers' performances, successes and failures is communicated quickly between migrants and their families and within the migrant community and also among migrant smugglers' networks.[131]

However, there are contexts where reputation is far less an issue, and migrants are maltreated or exposed to considerable risks. This appears to be the case in Egypt where, as a result of high demand for smuggling services in conjunction with the monopolistic structure of the smuggling market with four main smugglers reportedly fighting each other[132], the treatment of migrants appears to have considerably worsened. Contemporary Libya is another example in this context.[133] The ability to rely on reputation, however, is also related to the social capital of migrants. Thus, rural migrants with limited networks and limited possibilities to collect information about smugglers are disadvantaged in terms of information gathering and carefully selecting smugglers, and much more vulnerable (e.g. as highlighted for Pakistan, Ethiopia and Nigeria). Reported in West-African countries and Nigeria in particular, smugglers become known to a family or individual family member through extended social networks as an "uncle", "aunty" or other family friend[134]. It should be noted, however, that recruitment modalities in these cases seem to be strongly linked to trafficking in human beings[135].

Smugglers proactively offer services in all places where potential clients may be found, either at strategic places well-known for offering related services, or in the immediate surroundings to such places (e.g. in certain districts of a city, railway stations, bazaars, coffee-shops, etc.). Generally finding the right smuggler was reported to be fairly easy, according to migrants. In Athens or Istanbul, for example, cafes and call shops in a central street or international neighbourhoods were mentioned places where information on smugglers can be easily received and smugglers can be met.[136] Reception centres for asylum seekers also function as such places.

Social media have also increasingly become important tools for smugglers to openly advertise their offers.

Supported by colourful photos, smugglers' offers include services from fake documents to detailed descriptions of routes and vehicles used. Examples include advertisements for boat trips from Turkey to Greece and Italy, such as the one stating: "*We have trips by rubber boat almost on a daily basis, on a boat 8.70 cm long, going to Farmakos, Mytilini, and Chios; price USD 900; for insurance office call 0090534876110.*"

It is difficult to establish, however, how successful such advertisements are in attracting and convincing prospective migrants to purchase smuggling services. Research conducted in the course of this study suggests that in some cases, brokers that seemed reliable on Facebook would not keep their promise or were misleading potential clients, e.g. by showing photos of tourist cruise ships while in reality using discarded vessels.[137]

### 4.2.4.2   Modes of transport being used for land, air and sea routes

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129 GR/M/SY/05, Case Study 5: Greece – FYRoM – Serbia-Hungary.

130 See information provided by a member of a smuggling network in Greece (GR/S/AF/03, Case study 3: Pakistan-Turkey-Greece) and  a smuggler who operated between Ethiopia and Sudan (ET/S/ET/7, Case Study 2: Case study 2: Ethiopia – Libya –Malta/Italy);

131 GR/S/AF/03, Case study 3: Pakistan-Turkey-Greece.

132 EG/Skype/OS/1;  Bauer W. (2014). *My escape to Europe.* Cover story of DIE ZEIT N° 23 / 2014 available online at: < http://www.zeit.de/zeit-magazin/2014-05/zeitmagazin-23-themen>  21 April 2015; Kingsley P. (17 September 2014). *Desperate Syrian refugees risk all in bid to reach Europe.* The Guardian News article available online at:  http://www.theguardian.com/global-development/2014/sep/18/desperate-syrian-refugees-europe-mediterranean 22 February 2015. See case study 1: Syria – Lebanon-Egypt-Italy.

133 I A 1, Case Study 2: Ethiopia – Libya –Malta/Italy.

134 NGA/I/5, See Case Study 4: Nigeria – Turkey-Bulgaria.

135 NGA/A/1; NGA/I/5; See Case Study 4: Nigeria – Turkey-Bulgaria.

136 TR/M/GN/7, GR/N/02, GR/M/SY/01: Case Study 5: Greece – FYRoM – Serbia-Hungary.

137 BBC (2015) 'The Facebook smugglers selling the dream of Europe' http://www.bbc.co.uk/news/magazine-32707346 (accessed 14.5.2015).

When talking about modes of transport, one general observation that should be highlighted is that particularly on the route legs into the EU, compared to earlier times, migrant smugglers seem to increasingly avoid participating in the actual border crossings, since the legislative as well as the administrative control measures entail higher risks of being detected. The tightened control measures have implications for the clients of professional smugglers as well. On the one hand, the risks involved are shifted towards migrants, either because they increasingly have to carry out the riskier parts of border crossings themselves, or that in order to circumvent the control mechanisms, border crossing strategies have to be used that are more dangerous.

Migrants who intend to cross a border would first need to come to a strategic Hub city. Those irregular migrants who do not have personal contacts are then lodged in groups in rented apartments. Interestingly, research undertaken in Istanbul, where onward travel can be arranged for all types of border crossings, suggests that the price-performance relationship is already visible in respective accommodation arrangements. For those who will be travelling over land or by sea, apartments are arranged by smugglers to settle 30-40 people together. Those who will continue their journeys via more costly air travel, apartments to accommodate three to four people are arranged. In general, waiting periods can last from several days to several months, and are determined by the migrants' choice of travel and the respective fees paid, in addition to the arrangement of boats and the tracking of appropriate weather conditions in the case of sea journeys.

### Land routes

The following section provides an analysis based on research conducted on the selected land routes as covered by the case studies such as from Turkey into Bulgaria, from Ethiopia into Sudan and further on to Libya, from Pakistan into Iran and further on to Turkey, from Greece into and through the FYRoM and onward to Serbia and Hungary.

For all route legs studied, taking an overland route is possible, both with and without smugglers, although going without a smuggler implies taking a greater risk. The risk taken depends on various factors: financial capacity, the destination (which determines the route to a certain extent) and the smugglers (who determine transport, length of journey and costs). Migrants are either brought to strategically located border villages or go there by simply using public transport (e.g. taxis in Greece). In the case of over-land travel, migrants do not necessarily continue their journey immediately from border villages. Waiting periods in such villages can be a few days, but also longer, even involving some form of local integration (as documented at the border between Turkey and Bulgaria). This differs from the maritime routes where migrants are kept in secret hiding places and are forced on boats the moment they can be loaded (see below). Some of the smuggling routes to Europe can include long journeys through deserts on foot, by pick-ups or on trucks. In the central Sahara, smuggling operations rely on long-standing transportation systems that have evolved from the 1960s, notably the so-called "Afrod" system controlled by Tuareg transport entrepreneurs and involving pick-up trucks capable of transporting some two or three dozen passengers, which connects Northern Niger, Algeria and parts of Libya, and the transa system, controlled by Tebu, Hausa and Arab groups, which involves large trucks with a capacity of up to 120 migrants. Journeys through the desert can take several days, sometimes weeks or more, when cars break down (which happens frequently), or in the current volatile situation in several Saharan countries the security situation makes immediate onward travel impossible[138]. There is evidence of bus/truck drivers that abandon migrants in the desert on the route when encountering difficulties. There have been a number of high profile incidents of migrants dying in the desert in Niger. In the first six months of 2015, 48 migrants have died in the Sahara desert in Niger on their way to Europe.[139] The journey can also include mountain hikes, for example from Tchilawène (Niger) to Algeria.[140]

A chain-like approach and cooperation between smugglers is well documented where smugglers accompany migrants only part of the way, and at the border hand them over to other smugglers who then accompany the group to the other side of the border (for example in Ethiopia to Sudan, Pakistan to Iran into Turkey). Closer to Europe, guides are very often irregular migrants themselves, who engage in guiding to get their own border crossing for free. In easier terrain and on shorter walks, smugglers do not necessarily accompany their clients but instruct them how to best cross by using high-end mobiles with GPS and Google

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138 See Kohl, I. (2015). Terminal Sahara. Sub-Saharan migrants and Tuareg stuck in the desert. Vienna Journal of African Studies 28/2015, 55-81.
139 IOM (2015) http://missingmigrants.iom.int/latest-global-figures
140 "Niger: Desert smuggling profits climb". IRIN News. October 15, 2008.

maps (e.g. Turkey to Bulgaria, Greece to the FYRoM). After crossing the border, they would continue their journey either walking, or by rented bicycles, taxi or public transport on the other side (e.g. from Greece through the FYRoM and further on into Serbia) or would be picked up by smugglers and taken to the next border section, any other strategic place in a city or to a reception centre. Social media and messenger services such as Viber and WhatsApp are important tools for communicating with smugglers along the route.[141] In addition, smugglers also use other forms of signposting. For example, police patrols in the FYRoM have noticed plastic bags hanging in the woods near the border, indicating meeting places with smugglers.[142]

Land border crossings through *official border crossing points* (BCPs) are usually arranged by using false or forged documents (e.g. for leaving Syria), by hiding in cars, buses, trains or trucks, sometimes even without the drivers being aware of it (e.g. Turkey-Bulgaria). Smugglers would check and select commercial trucks waiting for border crossings, "cut the rope of the seals, let the migrants go inside and close the door (…)."[143] Smugglers easily adapt to changing circumstance. In response to increased arrests of hired "inland" drivers in Bulgaria and the subsequent shortage of drivers, migrants are no longer receipted at the Bulgarian border side but facilitators are paid to buy a car or bus and instead of driving migrants to Sofia, they would leave the car near the border refuelled and with the keys inside for the migrants to drive to Sofia by themselves.[144] In addition, authorities in the FYRoM highlight that more recently, third country national smugglers enter the country with falsified EU travel documents (Greek, Bulgarian, Dutch, German or Swedish). Since EU citizens are allowed to enter the FYRoM visa free, smugglers use this approach to temporarily carry out migrant smuggling operations.[145]

In Spain, one way to cross the border is to cross its land borders with Morocco at Ceuta and Melilla, by jumping the fences at these enclaves.[146] These jumps can be organised by smugglers[147] and are usually undertaken by male migrants.[148]

### Sea routes

Similar to land border crossings, sea crossing migrants are usually transported from their place of accommodation in Hub cities to departure points closer to the shores. Smugglers appear to base their decisions for departure times on the activities of national and international search and rescue operations, as well as on weather conditions[149] For Libya, more specifically, there is evidence suggesting that in the past, Libyan smugglers cooperated with Libyan security officials and sent migrant vessels out to sea at prearranged times. Smugglers provide migrants with a satellite phone and GPS[150] and a list of contacts, which allow them to make direct contact with Italian or Maltese authorities to be rescued. If not rescued by the authorities, migrant vessels that are in distress are detected by private fishing and merchant vessels. Migrants are instructed to transmit a distress signal when the merchant ship passes and, in so doing, oblige the vessel to rescue them.[151] The smugglers organise boarding and assistance in navigation all along the way by escorting the migrants' boat with other boats.[152] The level of involvement of smugglers may depend on the type of vessel used. For example, for departure in the Aegean Sea with jet skis, which are expensive to buy and to maintain, or excursion ships (which carry only small groups of people), trained skippers or skilled members of a 'smuggling network' drive them rather than migrants.[153] Migrants navigate the most common type of vessel used in the Aegean Sea, rubber boats[154], as well as cheap and old large vessels

141 MK/M/SY/1, Case Study 5: Greece – The FYRoM – Serbia-Hungary.
142 MK/IT/2, Case Study 5: Greece – The FYRoM – Serbia-Hungary.
143 BG/OS/SY/BG/1, Case Study 4 : Nigeria–Turkey-Bulgaria.
144 BG/OS/SY/BG/1, Case Study 4 : Nigeria–Turkey-Bulgaria.
145 MK/A/4, Case Study 5: Greece – The FYRoM – Serbia-Hungary.
146 Interview representative General Commissariat for Alien Affairs and Borders, Spain.
147 Written answers provided by representative General Commissariat for Alien Affairs and Borders, Spain.
148 Interview representative NGO, Spain.
149 See case study 2: Ethiopia – Libya – Malta/Italy and Case study 3: Pakistan – Turkey – Greece
150 MT/A/1; All migrants interviewed for this study noted a satellite phone on board their vessel for the cross Mediterranean voyage. Case Study 2: Ethiopia – Libya – Malta/Italy.
151 Migrants at Sea (2014) *Frontex: Update on Operation Triton; Growing Use of Larger Vessels by Smugglers.* http://migrantsatsea.org/2014/12/31/frontex-update-on-operation-triton-growing-use-of-larger-vessels-by-smugglers/ 31 December 2014, , Case Study 2: Ethiopia – Libya – Malta/Italy.
152 For the three smugglers a request of extradition has been issued by Italy in December 2014, and it is still pending; remarkably, one of the smugglers is already in jail in Egypt. See Case Study 1: Syria – Lebanon – Egypt – Italy.
153 GR/A/09, Case Study 3: Pakistan – Turkey – Greece.
154 Turkish Coast Guard 2015; Hellenic Maritime Borders Management, Presentation of the Hellenic Coast Guard/Integrated Maritime Surveillance Bureau in Samos, on 20 April 2015.

and that losing them would not harm much from a financial point of view if intercepted by the security forces. When a boat is intercepted, the migrant driver will typically leave his position and mingle with the rest of the group, thus making it practically impossible to single him out. In an effort to shelter the driver from prosecution, it is not uncommon for migrants who have landed to all claim that they piloted the vessel, as observed for boats arriving from Libya in Malta[155].

Other practices observed for departure from the Turkish coast used to include cooperation of smugglers with cargo carriers where migrants leave the Mediterranean coastal towns in small boats and are transferred to bigger cargo boats at sea. Rather than trips to Greece, this is particularly relevant for operations starting at the city of Mersin aiming for Italy or France.[156] However, the use of decommissioned cargo vessels, known as "ghost ships", was reported to be stopped after diplomatic efforts between Italian and Turkish authorities[157.] and increased controls by Turkish authorities.

As extensively discussed in media reports, Italian investigators identified the so called "mother ship technique", which seems to be primarily relevant for departures from Egypt. At the time of departure, migrants board a fishing boat and, when entering international waters, are transferred to a smaller wooden boat and left for rescue by Italian authorities. The fishing boat, the so-called "mother ship", would then go back and pick up new migrants. This way, the risk of seizure of the ship is considerably reduced and smugglers take the risk to deliberately endanger the lives of passengers on the smaller boats which are loaded significantly more than their capacity without any safety measures.[158] Egyptian smuggling networks operating this way have very good international connections and even "tour" the Mediterranean Sea to collect migrants from other departure places in Cyprus, in Crete (Greece), or Libya.[159] When "touring", the "mother ship" departs (almost) empty from Egypt and picks-up migrant groups all along the route.[160] A high-ranking Italian police officer reported that Egyptian smuggling networks and their activities and international relations have increased along all routes directed to Italy[161]. One example of such business expansion was provided by the deputy prosecutor of the Procurer Office in Syracuse, who highlighted that there have been joint ventures established which allow for seamless cooperation between Egyptian and Turkish smugglers, both operating from Greek territory[162].

Furthermore, for border crossing in the southern Mediterranean, there is evidence that vessels appear to be fabricated for the sole purpose of transporting migrants. Most likely, factories along the Libyan coast manufactured fiberglass boats during the mid-2000s for migrant smuggling. More recently, smugglers have turned to using large rubber dinghies with 40hp outboard motors that carry around 100 migrants[163]. In some cases, such dinghies, intercepted by the Armed Forces of Malta (AFM), bear manufacturer serial numbers in ascending order suggesting they were purchased in bulk and thus also appear to be fabricated for the sole purpose of transporting migrants[164]. Generally, powerful rubber dinghies are most widely used on the route from Turkey via Greece to Italy. Migrants who can afford to pay high fees are transported in sailing boats and yachts by professional crews from Ukraine or Belarus.[165] The research findings also suggest that the route from Albania to Italy, suppressed years ago, has been recently reactivated by involving Italian smugglers smuggling migrants on fast rubber dinghies for high prices.[166]

Traditional modes of transport from Morocco or Algeria to Spain are inflatable rubber boats, small open wooden boats of five to six metres long that can accommodate up to 12 migrants ('pateras')[167], fishing boats from Senegal or small leisure boats (barcas toy) from Morocco[168]. Other modes of transport by sea to Spain include using fraudulent documents for existing ferry connections to Spain[169].

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155 MT/A/1, Case Study 2: Ethiopia – Libya – Malta/Italy.
156 TR/A/4, Case Study 3: Pakistan – Turkey – Greece.
157 I A 1.
158 Procura di Catania (2014).
159 See also Bauer, W. (2015). Über das Meer. Mit den Syrern auf der Flucht nach Europa. Frankfurt/M: Suhrkamp.
160 Bauer (2014): "In fuga verso l'Europa", Die Zeit Magazin, in Internazionale 1056, 20 June 2014; I M PS 1; I A 3, Case Study 1: Syria – Lebanon – Egypt – Italy.
161 I A 1, Case Study 1: Syria – Lebanon – Egypt – Italy.
162 I A 3.
163 MT/A/1, MT/A/2 in Case Study 2: Ethiopia – Libya – Malta/Italy.
164 MT/A/2, Case Study 2: Ethiopia – Libya – Malta/Italy.
165 I A 1, Case Study 1: Syria – Lebanon – Egypt – Italy.
166 I M SY 8; I A 1, Case Study 1: Syria – Lebanon – Egypt – Italy.
167 UNODC (2010) Smuggling of Migrants into, through and from North Africa.
168 Interview anonymous NGO in Spain.
169 Ibid.

*Air routes*

There are different ways of facilitating migrants to move to the EU by air.

Document fraud, fake and falsified documents *can be used.* As mentioned above, Frontex 2015 data highlight document fraud to be most relevant at air borders, reflecting the fact that (fake) documents are key to crossing air borders irregularly. In the research conducted for this study, smuggling related to document fraud was specifically mentioned for Lebanon, Jordan, Turkey or Nigeria and for routes within Europe i.e. for Malta or Athens where there seems to be vital markets for forged documents (see below).

According to the Nigerian Immigration Service (NIS)[170], the price of forged documents and the price for smuggling via air routes from Nigeria increased dramatically after the introduction of biometric identifiers in Nigerian passports in 2006, as well as increased capacity at the Nigerian air borders to detect forgeries. However, according to 2015 Frontex Annual Risk Assessment data, Nigerians continue to remain one of the top nationalities of document fraudsters and most detections were made after embarkation in Lagos[171]. Thus, there are concerns about the integrity of Nigerian documents[172]. Counterfeit or forged visas are believed to be produced around Lagos, however further information on this activity was not known to any of the interviewed stakeholders. Another aspect contributing to difficulties in regards to the safety of documents in Nigeria may be the fact that other documents (such as birth certificates) are issued by local authorities across Nigeria in response to the information provided directly by the applicant. They follow no standardised format, and have minimal to zero security features incorporated in their design.[173] The implications of this are that legitimate passports may be issued based on incorrect or falsified "breeder" documents. In any case, smugglers are known to have altered their *modus operandi* by using false passports from other West African countries as well as altering the point of departure by air routes from other West African countries where air border controls are less robust and there is less capacity to detect forged documents, rather than travel directly from Nigeria.[174]

Cooperation in producing and distributing false documents may be organised across continents. Authorities in Pakistan referred to the detection of an "African cartel" in 2013 that sold stolen or expired passports to smuggling networks in Pakistan, the latter of which lifted visas from the passports to be used as the basis for forgeries.[175]

A stakeholder interviewed[176] for the research in the additional countries confirmed that entry to Spain from South America also happens often through airports with the use of fraudulent documents. They are facilitated by smugglers who organise their journey to Madrid, Barcelona, Bilbao, Valencia or Malaga as tourist trips.

Recycling of lost, stolen or freely provided documents was highlighted as another form of document use. Besides forgery and falsification, visas and passports are the main documents to have been fraudulently obtained, stolen, or sold to smugglers by tourists or members of the migrant's family/community who would then report them lost or stolen as reported from Turkey for example[177]. In Izmir it seems to be fairly easy to get stolen or fake passports or identity cards in certain neighbourhoods in Istanbul and "one can easily find those who are engaged in the business of producing fake visas and passports or selling stolen visas and passports, it is not a secret," as a smuggler highlighted.[178] A Turkish state official also explained how original passports in one of the municipalities in Italy were stolen by smugglers and used for migrant smuggling, after replacing photos on the original passports in Istanbul.[179] Similar practices were observed in regard to secondary movements within Europe. While there is as yet no evidence that false documents are manufactured in Malta, there is substantial evidence of an informal market for distributing such documents in Malta (e.g. Italian residency cards were brought to Malta for sale

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170 NGA/A/1, Case Study 4 : Nigeria–Turkey-Bulgaria
171 http://frontex.europa.eu/assets/Publications/Risk_Analysis/EB_ARA_2015.pdf.
172 NGA/A/4 Case Study 4 : Nigeria–Turkey-Bulgaria.
173 Carling, Jorgen (2005) Migration, Migrant smuggling and Trafficking from Nigeria to Europe, (International Peace Research Institute, Oslo) p.23; NGA/A/4, Case Study 4 : Nigeria–Turkey-Bulgaria.
174 NGA/A/4, Case Study 4 : Nigeria–Turkey-Bulgaria.
175 See Case Study 3: Pakistan – Turkey – Greece.
176 Written answers provided by representative General Commissariat for Alien Affairs and Borders, Spain.
177 TR/A/4, Case Study 4 : Nigeria–Turkey-Bulgaria
178 TR/S/TR/11, Case Study 4 : Nigeria–Turkey-Bulgaria.
179 TR/A/4 Case Study 4 : Nigeria–Turkey-Bulgaria.

in the open centres for refugees) and of the use of these documents to board low-cost airlines to mainland Europe (particularly Germany and Italy).[180]

In the imposter method, irregular migrants would travel with a passport or another document belonging to a person who looks very similar. This method was reported as a general strategy but particularly successful[181] for Sub-Saharan Africans, boarding airplanes at Istanbul airport. At times, migrants' relatives or friends in Europe send their own valid passport by post to the migrant in Istanbul who takes this passport to the smugglers to issue a fake visa or entry stamp on the passport. Due to the fact that officials at the airport have difficulty in identifying Sub-Saharan African migrants on photos[182], migrants may pass and travel to EU Member States.[183]

Another method is the "double check-in". Observed at Istanbul airport, the method of double check-in implies that both the smuggler and the migrant buy a flight ticket to a destination where no visa is requested (e.g. Northern Cyprus for departure from Istanbul airport).[184] These tickets open the opportunity for the migrant and smuggler to meet in the departure zone of the airport. After both complete the check-in procedure, the migrant and the smuggler meet and a fake passport with fake entry stamps and the flight ticket to another destination in Europe is handed over to the migrant.

The use of authentic documents based on inaccurate information was particularly highlighted in the Nigerian context. The Nigerian Immigration Service stressed that facilitators of smuggling by air routes identify an international event taking place in the intended destination country, in order to support an application for a legitimate visa.[185] Smugglers register their client for the event, pay registration costs and book appropriate hotel accommodation, all of which is used as evidence to support a visa application. Nigerian officials have reportedly observed facilitators operating at a visa collection centre[186] in Abuja providing guidance on what to say and how to submit an application[187].

### 4.2.5   Duration of a smuggling process

For individual migrants, the irregular journey to Europe can take anything from a few days, to weeks or even years. This journey will depend on the financial situation of the migrant and the number and type of difficulties encountered on the route (such as immigration detention, rejection at the border at first try, etc.). In cases where migrants decide to go step-by-step journeys take a particularly long time (up to several years) and depend on the number of stop-overs in transit countries or Hub cities. Onward movement then depends on the possibility of work and earning the money needed to move on. Their initial migration strategy is constantly adapted to react to occurring legal and practical obstacles and plans are revised as circumstances demand which is all time consuming. Journeys are also prolonged in the case of apprehensions, push backs or return, and migrants depart and try again.

An individual border crossing may take a few hours (e.g. for air borders  speedboat trips e.g. from Turkey to Greece) to days or weeks (e.g. a sea journey from the northern shores of Libya to the shores of Italy or Malta; or walking from  from Greece through the FYRoM to Serbia).

Most of the time is spent in transit for onward journeys and the organisation of the next leg as well as prolonged waiting periods prior to departure. On an operational level, the duration of a smuggling operation very much depends on the budget available, the time it takes for the organisers to arrange the trip (e.g. recruit a sufficient number of migrants for certain transportation to maximise the profit), the distance, expected difficulties in terms of logistics, weather conditions, type of obstacles to overcome, the size and strength of the respective network and finally, of course, whether chain links of a network work smoothly. If this is not the case, for whatever reason, migrants would need to be returned and accommodated and the process started all over again.

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180 MT/A/1, Case Study 2: Ethiopia – Libya – Malta/Italy.
181 Since officials at the airport have difficulty in recognising the differences in Sub-Saharan African migrants' photos. See TR/A/10, Case Study 4 : Nigeria–Turkey-Bulgaria.
182 TR/A/10, Case Study 4 : Nigeria–Turkey-Bulgaria.
183 See Case Study 4 : Nigeria–Turkey-Bulgaria.
184 TR/A/4, Case Study 4 : Nigeria–Turkey-Bulgaria.
185 NGA/A/1, Case Study 4 : Nigeria–Turkey-Bulgaria.
186 These application centres are only collection points for visa applications, and do not play any role in the actual decision making process for visa applications.
187 This procedure offers a clear link to trafficking in human beings as migrants using this method may also be offered a job at the destination as well as transport.

### 4.2.6   Financial aspects: costs of operations, prices, fees and payment modalities

Cost and fees for smuggling journeys are not fixed, but depend on various factors including the distance to be travelled, the target country, expected logistical complexity on a route or at a border crossing, supply and demand factors, means of travel and season.  For example, as the success of movements by air depends on the quality of falsified or altered travel documents and involves circumventing a number of security controls, the air routes are the most expensive compared to sea or land routes.

The research has shown that "full packages" from point of departure (potentially through transit countries, including EU countries) to the country of final destination are the most expensive options. In comparison, step-by-step approaches are more affordable, for example paying the first leg from Pakistan to Iran, then paying for subsequent legs to Turkey and Greece, potentially staying in Hub cities along the way to raise funds for the next leg.

The smuggling business can be compared with the "tourist market" with its low seasons and high seasons[188]. In this context "season" does not only refer to seasons of the year or tourist seasons but also to times of different intensity of border control. A smuggled migrant interviewed in the course of this study highlighted that during the football championship, more than 1 000 migrants were smuggled from Turkey to Greece on a much lower price (EUR 900 instead of EUR 2 000 – EUR 7 000) "because the policemen were watching the game."[189]

Routes with ease of access and low risk are usually low cost. High risk and border controls result in higher costs and prices (e.g. air travel). Prices vary based on these elements but also take into account, gender, age (children for example tend to be charged less), and nationality[190]. Costs also increase on legs of the journey across difficult terrain and/or in war zones (e.g. across the Sahara desert) and across the Mediterranean (as reported for travels from Sudan to Libya). Cheapest prices are observed in danger-free landscape (fields, orchard, woods) and lower level of risking physical well-being (e.g. Serbian-Hungarian border). It is crucial to note that not all smugglers offer the same level of service. Some limit their operation to specific border areas, others to specific modes of transport, and others again can offer a range of services and routes.

Prices largely depend on the market situation and are a result of supply, demand, smugglers' capacities and the number and financial situation of potential clients. In cases where smugglers dispose of large capacities and there is strong competition between them, prices might be low when there is a strong demand from potential clients. The same might apply when there are not enough clients and smugglers have to improve their offers in terms of price or different types of warranties in order to attract potential clients. In Lebanon, for example, demand for false documents is currently so high that those producing them seem to have difficulty meeting demand.[191] This high demand is likely to have led to an increase in the price of counterfeit documents since the start of the Syrian crisis. A smuggler operating in Greece noted that: "Prior to 2012, the route to Serbia cost EUR 500. Today it is up to EUR 2 000, mainly due to demand but also a slight increase in risk."[192] In Libya, the market saturation of smuggling is driving down prices considerably. To make up the shortfalls, migrant smugglers load their boats with larger numbers of migrants (up to 800 persons on boats for maximum 300 passengers) leading to the deadly incidence on this route leg in 2015. As a smuggler explains to a journalist: "They are being overloaded because the price of an individual has gone down".[193]

In addition, costs can be increased during the smuggling journey. For example, migrants smuggled from Bangladesh were told the cost of the leg from Iran to Greece would cost EUR 2 000. However, when the migrant arrived in Istanbul, the facilitator demanded another EUR 4 000 to travel to Greece.[194]

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188 GR/N/02, Case Study 5: Greece – FYRoM – Serbia-Hungary.
189 HU/M/SY/06, Case Study 3: Pakistan – Turkey – Greece.
190 GR/A/03, GR/A/01, GR/N/02, GR/S/SY/04, Case Study 5: Greece – FYRoM – Serbia-Hungary.
191 LB/Other stakeholder/1, Case Study 1: Syria – Lebanon – Egypt – Italy.
192 GR/S/AF/03 and confirmed in interview GR/M/AF/06, Case Study 5: Greece – FYRoM – Serbia-Hungary.
193 Kingsley, P. (2015a) 'Libya's people smugglers: inside the trade that sells refugees hopes of a better life' *The Guardian*, 24 April 2015 - http://www.theguardian.com/world/2015/apr/24/libyas-people-smugglers-how-will-they-catch-us-theyll-soon-move-on Accessed 24 May 2015.
194 FRAN Quarterly Q2, 2012. Warsaw Page 19.

#### 4.2.6.1 Costs and profits for the smuggler

Running a smuggling operation does not come without costs, which can be significant. Available information on costs, however, is patchy and does not allow a systematic "budget" calculation for a smuggling operation. Generally, the best information is available on costs for the migrants.

In today's Libya, for example, there are few barriers to anyone with access to a boat establishing a new smuggling operation which has generally lowered costs. However, when leaving areas where militias are in charge costs for operations can significantly increase, but the situation was so changeable that it was extremely difficult to have any information in advance about who would have to be paid and how much. According to a media account, smugglers need to pay local militia chiefs up to USD 20 000 a month for having a secure departure point[195]. Similarly, an Egyptian smuggler highlighted to an undercover journalist that bribing Egyptian Coast Guards to get "his" ships past was worth EUR 30 000: the chief mate receives half of it, his soldiers the rest. Usually, the Coast Guards ask for around EUR 100 per person but would only receive the money when the boat has entered international waters.[196] An Egyptian or Tunisian captain, if used, receives USD 5 000 to USD 7 000 for his services. Around USD 800 is needed to buy a satellite telephone that he would use to call the Red Cross when the boat reaches international waters.[197] Research conducted by Brachet in Niger between 2003 and 2008 suggests that authorities levy between CFA 850 million and CFA 3.5 billion each year in illegal taxes from the estimated 40 000-70 000 migrants passing through Agadez to North Africa (not necessarily heading to Europe), highlighting that authorities do have a clear stake in keeping the business going.[198]

Sea trips still allow for high profits though. While on other routes migrants have multiple tries in case of failure, when crossing the Southern Mediterranean this seems not to always be the case. In particular when leaving Libya, migrants seem to need to pay all in advance and in the case of failure (e.g. when boats are intercepted and returned or have to return for technical or other reasons etc.) they cannot claim any discount for the next try. This may partly be explained by the above mentioned market saturation of migrant smuggling in Libya driving down prices to which smugglers react with less security on the crossing. In this context, it is also worth mentioning that a specific system of taking money from migrants and their families is well entrenched in Libya, based on kidnappings and forced detention by bandits and police forces demanding ransoms from family members and thus gaining even more profit[199].

In order to reduce costs for air routes, an example from Pakistan shows that smugglers would prefer to move several people at once, as the bribery amount of officials at the airport would be the same for one person as for several[200].

The above examples also show that the context of state fragility and the multitude of potential actors wanting to profit from smuggling activities can drive up costs for smugglers significantly. Information on land routes provide insight into costs and benefits arising in an operation and in an operational chain. An Ethiopian smuggler who had organised the border crossing of primarily female migrants across the border between Ethiopia and Sudan, provided a rough calculation of his profits: every woman assisted across the border would pay Birr 2 000 (EUR 88) to him. He would then need to pay a driver Birr 300 (EUR 13) and cover other expenses such as food, water and feminine hygiene products. Altogether, his profit would be about Birr 400 (EUR 18) per person assisted. As he was operating independently, profits would go directly to him. Forty assisted women in a week meant EUR 720, which he considered profitable. However, prices and costs stated by the smuggler interviewed are significantly lower than the USD 500 to USD 800, the price that would, according to the research findings, cost migrants a

195 Kirkpartrck, D.D. (2015) New York Times 27.5.2015 'Before Dangers at Sea, African Migrants Face Perils of Lawless Libya' http://www.nytimes.com/2015/04/28/world/africa/libya-migrants-mediterranean.html?action=click&pgtype=Homepage&version=Moth-Visible&module=inside-nyt-region&region=inside-nyt-region&WT.nav=inside-nyt-region&_r=1 (accessed 2.5.2015). See Case Study 2: Ethiopia – Libya – Malta/Italy.
196 Bauer, W. (2015). Über das Meer. Mit den Syrern auf der Flucht nach Europa. Frankfurt/M: Suhrkamp, p. 45.
197 Kirkpartrck, D.D. (2015) New York Times 27.5.2015 'Before Dangers at Sea, African Migrants Face Perils of Lawless Libya' http://www.nytimes.com/2015/04/28/world/africa/libya-migrants-mediterranean.html?action=click&pgtype=Homepage&version=Moth-Visible&module=inside-nyt-region&region=inside-nyt-region&WT.nav=inside-nyt-region&_r=1 (accessed 2.5.2015). See Case Study 2: Ethiopia – Libya – Malta/Italy.
198 Brachet, J. (2012). From One Stage to the Next. Transit and Transport in (Trans)Saharan Migration. In: De Haas, H. and Berriane, M. (eds.): African Migration Research: Methodologies and Methods. Trenton/New York: Africa World Press, pp.91-113.
199 I M MA 12 Case Study 2: Ethiopia – Libya – Malta/Italy.
200 Koser, K. (2008), "Why migrant smuggling pays", International Migration 46(2), pp.3-26.

trip from Addis Ababa to Khartoum.[201] Regarding crossings from Turkey into Bulgaria and onward travel to Sofia, it was reported that for a group of four to five migrants for guided border crossing and arranged transportation to Sofia, the profit for the organiser would be about EUR 10 000 – EUR 13,000. He would receive EUR 2 500 – EUR 3 000 from each migrant while his expenses would be EUR 1 000 EUR for the car, EUR 500 for the guide and EUR 200 for the person who bought the car.[202] Thus, if a chain needs many drivers, costs increase simply because drivers need to be paid, aside from fuel and the vehicles. In addition, knowledgeable drivers who know back roads and routes are pricier.

Information presented in this section suggests that there are significant costs involved, with overall volume and type of expenses varying greatly between different route legs.  As costs reported usually only cover part of the operational costs, it is difficult to draw conclusions regarding overall profits. In addition, it is also not known how much profit is re-invested into the business. Suffice is to say that estimates of a smuggler's profits are often based on simplistic assumptions and limited evidence.

According to *Newsweek*[203] several new multinational organised crime smuggling organisations are estimated to be worth around EUR 6 billion a year.

### 4.2.6.2   Prices and fees for the migrant

Prices for migrants vary as do costs and all other parameters relevant in a smuggling operation. Costs are passed on to migrants in a way that high profits are still ensured. There was evidence from all routes under study that prior to departure negotiations over prices, warranties, security issues and routes and vehicles are possible (if there are several options available). However, prices as well as flexibility on the side of the smugglers vary a lot, as do the offers of various smugglers. Except for air routes, it appears  unusual for individuals travelling towards Europe and crossing several transit countries to pay a single price at the beginning of their journey to be smuggled all the way to Europe with a single, transnational network. More often, migrants pay for what transport they can afford. In these cases, migrants pay in part for every single route leg and work in the transit Hubs (e.g. Afghanistan, Sudan, Turkey, Greece, Italy etc.) to finance their onward journey. They engage smugglers for particularly difficult parts of the journey and, where this is possible, may even do certain route legs without smugglers (e.g. from Syria to Turkey; Ethiopia to Sudan; the FYRoM to Serbia etc.).

One constant in the complex price structures presented in the research for this study is the fact that smugglers tailor their prices to the economic means of their clients.[204] Along all routes under research for this study, Syrians are reported to be able to pay the highest fees and are also charged the highest fees, but enjoy preferential treatment or "safer" journeys. On journeys from Libya, for example, prices start at around  USD 1 000 for a sub-Saharan African migrant ready to sit in the most dangerous below deck positions, and rises to  USD 2 500 or more for wealthier Syrians who can pay for more security on the crossing.[205] The financial potential of clients impacts routes, means of transport and prices. For Greece, it is reported that Syrian migrants´ comparative wealth influenced both prices and modus operandi. A Syrian interviewee explained: "Syrians want to leave in any way possible and will pay the money it takes. Many Syrians who arrived here in 2014 arrived with lots of money. What happens is that the smuggler suggests a price, for example EUR 5 000 to go through the airport and the Syrians will instead suggest EUR 7 000 provided they leave immediately. So they hike up the price".[206]

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201 Regional Mixed Migration Secretariat (RMMS). (2014), Going West. Contemporary mixed migration trends from the Horn of Africa to Libya and Europe. RMMS, Nairobi. See Case Study 2: Ethiopia – Libya – Malta/Italy.

202 BG/OS/SY/BG/1, Case Study 4 : Nigeria–Turkey-Bulgaria.

203 Perry, A. and C. Agius (19 June 2015).  Mastermind: the evil genius behind the migrant crisis. Newsweek, p.40. This estimate is based on several transcripts of anti-mafia prosecutor Ferrara.

204 A representative of an International Organisation in Nigeria linked this practice with debt bondage, with those unable to pay the full cost of service likely to have lost earnings reclaimed by the smuggler/ trafficker through exploitation or the levying of further costs on the migrant further down the route.

205 Kingsley, P. (2015a) 'Libya's people smugglers: inside the trade that sells refugees hopes of a better life' The Guardian, 24 April 2015 - http://www.theguardian.com/world/2015/apr/24/libyas-people-smugglers-how-will-they-catch-us-theyll-soon-move-on Accessed  24 May 2015. Regional Mixed Migration Secretariat (RMMS) (2014) Going West. Contemporary mixed migration trends from the Horn of Africa to Libya and Europe. RMMS, Nairobi.

206 GR/M/SY/05, Case Study 3: Pakistan – Turkey – Greece.

Rates also differ depending on the destination. There are, however, special reduced rates for families and for minors as observed for departures from Turkey and Greece.[207] For a boat trip from Egypt to Italy, those who have family in Egypt pay half price. Similar arrangements were also observed in Turkey and Greece where families pay a collective price, while children are not charged.[208] Research in Greece observed that such price reduction may simply be connected to the fact that minors take up less space on the boat. For other routes, in the reference case of Switzerland (and as verified by the Swiss authorities), a minor pays a much higher fee because it is assumed that he or she would be able to "pull" family members through a future family reunification process who would then not need to rely on smugglers later.[209]

### 4.2.6.3   Relevant payment modalities

In places with high competition (not necessarily high demand), smugglers care about their reputation and, in order to ensure their economic success, not only rely on the quality of their products, such as a generally known success rate or by offering good prices, but also offer a variety of warranties when concluding a contract[210].

_Payment with warranties_: For travels from Pakistan to Turkey and onwards to Greece (or other countries), existing literature on the route suggests that the whole trip is paid for in advance of migration in one lump sum or in various instalments[211] which would then be paid out to the smuggler on a payment plan[212] or after safely arriving at a certain agreed destination. Known as a common practice since the late 1990s[213], migrant smugglers today may offer warranties to their clients when concluding a contract. They refer to some kind of "assurance" that their clients will reach their destination and that in case of apprehension the price they initially paid is not wasted[214]. When an advance payment has been agreed, the contract often entails clauses indicating the number of attempts (including a supply of fresh documents if needed).[215] Only then would the migration be considered unsuccessful[216] and migrants would leave for free because the services they paid for were simply not provided. Reported common practice for the routes through the Eastern Mediterranean has recently been supplemented in so far as, together with a written or verbal confirmation, also photographs of the migrant in the country of arrival are returned as proof of safe arrival (observed along the route leg to Greece). This is meant to counter practices of abuse, where migrants are attacked and forced to release the money before arriving in the agreed destination.[217] In other cases it was agreed that only half of the agreed total price was to be paid in advance and the other half only upon safe arrival[218].

_Payment without warranties_: On the Southern Mediterranean routes, payment modalities seem to have changed as the demand has significantly increased and prices fallen. Payment after safe arrival seems not to be an option anymore or at least to be declining. Migrants must pay before crossing the borders for trips from Egypt as well as from Libya with no warranties envisaged. If the departure is interrupted or halted, smugglers do not provide compensation for migrants or any discount.[219] Migrants interviewed in the course of this study had negotiated a price of USD 2 500 to be paid in advance from Alexandria to Italy[220]. Other

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207 The rates for minors depend on the destination: For instance a minor coming to Greece might pay a lower price as he/she takes up less space on the boat on the other hand, a minor going to Switzerland pays a higher price as he/she could be able to 'pull' his/her entire family. According to one interviewee (GR/A/4, Case Study 3: Pakistan – Turkey – Greece) this has been verified by the Swiss side too. This information on each country's policies and practices is given to the migrants by the smugglers.

208 I A 3, Case Study 1: Syria – Lebanon – Egypt – Italy.

209 GR/A/4, Case Study 3: Pakistan – Turkey – Greece; Case Study 5: Greece – FYRoM – Hungary.

210 Bilger, V. et al. (2006), 'Human smuggling as a transnational service industry: Evidence from Austria', International Migration 44 (4): 59-93;  Icduygu, A., and S. Toktas 2002 "How do smuggling and trafficking operate via irregular border crossings in the Middle East? Evidence from fieldwork in Turkey", International Migration, 40(6): 25-54.

211 Koser, K. (2008), "Why migrant smuggling pays", International Migration 46(2), pp.3-26; Yousef, K. (2013), "The vicious circle of irregular migration from Pakistan to Greece and back to Pakistan", Athens: ELIAMEP. See Case study 3: Pakistan – Turkey – Greece.

212 PK/M/PK/1, Case Study 3: Pakistan – Turkey – Greece

213 Bilger, V. et al. (2006), 'Human smuggling as a transnational service industry: Evidence from Austria', International Migration 44 (4): 59-93;  Icduygu, A., and S. Toktas 2002 "How do smuggling and trafficking operate via irregular border crossings in the Middle East? Evidence from fieldwork in Turkey", International Migration, 40(6): 25-54.

214 Bilger, V. et al. (2006), 'Human smuggling as a transnational service industry: Evidence from Austria', International Migration 44 (4):  85.

215 UNODC (2014), The Socio-Economic Impact of Human Trafficking and Migrant Smuggling in Pakistan, Vienna: UNODC. One interview also confirmed that migrants tend to attempt three times (PK/A/6),  Case Study 3: Pakistan – Turkey – Greece.

216 TR/N/4, TR/M/24, Case Study 4 : Nigeria–Turkey-Bulgaria.

217 PK/A/9, Case Study 3: Pakistan – Turkey – Greece.

218 See eg: ET/M/ET/1, Case Study 2: Ethiopia – Libya – Malta/Italy; HU/A/1, HU/A/2, HU/A/3, HU/N/1, Case Study 5: Greece – The FYRoM – Serbia-Hungary.

219 I M SY 5, Case Study 1: Syria – Lebanon – Egypt – Italy.

220 IMPS1, Case Study 1: Syria – Lebanon – Egypt – Italy.

migrants reported to have paid USD 1 300 to Egyptian smugglers only to be taken by car from Rafah to the border between Egypt and Libya in the Salloum region and then paid again USD 1 600 to the Libyan smugglers for their boat journey to Italy.[221] On the shores of Libya where several hundred people are dealt with in one operation, each migrant is only referred to with a number in order to check their payments more easily[222]. Informants in Italy stated that migrants may even have to pay for their travel several times. If they fail on the first attempt, they have to pay again for the next try.

*Money transfer*: Migrants may pay in cash for individual border crossings or may pay through money transfer systems. The so called Hawala-system was reported as the most common system for payment arrangements in the Horn of Africa (particularly among Somali migrant and smugglers' networks) and Middle Eastern countries including Turkey and Egypt, Central and South Asia such as Afghanistan and Pakistan. Similar in its approach, payment is also made through bank transfer services such as Western Union or Money Gram which allows for secure payment. In this arrangement, payment is not done directly to the smugglers but the respective sum is deposited with a third party trusted by both sides (hawaladar) who would provide the migrant, his or her family and the smuggler a receipt. At various points along the journey, the migrant contacts the hawaladar in the country of origin to release funds to other hawaladars in transit countries. This means the migrants using smugglers have to carry less cash, and may feel safer as the money is withheld until they confirm arrival.[223] Alternatively, money is deposited in a money transfer agency and protected by a security code. Migrants would store money at the exchange office before leaving. The money would then only be released to the smuggler once the migrant confirmed his or her safe arrival[224] either for each completed stage or after arrival in the final destination. Migrants then call the smuggler by phone and give him the security code with which the smuggler can collect the payment from the money transfer agency.[225] In the case of upfront payment, however, as explained above for the Southern Mediterranean routes, money should be with the smuggler before departure, be it through money transfer systems or cash.

### 4.2.7 Organisation of migrant smuggling

#### 4.2.7.1 Roles of facilitators

There is a diverse range of actors performing a variety of roles in the migrant smuggling business. These actors are referred to differently in different regions and their function varies according to the type and scale of the smuggling operation in which they are involved. In 2010, the UNODC identified different types of actors (coordinators/organisers, recruiters, transporters or guides, spotters, drivers, messengers, enforcers, service providers and suppliers)[226]. According to the research findings of this study, the categorisation of these different actors still holds, except that some roles should have more emphasis. For instance, the category of 'service providers' includes "financiers and cashiers"[227]. Their role is an important one in the network of actors and should be mentioned as a separate category.

The relationship between these different actors might have changed in the past five years. Social media has become more important and allows for faster communication between the different actors. This has also contributed to networks being able to operate more flexibly and to easily adapt to new circumstances.

This research identified the following actors that can play a role in a smuggling operation, based on the services they offer: Smugglers/top men; Recruiters; Guides, drivers or skippers; Spotters/Messengers; Money collectors – Hawala shop; Forgers (passports/formal documents); Suppliers (boat makers, boat owners, car/bus owners); Corrupt government officials (immigration officials) and corrupt service providers (train conductors etc); Enforcers; Receivers.[228]

These relationships are illustrated in the figure below.

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221 I M PS3, Case Study 1: Syria – Lebanon – Egypt – Italy.
222 Operazione Glauco II (2015): 63.
223 Interview with Abdul Ghafoor, Afghanistan Migrants Advice and Support Organisation. April 2015.
224 PK/A/9, Case Study 3: Pakistan – Turkey – Greece.
225 Kingsley P. (17 September 2014). Desperate Syrian refugees risk all in bid to reach Europe. The Guardian News article availble online at: http://www.theguardian.com/global-development/2014/sep/18/desperate-syrian-refugees-europe-mediterranean (Accessed22/02/2015).
226 Issue Paper: A short introduction to migrant smuggling. 2010. p 14. http://www.unodc.org/documents/human-trafficking/Migrant-Smuggling/Issue-Papers/Issue_Paper_-_A_short_introduction_to_migrant_smuggling.pdf
227 Ibid.
228 Those who assist migrants when they arrive in a certain transit/destination point.

Figure 8 Relationships between different actors in migrant smuggling networks[229]



Facilitators can work on a local level (only facilitating certain legs of the route) or can work on a large scale (working on the entire chain from the point of departure to the point of arrival).

For all routes studied, migrant smuggling operations appear to be organised along a primarily horizontal structure of intermediaries that interface with each other and migrants in specific tasks. With few exceptions it is unlike the structure of other typical criminal organisations where people are tied and committed to the group, cannot leave and are often bound by oath. Working in networks allows for flexibility to adapt new routes and methods in response to policies and measures dedicated to controlling European borders.

Evidence suggests that more organised and professional smuggling networks operate on legs of journeys along which it is more difficult for the migrants to travel in an informal manner be it because of physical obstacles such as the desert and sea or man-made obstacles such as war and heightened border controls. That is to say that the degree of professionalism, vertical hierarchical organisation, and cross-border contacts within any smuggling network increases as the terrain becomes more difficult to cross.

At first glance there might be the impression of more hierarchical settings and top-down organisational structures in certain regions (e.g. Sinai region and Northern Africa). But a closer look at available evidence reveals that even the larger networks, which span over several regions, are often organised around only one or two main actors who control bigger or smaller networks competing or cooperating with each other and rely on the involvement of a range of additional actors who provide specific services for a number of such networks.  In Egypt the smuggling business toward Southern Europe was reported to be dominated by four rich and powerful Egyptian men located in Alexandria, very well connected to the Egyptian Coast Guards and head more mafia-type of groups [*baldagiya* in Egyptian dialect], which divide and distribute

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229 Source: Optimity Advisors.

territorial power along the Egyptian coastline among themselves and operate in separate geographical sectors from which they launch the boat journeys to Europe[230]. In fact, investigations led to the identification of three very skilled and professional smugglers in Alexandria who organised and selected the boats, managed the logistics and recruited the crews. However, in this case the loose network structure appears when it comes to the actual implementation of an operation. According to information collected by the Italian prosecutors, usually these smugglers engage the crew of the boats for a single journey, on low wages, and sailors are recruited among people who usually haunt sea port areas in Egypt, in the area close to Alexandria.[231] The three mentioned smugglers provide the captains of the boat, usually a fishing boat without flag. The organisers have all contacts and instruments to repair the boats, even at high sea[232]. In Italy, investigations after the shipwreck of October 2013, where 366 persons died, identified two principal smugglers in Libya, one born in Ethiopia, the other in Eritrea. They are wanted in relation to a series of crimes related to their smuggling activities. Both managed a wide network with connections in Sudan, with Ethiopian and Eritrean intermediaries who acted as agents selling the service and with drivers. They were also connected with Eritrean and Ethiopian intermediaries in Sicily, Milan and Rome who would assist the migrants to escape from reception centres in Italy and continue their travel to other European countries[233].

There are larger or smaller networks and, as mentioned already, research suggest that far more migrants take an ad-hoc, step-by-step approach and engage much smaller scale networks for particular legs of their journey or to the next affordable Hub. These smaller organisations work in cooperation with each other, sometimes passing on groups of migrants to the organisation that controls the next section of territory or has contact with the relevant state agents.

However loose or strong networks are connected, there is still a certain hierarchical structure as there is always a "organiser" who has control over an operation and who liaises with corrupt police officers and other officials to facilitate passage, as well as with other actors involved for organising the technical aspects of an operation. "A successful passeur (organiser) sits at the centre of transnational networks of communication, able to arrange transport and false or counterfeit documents and the associated payments between locations as far apart as Asia, West Africa and Europe".[234]

The number of persons linking to each other on the route depends on the conditions of the respective route section on which they are operating. In case of payment after safe arrival and the use of the hawala system, the constant is the "moneyman", the *hawaladar* that receives the money at the beginning of the trip and releases it at the end.

A network is composed of individuals who provide their specific services to whoever requests these services. It is confined to people who come together for a specific task/operation and dissolve, can meet again but, the same people, may at times perform different roles or bring new people in to perform their tasks.[235].

From an organisational point of view the key aspect is to know the right people on the spot and in other stages of the chain who can provide specific services. These individuals do not need to have a complete overview over the whole chain, but are fundamental for the functioning of its links. Their interactions are based on collaboration and resemble more freelance employees who provide their services to the highest and best bidder. In organised migrant smuggling, control (in terms of overseeing the process) seems to be centralised, while power (in terms of controlling the actors and activities within the chain) seems to be decentralised.

Networks connect and disconnect very flexibly. Aside from the "organiser" all other actors may work for various "organisers"[236] and all depend on their reputation for being successful in what they are doing. Just

230 EG/Skype/OS/1, Case Study 1: Syria – Lebanon – Egypt – Italy; Bauer W. (2014). My escape to Europe. Cover story of DIE ZEIT N° 23 / 2014 available online at: < http://www.zeit.de/zeit-magazin/2014-05/zeitmagazin-23-themen> ( 21/4/2015); Kingsley P. (17 September 2014). Desperate Syrian refugees risk all in bid to reach Europe. The Guardian News article available online at: http://www.theguardian.com/global-development/2014/sep/18/desperate-syrian-refugees-europe-mediterranean (22/02/2015).
231 Di Nicola, A., Musumeci, G. (2014) Confessioni di un trafficante, Chiarelettere, Mila; I A 1, Case Study 1: Syria – Lebanon – Egypt – Italy.
232 For the three smugglers a request of extradition has been issued in December 2014, and it is still pending; remarkably, one of the smugglers is already in jail in Egypt.
233 Operazione Glauco II (2015): 6-7.
234 UNODC (2011), The Role of Organized Crime in the Smuggling of Migrants from West Africa to the European Union (United Nations Publications: Vienna): 30.
235 GR/S/AF/03, Case Study 3: Pakistan – Turkey – Greece.
236 GR/S/AF/03 and GR/S/SY/04, Case Study 3: Pakistan – Turkey – Greece.

as the above mentioned Afghan smuggler explained the cooperation between different networks: "everything and everyone is connected. From Afghanistan they (organisers) will give phone numbers or recommended organisers to call in Iran, and then Turkey, Greece etc. It's like a business. If someone is good they will recommend him, if someone is not good they will not collaborate".[237] Thus, the rather loose organisation, journeys are rarely organised from beginning to end and when they are, they are excessively paid. As mentioned already all routes studied in the course of this research suggest that the majority of migrants split the journey into legs, getting services for each leg only – at times also provided by "one-time smugglers". This includes individuals who decide to occasionally profit from assisting in border crossing, or drivers who act on their own account and facilitate migrants who attempt to do some parts of the trip on their own by driving the migrants closer to the border areas (e.g. Serbia-Hungary, Greece- the FYRoM, Ethiopia-Sudan etc.).

This structure makes smuggling networks more resistant towards law enforcement than closed and hierarchical organisations would be. If an actor is taken out, he/she can be replaced by another provider without too much harm for the overall organisation.

#### 4.2.7.2 Number of facilitators

There is no information on the number of smugglers that facilitate unauthorised entry, transit and residence. However, there is information available on the number of facilitators apprehended. It is important to note that these numbers may only be a tip of the iceberg and that the real figure is believed to be much higher. According to data presented in the 2015 Frontex Annual Risk Report[238], the overall detection of migrant smugglers across the EU has increased by more than 40% between 2013 and 2014, from 7 252-10 234. Increased numbers of detections were reported in Italy, Spain and Bulgaria. Between 2012 and 2013, the number of detections fell by 10%. There were 9 000 such detections between 2008 and 2009.[239]

With regard to the locations where facilitators[240] are detected, in 2014, 67% (6 828) of facilitators were detected *inland* (i.e. on the territory of an EU Member State), compared to 12% (1 214) detected at *land borders*, 7.9% (811) detected at *intra-EU* land borders, and 3.3% (339) detected at *air borders*.[241] While a large number of smuggled migrants are apprehended at *sea borders*, Member States detected only 5.7% (585) of all migrant smugglers at sea boarders[242]. The research findings of this study suggest, that many facilitators operate from third countries. Another reason for this low percentage of facilitators detected at sea borders is that migrants themselves guide the boats.

Ten Member States provided data on the (estimated) number of smugglers apprehended by national authorities over the past five years in the EMN Ad-Hoc Query that was analysed for this study. Unfortunately, these Member States did not provide comparable information for each year. However, it can be concluded, as illustrated in the table below, that there is considerable variation in the number of migrant smugglers apprehended by national authorities from 2009-2013. An explanation for the high number of apprehended facilitators in Germany could be the effective legal system and it is one of the top destination countries for migrants who employ the services of human smugglers.[243]

Table 5 Number of smuggling facilitators apprehended in predefined Member States in the period 2009-2013[244]

|  | 2009 | 2010 | 2011 | 2012 | 2013 | Total 2009-2013 |
|---|---|---|---|---|---|---|
| Germany | n/a |  |  |  |  | 11 195 |

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237 GR/S/AF/03, Case Study 3: Pakistan – Turkey – Greece.
238 Annual Risk Analysis 2015. Frontex. 2015. p 33.
239 Annual Risk Analysis 2014. Frontex. 2014. p 54.
http://frontex.europa.eu/assets/Publications/Risk_Analysis/Annual_Risk_Analysis_2014.pdf
240 The role of these facilitators who are detected is not known.
241 Annual Risk Analysis 2015. Frontex. 2015. p 58.
242 Ibid.
243 Shelley, L. Human Smuggling and Trafficking into Europe. A comparative perspective. Migration Policy Institute. 2014. p 4.
244 Responses to EMN Ad-Hoc Query on Facilitation of irregular immigration (migrants smuggling) to the EU: national institutional
    frameworks, policies and other knowledge-based evidence. 2014. Data adapted by Optimity Matrix.

| | 2009 | 2010 | 2011 | 2012 | 2013 | Total 2009-2013 |
|---|---|---|---|---|---|---|
| Italy | n/a | 3 033 | 1 978 | 1 655 | 1 499 | n/a |
| Slovenia | 313 | 371 | 670 | 478 | 257 | 2 089 |
| Austria | 417 | 301 | 288 | 235 | 352 | 1 593 |
| Belgium | 283 | 220 | 286 | 258 | 198 | 1 245 |
| Netherlands | n/a | | | | | 1 083 |
| Poland | n/a | | | | | 588 |
| Lithuania | 32 | 11 | 27 | 26 | 25 | 121 |
| Malta | n/a | | | | | 21 |
| Spain | n/a | | | 836 | 746 | n/a |

*Source: EMN*

As mentioned above, according to Frontex, in 2014 the total number of apprehended facilitators reported have increased compared to 2013[245].

Findings from stakeholder interviews provide some information on the number of dismantled networks and their characteristics. For instance, in France in 2014, 226 criminal networks reportedly facilitating irregular migration were dismantled. Of those, 110 networks provided general services to facilitate migrants entering and staying within the EU. Around 100 networks were specialised in providing forged or falsified documents within the EU.[246] A smuggling network that facilitated migrants to travel from the Sahara to Sweden included at least 24 facilitators of different nationalities[247] (these were apprehended by the Italian police). To compare, recently the Italian police force has dismantled a network of 14 men in Sicily, Milan and Rome[248]. Most of them were from Eritrea.

### 4.2.7.3   Profile of migrant smugglers

*Nationality* and *ethnicity* appear to play a role in the degree of organisation and cross-border connections of migrant smuggling operations. Some networks, coordinated by certain nationalities, are more professionally organised than others such as Pakistani, Afghan, Turkish or Somalis the latter of which the Maltese security services refers to as "better organised than that of any other nationality".[249] Interpersonal trust relations, based on the sense of belonging to a same national, ethnic, kinship or friendship group, are crucial for the maintenance of these networks and for the cooperation between different networks.[250] Aside from operating on national level they may then dominate a portion of the entire market in certain regions (e.g. smugglers belonging to the Rashaida group operate between the Horn of Africa, Egypt and Israel).

Frontex data from 2015 shows a wide variety of nationalities apprehended for migrant smuggling into the EU. In 2014, the top nationalities of apprehended facilitators across the EU were Moroccan (9.4%), Spanish (5%) and Italian (4.8%)[251]. The figure below presents the most important nationalities of apprehended facilitators in 2013 and 2014. The number of Moroccan facilitators apprehended for smuggling has increased significantly in the past year by 162%. There is also a significant increase in the number of Syrians apprehended for smuggling, 131% since 2013. A reason for this trend could be that smuggled migrants turn into smugglers themselves (see sections below).

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245 Annual Risk Analysis 2015. Frontex. 2015. P.6.
246 Interview representative OCRIEST, Central Directorate of Border Police, Ministry of Interior, France.
247 The Telegraph, Dirty business of people smuggling: Italian police release wiretaps from trafficking network, 21 April 2015
   http://www.telegraph.co.uk/news/worldnews/europe/italy/11553193/Dirty-business-of-people-smuggling-Italian-police-release-wiretaps-from-trafficking-network.html
248 Perry, A. and C. Agius (19 June 2015).  Mastermind: the evil genius behind the migrant crisis. Newsweek, p.36.
249 MT/A/1, Case Study 2: Ethiopia – Libya – Malta/Italy.
250 Icduygu, A. & S. Toktas (2003), 'How Do Smuggling and Trafficking Operate via Irregular Border Crossings in the Middle East? Evidence from Fieldwork in Turkey', International Migration, 40(6): 25-52. See Case study 3  Pakistan – Turkey – Greece.
251 Ibid.

Figure 9 Nationality of smuggling facilitators apprehended in 2013 and 2014[252]
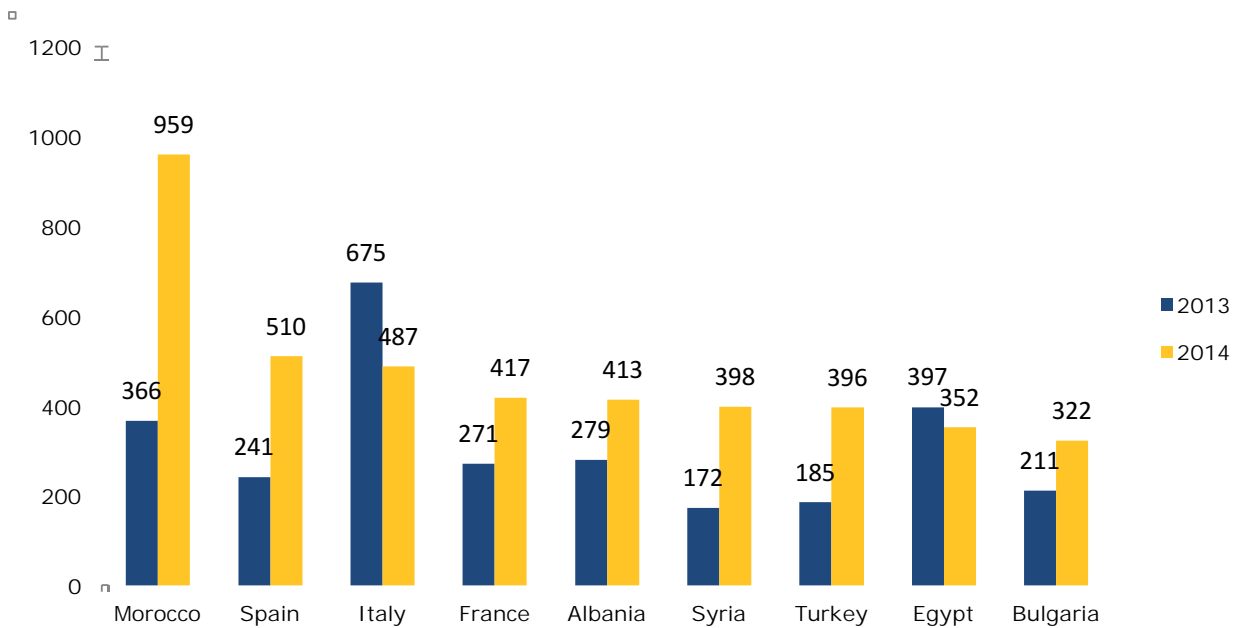


*Source: Frontex*

Please note that data only refer to nationalities of facilitators that were apprehended. The proportion of nationalities could be different in practice.

When looking at entire routes or individual route legs it appears, however, that smuggling networks are more often composed of actors of various nationalities (usually of the nationalities of countries where the network is operating in). For example, the smuggling to and from Egypt is led by networks composed of e.g. Egyptians and Sudanese, Syrians, Palestinians, Eritrean, Ethiopians and Somalis. On journeys from Central and South Asia through Turkey and the Western Balkans networks include e.g. Pakistanis or Afghans on the organisational level and Syrians, Turks, Bulgarians, citizens of the FYRoM, Serbians or Hungarians who all perform specialised roles on the ground. Migrant smuggling from Sudan to Libya also involves actors of different backgrounds such as Ethiopians, Eritreans, Sudanese, Rashaida, Chadians and others. Actors involved in migrant smuggling may also be of minority or diaspora groups who have certain ties on both sides of the border and thus know the terrain very well or can easily establish links and thus engage in operations where this specific knowledge is requested (e.g. as reported from Kosovar or Serbian minority in neighbouring countries).

Thus, networks may include actors of different nationalities performing different tasks at different legs of the route or smaller networks entering cooperation across immediate borders. While ethnicity and language are crucial for establishing trust relations between actors and between smugglers and migrants, the knowledge of the local language, legal system and society migrants are transiting through are important for the operations on the ground. Thus actors keeping contact with migrants' families and particularly recruiters are usually of the same nationality as the migrants. If located in EU countries they may also have gone through smuggling and asylum procedures, and can easily connect with the migrants. Actors operating on the ground and facilitating the actual transport of migrants are generally nationals of the country or region in which they operate. They may also be irregular migrants themselves who have experience of the territory and would guide migrants across green land borders (e.g. Turkish – Bulgarian border) or would, after a short technical introduction, navigate boats and get their own ride cheaper or even for free (e.g. reported for boat trips towards Malta or Italy[253]).

In regard to *age* and *gender*, it is observed that persons who have more responsibility in a smuggling network are usually men older than 35 years of age while guides are usually younger, 18-25 years of age. Globally speaking, migrant smuggling seems to be male-dominated business. However, women, often girlfriends or wives of men involved, may have their role too, especially in areas that require social skills

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252 Annual Risk Analysis 2015. Frontex. 2015. p 58.
253 In recent years arrested skippers, sailors or facilitators in Italy included Egyptians, Tunisians, Palestinians, Syrians, Iraqis, Moroccans, Algerians and West Africans but no Nigerians.

(e.g. also involve recruitment, receiving migrants or escorting migrants to their accommodation, facilitating cash payment transaction between organisers of different route sections, organisers and handing over as observed e.g. in Bulgaria, the FYRoM, Serbia- Hungary) or intelligence skills.  In regard to intelligence women appear to be involved in document forgery as was reported from Lebanon where a Palestinian and two Lebanese women were detained for providing migrants with false visas to Sudan as the first leg for their onward movement to Europe.[254] 'A Survey Study on the Profile of Migrant smugglers in Turkey' found that all 174 detained smugglers interviewed were male, mainly in the age range of 19-39 years old (71.9%), were married (72.4%) and had primary school education (64.9%) and indicated an "easy way to earn money" (74.7%) as their motivation to enter the smuggling business. [255]

### 4.2.7.4    Motivation of migrant smugglers

Although some individuals engaged in migrant smuggling report a social, cultural/political motivation and compassion for those fleeing (e.g. co-nationals) for the vast majority the prospects for profit are the main motivation to enter the migrant smuggling business. In general, there is considerable profit associated with smuggling, while risks of detection or disruption of business are low.[256]

Many smugglers who slide into human smuggling, started with "trying to help" or making a living with small-scale activities and in cases of success remain in the business due to high profits or even expand their businesses. For some of them the same "root causes" apply as for their clients: unemployment and a lack of perspectives other than illegal activities. Actors at the higher levels of smuggling networks often run legitimate businesses such as emigration and labour agents or other enterprises and are able to organise (forged) documents, to invest their financial capital in technical equipment and vehicles needed and to bribe border and coast guards in countries of departure or transit.

### 4.2.7.5    Link to other organised criminal groups

As shown above a broad category of people in countries of departure, transit and destination along the various smuggling routes are able to financially profit from the presence and transit of irregular migrants. The majority of actors involved in migrant smuggling are not believed to be professional criminals or belonging to widespread organised crime groups but engage in smuggling to gain additional income aside from otherwise legal businesses they run. In fact, the UNODC notes that there is a lack of consensus, at least for certain routes, over whether such networks are structured or durable enough to be termed "organised crime".  Reasons for this statement include these smuggling networks' comparatively weak organisational structures, their focus on one main criminal activity, their limited longevity and their limited influence on key state structures. As a result some perceive migrant smuggling as "organised criminal activity" instead of "organised crime". "Organised crime", however, is not an unanimously accepted definition, although underlying concepts use criteria like numbers of collaborators, durability and longevity, engagement in a variety of criminal acts, profit orientation, division of tasks, internal sanctions and control, use of violence, influence on politics, the media, the judiciary system etc., business-like structures, engagement in money laundering, and transnational operational bases. Article 1 (1) of the Council Framework Decision 2008/841/JHA of 24 October 2008 on the fight against organised crime defines a criminal organisation as "a structured association, established over a period of time, of more than two persons acting in concert with a view to committing offences which are punishable by deprivation of liberty or a detention order of a maximum of at least four years or a more serious penalty, to obtain, directly or indirectly, a financial or other material benefit". This rather broad definition, however, applies to many types of cross-border criminal activities.

On a global scale, migrant smuggling appears as a complex market for highly differentiated smuggling services offered by a multitude of providers. Some of these providers fulfil a number of criteria associated with definitions of "organised crime". There are indications for links between smuggling networks and "established" organised crime groups. Smugglers themselves might be specialists limiting their activities

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254 Zaatari, M., (2015), 3 Arrested in Sidon over human trafficking, The Daily Star 12 March. Available online at
     http://www.dailystar.com.lb/News/Lebanon-News/2015/Mar-12/290504-police-interrogate-south-lebanon-travel-agents-suspected-
     of-human-trafficking.ashx (Accessed on 20 April 2015).
255 Icli, T. G., H. Sever & M. Sever (2015), 'A Survey Study on the Profile of Human Smugglers in Turkey', Advances in Applied
     Sociology 5: 1-12.
256 It should be noted though that in some context other types of smuggling (e.g. cigarette smuggling) are identified as actually more
     profitable, such as in eastern Turkey (see TR/A/24, Case Study 3: Pakistan – Turkey – Greece).

to their core competence, but they will have links to organised crime groups, cooperate or compete with them, especially in countries and regions where those had established themselves already before large scale migrant smuggling appeared. Investigators interviewed in Italy for example, assume connections between smugglers and the Italian Mafia in the sense that Italian mafia groups benefit from activities on the territory considered under "their control" by collecting a fee for every landed migrant and with regard to all logistical affairs on "their territory". The Italian mafia's main interest, however, lies with the control of reception centres in the southern parts of Italy and of the funds made available for running them[257]. As highlighted already above, in Egypt the smuggling business towards Southern Europe was reported to be dominated by four rich and powerful Egyptian men, who are very well connected to the Egyptian Coast Guards and head more mafia-type of groups, which divide and distribute territorial power along the Egyptian coastline[258].

The present study found ample evidence for "crime within the crime", i.e. serious human rights violations occurring in connection with smuggling operations. Related reports included rape, torture, and trafficking in human beings. This was particularly relevant for the Rashaida group operating between the Horn of Africa, Egypt and Israel. It was reported that they are feared among migrants but also the police in Sudan due to their extreme violence applied to reach their goals and the overlap of their smuggling of migrants and weapons across the Sudanese-Egyptian border: "They are not scared of anyone, and if they get in trouble they will use these weapons even on the police. If the police see the Rashaida on the road they turn their back on them (.....) they don't fear death, they only love money"[259]. Inhumane treatment and the use of violence towards migrants also seems to have increased in Egypt and in Libya. A number of economies across the region from the Horn of Africa and Northern Africa benefit from people smuggling and the presence of irregular migrants. This varies from the direct exploitation of migrant labour for otherwise legal activities[260], such as agriculture, to direct links between migrant people smuggling and weapons (e.g. Libya and Lebanon), goods (e.g. Syria and Ethiopia) or drugs (e.g. "khat" between Ethiopia and Sudan) smuggling. As mentioned before, smuggling business has become deeply integrated into the local economies of certain transit Hubs (such as Agadez) [261].

### 4.2.8    Migrants and their families/communities

#### 4.2.8.1    Reasons for why migrants use services of smuggling

Stakeholders interviewed all agreed that migrant smuggling exists because for the people on the move there are no legal channels of entry into the EU. The limited legal channels for migration fuels the market for smuggling services. As one stakeholder interviewed in Hungary argued: "There is an economic need that the migrant smuggling market fills in, but it is a much distorted market. The social control mechanisms that would guarantee the fairness of this market are lacking, the actors of the market lack information. A market monopoly develops which can be used for violence, exploitation which then yields the negative effects that we see."[262]

For basically all routes under study, the migrants' decision to approach smugglers for assistance is based on a lack of accessible channels for legal migration and/or a lack of proper information about those legal channels that do exist. There is a widely held perception that it is very challenging to apply for a passport or a visa to enter EU Member States. In fact, it was reported that many skilled persons from Syria, Lebanon, Pakistan, Nigeria and elsewhere turn to smugglers when this could easily be prevented if there was less of an information vacuum surrounding the legal visa application process and less cumbersome and intimidating visa application processes. This is coupled with the perceived unapproachable nature of

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257 I A 1; I A 2 Case Study 1: Syria – Lebanon – Egypt – Italy.
258 EG/Skype/OS/1, Case Study 1: Syria – Lebanon – Egypt – Italy; Bauer W. (2014). My escape to Europe. Cover story of DIE ZEIT N° 23 / 2014 available online at: < http://www.zeit.de/zeit-magazin/2014-05/zeitmagazin-23-themen> ( 21/4/2015); Kingsley P. (17 September 2014). Desperate Syrian refugees risk all in bid to reach Europe. The Guardian News article available online at: http://www.theguardian.com/global-development/2014/sep/18/desperate-syrian-refugees-europe-mediterranean (22/02/2015).
259 ET/M/ET/4, Case Study 2: Ethiopia – Libya – Malta/Italy.
260 For example, a young Somali interviewed for this study, worked for two months in the middle of the Sahara as a mechanic for the same Libyan smugglers who tortured him on arrival.
261 Global initiative (2014). Smuggled Futures: the dangerous path of the migrant from Africa to Europe. http://www.globalinitiative.net/download/global-initiative/Global%20Initiative%20-%20Migration%20from%20Africa%20to%20Europe%20-%20May%202014.pdf. See also: http://www.wsj.com/articles/agadez-traffickers-profit-from-movement-through-niger-to-libya-1437002559
262 HU/N/1, Case Study 5: Greece – The FYRoM – Serbia-Hungary.

embassies by applicants as responsible for preventing migrants from considering the legal route as a first option. Approaching a smuggler is considered both cheaper and more likely to succeed than applying for a visa via an embassy. In fact, several potential migrants highlighted that after one or multiple failed attempts to travel to Europe in a regular way (e.g. working visas and/or university scholarships) using the service of migrant smugglers is considered as the last and only channel open to them. This is also especially relevant for countries in the Middle East, South and Central Asia and the Horn of Africa where the legal opportunities to migrate abroad for labour migration are fairly limited and where labour related emigration is organised by private formal or informal labour recruitment agencies.

Provided by the UNODC Abuja office[263] but applicable to all routes and route legs researched for this study, there are basically four migrant groups that may resort to using smuggling service:

⭐ aspiring migrants that have previously approached an embassy and been refused a visa, and remain committed to making the journey regardless of the cost;

⭐ aspiring migrants that do not have even a basic awareness or information about how to approach an embassy or pursue a legal channel. Approaching a migrant smuggler, therefore, becomes the default approach due to lack of knowledge of alternative options;

⭐ aspiring migrants that are aware of the embassy process but do not want a limited period of stay or work restrictions in the country of destination typically associated with a legal visa for first time applicants;

⭐ aspiring migrants to which legal opportunities are fairly restricted.

### 4.2.8.2   How migrants get in touch with smugglers

Generally, interested migrants find the right service relatively easy and contact between migrants and facilitators of smuggling is typically made by word of mouth through extended networks of family and friends. The role of the diaspora in facilitating contact with smugglers has been noted in several of the case studies, with regard to Ethiopian, Nigerian, Somali and Syrian migrants. This can range from providing information on where to go to get in contact with smugglers, based on their own previous experiences, to concrete information on a recommended smuggler, to providing smuggling services themselves.  In Nigeria, for example, a potential migrant will often ask for information through family and friends – particularly those migrants who have been successful in their smuggling journey and arrived at a European destination. One migrant interviewed in Ethiopia noted that he received information on which smuggler to contact in Metema from friends he made in Addis Ababa who migrated before him.[264] Similarly, Somalis draw on established diasporic networks – from Ethiopia to Malta – in facilitating their onward migration.[265] In fact, all Somali migrants interviewed in Malta for this study made extensive use of the Somali diaspora along their journey – both in terms of using Somali facilitators located along the route as well as gaining information on how to contact smugglers.  This research has shown that, among the researched countries and smuggling route legs, the Somali and Syrian communities abroad are particularly well-connected, and use these networks to provide information to members of their community on safe means of passage, including recommended (and blacklisted) smugglers. The Syrian community, in particular, reportedly makes use of technology in sharing such information, via a wide range of social media (e.g. Facebook, Skype, WhatsApp and Viber).[266] Through such social (media) networks, information on smugglers and their performance are observed and communicated quickly among the community and to potential clients, also placing a certain amount of pressure on smugglers' performance and business.

Smugglers are often recommended through social media for nearly all routes researched for this study. Migrants post information regarding their journey, conditions, payment and success level online, usually via Facebook, while staying in touch with friends and family via Viber and WhatsApp. Chat rooms and

263 NGA/I/5, Case Study 4 : Nigeria–Turkey-Bulgaria.
264 ET/M/ET/5, Case Study 2: Ethiopia – Libya – Malta/Italy.
265 Rousseau, C., Said, T. M., Gagné, M. J., & Bibeau, G. (1998), 'Between myth and madness: the premigration dream of leaving among young Somali refugees', *Culture, medicine and psychiatry*, 22(4), 385-411.
266 Yeginsu Ceylan (5 February 2015) *Promise of Europe Lures Syrians and Smugglers*. The New York Times news article available online at: http://www.nytimes.com/2015/02/06/world/europe/promise-of-europe-lures-syrian-refugees-and-smugglers-to-turkish-coast.html?_r=0  Accessed 27 February 2015).

Facebook groups are important virtual spaces where migrants share their positive and negative experiences, challenges they faced on the route and details about the reception and assistance offered in European receiving countries (e.g. pictures of fake travel documents, maps of the routes, information about the times and places of the journeys, as well as the phone numbers of smugglers and brokers in different countries). Those who reached their destination safely and were well-treated, make such information available to those who are planning their trip. Similarly, migrants inform each other of smugglers who have mistreated or cheated them of their money (or reneged on the agreement).[267] This way information is circulated very quickly. They also take necessary precautions against smugglers who they consider a "necessary evil": taking a variety of measures to ensure their safety and the safety of the money they invested in the journey (e.g. paying only half of the fee in advance, leaving the fee with a third-party as a guarantee, taking a photograph of the licence plates of the vehicle they get in, calling the smuggler who was the previous in the chain to verify the identity of the "connection", etc.).

In Hub cities such as Istanbul, Athens, Cairo etc. migrants can easily get in contact with migrant smugglers. Migrant dense neighbourhoods for example provide the infrastructure were smugglers and migrants meet in language-based cafes (e.g. Arabic cafes attract Syrians), call shops or other places etc.: "It is really obvious, not hidden, it is clear for people who search for smugglers. If you want a smuggler you find him."[268] For example, for migrants planning to take the sea route from Turkey, Izmir is the well-known meeting and contact point, a place famous for its smuggling operations managed by Syrian smugglers[269] and a place where life jackets are on sale in the streets for migrants to buy before boarding the vessels.[270]

When considering an ad-hoc, stage-by-stage approach, stopovers in well-established Hubs or in refugee camps allow migrants to gather as much information as possible to gain an accurate impression of the market situation and the services available. There are also places where migrants develop their social network and discover further information on travel options, destinations and services. Migrants' ideas on how and where to go are based on information exchange with others and they may change ideas of how and where to go over time depending on the circumstances as well as their experiences. Reception and detention centres (e.g. in Italy, Hungary or Greece) are also important and are where migrants not only get in contact with potential smugglers but also collect and exchange information on potential transit points on costs and routes. Migrants who have tried before also pass on their knowledge to new arrivals.

### 4.2.8.3   Role of family – role of diaspora networks

Aside from providing information to potential migrants on smugglers and how to get in contact with them, family and diaspora networks are also instrumental in providing migrants with other forms of support, in terms of providing financial resources.

Before and during a journey, family members or members of the community group may seek to finance the costs of the trip by selling family assets (e.g. property, land, or jewelry) or heirlooms or, when abroad, by sending remittances. In an ad-hoc, stage-by-stage approach migrants who can rely on financial support from family or friends can reduce their time in transit and move onwards relatively quickly. Where migrants paid in advance, based on the warranty that the money would only be released after safe arrival at a certain stage (e.g. Turkey or Greece), family members are usually asked to arrange for the releasing of the money deposited for the trip. For the "look-alike method" or for the purpose of forgery, family members provide documents. As family is important for financing and for establishing trust, smugglers would go through family members first to offer services and convince them to accept their offer. They may personally maintain contacts with the relatives who pay the fees until the safe arrival of the migrant. Family members may also be threatened in order to transfer money as observed between Pakistan and Turkey and in Libya, for example. Often migrants get financial support from families or friends when they are in difficulties[271].

As already highlighted, the decision making process for selecting a destination country is influenced primarily by what information is available to migrants through their personal networks and information provided by family outside the country and diaspora communities. Usually irregular migrants try to reach

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267 This was a finding from the IRMA project, based on interviews with Afghan migrants in transit in Istanbul. See http://www.eliamep.gr/en/category/migration/irma-%CE%B7-
%CE%B4%CE%B9%CE%B1%CE%BA%CF%85%CE%B2%CE%AD%CF%81%CE%BD%CE%B7%CF%83%CE%B7-
%CF%84%CE%B7%CF%82-m%CE%B7-%CE%BD%CF%8C%CE%BC%CE%B9%CE%BC%CE%B7%CF%82-
%CE%BC%CE%B5%CF%84%CE%B1%CE%BD%CE%AC%CF%83/
268 GR/N/02, Case Study 5: Greece – FYRoM – Serbia-Hungary.
269 GR/M/SY/01,  Case Study 3: Pakistan – Turkey – Greece.
270 GR/A/09, Case Study 3: Pakistan – Turkey – Greece.
271 See for example Case Study 2: Ethiopia – Libya – Malta/Italy.

a country where they have strong diaspora ties, where relatives or co-ethnics have already built a new life or where a significant ethnic or linguistic community has formed.

On the route migrants often stay with relatives, friends, or co-nationals who provide assistance (financial, logistical, etc.) in organising the next part of the journey. After a journey, social networks can provide the necessary support in all matters of insertion (e.g. accommodation, jobs, health care, and partners).

The information provided by ethnic and family/diaspora networks is strongly determined by "success stories" of both regular and irregular migrants. Family members, close relatives or friends that have managed to arrive in some of the EU Member States function as "role models" and migrants hope that those relations will help them to establish a base to start their "new life"[272]. Indeed, a very important source for providing concrete information about a potential country of destination and the best way to get there, including recommending smugglers, are ethnic and family networks already established in the destination countries.

A migrant transiting the FYRoM comments: "Our friend is in Austria. He managed to get there. We want to go there and start all over again. I want to continue with my studies".[273] Migrant networks, but also professional smugglers, can help to reduce existing information deficits to a certain extent.[274] Just as an Afghan migrant explained: "I wanted to go to Austria, but I heard that Austria currently sends all Afghanis back. I will probably go further to Germany."[275]

### 4.2.9   Secondary movements: evidence from case studies and additional country research

In general terms, secondary movements refer to subsequent movements of migrants after an original migration. Like other terms, "secondary movements" is not a clear-cut concept. Whether a move is "secondary", transit, or actually a move to an end destination is subject to interpretation and can change. In principle, the concept of secondary migration assumes a certain duration of residence in the country from which the move is effected (temporal dimension). In addition, intention plays a role. In policy debates, secondary movements are usually understood as the irregular "movement of asylum seekers and refugees from countries in which they have already found protection."[276]

#### 4.2.9.1   Routes within the EU

Within the EU, if they have a preferred destination country, most migrants seem to take the shortest route to their preferred country of destination, which means the geographic position of the country plays an important role.

Research conducted for this study confirms a number of main routes within the EU that are in particular use for secondary movements. In Italy, such movements usually depart from Northern Italy headed towards Germany and Sweden. For instance, two interviewed Eritrean migrants who were heading to Sweden travelled from Italy to Switzerland, Germany, Denmark and then across the bridge to Sweden.[277] From Greece the most common secondary movement is to Italy, via the ports of Patras and Igoumenitsa. Ioannina has developed into a Hub for those travelling the land route from Greece to Albania.[278] The Western Balkans route is also widely used for secondary movements from Greece to other EU Member States. The land route to FYRoM has developed fairly recently and is particularly used by migrants who attempt border crossings alone and without the assistance from a smuggler. From Bulgaria, secondary routes exit the EU towards Serbia and re-enter via Hungary. Evidence suggests that the onward journey

272 MK/M/IQ/1, Case Study 5: Greece – FYRoM – Serbia-Hungary.
273 MK/M/IQ/1, Case Study 5: Greece – FYRoM – Serbia-Hungary.
274 Bilger, V., Hofmann, M., Jandl, M. 2006. Human Smuggling as a Transnational Service Industry: Evidence from Austria, in International Migration Vol. 44 (4) 2006p. 70.
275 HU/M/PK/9, Case Study 5: Greece – FYRoM – Serbia-Hungary; Icduygu, A., and S. Toktas 2002 "How do smuggling and trafficking operate via irregular border crossings in the Middle East? Evidence from fieldwork in Turkey", International Migration, 40(6), p. 26.
276 Zimmermann, Susan E. 2009. "Irregular Secondary Movements to Europe: Seeking Asylum beyond Refuge." Journal of Refugee Studies 22(1): 74-96; see also EMN (2014): Asylum and Migration Glossary 3.0. http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/docs/emn-glossary-en-version.pdf
277 Interview with Eritrean refugee A, Sweden, 30 April 2015; Interview with Eritrean refugee B, Sweden, 2 May 2015.
278 GR/N/7, Case Study 3: Pakistan – Turkey – Greece.

from Hungary to northern and western destinations in the EU is frequently organised by the assistance of smugglers.

Germany, Sweden, France, United Kingdom, Austria, the Netherlands, Belgium and Denmark are regarded as preferred destination country as discussed in section 4.2.1. In the Annex 7, a detailed description of asylum applications, statistics on illegally present migrants and Dublin requests as indicators for secondary movements and destination countries can be found.

### 4.2.9.2   The involvement of smugglers in secondary movements

Most smuggled migrants travel stage-by-stage and are likely to require services for any onward journeys once in the EU. The providers can be found in the main Hubs and frequently operate in or around asylum and reception centres where they directly contact their potential clients (see also below).[279]

Smugglers either offer transport across borders by vehicle or altered travel documents that allow smuggled migrants to travel on their own. This was reported for Malta where there is substantial evidence of a black market in false documents and the use of these documents to board planes to other EU Member States, mainly Italy and Germany. From all the evidence gathered in the course of the study it becomes obvious smuggling services continue to still be traded after migrants enter into the EU. Smugglers may also engage rather "innocent" actors as was reported from Hungary where they organised onward travel by responding to or launching car-pooling advertisements. [280] There might be more leeway for migrants to travel on their own to final destinations in the EU once they have overcome a Schengen border, even if the onward movement involves crossing of other third countries as, for example, observed along the Western Balkans route. In regard to the latter, migrants are reported to attempt at least some border crossings on their own, using mobiles and GPS signals with Google maps. This reduces the cost of their journey.[281] However, many migrants still depend *on* and make use *of* the services of smugglers when organising their onward journey to northern European countries of destination (see also below).

Similar to the services used by smugglers in third countries, the smugglers within the EU provide a variety of services to migrants. For instance, they can provide accommodation, buy train and bus tickets, provide false supporting documentation, citizenship claims, extending visas etc.[282]. Some criminal networks within the EU are specialised in organising marriages[283] or fraudulent paternity acknowledgements[284].

Comparable to their role in third countries, "recruiters" also try to approach migrants to offer their services within the EU. These recruiters go to the places where the demand is highest, such as reception centres[285], car parks, highways[286], harbours and train stations, to get in touch with migrants in need.

Stakeholders consulted as part of this study argued that the facilitators for secondary movements within the EU are not necessarily part of the same network as the smugglers in third countries[287]. In some cases, smuggling networks of different nationalities work together to facilitate migrants to arrive at their preferred final destination. The Ministry of Interior in France[288], distinguished two types of networks: networks facilitating entry (Acheminement) and networks facilitating stay (Maintien). The network that facilitates 'stay' supports the migrant with applications for documents such as residence permits, visa and driving licences.

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279 HU/A/1, HU/N/2, Case Study 5: Greece – FYRoM – Serbia-Hungary; See also I S 1, Case Study 1: Syria – Lebanon – Egypt – Italy.
280 Interview HUA/1, Case Study 5: Greece – The FYRoM – Serbia-Hungary.
281 GR/A/03, Case Study 5: Greece – FYRoM – Serbia-Hungary.
282 Ibid (UK and DE) and representative Polish Border guard, Poland.
283 Annual Risk Analysis 2015. Frontex. 2015. p 33. & Interview representative OCRIEST, Central Directorate of Border Police, Ministry of Interior, France& representative Expertise Centre on Trafficking in Human Beings and Smuggling (EMM) & United Nations Office on Drugs and Crime (UNODC), "Migrant Smuggling in Asia, Current Trends and Related Challenges", April 2015 p.50.
284 Interview representative OCRIEST, Central Directorate of Border Police, Ministry of Interior, France.
285 Representative Polish Border guard, Poland.
286 Representative Federal Centre of Migration, Belgium.
287 E.g. representative General Commessariat for Alien Affairs and Borders, Spain and Interview representative OCRIEST, Central Directorate of Border Police, Ministry of Interior, France.
288 Interview representative OCRIEST, Central Directorate of Border Police, Ministry of Interior, France.

Example: Sweden

According to a report published in May 2015 by the Swedish police, the majority of migrants arrive in Sweden with the help of smugglers, as most of them do not have a Swedish or a Schengen visa to enter the country. Indeed, it is extremely rare that asylum seekers have valid documents when they introduce an application (according to reported statistics, for January 80% of asylum seekers were undocumented migrants).[289]

Organised smuggling networks operate across countries, from the departure, via transit countries, all the way to Sweden as a direct chain, even if Swedish smugglers are not always physically present in the country of origin. In most of the cases, smugglers and migrants have the same origins, but people of different nationalities could also be involved in human smuggling, especially in transit and destination countries. It is reported that several criminal networks operating in Sweden have branches and affiliates in other EU countries and third countries.[290]

For instance, most Eritreans are smuggled into Sweden from another Schengen country, using mainly Eritrean smugglers.[291] During the Mos Maiorum joint police operation led by the Italian government in 2014, two Swedish facilitators were apprehended in Germany and two in Italy.[292] Previous investigations conducted by the Italian police on a Sahara-to-Sweden smuggling network led to the arrest of 24 facilitators of various nationalities (Eritrean, Ethiopian, Ghanaian and Ivory Coast nationals), part of a network of smugglers including Libyans, Ethiopians and West Africans. Some were former refugees who arrived in Europe by the same journey.[293]

### 4.2.9.3   Nationality of smugglers within EU

Stakeholders interviewed for this study have varying perceptions of the nationality of facilitators involved within the EU for secondary movements. Some argue that facilitators within the EU usually have the same ethnic background as the migrants that are being smuggled[294]. Their reasons being that they get in touch via their diaspora or own social network and it facilitates communication between migrant and smuggler.

Other stakeholders, however, argue that facilitators within the EU are mostly nationals from the European transit or destination country to which the migrants are smuggled (not necessarily ethnic background)[295]. In their opinion, this lowers the risk of getting caught, as the country national is familiar with the language and culture of that country. For instance, according to the EMN Ad-hoc Query analysed for this study, the top nationality of smugglers apprehended in France are French nationals[296]. In a recent BBC article[297], it was mentioned that the number of English smugglers facilitating migrants to travel to the United Kingdom has increased. British car and van drivers are increasingly being recruited by smuggling networks (instead of lorry drivers).

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289 Polisens rapport om organiserad brottslighet 2015, Maj 2015 (Police report on organised crime 2015) available at: http://bit.ly/1K7sifX
290 Polisens rapport om organiserad brottslighet 2015, Maj 2015 (Police report on organised crime 2015) available at: http://bit.ly/1K7sifX
291    Regional Mixed Migration Secretariat (2014), "Going West: contemporary mixed migration trends from the Horn of Africa to Libya & Europe, p.92.
292    Italian delegation, Final report on Joint Operation "MOS MAIORUM" Doc. 5474/15 LIMITE
    http://www.statewatch.org/news/2015/jan/eu-council-2015-01-22-05474-mos-maiorum-final-report.pdf
293    The Telegraph, Dirty business of people smuggling: Italian police release wiretaps from trafficking network, 21 April 2015
    http://www.telegraph.co.uk/news/worldnews/europe/italy/11553193/Dirty-business-of-people-smuggling-Italian-police-release-wiretaps-from-trafficking-network.html
294 Representative Polish Border Guard, Poland & representative Expertise Centre on Trafficking in Human Beings and Smuggling (EMM), Netherlands & representative Ministry of Interior, Spain.
295 Representative Federal Centre of Migration, Belgium & Combined interview with head of the Joint centre for analysis and strategy on illegal migration, German Federal Police, and head of the section for crime investigation , German Federal Police, Germany & French response to EMN Ad-Hoc Query & The Local, 'Sweden holds biggest smuggling probe in years', 23 April 2015
    http://www.thelocal.se/20150423/sweden-holds-biggest-smuggling-probe-in-years.
296 EMN Ad-Hoc Query, statistical appendix, France.
297 Deith, J (23 June 2015). People smuggling: 100 Britons jailed in France in past year, File on 4, BBC news.
    http://www.bbc.co.uk/news/uk-33226799

Sweden

Swedish nationals are reportedly also involved in smuggling. For example, during the investigations of the Italian police against a criminal network smuggling migrants to Europe, the police found that smugglers had connections in Sweden, as they used the Swedish bank system for payments. On that occasion, the police commented that in Sweden smugglers constitute a large group.[298] In addition, interviewed by the Swedish press, the head of the intelligence section of the Swedish Police National Operations Department (NOA) revealed that in several cases the police believe smuggling has been organised from Sweden.[299] Earlier in 2015, the Swedish Police started an investigation on a group of smugglers with Swedish citizenship, accused of having helped refugees travel to Sweden from Italy by mini-bus and rental car.[300] Swedish citizens have also been in contact with Bedouin organised crime groups and worked for them as cash handlers based in Europe, for payment of ransoms.

### 4.2.9.4  Modus Operandi within the EU

Frontex[301] distinguishes different modus operandi, such as irregular border crossings using different modes of transport, overstaying legal visas, use of fraudulent documents and marriages of convenience[302].

The modes of transport used within the EU depend on the country of destination and include travelling by car, bus, train, boat (to UK), airplane, or simply by foot. Based on interviews with stakeholders in the selected Member States, a few examples will be described of the main modus operandi in a number of Member States.

In Sweden, around 80% of irregular migrants arrive over land borders and 20% by air[303]. It is very rare for migrants to enter illegally by air from outside the EU and successfully go through passport control. Most coming by air arrive from another Schengen Member State, mainly Italy or Greece.[304] Migrants that come over land use a car, van, truck or trains.[305] They usually cross the bridge from Denmark to Sweden. Smuggled migrants to Sweden mentioned that once they reached Italy, they bought bus tickets to Milan. Here, respondents were approached by smugglers who helped them leave Italy. One paid money to an Eritrean who bought him a train ticket to Malmo, in Sweden. The other was driven first to Switzerland; then he crossed the borders to Germany on foot and from Frankfurt took a train to Malmo.[306]

Sweden

The journey into Sweden by car is relatively cheap, compared to being smuggled by air, and there are not many risks in crossing Swedish borders. However, it has been reported that migrants irregularly driven to Sweden across Europe face the constant risk of being caught and detained in one of the EU transit countries.

An example of migrant smuggling into Sweden by land occurred in September 2014, when a Swedish network of smugglers had been suspected of facilitating the irregular entry to Sweden of Syrian refugees. Reportedly, the trip was organised with a camper van departing from Italy and passing through Germany and Denmark to finally reach Sweden. Here, a Swedish citizen had hired four cars, three mobile homes

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298 DN, *Människosmugglarna har kopplingar till Sverige*, 21 April 2015 http://www.dn.se/nyheter/sverige/manniskosmugglarna-har-kopplingar-till-sverige/

299 DN, *Människosmugglare löper liten risk att åtalas*, 16 June 2015 http://www.dn.se/nyheter/sverige/manniskosmugglare-loper-liten-risk-att-atalas-2/

300 The Local, 'Sweden holds biggest smuggling probe in years', 23 April 2015 http://www.thelocal.se/20150423/sweden-holds-biggest-smuggling-probe-in-years.

301 Frontex annual report 2015, p33.

302 Frontex annual report 2015, p.33.

303 Interview with department of National Operations, Intelligence section, Swedish Police, 2 June 2015.

304 Interview with Department of National Operations, Intelligence section, Swedish police, 2 June 2015.

305 United Nations Office on Drugs and Crime (UNODC), "Migrant Smuggling in Asia, Current Trends and Related Challenges", April 2015 p. 28.

306 Interview with Eritrean refugee A, Sweden, 30 April 2015; Interview with Eritrean refugee B, Sweden, 2 May 2015.

and a minivan.[307] Of the four men, all residents in the Stockholm area, suspected of gross organisation of human smuggling, one man was put in custody and the others remained suspects.[308]

Human smuggling by land to Sweden is frequent. The short crossing of the Öresund Bridge between Denmark and Sweden is one of the major entry points to Sweden.[309] In January 2015, two people were arrested for smuggling four Syrians and an Iraqi by car, across the Öresund Bridge. According to interrogations, they had taken the route via Turkey, through Austria and then reached Sweden.[310] In May 2014, a person was arrested by the Police at the Öresund Bridge for smuggling six people from Eritrea into Sweden. According to the media, he was given a six-month prison sentence for human trafficking.[311]

Migrants to Poland mainly seem to arrive by foot or car[312]. A majority of smuggled migrants to Germany reportedly come over land (87%), 12% via air and 1% over sea.[313] Half of the smuggled migrants that come over land are believed to take a train to Germany, and 8% arrive in Germany by bus[314].

Migrants trying to travel to the United Kingdom use specific modes of transport. Most migrants reportedly hide in lorries in Calais and travel through the Eurotunnel.[315] The migrants try to get into the lorries while parked or in traffic jams on the motorway leading to the tunnel or ferry. Recently, striking French ferry workers caused major traffic jams on the way to the tunnel. As a result, large crowds of migrants tried to board the waiting lorries.[316] Another recent news article reports that besides Calais, Hoek of Holland in the Netherlands is being used as a transit location for irregular migrants wanting to cross the channel to the United Kingdom. In Harwich harbour, 68 irregular migrants were found on the Stenaline ferry that came from the Netherlands. They were hiding in lorries of Polish drivers.[317]

Other modus operandi includes the use of false documents. In Sweden, for instance, hundreds of migrants are detected every year with fake travel documents (passports, visas, ID cards or residence permits). The Swedish passport appears to be one of the most misused passports in Europe.[318] However, there is contradicting information on this as a Syrian migrant in Greece reported that smuggling via air routes has become very expensive due to intense controls and high prices for good quality fake passports with certain passports known for being impossible to duplicate or alter: "Swedish and German passports are the hardest because of the watermarks."[319]

Findings from desk research and interviews underline the use of marriages of convenience to enter the EU as one of the modus operandi.

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307 DN, *Smugglarligan bluffade flera biluthyrare*, 23 September 2014 http://www.dn.se/nyheter/sverige/smugglarligan-bluffade-flera-biluthyrare/
308 Later this year, the DS followed up the case. (see: DS, Människosmugglare avslöjade i Sverige, 23 April 2015; http://www.dn.se/nyheter/manniskosmugglare-avslojade-i-sverige/ )
309 EMN, 'Practical responses to irregular migration in Sweden', 2011 p.43.
310 Sydsvenskan, *Två anhållna för misstänkt människosmuggling*, 4 januari 2015 http://www.sydsvenskan.se/malmo/tva-gripna-for-misstankt-manniskosmuggling-1/
311 The Local, "Wedding' smuggler sentenced for trafficking", 9 July 2014 http://www.thelocal.se/20140709/wedding-smuggler-imprisoned-for-trafficking.
312 Representative Polish Border guard, Poland.
313 Combined interview with head of the Joint centre for analysis and strategy on illegal migration, German Federal Police, and head of the section for crime investigation , German Federal Police, Germany.
314 Ibid.
315 Combined interview with Head of Asylum and Family Policy Unit (International and Immigration Policy Group, Home office), representative from Border and Immigration System Directorate (Home office), and Inspector/ Senior Analyst International analysis (Immigration Intelligence department, Home Office), United Kingdom.
316 Savary, Pierre (23 June 2015). Strike halts Channel Tunnel Traffic, migrants try to board verhicles. http://uk.reuters.com/article/2015/06/23/uk-france-ports-strike-idUKKBN0P31XX20150623
317 Versteegh, Kees (15 June 2015). Ze moeten de Noordzee over – van Afghaan tot Chinees – nu ook via Hoek van Holland. NRC de Week, week 24/25, p.7.
318 Interview with National Operations Department, Border Policing section, Sweden, 28 May 2015.
319 GR/M/SY/05, Case Study 3: Pakistan – Turkey – Greece.

#### 4.2.9.5 Money paid within the EU to smugglers

As with previous stages along smuggling routes, prices for travelling within the EU vary according to the means of transport used, a guaranteed or not guaranteed arrival, risks of detection (for smugglers) and distance to overcome.

The amounts paid on journeys from the first point of entry in the EU (southern Europe) to the final destination (usually northern Europe) varied from EUR 1 500 to EUR 5 000[320].

Means of transport and risk of detection determine prices to a large degree. For the short and comparatively low-risk journey from Budapest to Austria, for example, a driver will ask for EUR 150 per person. If they use a standard car, they will usually transport four persons, nine in a mini-van or, if a small van, 25 persons hidden in the luggage area. The drivers receive the lowest amount and are paid by the organisers only after the successful transfer when they arrive back to Hungary.[321] For longer journeys that involve the exiting and re-entering of the Schengen zone, prices can go up significantly, although a similar means of transport is used. Travelling from Bulgaria via Serbia to Hungary, for instance, is reported to cost between EUR 2 000 and EUR 3 000.[322]

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Sweden

The average amount migrants paid to travel from Eritrea to Sweden amounted to USD 5 000 for the African leg; an additional USD 1 275 was paid in Europe to continue the journey to Sweden in one case,[323] and USD 10 000 in the other.[324] The smuggler said that money was usually paid in person, or by transfer through the Hawala system or Western Union.[325]

The Italian police reports that the average total price for people coming from Eritrea to Italy lies between USD 4 000 and USD 5 000.[326] The trip from Italy to Sweden then costs approximately USD 1 600.[327]

Along another route from Sudan, through Turkey to Sweden, Istanbul is an important embarkation point for migrants travelling to Europe. An Eritrean woman paid a smuggler USD 3 500 to reach Greece by boat. She managed to cross into Greece, where she stayed for three months in a flat with three other Eritrean women. Then she was introduced to another smuggler who sold her a fake passport for USD 2 000 to fly to Rome. There, she met relatives who found a smuggler to provide her with an Italian document and a ticket; she finally reached Sweden by plane, paying another USD 1 500. The woman had been travelling for almost a year and five months. The overall cost of her journey was USD 17 000, first sent to her by her family using the Hawala system, and then paid to the smugglers in person.[328]

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Air travel is a very costly option for departing from Greece to other European destinations. Departures usually take place from Athens airport, but during the height of the tourist season in summer move to smaller airports. As the success of movements by air depends on the use and quality of falsified or altered travel documents[329] and involves circumventing a number of security controls, the air route is the most expensive, with prices up to EUR 7 000. It was reported from Malta that Italian residency cards were

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320 Interviews with stakeholders: Combined interview with head of the Joint centre for analysis and strategy on illegal migration, German Federal Police, and head of the section for crime investigation , German Federal Police, Germany, Interview representative Federal Judicial Police, Belgium, Interview with Eritrean refugee B, Sweden, 2 May 2015, Regional Mixed Migration Secretariat (2014), Going West: contemporary mixed migration trends from the Horn of Africa to Libya & Europe, p.92, The Local, People smugglers 'earn up to €80,000' each, 20 April 2015 http://www.thelocal.it/20150420/people-smugglers-earn-up-to-k-each
321 HU/A/1, Case Study 5: Greece – FYRoM – Serbia-Hungary.
322 BG/OS/SY/BG/1, Case Study 4: Nigeria–Turkey-Bulgaria.
323 Interview with Eritrean refugee B, Sweden, 2 May 2015.
324 Interview with Eritrean refugee A, Sweden, 30 April 2015.
325 Interview with an Eritrean smuggler, 7 May 2015.
326 The Telegraph, Dirty business of people smuggling: Italian police release wiretaps from trafficking network, 21 April 2015 http://www.telegraph.co.uk/news/worldnews/europe/italy/11553193/Dirty-business-of-people-smuggling-Italian-police-release-wiretaps-from-trafficking-network.html
327 Regional Mixed Migration Secretariat (2014), Going West: contemporary mixed migration trends from the Horn of Africa to Libya & Europe, p.92.
328 Interview with Eritrean refugee C, Sweden, 1 May 2015.
329 Documents are not necessarily falsified. Interviewees mentioned that at times real passports are used by migrants who resemble in physical characteristics those portrayed on the passport picture.

brought for sale in the open centres for refugees to travel to mainland Europe by flying low-cost airlines to Germany or Italy.[330]

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330 MT/A/1, Case Study 2: Ethiopia-Libya-Malta-Italy.

# 5 Institutional arrangements, legal framework, policies and activities at international, EU and national level tackling migrant smuggling

## 5.1 Introduction

The following chapter aims to provide a better understanding of the institutional arrangements, legal framework and measures in place to address the smuggling of migrants at different levels.

The chapter outlines the main types of organisations that exist at the international and EU level, as well as within the researched Member States, addressing the smuggling of migrants and discusses how these institutions cooperate; it provides an overview of the types of legislation addressing the smuggling of migrants at international, EU and national level in researched EU Member States and third countries; a discussion of the types of policies (strategies and action plans) in place addressing the smuggling of migrants, at international, EU and national level (EU and third countries); an overview of the different types of activities undertaken by the researched Member States and third countries to address the smuggling of migrants, as well as the role of the international organisations and the EU herein. Finally, this chapter provides a discussion of the ways in which these EU and third countries cooperate (bilaterally and within the framework of the EU).

This chapter does not aim to provide an exhaustive list and analysis of the legal and policy framework but aims to show the key legal aspects in the area of migrant smuggling and the range and diversity of the different policies and activities that exist. Moreover, this chapter only provides the legal and policy framework addressing the smuggling of migrants and, therefore, excludes any legislation, policies and activities protecting or assisting smuggled migrants (e.g. search and rescue). Finally, it is important to note that the institutional arrangements chapter only relates to the researched EU Member States; the institutional arrangements within third countries are outside the scope of this study.

The findings presented in the following chapter are mainly based on desk research, case study findings, as well as research undertaken in the additional countries.

## 5.2 Institutional arrangements

The following section provides an overview of the types of organisations that exist at international and EU level, as well as the institutions and bodies within the researched EU Member States, addressing the smuggling of migrants, as well as a discussion on how these institutions cooperate.

### 5.2.1 Institutional arrangements at international level

This sub-section will map the key relevant international organisations (both intergovernmental and non-governmental) that have a role in assisting countries in addressing the smuggling of migrants at the international and regional level and provide an overview of how these intergovernmental organisations cooperate with each other.

The main organisations and institutions at international and regional level (except for the EU, which is discussed in the next sub-section) are listed in the table below (non-exhaustive list).[331]

Table 6 Overview of key intergovernmental organisations involved in assisting countries in addressing the smuggling of migrants

| Intergovernmental organisations |
| --- |
| UN Office of Drugs and Crime (UNODC) |
| UN High Commissioner for Refugees (UNHCR) |
| |
| International Maritime Organisation (IMO) |

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331 A description of these organisations and their interest in the area of smuggling of migrants, can be found in Annex 6.

| Intergovernmental organisations |
| --- |
| |
| International Centre for Migration Policy Development (ICMPD) |
| Interpol |
| Council of Europe (CoE) |
| Organization for Security and Cooperation in Europe (OSCE) |
| African Union (AU) |
| ECOWAS |

The above mentioned intergovernmental organisations assist countries in addressing the smuggling of migrants by, for example, providing legal assistance and guidance on how to apply relevant international/EU law, providing technical support, coordinating and organising joint operations, undertaking research activities, enhancing cooperation and information exchange as well as financial support (further described in the section 5.5 on Activities). Although most of these organisations contribute in all these areas, some of them mainly focus on the criminal aspects of smuggling (UNODC, Interpol, OSCE), police cooperation (Interpol). A more detailed description of the role of these organisations in relation to addressing the smuggling of migrants can be found in Annex 8 (Institutions at EU and international level).

Intergovernmental organisations usually cooperate with each other and coordinate their efforts in addressing the smuggling of migrants. For example ,within the UN, the four main fora where the topic of smuggling of migrants is discussed are the (1) ECOSOC's Commission on Crime Prevention and Criminal Justice, (2) the Conference of the Parties to UNTOC and its Protocols, (3) the UN Congress on Crime Prevention and Criminal Justice and (4) the High Level Dialogue in International Migration and Development. Moreover, the UN organisations cooperate with other intergovernmental organisations as well. For example, UNHCR, ILO, UNICEF, WHO, IOM, UNODC participate in the IGO Contact Group on Human Trafficking and Migrant Smuggling, coordinated by the OHCHR. The Group regularly exchanges information on THB and smuggling of migrants and provides a platform for inter-agency cooperation. Other organisations have formalised their cooperation through cooperation agreements and memoranda of understanding. Such agreements exist between the international organisations and between EU agencies and international organisations. Some of these frameworks for cooperation are specifically focused on enhanced cooperation in addressing smuggling of migrants, such as the IOM-UNODC Agreement for Closer Cooperation to Combat Human Trafficking, Migrant Smuggling and to Improve Border Management (2012).[332] Furthermore, the intergovernmental organisations also cooperate with each other through the migration dialogues (e.g. Bali Process), together with Member States and third countries. These are further discussed in section 5.6 on Cooperation.

### 5.2.2 Institutional arrangements at EU level

At the EU level, various institutions and agencies have a role in assisting countries in addressing the smuggling of migrants. The main institutions and agencies in this area are listed in the table below.

Table 7 Overview of EU institutions and agencies involved in assisting countries in addressing the smuggling of migrants

| European Union: Institutions and Agencies |
| --- |
| European Commission (EC) |
| European External Action Service (EEAS) |
| European Parliament (EP) |
| Fundamental Rights Agency (FRA) |
| Eurojust |
| Europol |

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332 UNODC teams up with IFRC to tackle humanitarian challenges, UNODC, Vienna 19 May 2011.

| European Union: Institutions and Agencies |
|---|
| European Asylum Support Office (EASO) |
| Frontex |
|  |

A more detailed description of the role of these organisations in relation to addressing the smuggling of migrants can be found in Annex 8 (Institutions at EU and international level).

Some of the EU agencies listed above cooperate with each other on a regular basis. For example, Europol's main partner is Frontex in relation to the management of external borders.[333] In this regard, Europol has recently (2015) undertaken a gap analysis on inter-agency cooperation within the EU, which concluded that information exchange mechanisms between Europol, Frontex and Eurojust could be more streamlined.[334] This was confirmed by one stakeholder consulted for this study, who highlighted that cooperation between the EU agencies is an important condition for effectively addressing the smuggling of migrants and stated that it was unclear whether the current cooperation is sufficient.[335]

Some EU agencies have formalised their cooperation by establishing frameworks for cooperation through cooperation agreements that include aspects relevant to migrant smuggling. For example, an important recent development is that Europol and Frontex are currently (2015) negotiating an Operational Agreement that would allow for the exchange of personal data in relation to criminal border activities (such as personal data from debriefing interviews collected during Joint Operations) from Frontex to Europol (not vice versa).[336] Frontex and Europol already have a Strategic Cooperation Agreement[337] in place on the exchange of strategic and technical information. However, the difference is that this agreement does not include transmission of data related to identifiable individual(s). Cooperation between Europol and Eurojust has reportedly been more difficult in practice[338], even though the mechanisms are there to cooperate (i.e. operational cooperation agreement and Steering group).

### 5.2.3  Institutional arrangements within researched EU Member States

Within the researched EU Member States, several institutions and bodies are involved in addressing migrant smuggling. There are a number of policies aimed at addressing (or impacting on) migrant smuggling, therefore the number and types of organisations involved at the national level varies accordingly.

Firstly, in all researched EU Member States several Ministries and government departments are involved in policymaking and decision-making addressing the smuggling of migrants, due to the fact that migrant smuggling is a cross-cutting issue. In most countries assessed for this study, the Ministry of Interior and/or the Ministry of Justice[339] are involved in this process. However, each of the ministries has a different angle towards tackling the smuggling of migrants, depending on its institutional remit; the Ministry of Interior is generally dealing with immigration policy and securing the border; the Ministry of Justice is often responsible for the prosecution of migration smuggling cases; cooperation with third countries is generally the responsibility of the Ministry of Foreign Affairs[340].

Secondly, in all Member States assessed for this study law enforcement agencies are involved in addressing the smuggling of migrants by undertaking the task of surveillance and border control, as well as undertaking criminal investigations.[341]

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333 Interview representative Europol.
334 Gap Analysis, EMPACT Facilitation of Illegal Immigration, EU restricted.
335 Interview representative DG of Foreigners in France, Ministry of Interior, France.
336 Interview representative Europol.
337 Strategic Cooperation Agreement between The European Agency For The Management Of Operational Cooperation At The External Borders Of The Member States Of The European Union and the European Police Office, March 2008.
338 Interview representative Europol, further information on JIT's and the role of Europoll and Eurojust can be found in section 5.5.2.4.
339 Analysis of responses to EMN Ad-Hoc Query on Facilitation of irregular immigration (migrants smuggling) to the EU: national institutional frameworks, policies and other knowledge-based evidence (2014).
340 Ibid.
341 Ibid.

Border control is generally undertaken by the border police, which can fall under the framework of the national police (e.g. in Germany, the German Bundespolizei[342]) or can be a separate border police force (e.g. UK's Border Force[343]). In addition, in some Member States, local police forces have tasks related to border control and surveillance (e.g. Hungary or Italy). The Coast Guards and the Navy are important forces in conducting border control and surveillance for those countries with maritime borders. In some countries, specific police forces are responsible for particular areas such as trains and airports. For example, in Belgium, the rail police undertakes checks on the Eurostar from Belgium to the UK[344], and in the Netherlands, the Royal Netherlands Marechaussee (Kmar) is deployed to undertake the duty of border police at Schiphol airport[345]. Moreover, a variety of agencies are involved in surveillance of maritime borders in southern EU Member States. For example, in Malta, the Armed Forces of Malta are responsible for exercising police powers at sea[346]. The research findings also show that in Spain, these tasks are undertaken by private agencies, i.e. the Maritime Rescue Service (SASEMAR), which works for the government and is responsible for surveillance of the coast.[347] In Italy, those tasked with surveillance are the Italian armed forces (air and navy forces), Carabinieri, Guardia di Finanza and the Port Authorities.[348]

With regard to criminal investigations, in a number of Member States assessed for this study, law enforcement agencies have been specifically tasked with investigating cases of organised crime and/or smuggling and dismantling of organised criminal networks that smuggle migrants (Belgium, Germany, Spain, France, Netherlands and United Kingdom). Examples include the Central Service THB of the federal judicial police in Belgium (which also supports federal and local police in investigation of cases of smuggling), the State's Joint Police Investigation Groups against Smuggling of Migrants (SoM) and the SoM and THB Departments of the Federal Criminal Police Office ('Bundeskriminalamt'-BKA) in Germany and the General Commissariat for Alien Affairs and Borders (part of national police) in Spain. France has two services within the Central Directorate of Border Police of the Ministry of Interior specifically tasked to deal with the smuggling of migrants at the national and local level, namely the Central Office for the Fight Against Illegal Immigration and Employment of Undocumented Foreigners (OCRIEST)[349] and the Unit for the Operational Coordination of Measures to Combat the Trafficking and Exploitation of Migrants (UCOLTEM)[350]. In the Netherlands, in addition to its regular police investigators (national police force), the above mentioned Kmar is specifically tasked with police investigations at airports and seaports and has a specific investigation team for cases of THB and smuggling, placed at Schiphol airport.[351] Similarly, in the UK, the border police command (BPC) of the National Crime Agency is tasked with coordinating and supporting the investigation of cross-border serious organised crime, such as the smuggling of migrants, and coordinates all joint law enforcement operational activities in this regard.[352]

An example of a collaboration of several bodies working together to support investigations in migrant smuggling cases is the Expertise centre for trafficking and smuggling in human beings (EMM) in the Netherlands. The EMM is a collaboration between five relevant national institutions (including the police), which offers insight and overview over crime related to THB and migrant smuggling, for the purpose of detecting and preventing related crimes. Additional to this collaboration, the EMM has other partnerships with whom they have set up agreements for information exchange, which offer the EMM indications of human smuggling as an enrichment for proposals for investigations. The EMM collects and compiles information on migrant smuggling and THB from a range of national organisations and partners with the aim to enable the launch of an investigation on smuggling of migrants and THB cases, the so called "0+0+0=1 approach".[353] This approach has been perceived as particularly effective, as bits of intelligence on smuggling are often held by several authorities, and only when putting these data together they have

342 Combined interview with head of the Joint centre for analysis and strategy on illegal migration, German Federal Police, and head of the section for crime investigation , German Federal Police, Germany & German response to EMN Ad-Hoc Query on Facilitation of irregular immigration (migrants smuggling) to the EU: national institutional frameworks, policies and other knowledge-based evidence (2014).
343 UK response to EMN Ad-Hoc Query on Facilitation of irregular immigration (migrants smuggling) to the EU: national institutional frameworks, policies and other knowledge-based evidence (2014).
344 Interview representative Pag-Asa, Belgium.
345 Interview representative Ministry of Security and Justice, the Netherlands.
346 Response Malta to EMN Ad-Hoc Query on Facilitation of irregular immigration (migrants smuggling) to the EU: national institutional frameworks, policies and other knowledge-based evidence (2014).
347 Interview representative General Commissariat for Alien Affairs and Borders, Spain.
348 Based on figures 2014, see Case study 2.
349 Office Central pour la Répression de l'Immigration irrégulière et de l'Emploi d'étrangers Sans Titre.
350 L'Unité de Coordination Opérationnelle de la Lutte contre le Trafic et l'Exploitation de Migrants.
351 Ibid.
352 http://www.nationalcrimeagency.gov.uk/about-us/what-we-do/intelligence-and-operations-directorate/border-policing-command.
353 Interview representative Expertise Centre on Trafficking in Human Beings and Smuggling (EMM).

the potential to be used for a criminal investigation and to build a case against the smuggler(s). On a monthly basis, an overview of all active criminal investigations in the Netherlands is distributed among the partners. When there are serious indications of smuggling of migrants, project-based investigations are launched by the national police and the Dutch Royal Marechaussee (Kmar), aimed at detecting and arresting the smugglers. In 2013, 10 such investigative projects were started, and in 2014, 26 projects were started, indicating that this approach seems effective. The establishment of the EMM and the fact that the centre combines the areas of THB and migrant smuggling in one expertise centre, was described by a representative of the centre as best practice, as cases of THB often have an element of smuggling and vice versa[354], enabling to use the evidence for whichever offence it is strongest to support criminal investigations.

Regarding institutional arrangements to address the smuggling of migrants in third countries researched as part of this study, Turkey has established a specialised department within their National Police, the Department of Anti-Smuggling and Organized Crime (KOM), which investigates different forms of smuggling (e.g. drugs, arms), including migrant smuggling. According to the research, very often KOM units monitor migrant smuggling organisations that have been apprehended by the Turkish General Staff (Turkish armed forces, which are responsible for the control of Turkish external borders together with others, such as the Coast Guard) during the act or attempt of migrant smuggling across Turkey's western borders. Similarly, Pakistan also has a specific wing under the Federal Investigation Agency (the federal law enforcement agency of the country), the Immigration and Anti-Human Smuggling Wing. All cases of suspected or detected irregular migrants identified (including smuggled migrants and smugglers) are handed over to the Wing's Anti Human Trafficking Circles (AHTCs) for investigation and possible prosecution. These AHTCs, despite their name, do not only deal with trafficking, but also cases of smuggling. Each AHTC sends a daily progress report to the FIA Headquarters with the information collected on irregular migrants and smugglers, for further analysis, including possible inclusion in the FIA's Red Book of Most Wanted Human Traffickers (which is also not focused specifically on trafficking, but includes many wanted human smugglers).[355] The FYRoM has also established a Unit for Combating Trafficking in Human Beings and Smuggling of Migrants within the Ministry of Interior, which is primarily responsible for conducting further investigations into suspected cases of migrant smuggling and initiating criminal charges.[356]

However, not all law enforcement agencies tasked with investigating organised crime and/or smuggling (as described above) are also the designated contact point (externally) for non-national smuggling related issues. In this regard, two stakeholders consulted for this study criticised the lack of a national point of contact or specialised agency administrating issues related to migrant smuggling within each Member State.[357] The stakeholder mentioned the example of the UK, where no specialised point of contact on smuggling exists, but instead several different organisations and agencies are involved, therefore, reportedly making it very difficult to know who to contact when cooperation is needed.[358] This statement suggests that there seems to be a lack of knowledge across EU Member States of the specialised agencies that exist in other EU Member States. In this context, the new EU Action Plan intends to set up points of contact on migrant smuggling in each Member State, with the aim of enhancing operational cooperation, coordination and the sharing of information between the Member States, as well as with the EU Agencies[359], which intends to fill this knowledge gap.

Thirdly, the judiciary (i.e. criminal courts and prosecution services) undertakes the task of prosecution and sanctioning of the smuggling of migrants in the EU Member States.[360] In some countries, specific courts have been set up to deal with cases of migrant smuggling in particular, or specific judges or prosecutors are appointed to try smuggling cases. This is for example the case in Belgium,

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354 Interview representative Expertise Centre on Trafficking in Human Beings and Smuggling (EMM)
355 Federal Investigation Agency (2012), "Red Book of Most Wanted Human Traffickers". Available at:
   http://www.fia.gov.pk/redbooks/redbooktriff.pdf.
356 Government decision, Official Gazette of R. Macedonia 18/2001. MK/A/2, MK/A/3, Interviews with National Coordinator and Deputy National Coordinator for combating THB and Illegal Migration, FYRoM, Case Study 5: Greece – FYRoM – Hungary.
357 Interview representative OCRIEST, Central Directorate of Border Police, Ministry of Interior, France; Interview representative DG of Foreigners in France, Ministry of Interior, France.
358 Interview representative OCRIEST, Central Directorate of Border Police, Ministry of Interior, France.
359 EU Action Plan against migrant smuggling (2015 - 2020), COM(2015) 285 final, European Commission, Brussels, 27 May 2015.
360 Analysis of responses to EMN Ad-Hoc Query on Facilitation of irregular immigration (migrants smuggling) to the EU: national institutional frameworks, policies and other knowledge-based evidence (2014).

where a specialised magistrate in the area of migrant smuggling and THB is appointed in each district (i.e. 12 in total), and in the Netherlands, where a national prosecutor for THB and SoM has been established.

In some Member States, specific mechanisms have been established to analyse and monitor dynamics of migrant smuggling. For example, the research found that in Belgium and Germany, specific knowledge centres are in place on the topic of smuggling of migrants (the Belgian Federal Centre of Migration[361] and the German Joint Analysis and Strategy Centre for Illegal Migration (GASIM)[362]). In Sweden, a Migration Intelligence Unit within the Swedish Migration Board was established to coordinate intelligence work and monitor global developments in terms of their possible consequence for migration to Sweden.

As becomes clear from the above, many different organisations are involved in addressing the smuggling of migrants at national level and cooperation between these bodies is important. Cooperation on the issue of migrant smuggling between the different institutions within the researched Member States is organised in different ways and to different extents. Firstly, few researched EU Member States have set up coordinating mechanisms or have tasked specific units to take charge and improve the cooperation between the relevant authorities within the country on the issue of migrant smuggling specifically. For instance, UCOLTEM in France is a platform for the exchange of information and operational intelligence on organised networks of irregular immigration[363]. Some stakeholders outlined such coordination mechanisms as effective in combating the smuggling of migrants. The multi-disciplinary approach in the Expertise Centre on Trafficking in Human Beings and Smuggling of Migrants (EMM) in the Netherlands was mentioned as an example of best practice[364] in this context. In Belgium, the "Interdepartmental Coordination Platform for the Fight against Trafficking and Smuggling in human beings (ICP)" was set up to coordinate the actions taken within the framework of the fight against THB and smuggling in human beings at federal and local level.[365] The platform includes all the federal actors that are involved in the fight against smuggling and THB on an operational and political level, including NGOs.[366] It was described as a best practice example for cooperation because of the inclusion of a wide range of relevant actors in the area of the smuggling of migrants, and could in a similar form be applied in other countries as well. However, for this platform in particular, stakeholders noted that in practice, the ICP mainly discussed issues around THB.[367] Reasons for the focus on THB reportedly included the different concepts and challenges around smuggling and THB (exploitation of human beings versus illegal entry) resulting in different political support.[368]

Another good practice of institutional cooperation was identified in Bulgaria, where an interagency working group was established in 2014. It brings together representatives from the Ministry of Interior, Ministry of Defence, the Ministry of Foreign Affairs, Ministry of Health, State Agency on national security, national intelligence service and the State Agency on refugees. The working group developed a draft plan for implementation of measures to deal with increased migration pressures (in terms of increased arrivals of irregular migrants, improving return of irregular migrants and improving detention conditions) and made estimates on required technical and financial resources.[369]

However, most Member States do not have specific bodies or units in place that coordinate the efforts of different departments and actors in the area of smuggling specifically. In some Member States assessed for this study, one single Ministry is tasked with the coordination and cooperation with other institutions (e.g. Ministry of Interior – as stated above). In this context, a stakeholder from the UK Home Office stated that a past weakness had been that government departments were less joined up on the issue of migrant smuggling. As a result, the UK Home Office has recently adopted a "gold command structure" to ensure

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361 Interview Representative Federal Centre of Migration. Belgium & Belgian response to EMN Ad-Hoc Query on Facilitation of irregular immigration (migrants smuggling) to the EU: national institutional frameworks, policies and other knowledge-based evidence (2014).
362 Combined interview with head of the Joint centre for analysis and strategy on illegal migration, German Federal Police, and head of the section for crime investigation , German Federal Police, Germany & German response to EMN Ad-Hoc Query on Facilitation of irregular immigration (migrants smuggling) to the EU: national institutional frameworks, policies and other knowledge-based evidence (2014).
363 French response to EMN Ad-Hoc Query on Facilitation of irregular immigration (migrants smuggling) to the EU: national institutional frameworks, policies and other knowledge-based evidence (2014).
364 Interview representative Expertise Centre on Trafficking in Human Beings and Smuggling (EMM), the Netherlands & Interview representative Ministry of Security and Justice, the Netherlands.
365 Interview representative Federal Judicial Police, Belgium.
366 Interview Representative Ministry of Justice, Belgium.
367 Interview Representative Ministry of Justice, Belgium; Interview Representative Federal Centre of Migration. Belgium.
368 Interview Representative Federal Centre of Migration. Belgium.
369 Case Study 4 : Nigeria–Turkey-Bulgaria.

that the Home Office's activities are co-ordinated in the area of illegal migration. This command structure is linked up with other government offices, such as the Cabinet Office and Foreign Commonwealth Office[370], to ensure better coordination and cooperation.

## 5.3 Legal framework addressing the smuggling of migrants

The following section will provide an overview of the legal framework addressing the smuggling of migrants in place at international level (5.3.1), EU level (5.3.2), and the main differences between the two, as well as the legal framework addressing the smuggling of migrants in place at national level (5.3.3), i.e. in researched EU Member States and third countries.

### 5.3.1 International legal framework

The most relevant legislative framework addressing the smuggling of migrants at international level (i.e transnational criminal law) is the UN Organised Crime Convention (UNTOC) and its Protocol against the Smuggling of Migrants by Land, Sea and Air (UN Protocol against Smuggling), adopted in 2000[371]. The Protocol aims at *"preventing and combating the smuggling of migrants, as well as promoting cooperation among State parties, while protecting the rights of smuggled migrants"*.[372] The Protocol entered into force in 2004. The EU is a party of the UN Protocol against Smuggling[373], and all EU Member States but Ireland have ratified it. Moreover, 12 (out of 19) researched third countries have ratified it but not all have transposed the Protocol. The table below shows which researched third countries have transposed and ratified the Protocol against Smuggling.

Table 8 Ratification and Transposition of UN Protocol against Smuggling by researched third countries.

| Third country | Year of ratification | Transposition |
|---|---|---|
| Afghanistan | Not ratified | Not transposed |
| Algeria | 2004 | N/A |
| Bangladesh | Not ratified | Not transposed |
| Egypt | 2005 | Not transposed |
| Eritrea | Not ratified | Not transposed |
| Ethiopia | 2012 | Not transposed |
| FYRoM | 2005 | Transposed |
| Iraq | 2009 | N/A |
| Lebanon | 2005 | Not transposed |
| Libya | 2004 | Transposed |
| Mali | 2002 | N/A |
| Morocco | Not ratified | Not transposed |
| Niger | 2009 | Transposed |
| Nigeria | 2001 | Transposed |
| Pakistan | Not ratified | Not transposed |
| Somalia | Not ratified | Not transposed |
| Sudan | Not ratified | Not transposed |
| Syria | 2009 | Not transposed |
| Turkey | 2003 | Transposed |

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370 Interview representative Home Office, UK.
371 Protocol against the Smuggling of Migrants by Land, Sea and Air, Supplementing the United Nations Convention against Transnational Organized Crime. UN. New York. 2000.
372 Ibid, Article 2.
373 The EU has transposed the UN Protocol against Smuggling through the Council Decisions 2006/616/EC and 2006/617/EC of 24 July 2006 on the conclusion of the Protocol against the Smuggling of Migrants by Land, Air and Sea, supplementing the United Nations Convention against Transnational Organised Crime.

*\*N/A stands for no information available*

The Protocol provides a definition of the smuggling of migrants 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 a person is not a national or permanent resident"*.[374] It also aims to address smuggling in a comprehensive manner, requiring State Parties to criminalise the smuggling of migrants and to protect the rights of smuggled migrants.[375]

With regard to international maritime law, various international conventions[376] contain obligations on search and rescue of (smuggled) migrants in distress at sea. Moreover, International human rights law[377] places obligations on Member States to protect fundamental rights, including those of smuggled migrants, such as procedural rights (right to an interpreter), the right to non-refoulement and the right to asylum. However, these strands of international law will not be further discussed as they fall outside of the scope of this study.

### 5.3.2   EU legal framework

At EU level, legislation to prevent, detect and prosecute migrant smuggling is encompassed within the "Facilitators Package", adopted in 2002, which consists of Council Directive 2002/90/EC defining the facilitation of unauthorised entry, transit and residence and Council Framework Decision 2002/946/JHA to strengthen the penal framework to prevent facilitation of unauthorised entry, transit and residence. The Directive criminalises the facilitation of irregular immigration and residence, while the Decision establishes minimum rules for penalties, liability of legal persons and jurisdiction. The European Commission is currently undertaking an evaluation of the implementation of the Facilitators Package.[378]

The EU Council Directive 2004/81/EC[379] defines the conditions for granting temporary residence permits to non-EU victims of trafficking in human beings and, optionally, smuggling of migrants, if they cooperate with the national authorities in detecting and prosecuting traffickers/smugglers. The Directive does not apply to all smuggled migrants[380], but to those *"who might be reasonably regarded as victims […] who have suffered harm, for example having their lives endangered or physical injury"*.[381]

Article 26 of the Schengen Agreement[382] and Directive 2001/51[383] concerning the carrier's liability are also important to note in the context of the EU legal framework, as they are regarded as a tool for combating irregular immigration, including the smuggling of migrants. Moreover, in 2010 Directive 2008/15/EC (Return Directive)[384] came into force, obliging EU Member States to return irregular migrants (including smuggled migrants) or to grant them legal status.[385]

A few differences between the main UN EU legal framework addressing the smuggling of migrants, namely the UN Protocol against Smuggling and the EU Facilitators Package respectively, exist[386]. Firstly, both use different terminology and definitions when referring to the smuggling of migrants. '*Facilitation*' in the Facilitators Package includes the assistance of irregular migration (facilitation) by "*any person*", including criminal organisations[387], whereas the Protocol is clearly limited to organised criminal groups. However,

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374 Ibid, Article 3.
375 Ibid, Article 6.
376 International Maritime Organization (IMO), International Convention for the Safety of Life at Sea (SOLAS), 1 November 1974, 1184 UNTS 3; International Convention on Maritime Search and Rescue. International Maritime Organisation (SAR Conventions). Hamburg. 1979. UN General Assembly, Convention on the Law of the Sea, 10 December 1982.
377 See for example Article 2(1) of Protocol 4 to the ECHR and Article 12(1) of the International Covenant on Civil and Political Rights.
378 Study for an impact assessment on a proposal for a revision of the EU legal framework related to the facilitation of irregular migration (migrant smuggling).
379 Council Directive 2004/81/EC of 29 April 2004 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities.
380 The International Law of Migrant Smuggling, Gallagher and David, 2014, p.93.
381 COM (2002) 71 final – 2002/0043 (CNS), 11 February 2002, paragraph 2.1 of the Explanatory Memorandum.
382 The Schengen Agreement of 14 June 1985.
383 Council Directive 2001/51/EC of 28 June 2001 supplementing the provisions of Article 26 of the Convention implementing the Schengen Agreement of 14 June 1985.
384 Directive 2008/115/EC on common standards and procedures in Member States for returning illegally staying third-country Nationals, 16 December 2008.
385 Communication on EU Return Policy COM/2014/0199 final, European Commission, March 2014.
386 The International Law of Migrant Smuggling, Gallagher and David, 2014.
387 See also 2002/946/JHA, Article 1 (3).

according to Gallagher and David[388], this requirement of the perpetrator to be a criminal organisation *"applies only to operationalisation of the Protocol between State parties"*[389], and the UNTOC does not require this element within the offence of smuggling of migrants in national law.[390] Secondly, the definition of smuggling in the UN Protocol includes the criterion of financial gain in the perpetration of the offence[391] (*"in order to obtain […] a financial or other material benefit"*), while the Facilitators Package only requires an element of *"financial gain"* for facilitation of unauthorised residence (i.e. infringements under Article 1(b) Directive), but not for facilitating unauthorised entry or transit (i.e. Article 1(a) of the Directive).

As mentioned above, the European Commission is currently evaluating the Facilitators Package with a view to improving it and strengthening the penal framework, ensuring that *"appropriate criminal sanctions are in place, while avoiding risks of criminalisation of those who provide humanitarian assistance to migrants in distress"*.[392]

### 5.3.3   Legal framework in researched EU Member States and third countries

At national level, legislation addressing the smuggling of migrants between researched EU Member States which transposed and implement the Facilitators Package and the researched third countries who enacted national legislation on the basis of the UN protocol may differ on certain issues. This sub-section does not aim to provide an exhaustive overview of the differences in the legislation of individual researched countries, but will show the types of variances that can be identified in the legislation of both researched EU Member States and third countries, providing examples for each.

#### 5.3.3.1   Specific offence for smuggling of migrants

A 2006 Commission report[393] on the implementation of the Council Framework Decision of 2002 concluded that the majority of Member States[394] had provisions of criminal law in place imposing penalties on the facilitation of unauthorised entry, transit and residence at the time of the review. The report further concluded that the criminal laws of some Member States did not make a clear distinction between human trafficking and migrant smuggling. Evidence suggests that most Member States have introduced criminal sanctions for the infringements defined by the Directive, and some of them have also introduced administrative sanctions.

The researched third countries that have transposed the UN Protocol against Smuggling have an offence for the smuggling of migrants, namely the FYRoM (in the Criminal/Penal Code), Libya (entry/residence law)[395], Niger[396], Nigeria(in a pending Legislative Act)[397] and Turkey (in the Criminal/Penal Code).[398]

The main relevant legislation used to address migrant smuggling across the other researched third countries without a specific legal framework on migrant smuggling are those laws regulating entry and exit of the country, as well as laws on document fraud (e.g. Egypt, Ethiopia, Lebanon, Nigeria[399], Pakistan, and Morocco). In such cases, prosecution against smuggling activities would be subsumed under these laws.

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388 The International Law of Migrant Smuggling, Gallagher and David, 2014.
389 The International Law of Migrant Smuggling, Gallagher and David, 2014, p.92.
390See also UN Convention against Transnational Organised Crime, Article 34 (2).
391 Protocol against the Smuggling of Migrants by Land, Sea and Air, Supplementing the United Nations Convention against Transnational Organized Crime. UN. New York. 2000, Article 3 (a) states ".
392 EU Action Plan against migrant smuggling (2015-2020), COM (2015) 285 final, European Commission, Brussels, 27 May 2015.
393 Report from the Commission based on Article 9 of the Council Framework Decision of 28 November 2002 on the strengthening of the penal framework to prevent the facilitation of unauthorised entry, transit and residence [COM(2006) 770 final - Not published in the Official Journal].
394 The conclusions do not include Austria, Cyprus, Greece, Luxembourg and Portugal (no information received by the COM), and Estonia, Malta, Spain and Sweden.
395 However, due to the current situation in the country, it is unclear how or where this law is applied.
396 Niger passes law to tackle migrant smuggling, first in West Africa, Reuters, 12 May 2015. And UNODC, Niger becomes the first Sahel country to legislate against migrant smuggling, May 2015.
397 For Nigeria, a revised Immigration Act, which would fill current legislative gaps and domesticate the provisions of the Palermo Protocol on Smuggling of Migrants, was before the Nigerian National Assembly at the time of research – it has since been approved.
398 No information was available for Algeria, Iraq and Mali. The remaining research third countries have not transposed the UN Protocol against smuggling and it can therefore be assumed these countries do not have a specific offence on the smuggling of migrants in their national law.
399 Legislation in Nigeria has been developed differentiating between trafficking in human beings and migrant smuggling but was still pending during the fieldwork research – it has since been approved.

One issue that has been highlighted for the researched third countries without particular legislation on migrant smuggling is the conflation of the concepts of THB and migrant smuggling. There is not a clear distinction by authorities between migrants being trafficked and migrants being smuggled. In such cases, anti-smuggling operations and prosecution would take place under activities and legislation covering trafficking in human beings[400], irregular exit and/or document fraud, and thus would not differentiate between the two concepts. This conflation was highlighted particularly in the Ethiopian and Pakistani context.

### 5.3.3.2   Requirement of financial benefit

Under EU law, the facilitator of entry and transit does not need to have obtained any financial benefit from the smuggling in order for it to be considered a crime.[401] However, in some Member States, this is included as an additional requirement for punishment to the national law. For example in Belgium, smuggling is defined as: *"the fact of contributing [...] in enabling the entry, transit or stay of a non-EU Member State [...], in order to obtain, directly or indirectly, a pecuniary benefit"*[402]. In Sweden, contrary to those convicted of simply assisting irregular entry, the Aliens Act makes explicit reference to economic gain as a precondition for convicting a person for organising human smuggling.[403]

With regard to the researched third countries, the FYRoM, for example, has included the requirement of financial benefit in its definition of smuggling, while Turkey has not. According to FRA, legislation to fight smuggling at Member State level *"should always include financial and material benefit as a requirement for punishment"* (or explicitly exclude punishment for facilitation of unauthorised entry and stay based on humanitarian assistance grounds), in order to avoid risks of punishment for humanitarian assistance provided by, for example, NGOs to smuggled migrants.[404]

### 5.3.3.3   Aggravating features

Most countries have included specific aggravating circumstances to the offence of smuggling in their national law, involving more severe penalties, such as:

★ When the life of the migrant has been endangered deliberately or by serious negligence[405]: this has been included as an aggravating circumstance to the smuggling of migrants in the legislation of most of the 28 EU Member States, in accordance with Article 1(3) of the Framework Decision 2002/946/JHA (if committed for financial gain) and involves more severe penalties.[406] In terms of third countries, the FYRoM, for example, similarly includes more severe penalties when the life of a migrant has been endangered.

★ When the offence constitutes an act of participation in the main or accessory activity of an association or criminal organisation, and whether or not the culpable has the leader capacity.[407] This has been included as an aggravating circumstance to the smuggling of migrants in the legislation of most of the 28 EU Member States, in accordance with Article 1(3) of the Framework Decision 2002/946/JHA, (if committed for financial gain).[408] Among the researched third countries, Turkey and the FYRoM, for example, include similar offences as aggravating factors.

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400 This has been considered relevant only for Pakistan among the researched countries, as the research in Pakistan has shown that its policy and legislation against trafficking in human beings (which is not defined according to the UN Trafficking Protocol) is also regularly used to address also migrant smuggling.

401 Article 1 Council Directive 2002/90/EC, explicitly includes the element of profit only as regards facilitation of unauthorised stay, and not entry or transit.

402 EMN Ad-hoc query on Facilitation of irregular immigration (migrants smuggling) to the EU: national institutional frameworks, Policies and other knowledge-based evidence, EMN, November 2014.

403 Swedish Aliens Act (UtlL), Chapter 20, Penalty provisions; Section 9.

404 Fundamental Rights Conference 2014: Fundamental Rights and Migration to the EU: Conference Conclusions, FRA, November 2014, p.2.

405 See also art 6(3)(a) Un Protocol against smuggling of migrants.

406 Report from the Commission based on Article 9 of the Council Framework Decision of 28 November 2002 on the strengthening of the penal framework to prevent the facilitation of unauthorised entry, transit and residence [COM(2006) 770 final, p.7.

407 Article 1(3) EU Framework Decision 2002/946/JHA.

408 Report from the Commission based on Article 9 of the Council Framework Decision of 28 November 2002 on the strengthening of the penal framework to prevent the facilitation of unauthorised entry, transit and residence [COM(2006) 770 final, p.7.

★ When the offence involves a minor (e.g. in Belgium[409], Bulgaria, France, the FYRoM, Italy and Niger).

★ When the offence has been committed abusing a vulnerable position in which the migrant is placed (e.g. Sweden) due to his/her illegal or precarious administrative situation, precarious social situation, age, pregnancy (e.g. Niger), illness, handicap, physical or mental inability (e.g. Belgium for all the above).

★ When the offence has been committed using, directly or indirectly, fraudulent actions, violence, threats or any form of coercion (e.g. in Belgium[410], the FYRoM, Hungary, Italy and Sweden).

★ When the offence entails inhuman or degrading treatment including exploitation of the migrants (e.g. France and the FYRoM)[411].

★ When the offence (or rather the abuse committed in the context of smuggling) has caused an illness appearing incurable, a permanent physical or psychic incapacity, the total loss of an organ or of the use of an organ, or a serious mutilation (e.g. in Belgium[412]).

### 5.3.3.4    Level of responsibility

In accordance with Article 2 of EU Directive 2002/90/EC, the majority of EU Member States have criminal law provisions in place which impose penalties on instigating, participating and attempting the facilitation of unauthorised entry, transit and residence.[413]

Article 6(2) UN Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the UN Convention against transnational crime, requires State Parties to adopt legislative or other measures to establish as a criminal offence the attempting, participating (accomplice) and organising or directing the smuggling of migrants[414].

### 5.3.3.5    Differences in the penalties

With regard to the EU Member States assessed as part of this study, according to the 2006 Commission report mentioned above, the range of penalties to prevent the facilitation of unauthorised entry, transit and residence seems to be very wide.[415] Penalties range from fines as minimum penalties, to imprisonment of up to 15 years as maximum penalties in aggravating circumstances. The same finding is applicable for the researched third countries, where penalties range from maximum two years imprisonment (Syria, Egypt), to three years (Lebanon), to five years (i.e. the FYRoM; Algeria), up to 20 years (Libya) or even 30 years (Niger) in the case of aggravating circumstances.[416]

In Belgium, fines for the smuggling and trafficking of migrants are applied depending on the number of "victims"[417]. the higher the number of "victims", the higher the fines, also referred to as the multiplication factor.[418] A stakeholder from the Belgian police described this way of fining as very effective, as in this

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409 See Article 77 bis and 77 quarter of the Belgian Immigration Law of 15 December 1980.
410 See Article 77 bis and 77 quarter of the Belgian Immigration Law of 15 December 1980.
411 See also art 6(3)(b) Un Protocol against smuggling of migrants.
412 See Article 77 bis and 77 quarter of the Belgian Immigration Law of 15 December 1980.
413 Report from the Commission based on Article 9 of the Council Framework Decision of 28 November 2002 on the strengthening of the penal framework to prevent the facilitation of unauthorised entry, transit and residence [COM(2006) 770 final - Not published in the Official Journal].
414 Of the selected countries for this study, all the EU Member States and eight third countries are state party to the UN Protocol against the smuggling of migrants, namely Algeria, Egypt, Libya, Mali, Montenegro, Nigeria, Syria and Turkey.
415 Report from the Commission based on Article 9 of the Council Framework Decision of 28 November 2002 on the strengthening of the penal framework to prevent the facilitation of unauthorised entry, transit and residence [COM(2006) 770 final - Not published in the Official Journal].
416 Case Study 1: Syria – Lebanon – Egypt – Italy; Case Study 2: Ethiopia – Libya – Italy/Malta; Case Study 5: Greece – FYRoM – Hungary.
417 In Belgium under certain circumstances smuggled migrants are referred to as "victims of smuggling in human beings". See for example Action plan 2012-2014 The fight against trafficking in human beings, Kingdom of Belgium on p. 17.
418 Interview representative Federal Judicial Police, Belgium and The fight against trafficking and smuggling in human beings, Policy and Approach, Kingdom of Belgium, November 2014.

way the financial gain is taken away from the smugglers; the high fines are proportional to the profits traffickers and smugglers make.[419]

With regard to penalties other than monetary/custodial, most researched Member States have provisions in place regarding the confiscation of means of transport, deportation and the prohibition of the exercise of specific occupations or activities, as foreseen under Article 1(2) of Directive 2002/90/EC.[420] In Bulgaria, for example, they include as a higher punishment for aggravating circumstances the possibility not only of a higher fine but also the confiscation of part or the entire property of the perpetrator. Similar provisions exist in certain third countries; for example in the FYRoM, the means and vehicles used to commit the smuggling operation can be confiscated.

### 5.3.3.6   Liability of the migrant

Smuggled migrants are not liable to criminal prosecution under the UN Protocol[421] for being smuggled into a country to which the person is not a national or permanent resident. However, this does not mean that migrants cannot be prosecuted for any other offences. In fact, many countries have legislation criminalising conduct, such as unauthorised entry or possession of fraudulent documents.[422] For example, the Swedish Aliens Act lists a complex system of sanctions and fines against human smugglers, as well as smuggled migrants: a third-country national who entered or crossed the border irregularly, '*shall be sentenced to a fine or imprisonment for at most one year*' as per the fines defined in the Penal Code. With regard to third countries, in Ethiopia, Article 243 of its Criminal Code focuses on "unlawful departure, entry or residence" and can be applied against smuggled migrants. Migrants are, however, generally not prosecuted for illegally crossing borders and violating the immigration law, as the government focuses more on punishing those who facilitate illegal border crossings. In 2008 and 2009, the Algerian government strengthened sanctions against those who contribute to irregular migration, including migrants themselves, be they foreign or national citizens, immigrants or emigrants. For both, irregular entry and exit of a foreign resident or national citizen, a six-month to two-year prison penalty could be imposed.[423]

It should also be noted that many of those who use smuggling services are asylum seekers. In the Geneva Convention relating to the Status of Refugees, Article 31[424] confirms that State Parties should not impose penalties, on account of the irregular entry or presence, on refugees who present themselves without delay to the authorities and show good cause for their unauthorised entry or presence. This means that asylum seekers should not be penalised for unauthorised entry or stay.

### 5.3.3.7   Liability of third parties (humanitarian clause)

Under Article 1(2) EU Directive, EU Member States may decide not to impose sanctions on a person who intentionally assists a third country national to cross a border in breach of laws of the state, where the aim of the facilitation of irregular entry or transit was to provide humanitarian assistance to the migrant concerned. For example, under Belgian law, actions to facilitate irregular immigration are punishable, unless these actions are *mainly motivated by humanitarian considerations*.[425] However, in most of the 28 EU Member States, exemptions for those providing humanitarian assistance to irregular migrants are not specified.[426]

In this regard, the EU Fundamental Rights Agency (FRA) recommended guidance to Member States which would explicitly exclude punishment for rescue at sea and assisting refugees to seek safety, as well as the provision of on-profit humanitarian assistance such as food, shelter, medical care, legal advice to migrants in an irregular situation.[427] Several international and regional organisations and NGOs have called for a

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419 Interview representative Federal Judicial Police, Belgium.
420 Report from the Commission based on Article 9 of the Council Framework Decision of 28 November 2002 on the strengthening of the penal framework to prevent the facilitation of unauthorised entry, transit and residence [COM(2006) 770 final - Not published in the Official Journal].
421 See Article 5 UN Protocol against the smuggling of migrants.
422 Model Law against the Smuggling of Migrants, UNODC, p. 56.
423 Migration Facts Algeria, Migration Policy Centre, April 2013.
424 http://www.unhcr.org/3b66c2aa10.pdf
425 Interview representative Federal Judicial Police, Belgium.
426 Criminalisation of migrants in an irregular situation and people engaging with them, FRA, 2014. EMN Ad-Hoc Query on exemption from sanctions within the context of "offence of solidarity", p.7.
427 Criminalisation of migrants in an irregular situation and of persons engaging with them, EU Agency for Fundamental Rights, 2014, pp. 15-16.

revision of this Article 1(2) to make this optional provision obligatory (e.g. Council of Europe[428], the Human Rights at Sea Initiative[429] and PICUM[430]). The NGO "Social Platform", for instance, has highlighted that providers of humanitarian assistance should be able to provide basic humanitarian services to undocumented migrants and should not be obliged to report irregular migrants, nor should their funding be affected.[431]

## 5.4 Policy framework: strategies and programmes addressing the smuggling of migrants

The following section will provide an overview of the main types of policies in place at the international, EU and national level (both EU Member States and third countries) addressing the smuggling of migrants. However, the section does not aim to provide an exhaustive overview of the policies in place in individual researched countries.

### 5.4.1 Policy framework at the international and EU level

At the international level, the UNODC and IOM are the only two international organisations that have (or are in the process of adopting) a dedicated strategy, programme and/or action plan to specifically address the smuggling of migrants. The other international organisations involved in assisting countries in addressing the smuggling of migrants (as mentioned in section 5.2) do this as part of their strategies to address legal or (irregular) migration, organised crime and trafficking in human beings. For example the African Union adopted two policies on migration, the African Common Position on Migration and Development[432] and the Migration Policy Framework for Africa[433] in 2006, which also include actions on the smuggling of migrants. For example, the Migration Policy Framework contains a chapter on irregular migration which includes a section on smuggling of migrants recommending five strategies, namely the strengthening of national law and policy by incorporating the UN Protocol against Smuggling (1), developing common regional countermeasures which encourage more legal channels and dismantling organised crime and prosecution of smugglers (2), encouragement of regional consultative processes and dialogue on irregular migration (3), reinforce and encourage joint cross-border patrols between neighbouring States (4) and the adoption of comprehensive information collation systems on smuggling to facilitate the tracking and dissemination of information on the trends, patterns and changing nature of smuggling routes as well as the establishment of databases on convicted smugglers (5). Some international organisations have strategies on topics such as border management, and other issues related to migrant smuggling, such as surveillance, document security and cooperation.[434]

At European level, similar to the international level, the EU acknowledges the cross-cutting nature of migrant smuggling, at the juncture between migration, security and external relations policies.[435] While combating the smuggling of migrants has been on the European agenda for some time, in May 2015 the EU adopted a specific EU Action Plan against migrant smuggling (2015-2020)[436], as foreseen in the

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428 Council of Europe, Parliamentary Assembly, The "left-to-die-boat": actions and reactions, Resolution 1999 (2014); Council of Europe Commissioner for Human Rights, Nils Muižnieks, Report following his visit to Greece, from 28 January to 1 February 2013(2013); Council of Europe Commissioner for Human Rights, Thomas Hammarberg, "Criminalisation of Migration in Europe: Human Rights Implications"(2010).

429 The Human Rights at Sea Initiative, "African Migrants to Europe, an Asylum Case Study: Seeking safety in Europe from torture and ill-treatment".

430 Platform for International Cooperation on Undocumented Migrants (PICUM) «Five-Point Action Plan for the Strategic Guidelines for Home Affaires from 2015», January 2014.

431 Interview with representative Social Platform, 26 March 2015

432 African Common Position on Migration and Development, African Union EX.CL/277 (IX). 25-29 June 2006.

433 The Migration Policy Framework for Africa, African Union EX.CL/276 (IX). 25-29 June 2006.

434 As border controls make it more difficult for irregular migrants to make the journey unaided, therefore increase demand for smuggling services.

435 In this regard the following policy documents are relevant to smuggling: A European Agenda on Migration, COM(2015) 240 final, European Commission, Brussels, 13 May 2015.; the European Agenda on Security, COM(2015) 185 final, European Commission, 28 April 2015; the multi-annual Policy Cycle on serious international and organised crime (2013-2017); Operational Action Plans 2015 related to the EU's priorities for the fight against serious and organised crime between 2014 and 2017 (Illegal Immigration), Council of the EU, 19 December 2014; Communication on the work of the Task Force Mediterranean, European Commission, 2013; The Stockholm Programme – An open and secure Europe serving and protecting citizens, Official Journal C 115, 4 May 2010.

436 EU Action Plan against migrant smuggling (2015 - 2020), COM(2015) 285 final, European Commission, Brussels, 27 May 2015.

European Agenda on Migration, which identified the fight against smuggling as a priority.[437] The new Action Plan is based on a multidisciplinary approach and sets out the actions for the EU and its agencies to prevent and counter migrant smuggling. The Action Plan draws from a range of measures across different policy areas such as migration management, border control, law enforcement and police cooperation and internal security.[438]

The relevant strategies, programmes and action plans dedicated to addressing the smuggling of migrants at the international and EU level are listed in the table below, highlighting their key objectives and/or priorities:

Table 9 Priorities and/or main objectives of relevant strategies, programmes and action plans on the smuggling of migrants at international and EU level

| UNODC Strategy 2012[439] | UNODC Global Programme[440] | UNODC North Africa 2015[441] | EU Action Plan 2015[442] | IOM (under development) |
|---|---|---|---|---|
| 1. Research and Awareness Raising; 2. Promotion of Protocols and Capacity-Building; 3. Strengthening of Partnerships and Inter-agency Coordination. | 1. Prevention and Awareness Raising; 2. Data Collection and Research; 3. Legislative assistance; 4. Strategic Planning and Policy Development; 5. Criminal Justice system responses; 6. Protection and assistance; 7. International cooperation. | 1. Research and analysis to identify trends, flows and gaps in responses; 2. Strengthening national capacities to bring legislation in line and develop an effective criminal justice response; 3. Promoting regional and inter-regional cooperation; 4. Ensuring alignment and synergies with coordination mechanisms to address challenges at the global level; 5. Enhancing capacities to protect the rights of smuggled migrants. | 1. Enhance police and judicial response; 2. Improve gathering/sharing information; 3. Enhanced prevention of SOM and assistance to vulnerable migrants; 4. Stronger cooperation with third countries. | 1. Help migrants in distress and save lives (incl. search and rescue, reception and immediate assistance and/or referral services); 2. Facilitate more avenues for safe and regular migration; 3. Promote development for better options and reduce the (push) factors that force migrants to seek out smugglers; 4. Enforce law and policy on migrant smuggling (incl. capacity building,, operational cooperation and information exchange). |

The strategies, programmes and action plans mentioned in the table above include the objectives to improve detection and investigation capacities of the EU and third countries in the area of migrant smuggling, to undertake research and analysis and to enhance cooperation. However, with regard to the latter, the type of cooperation differs. For example, the UNODC North African Strategy of 2015 focuses on enhancing regional and inter-regional cooperation, while the EU Action Plan focuses more on cooperation at the EU level and between the EU and third countries. Moreover, it seems that all but the IOM Strategy[443]

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437 A European Agenda on Migration, COM(2015) 240 final, European Commission, Brussels, 13 May 2015.
438 European Agenda on Security, European Commission, 28 April 2015.
439 Comprehensive Strategy to Combat Trafficking in Persons and Smuggling of Migrants, 29 February 2012.
440 Global Programme of technical assistance against migrant smuggling to assist Member States implement the Migrant Smuggling Protocol and to operationalize the UNODC Thematic Programme and Strategy (Global Programme), UNODC.
441 Contribution to the International Efforts to address the smuggling of migrants across the Mediterranean - Strategy for the building of Capacity of North African Countries through an Integrated Response, UNODC, January 2015.
442 EU Action Plan against migrant smuggling (2015 - 2020), COM(2015) 285 final, European Commission, Brussels, 27 May 2015.
443 These things were not mentioned by the IOM when describing the main lines of action of the strategy, however this might be included in actual text of the Strategy, once published.

include the intent to encourage the implementation of the international legal framework (UN Protocol against Smuggling) and to undertake awareness raising campaigns. While the UNODC Strategy of 2015 and the EU Action Plan highlight the importance to open more safe legal channels into the EU[444], the IOM strategy includes the facilitation "*of more avenues for safe and regular migration*" as one of its four main objectives. The IOM Strategy is also the only strategy which includes addressing root causes as one of its main objectives. The EU Action Plan, which has the specific focus to fight against smugglers and traffickers[445], does refer to root causes in terms of the broader context the Action plan. It is the EU Agenda on Migration that includes actions, such as development cooperation and humanitarian assistance to address root causes. Moreover, the EU Action Plan is the only policy document explicitly mentioning the EU's intent to improve the legal framework, to undertake data collection (Eurostat collection of crime statistics), to help business operators, target vessels, internet content and illegal employment and stating its goal to enhance the effectiveness of return policy as a deterrent to smuggling.

### 5.4.2   Policy framework at the national level (EU Member States and third countries)

At the national level, only a few researched countries that formed part of this research have a national action plan or strategy specifically targeted at preventing the smuggling of migrants in place. Other countries have included actions on the smuggling of migrants in strategies and action plans on related topics, such as THB, (irregular) migration issues in general, or related policies (i.e. on organised crime). As smuggling is a cross-cutting theme, a number of countries have issued several policy documents on addressing the smuggling of migrations (e.g. Belgium). Overall, however, no uniform policy approach exists on how countries try to tackle migrant smuggling. Selected examples of the different national policies are provided below.

*Countries with strategies, action plans and programmes specifically targeting the smuggling of migrants*

Examples of countries with specific strategies, action plans and programmes targeting migrant smuggling include the Netherlands and Belgium. In Belgium, for example, a joint Circular was adopted by the Minister and the College of Public Prosecutors in 2011, which is a tool aimed at investigation and prosecution of smuggling cases, and includes actions that relevant organisations (such as the police and judiciary) need to take in this regard, as well as criminal intelligence and indicators in the area of smuggling. Similarly, the Dutch Office for prosecution services adopted a note[446] on the strengthening of the approach to Smuggling of Migrants and THB in 2008, which includes actions for the prosecutors. Although not a strategy or action plan as such, an important practice to be highlighted is the Dutch "Barrier model for THB and Smuggling of Migrants", on which basis interventions are developed to address the smuggling of migrants.[447] The model shows the different barriers that smugglers have to overcome if they want to make money from human smuggling – aiming to make barriers as high as possible so that human smuggling becomes more difficult, less lucrative and less attractive.[448] The model also shows the barriers a migrant must surpass to successfully be smuggled and not be detected after staying in the Netherlands.[449]

Few of the researched EU Member States that formed part of this research address the smuggling of migrants within strategies or action plans on trafficking in human beings (e.g. Poland), or address smuggling and THB, but in practice focus on THB (e.g. Spain and Belgium). For example, in addition to the public prosecutor's joint circular mentioned above, Belgium has an Action Plan on THB and smuggling. However, it is much more focused on THB and certain aggravated forms of human smuggling, instead of the smuggling of migrants more generally.

Some of the third countries covered by the case study research have recently developed specific national strategies and/or action plans on migration or irregular migration in general, under which various measures

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444 In this respect, the European Agenda on Migration refers to resettlement places. See European Agenda on Migration, COM(2015) 240 final, European Commission, Brussels, 13 May 2015, pp. 4-5.
445 European Agenda on Migration, COM(2015) 240 final, European Commission, Brussels, 13 May 2015, p. 8.
446 Notitite Versterking aanpak Mensenhandel en Mensensmokkel, Openbaar Ministerie, 2008.
447 Dag van de Keteninformatisering 21 may 2015, Workshop 5, programme published on 19-05-2015 here:
   https://www.zichtopdevreemdelingenketen.nl/Kalender/bijeenkomsten/dag-van-de-keteninformatisering.aspx
448 Ad hoc query and Interview representative Ministry of Security and Justice, the Netherlands.
449 Mensensmokkel, Criminaliteitsbeeldsanalyse 2012, Koninklijke Marechaussee, December 2011. And Interview representative Ministry of Security and Justice, the Netherlands.

or activities to address migrant smuggling have been included (i.e. the FYRoM, Nigeria, Pakistan and Turkey).[450] Pakistan recently adopted its National Action Plan to Combat Human Trafficking and Migrant Smuggling (2015-2020), which has been developed with the support of UNODC Pakistan and is aimed at particularly addressing the gaps in implementation of anti-smuggling efforts in the country, including for example inter-agency cooperation, public-private partnerships, standardised data collection and addressing corruption. It also aims at clarifying the differences between the Palermo Protocols on trafficking in human beings and on migrant smuggling, to address the issue of conflation of the two concepts in policy fields. FYRoM recently adopted a National Action Plan on THB and Illegal Migration (i.e. smuggling) and the accordant Action Plan (2013-2016), which are the third consecutive versions (previously 2006-2008 and 2009-2012) on the topic. This highlights a certain amount of continuity and experience with the topic over a longer period of time and by a wide variety of actors, considering it was developed with the involvement of representatives from government, civil society and intergovernmental organisations based on experiences in the field. In the case of Turkey, its recently published Strategy Document and National Action Plan on Irregular Migration, developed with the support of IOM, focuses on addressing irregular migration and preventing organised crime, with emphasis on migrant smuggling, in particular through border control, combating organised crime and multi-level governance. Nigeria has only recently adopted its National Migration Policy that will go into more detail on approaches to address migrant smuggling, which was developed with financial and technical support of IOM.

Stakeholders foresee that this new policy will be instrumental in further developing operational responses to address migrant smuggling in Nigeria, as occurred previously with regard to trafficking. Moreover, for Nigeria and Pakistan in particular, these recently developed policies have been considered key in tackling some of the shortfalls in addressing migrant smuggling (i.e. in the case of Nigeria, lack of legislation on migrant smuggling; for Pakistan, conflation of the concepts of trafficking in human beings and migrant smuggling).

This research also suggests that some EU and third countries are in the process of adopting more targeted policies to address the smuggling of migrants. For example, Germany is currently working on implementing the new European Agenda on Migration, and has set up an inter-ministerial working group to implement measures on migrant smuggling.[451] Although this working group has a more general approach, the focus will be on specifically preventing migrant smuggling from North Africa. In Egypt, the National Coordinating Committee on preventing and Combating Illegal Migration (NCCPIM) is currently drafting a unified legislation and action plan addressing illegal migration, monitoring its implementation taking into consideration Egypt's international obligations as a party to the International Protocol against smuggling.[452]

In addition, many third countries (e.g. Egypt, Pakistan, Nigeria) already had policies in place dealing with trafficking in human beings before adopting policies on smuggling of migrants at a later stage, based on gaps seen in the trafficking policies.

## 5.5   Activities addressing the smuggling of migrants

The next section will discuss the activities undertaken by national authorities and actors (e.g. NGOs) to address the smuggling of migrants, as well as the activities undertaken by international organisations including the EU, which are supporting and assisting these national efforts.

Based on the research findings, the activities undertaken by national authorities addressing the smuggling of migrants can be categorised into 10 main types of activities, as will be further outlined in the next sections and is illustrated in the figure below (circles within the orange rectangle). Moreover, activities undertaken by international organisations (including the EU) that support and assist national authorities in their efforts to address the smuggling of migrants can be categorised into six main types of supporting activities, as will be further outlined in the next sections and is illustrated in the figure below (grey triangles).

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450 For the additional third countries no evidence was found that these countries have policies in place on the smuggling of migrants. With regards to the remaining case study third countries; Egypt is in the process of adopting policies addressing SOM (see further described below), Ethiopia and Lebanon have no such policies in place (Although Lebanon has policies on document fraud) and in Libya and Syria any previous policy is not currently applied, due to current political situation.
451 Interview representative German federal police.
452http://www.mfa.gov.eg/Arabic/InsideEgypt/economyindicator/Documents/NCCPIM%20Action%20Plan%202014-2015.pdf

Figure 10 Overview of activities undertaken by national authorities and related supporting activities by international organisations (incl. the EU)
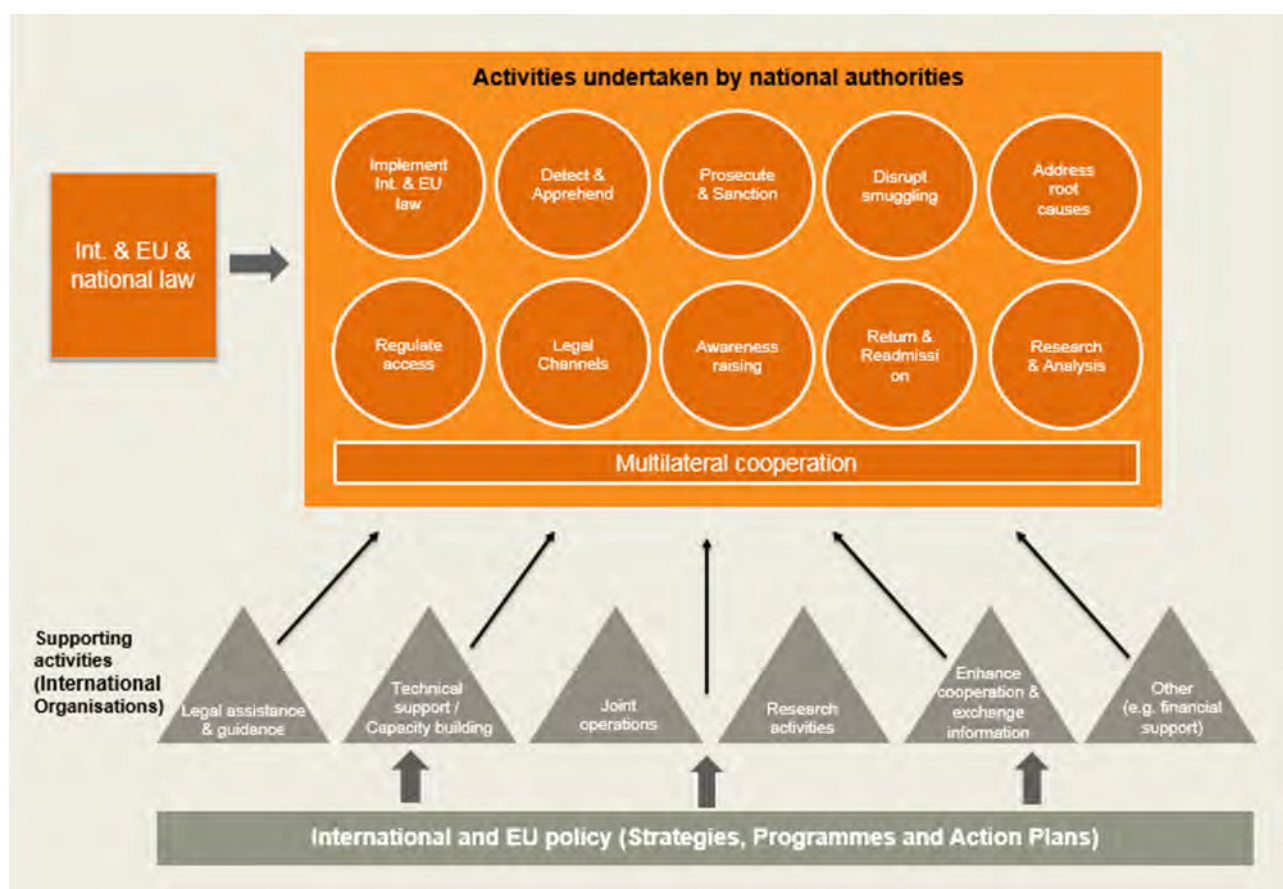


*Source: Optimity Advisors*

The following sections will further discuss and provide examples of each of these 10 types of activities undertaken by national authorities in addressing the smuggling of migrants. The sections will also discuss the supporting activities of organisations at international and EU level for each of the types of national activities. The way in which EU and third countries cooperate across these activities is discussed in section 5.6.

### 5.5.1   Implementing the international legal framework

As stated in section 5.3 all researched Member States, as well as 12 out of the 19 researched third countries, have ratified the Protocol against Smuggling. For those countries that have not ratified or transposed the Protocol into their national laws, a number of organisations at international level promote and encourage the adoption and implementation of the Protocol against Smuggling. These organisations include UNODC, the African Union, OSCE, and the Council of Europe. The UNODC also provides states with legislative assistance through its technical assistance tool[453] and the Model Law against the Smuggling of Migrants.[454]

The EU is a party to the UN Protocol against Smuggling. Between 2009 and 2013, the EU funded a project which aimed to promote the implementation of the two Protocols supplementing the UN in third countries,

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453 International Framework for Action to Implement the Smuggling of Migrants Protocol. UNODC. Vienna. 2011.
454 Model Law against the Smuggling of Migrants. UNODC. Vienna. October 2010.

including the UN Protocol against Smuggling. The project[455] included capacity building in the shape of regional legislative training for government services, ministries and parliamentarians on how to review and draft legislation in accordance to the applicable Protocol.[456] The newly adopted EU Action Plan also encourages third countries to become party to the UNTOC and its Smuggling Protocol, and foresees to fund projects supporting third countries in enacting legislation in line with the Protocol.[457]

### 5.5.2 Detecting and apprehending smugglers: Surveillance, border control and criminal investigation

Different types of activities are undertaken at the national level, supported by international organisations (including the EU), to increase the effectiveness of surveillance, border control (land, air and sea) and criminal investigations with the aim - among others - to detect and apprehend facilitators of smuggling. Although surveillance and border control activities are usually not undertaken for the sole purpose of addressing the smuggling of migrants, evidence shows that these activities do have an impact on it. Surveillance and border control activities also serve for the collection of intelligence used for criminal investigations in smuggling cases with the goal to gather enough evidence to apprehend and prosecute facilitators of smuggling.

The following sub-sections will further outline and discuss the main different types of activities mentioned by stakeholders consulted for this study as particularly relevant for the detection and apprehension of smugglers, namely:

★ Practices relating to increased surveillance and border control (5.5.2.1);
★ Capacity building activities in relation to border control and criminal investigations on smuggling cases (5.5.2.2);
★ Sharing of information (5.5.2.3);
★ Deployment of Liaison Officers (5.5.2.4); and
★ Other activities related to detecting and apprehending smugglers (5.5.2.5.)

Other surveillance, border control and criminal investigation-related activities undertaken by two or more countries together, as well as EU-supported joint operations are discussed in the section on cooperation (section 5.6). .

#### 5.5.2.1 Increased national surveillance and border control activities

At the national level, border control and surveillance is increased through, for example, the construction of fences and the deployment of additional border guards to specific areas where many irregular migrants arrive, as well as the implementation of new border surveillance systems. Often, these surveillance and patrol measures are targeted at specific geographical locations or Hubs that have been identified as places where many smuggled migrants pass, or meet their smugglers. Several stakeholders contacted for this research noted, however, that surveillance and border control measures only displace the smuggling routes or make it more expensive for migrants to enter the EU but do not stop migrants from using smugglers.[458] Further examples of such measures in EU Member States (Bulgaria, Greece, Spain and Belgium) and third countries (Bangladesh and Egypt, and their perceived impact on reducing migrant smuggling or shifting the smuggling routes are provided below.

For example, the research findings suggest that Greek border control operations along its border with Turkey have changed the smuggling routes several times: from the maritime route, to the land route and back to the maritime route, the latter of which has become the main route since 2012. At that time, the Greek authorities constructed a fence and increased surveillance along the land border (running aside the Evros River), as well as engaged Operation Shield ("Aspida"), which deployed an additional 1 800

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455 Promoting the Implementation of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children; http://ec.europa.eu/anti-trafficking/eu-projects/promoting-implementation-protocol-prevent-suppress-and-punish-trafficking-persons_en

456 Geographical regions included in the project were: East, West, Central and South Africa; East, South and Central Asia; Latin America and Eastern Europe.

457 EU Action Plan against migrant smuggling (2015 - 2020), COM(2015) 285 final, European Commission, Brussels, 27 May 2015, p. 9.

458 For example, Interview representative NGO La Cimade, France; Interview representative NGO, Spain.

border guards to the area. These efforts have been highlighted by authorities and the media as effective in closing the land border route to migrant smuggling operations, with the route reverting back to the maritime route between the two countries, which is reportedly more difficult to patrol. Moreover, cooperation with Turkey has also been considered instrumental in operations addressing migrant smuggling: it has been reported that often the Greek border guards identify migrant groups within the Turkish territory, who seem to be about to cross, and inform the Turkish authorities, who in turn often react and apprehend them before they cross into Greek territory.[459]

Bulgaria took a very similar approach in addressing irregular arrivals (which, according to the case study findings, include organised smuggling activities) via its land border with Turkey, investing considerable efforts in 2014 on border control and surveillance. This also involved the construction of a fence along the border, the implementation of an Integrated Border Surveillance System (IBSS), and increased deployment of border guards (approximately 1 300) along the border. According to authority and stakeholder interviews, these efforts were made with the aim to, firstly, combat irregular migration at that border and, secondly, to shift such flows to official border crossing points where the border police are better equipped to deal with irregular arrivals (including potential asylum seekers). While the fence and the IBSS have been considered effective with regard to those aims, an official assessment by the Ministry of Interior of Bulgaria noted that the deployment of border guards was seen as particularly ineffective, both operationally and also significantly due to the financial resources it entailed. In 2015, Bulgaria plans to end the additional police force missions and to re-plan its border operations. Bulgarian policy and police deployment along this border have been particularly criticised by human rights civil society stakeholders, as a result of several reports of violence against, and "push-backs" of, migrants crossing this segment of the border.[460]

In Egypt, there have been several reports of actions by the Egyptian Security Forces with regard to increased sea border controls and anti-smuggling operations addressing the route from Egypt to Italy. According to an interview with an Italian representative of the Guardia di Finanza, these operations by Egyptian authorities, together with Italian bilateral cooperation, have decreased the number of departures from Egypt towards Italy.[461] However, these actions have been highly criticised for their "shoot-to-stop" policy to prevent a migrant smuggling vessel from departing, as well as the practice of arbitrary detention of apprehended migrants.[462]

In Bangladesh, a similar approach was taken where 2 828 km of fence has been constructed since 2014, with a further 28.8 km to be completed in May 2016, to prevent the illegal flow of people through the border.[463] The effectiveness of this measure, however, has yet to be evaluated.

Similarly, on the passage from Western Africa to Europe, evidence collected for this study shows that the so called "Atlantic route" has rapidly declined in use during recent years, mainly as a result of the increased control measures by European (particularly Spanish) and Moroccan authorities. In this context, Spain created a Regional Coordination Centre in the Canary Islands (CCRC) in 2006 to address the increased irregular flows of migrants aiming for the Canary Islands. The CCRC was operated by the Civil Guard and coordinated actions of transnational joint sea patrols and police operations. As a result, since 2006, the number of irregular migrants detected on their way to the Canary Islands has decreased[464], and this route is reportedly now only used sporadically.[465] In addition, the main points of embarkation for

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459 Dimitriadi, A. (2013). Migration from Afghanistan to third countries and Greece, *IRMA Background Report*. Athens: ELIAMEP. Interview with Hellenic Police representative, anonymous.

460 See Interviews TR/N/8; TR/N/6; BG/OS/BG/SY/1; BG/M/KEN/4, BG/M/NGA/14, BG/I/10 in Case Study 4: Nigeria – Turkey – Bulgari; HRW Report (2014) "Containment Plan": Bulgaria's Pushbacks and Detention of Syrian and Other Asylum Seekers and Migrants; Amnesty International, The Human Cost of Fortress Europe, July 2014, Index: EUR 05/001/2014; Savova, I. (2015), Hristova, T., Apostolova, R., Deneva, N., Fiedler, M. (2014)„ Trapped in Europe's Quagmire: The Situation of Asylum Seekers and Refugees in Bulgaria", Bordermonitoring.eu 2014; Hilton, J. (2015) In Pictures: Bulgaria repels asylum seekers at Human rights in Bulgaria in 2014, Annual report of the Bulgarian Helsinki Committee. April 2015, Turkish border, http://newirin.irinnews.org/in-pictures-bulgaria-repels-asylum-seekers-at-turkish-border.

461 I/A/1, Interview representative Guardia di Finanza, Italy, Case Study 1: Syria/Lebanon – Egypt – Italy.

462 Salah Ziad. (10 april, 2015). *La marine de guerre Egyptienne bombarde une embarcation d'immigrantsafricains: crime de guerre au large de la Mediterranee.* Journal de l'Oranais News Article available online at: http://www.oranais.com/actualites/la-marine-de-guerre-egyptienne-bombarde-une-embarcation-dimmigrants-africains-crime-de-guerre-au-large-de-la-mediterranee.htm Accessed 21 April 2015; IRRI. (16 March 2015). IRRI and other rights groups call on Egypt to end arbitrary detention of refugees. Press release available online at: <http://www.refugee-rights.org/Publications/PR/PR.html> Accessed 21 April 2015.

463 Das, P. Border Fencing will not stop illegal migration. Institute for Defence Studies and Analyses. 26 December 2014.

464 I-map.

465 Interview representative Ministry of Interior, Spain.

the Canary Islands, which had originally been located in Morocco and Western Sahara, steadily moved further south to harbours in Mauritania and Senegal in response to the law enforcement measures.[466]

As the main modus operandi for smuggled migrants into Spain is by boat, efforts have been made to increase contacts with local authorities of third countries, (such as Mauritania), to undertake surveillance and find out which ports the boats depart from in order to stop them at the ports of the third country.[467] This approach has been emphasised by the Spanish authorities as an effective one, as the Mauritanian authorities are preventing and stopping almost all boats with smuggled migrants from leaving Mauritania, by working in all the ports.[468] Spain also intensified its surveillance of the Strait of Gibraltar, where the majority of smuggled migrants were arriving.[469] The Spanish government put technology in place, called the External Surveillance Integrated System (SIVE), which allows the operator, the Civil Guard, to detect vessels from a distance of 10-25 km. When a vessel is about 5 km from the coast, the system can determine the number of persons on board. According to Frontex, the SIVE will be integrated into the European Border Surveillance System (EUROSUR) to share the situational tactical picture with Spain's neighbouring countries.[470]

Another example of a targeted measure (geographically) is the patrolling by the Belgian authorities along the E40 highway (and nearby car parks) from Belgium to Calais[471], to stop migrant smuggling, as many migrants aim to reach the UK via Calais. Activities included increased patrols and awareness raising of truck drivers in terms of migrants trying to slip into their trucks and vans in car parks, and to take preventive measures.[472] In this context, Belgian magistrates and authorities at provincial level worked together[473], which reportedly had a positive effect on the number of apprehensions and arrests.[474]

Finally, several projects (some funded or co-funded by the European Commission, and involving international organisations and civil society) have been mentioned by stakeholders contacted for this study, namely on prevention and management of irregular migration flows, in Italy and Libya[475], as well as projects providing support to national authorities on border management (Italy with Libya, also the FYRoM, Hungary, Lebanon, Nigeria, Turkey). Those involving training and capacity building are further discussed in section 5.5.2.3 below.

Overall, though, the research undertaken for this study seems to suggest that the majority of surveillance and control activities focus on the national level and are not fully coordinated and aligned between countries along smuggling routes and regions. This allows for circumventing such obstacles and for developing alternative routes or modus operandi. Limiting control to only a few points along a route mainly leads to shifts between countries and increasing costs for smuggled migrants. Moreover, control measures often focus on the prevention of entry whereas less attention is paid to the situation within countries and at their exit points (also within Europe). Consequently, smuggling routes appear as chains of highly controlled points alternating with areas of low law enforcement pressure. Such "friendly environments" can be regarded as one of the main pre-requisites for the functioning of migrant smuggling over long distances.

Policies and activities to address document fraud were also noted as impacting on migrant smuggling operations, for example in the cases of Pakistan and Nigeria. In Pakistan, the impact was two-fold; on the one hand, these policies and activities had a positive effect in terms of increased detections of document fraud, and on the other, a concurrent negative effect of discouraging immigration officers from taking up the task of border control, due to the fear that they may be sanctioned for a mere human error, although whether this is indeed the case could not be verified by the research. In this specific case, the strict punitive measures (i.e. court case lodged against and placement on "black lists" for corruption) on immigration officers who authorise the exit or entry of a person using fraudulent documents have made it reportedly

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466 Case Study 4: Nigeria – Turkey – Bulgaria.
467 Interview representative Ministry of Interior, Spain.
468 Interview representative Ministry of Interior, Spain.
469 The Merits and Limitations of Spain's High-Tech Border Control, Migration Policy Institute, June 2007.
470 I-map.
471 Interview representative Federal Judicial Police, Belgium.
472 Interview representative Federal Judicial Police, Belgium.
473 Interview representative Federal Judicial Police, Belgium.
474 Interview representative Federal Judicial Police, Belgium.
475 These projects include: Across Sahara I, with Libya and Niger; Across Sahara II, with Libya and Nigeria; Sahara-MED: prevention and management of irregular migration flows from Sahara Desert to Mediterranean Sea, with Libya; Programme for Stranded Migrants in Libya and Morocco (LIMO), with Libya and Morocco; A comprehensive approach to the effective management of mixed migration flows in Libya, with Libya; Enhancing the cooperation to fight trafficking in human beings from Nigeria to Europe, with Libya; Lutte contre l'immigration illégal et le trafic des êtres humains à travers la participation des familles victimes de l'émigration clandestine, des association organisée de la société civile et des institution locales, with Morocco; Back to the future – A transnational network for unaccompanied minors, with Albania.

difficult for the relevant Pakistani authorities to recruit staff for this task. In Nigeria, the national policy of introducing Nigerian biometric passports in 2006 was reportedly effective in decreasing the use of forged Nigerian passports at Nigerian airports (thus not for non-Nigerian nationals leaving from Nigerian airports), due to the commonly held perception among migrants and smugglers that attempts to circumvent airport border controls with forged documents was more expensive and less likely to succeed. However, routes were then displaced away from air routes in Nigeria, more towards the overland routes northwards. Smugglers have altered their modus operandi in response: they reportedly now use false passports from other West African countries and/or have migrants travel to transit Hubs in neighbouring West African countries (e.g. Mali) before attempting a smuggling operation via air route from there towards Europe. Moreover, visa fraud, as well as the use of breeder documents to fraudulently obtain a genuine Nigerian passport, are used as alternative tactics by smugglers, as noted in Chapter 4.2.4 (Modus operandi per type of border).

### 5.5.2.2 Capacity building/Technical assistance

At the national as well as the international and EU level[476], technical assistance is provided to countries to enhance their capabilities to identify facilitators of smuggling of migrants and apprehend smugglers. This technical assistance can include the provision of training, guidance or expertise as well as technical equipment. Capacity building can also include the provision of intelligence or access to information systems. This is described in further detail in the section below.

According to the research findings, at the national level capacity building activities include training activities for law enforcement and immigration officials such as police, border guards, coast guards, customs units, embassies and airport authorities. This includes targeted training on how to detect smuggled persons and smugglers specifically (e.g. Spain and Netherlands) or training with the aim to improve surveillance and border control (including the detection of fraudulent documents) more generally (Spain, Sweden). Training can be provided by EU Member States to their own national police and border guards (e.g. Sweden, Netherlands, Spain and France) or to third countries (e.g. Belgium, Italy, Netherlands, Sweden). For example, Italy has in the past been involved in a number of projects providing support to Libyan authorities in enhancing their border management including training of police personnel.

Capacity building activities are also undertaken by third countries. For example, the Egyptian National Coordinating Committee on preventing and combating illegal migration (NCCPIM) is tasked with preparing training and capacity building programmes for relevant entities responsible for law implementation, passports/customs staff, border guards and judicial arrest officers specialised in combating illegal migration taking into account human rights perspectives and necessary arrangements in accordance with national needs. Moreover, some third countries provide capacity building in cooperation with international organisations. For example, with the support of UNODC, in 2014 a Research and Analysis Center at the Pakistani Federal Investigation Agency (the federal law enforcement agency) was established, which focuses on standardising data collection and now regularly disseminates a Human Trafficking and Migrant Smuggling newsletter with key information on FIA efforts in combating THB and human smuggling. IOM's office in Nigeria has also worked closely with the Nigerian Immigration Service on this topic, by organising training on document fraud and risk analysis, as well as supporting the establishment of a document fraud unit in the NIS. The unit is used to support identification of forged documents. Such examples illustrate the significance in many cases of the support international organisations provide to third countries in organising training and building competencies within relevant government institutions.

Overall, most stakeholders for this study described capacity building as being effective in improving capacities in Member States and third countries for undertaking border control and detecting smuggled migrants. This research only found one instance where training was not considered effective, namely in Nigeria, reportedly because of the high turnover of border officials receiving the training, which resulted in minimal impact before the staff were moved.

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476 Including UNOCD, UNHCR, OHCHR, IMO, Interpol, IOM, OSCE, ICMPD at the international level, and Europol, Eurojust and Frontex at the EU level.

At the international level, training provided by international organisations (UNODC, OSCE, IOM, ICMPD and Interpol) related to addressing migrant smuggling is often part of border management and law enforcement training and is usually targeted at national police officers. It includes training on smuggler profiles to improve the ability to detect smugglers (UNDOC[477]), developing and refining intelligence (IOM) and the detection of fraudulent documents (IOM, Interpol). An example is the Interpol Smuggling Training Operation Programme (STOP), which provides border management support to the police of several countries and includes training on detecting organised criminal groups or individual smugglers that provide fraudulent travel document to migrants.[478] At EU level, such training can be provided under Joint Operations (further explained in section 5.5.2.4.).

An element of technical assistance is the provision of technical equipment. Spain, for example, provides technical equipment such as helicopters and boats to countries including Mauritania and Senegal. Similarly, Italy has signed a number of technical assistance programmes and Memoranda of Understandings with North and West African countries (Egypt, Tunisia, Libya, Algeria, as well as with Nigeria, Ghana and Niger), which include the provision of equipment and technologies for controlling seas and borders, as well as exchange of personnel and strategic information and training of police forces.

At the international level, the IOM Immigration and Border Management (IBM) team assists some countries in identifying and sourcing technical equipment (such as x-ray vehicle scanners or surveillance cameras) required to detect irregular migrants, including smuggled migrants, at border crossings.[479] At the EU level, equipment such as helicopters, planes, patrol cars, thermo-vision equipment and heart-beat detectors can be provided under Frontex-led Joint Operations (further explained in section 5.5.2.4).[480] However, although Joint Operations are generally co-financed by Frontex, the equipment is provided by Member States. Moreover, the External Borders Fund (2007-2013) and the Internal Security Fund (2014-2020) – Border and Visa, also provide direct financing to Member States.

### 5.5.2.3    Sharing of intelligence

Information and intelligence is shared between EU and third countries through information systems, contact centres, joint operations and cooperation through embassies.

The research findings of this study suggest that cooperation between EU Member States and between third countries often takes place through information systems held by international organisations such as the IOM, Interpol and the EU. These information and data sharing systems, even though not specifically focused on the smuggling of migrants, were perceived by the stakeholders contacted for this study as being useful, as the systems contain information valuable for the detection of cases of migrant smuggling, such as data on visas and airline passengers.

Two main organisations at international level, Interpol and IOM, mainly assist countries through the provision of access to data systems. The main purpose of these systems differs, i.e. from helping countries to fight transitional crime through effective border management (e.g. Interpol), to providing operational means to countries to collect and store migrant data (e.g. IOM). However, whatever the purpose, these systems can enhance countries' capacities to detect and apprehend smugglers by providing data and intelligence. For example, Interpol's previously mentioned STOP Programme provides access to law enforcement officials, to Interpol's global police communications network called I-24/7, which allows police and border control officers to check passenger documents against the Interpol Stolen and Lost Travel Documents Database (SLTD Database)[481] to detect facilitators of smuggling or smuggled migrants travelling with false documents. Interpol also has a Stolen and Suspect Vessels database, against which Member States can check information on vessels being used to transport smuggled migrants, as well as a colour-coded notices system which enables information sharing on wanted persons, such as facilitators of smuggling of migrants and warnings about suspects of involvement in illegal migration.[482] The IOM, as part of its capacity building activities in border and migration management, provides access to its border management information system MIDAS (previously PRIS), which enables national authorities to gather

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477 Case study research.
478 One EU member country (Italy) and several third countries (Algeria, Benin, Kenya, Philippines and Peru).
479 The International Organization for Migration and people smuggling. IOM. Geneva, 2011.
480 Roles and responsibilities, Frontex website.
481 Operations. Interpol website. 2015.
482 INTERPOL tools to help identify organized crime networks behind illegal migration, Interpol, 22 April 2015.

intelligence on organised criminal networks involved in, among other things, smuggling of migrants, and to develop risk profiles to assist in the detection of smugglers and smuggled migrants.[483] MIDAS also allows immigration officers to access the national and international alert lists (e.g. Interpol's I-24/7 and SLTD).[484]

At EU level, both Europol and Frontex assist Member States in detecting and dismantling networks of migrant smuggling by facilitating data collection and data exchange through information systems. Europol supports data collection and information exchange via the 24/7 operational coordination centre, the Secure Information Exchange Network Application (SIENA), the Europol Information System (EIS) and other services. Frontex is responsible for the European Border Surveillance System (Eurosur), which aims to facilitate and improve the exchange of information between EU Member States and third countries on, for example, unauthorised border crossings, suspect vehicles and vessels and migrant profiles and descriptions. The EU Action Plan calls for a strengthened use of Eurosur to monitor the EU pre-frontier area for early identification of smugglers and to prevent the irregular departures of migrants.

Other relevant databases mentioned by stakeholders include the Advanced Information System of Passengers (API) and the False and Authentic Documents Online (FADO) database, which is a computerised image archiving and transmission system of information which Member States possess concerning genuine and false documents, with the purpose of combating illegal immigration and organised crime.[485] The EU Action Plan also mentions other EU IT systems, such as the Schengen Information System (SIS II) and Visa Information System (VIS), as well as the European Document Fraud Network as tools to improve risk analysis and enable identification of falsified or forged documents, or nationality swapping.

Joint contact centres were another practice noted with regards to exchange of information between EU and third countries.  These joint contact centres between the FYRoM  and neighbouring countries (Serbia, Albania, Kosovo, Bulgaria) were noted in the case study research in terms of improving coordination between countries in monitoring irregular crossings (including migrant smuggling) through these countries. The Migration, Asylum and Refugee Regional Initiative (MARRI), whose members include the FYRoM and Serbia, is also currently initiating a common border control centre between the two countries, aiming at better control of the irregular crossings between the countries. The Southeast European Law Enforcement Centre also facilitates information exchange in the region and is engaged, in particular, in investigations of an organised crime case that involves three countries, for which they would organise operational meetings between representatives of the respective countries. At the end of 2014, a Joint Communication Service of the Serbian and Hungarian Police was launched, where officers from both countries can seek information on vehicles, persons and documents to support investigations on migrant smuggling and cross-border crime.

The EU also supports exchange of information through joint operations. In March 2015, Europol launched a Joint Operational Team (JOT) MARE together with 13 Member States, under the umbrella of its Operational Focal Point Checkpoint, to ensure the exchange of information between national authorities, Europol, Interpol and Frontex on the smuggling of migrants by sea. Its tasks include the collection and analysis of intelligence and operational data on facilitators and supporting Member States in investigations on organised criminal groups involved in smuggling migrants by sea, as well as those facilitating secondary movements.[486] According to the newly adopted EU Action Plan, JOT MARE *should be strengthened, to make it the EU information hub for cases of migrant smuggling by sea*. When being consulted for this study, the Dutch national authorities mentioned that, as JOT MARE is still at an early stage, it is difficult to say anything on its effectiveness, whereas cooperation with Frontex under the Joint Operations has been perceived as positive.[487]

Cooperation with and between embassies of EU Member States was highlighted in the case study findings. In the Nigerian case, a working relationship was established with the Nigerian authorities and among the various European embassies in Nigeria to share information on document fraud and also on refused visa applications. In this case, one embassy reportedly worked with an airline to improve document checking processes on the flights to the EU from Nigeria that were believed to be used for the smuggling of migrants. Although that particular arrangement was considered useful, it is thought to have merely displaced smuggling operations to other airlines or routes. On the other hand, a lack of such cooperation

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483 The International Organization for Migration and people smuggling. IOM. Geneva, 2011.
484 IOM's Migration and Data Analysis System (MIDAS), IOM, 2015.
485 Joint Action adopted by the Council on the basis of Article K.3 of the Treaty of the European Union concerning the setting up of a European Image Archiving System (FADO), 3 December 1998.
486 JOT MARE News, Europol, March 2015.
487 Interview representative Ministry of xx, the Netherlands.

and the obstacles it can pose (particularly with regard to return operations) was highlighted in the cases of Greece, Pakistan and Turkey.

### 5.5.2.4    Deploying liaison officers

Some EU Member States send immigration and law enforcement liaison officers to third countries, to establish and maintain contacts with the authorities of third countries (cooperation, including information exchange on irregular migration flows, routes and modus operandi[488]) so as to contribute to the prevention of, inter alia, the smuggling of migrants. The departments and roles of the officers deployed can differ. For example, France sends foreign liaison officers (ULTOCEM) to enable the exchange of elements of investigation, as well as immigration liaison officers (ILO) and safety immigration advisers (CSI). Similarly, the Netherlands sends ILOs from the IND as well as the Dutch Royal Marechaussee (Kmar). In 2004, in order to enhance the coordination between national ILOs posted in third countries, the EU established an Immigration liaison officers (ILO) network.[489]

There is no obligation for Member States to send ILOs, and indeed not all Member States do so, therefore, there is no equal distribution across third countries. Moreover, some countries send ILOs to other EU countries as well. For example, German Officers (ILOs) are assisting in other Member States, such as at airports in Greece and in harbours in Italy and Greece. The Swedish Police and Customs, jointly with other Nordic countries, sends out Polis och Tull i Norden (PTN) liaison officers. They are stationed in third countries as well as a number of places within the EU, such as Latvia, Germany, the Netherlands (EUROPOL), France (INTERPOL), the UK, Spain and Bulgaria. The Nordic liaison officers follow the same common guidelines and represent all the Nordic countries, irrespective of which country has stationed the individual liaison officer. The Hungarian National Bureau of Investigation has also delegated police liaison officers to both Serbia and Austria, and Austrian authorities have deployed a police liaison officer in Hungary, as part of the respective countries' cooperation against transnational organised crime, including migrant smuggling. Border officers have also been exchanged between Greece and Turkey, alongside more institutionalised operational cooperation across the border.

EU agencies also have a coordinating role in the deployment of national staff to EU Member States and third countries, often within the framework of Joint Operations. For example, under Frontex-led Joint Operations, national border guards are deployed to other countries. These border guards can have different profiles depending on the specific expertise required, such as false document experts, border checks, surveillance experts, dog handlers, debriefs etc. The country hosting the operation, guided by the operational plan (a document that defines the aim of each joint operation), is responsible and in command of the activities of the guest officers. The national officers can take the role of debriefing experts and intelligence officers. The debriefing experts gather information on smuggling routes and the modus operandi of facilitators by interviewing migrants (on a voluntary basis), for example on board of ships.[490] Interviews are coordinated by national authorities and the information collected about the vessel and persons on board is reported to the International Coordination Centre, which will transmit it to the National Coordination Centre of the Member State hosting the operation.[491] 'Intelligence officers' are national officers placed directly in the national coordination centres in countries like Italy, Spain and Greece where there is a joint operation and function as a bridge for the exchange of information between national authorities and Frontex.[492]

In addition, certain EU agencies post their own staff to third countries. For example, Europol deploys mobile police officers and currently has Europol liaison officers deployed in the US and within Interpol.[493] Frontex is planning to deploy a Frontex Liaison Officer in Turkey by the end of this year.

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488 Council Regulation (EC) No 377/2004 of 19 February 2004 on the creation of an immigration liaison officers network. OJ L 64/1, 2.3.2004, Article 2.
489 Council Regulation (EC) No 377/2004 on the creation of an immigration liaison officers network, 19 February 2004.
490  The interview has no impact on migrants in terms of criminal investigation and no impact in terms of the asylum procedure and is therefore different form screening interviews.
491 Regulation (EU) No 656/2014 establishing rules for the surveillance of the external sea borders in the context of operational cooperation coordinated by the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union, 15 May 2014.
492 Interview with Representative Frontex, 30 March 2015
493 Interview Representative Europol.

It seems that, so far, coordination between ILOs deployed in different countries has been limited and there is a lack of sharing of intelligence collected (to other Member States or EU agencies) beyond the Member State that sent the ILO, as this is treated as national intelligence.[494] However, some information is shared bilaterally (e.g. cooperation with Europol) or when there is an emergency situation (e.g. between other Member States, Italy and Turkey regarding ghost ships). A gap analysis undertaken by Europol also identified that, although the ILO network generally works quite well, very little information is shared for example by the ILOs in Turkey and Libya.[495]

EU Delegations seem so far to have been little involved in following the work of ILOs. Turkey is one of the few examples found by this research where a seconded national expert was appointed to the EU Delegation on border management and Local Schengen Cooperation, and whose portfolio also includes observing and facilitating the ILO network.[496] Frontex and Europol are invited to the ILOs regular meetings held at the Delegation run by the Presidency MS[497]. The Commission is currently planning to strengthen the function and role of ILOs Networks to enhance their ability to obtain and share relevant information in line with the EU Action Plan against smuggling, which foresees an evaluation and possible revision of the existing EU legislation on ILOs in 2016. [498]

### 5.5.2.5   Other activities related to detecting and apprehending smugglers

The European Agenda on Migration proposes the 'Hotspots' approach whereby joint mobile teams, consisting of Europol, Eurojust, EASO and Frontex members, will be deployed to frontline states facing particular pressure, to provide them with on the ground support to, among other tasks, target the smuggling of migrants. This support will include debriefing and screening teams to interview migrants upon arrival, on the spot operational and information support, as well as assistance with the investigations into, inter alia, cases of migrant smuggling. These hotspots will help the work of the EU agencies to complement each other, help national authorities to process asylum cases more quickly, as well as coordinate the return of migrants that are not in need of protection. Currently, such an on the spot office in Italy is being established as a part of the EU Regional Task Force and Europol intends to send a permanent team to support Frontex coordinated Joint Operations.

As was stated before, bilateral police cooperation, as well as EU supported joint operations are discussed in the section on cooperation (section 5.6).

Although no organisation at international level organises or coordinates joint operations between countries aimed at detecting and dismantling migrant smuggling networks, the OSCE does occasionally undertake field operation-related activities. For example, in 2014, the OSCE organised a regional exercise in Kosovo, with the local police forces, that included the tracking and dismantling of a migrant smuggling network. Interpol has participated in three joint operations with Frontex targeting organised crime networks behind irregular migration, by undertaking searches on its global databases (mentioned above) at frontline border control points.

### 5.5.3   Prosecuting smugglers

At the national level, another activity, prosecution, was noted as a particular tool for addressing migrant smuggling. This includes a local or national response to smugglers operating on a particular route leg, rather than an entire route from the country of origin. However, in Italy, the efforts of local prosecutors (in Catania and Palermo) have been stated as focused especially on dismantling smuggling networks operating on the route leg from northern Africa to Italy. In particular, this has involved extradition of three high-level Egyptian smugglers by the Catania DDA (local branch of the National Anti-Mafia Prosecutor's Office), as well as Operazione Glauco II, in which the Palermo DDA dismantled a network of Eritrean and Ethiopian smugglers based in Libya, Sudan and Italy, with connections to northern EU countries. One problem that has been noted both by an interview with the Head of Operational Activities

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494 Interview with EU Delegation in Turkey, 23 March 2015.
495 Interview representative Europol.
496 Interview with EU Delegation in Turkey, 23 March 2015.
497 Interview with EU Delegation in Turkey, 23 March 2015.
498Council Regulation (EC) No 377/2004 of 19 February 2004 on the creation of an immigration liaison officer's network. OJL 64/1,2.3.2004.

of Guardia di Finanza in Italy, and by the Italian civil society has been that "heads" or "top smuggler organisers" are primarily located abroad, thus making prosecution difficult.[499]

In some EU Member States, guidance has been developed for the prosecution services on prosecuting cases of smuggling. An example is the UK Crown Prosecution Service legal guidance for prosecutors and paralegal staff on Human Trafficking, Smuggling and Slavery.[500] In Turkey, the legal framework that prosecutes attempts at migrant smuggling at the same level as an actually committed migrant smuggling operation has been an important turning point for prosecutors in penalising smugglers. Previously, defence lawyers were able to successfully argue that an act of migrant smuggling could not be considered as such unless successfully completed. The amendment in 2010 to the current law has reportedly closed this loophole.[501] In Pakistan, two versions (in 2007 and 2012) of the Red Book of Most Wanted Traffickers (which includes a significant number of migrant smugglers) have been produced, to disseminate information to law enforcement across the country on wanted smugglers.[502] In terms of prosecution, statistics in Pakistan showed a low number of prosecutions under the Prevention and Control of Human Trafficking Ordinance compared to the Pakistani Emigration Ordinance (for unlawful emigration of a Pakistani citizen).[503] Reasons for the low number of prosecutions under Prevention and Control of Human Trafficking Ordinance is reportedly due to the fact that smuggling can also be prosecuted under several offences under the Penal Code and secondly, because a prosecution on this Ordinance requires the involvement of a criminal group, which is reportedly difficult to evidence.[504]

Organisations at EU and international level assist the Member States in bringing smugglers to justice, by providing training and guidance, by coordinating investigations and prosecutions or by organising meetings or signing agreements with the aim of enhancing information exchange and cooperation.

At international level, some organisations provide training activities to support the apprehension and prosecution of criminals or provide guidance or recommendations. For example, UNODC's regional office for the Middle East and North Africa organised a Training Workshop in Cairo for 25 Egyptian prosecutors on the investigation and prosecution of migrant smuggling cases in 2011.[505] Another example is training provided to judges and prosecutors by ICMPD on, inter alia, investigation of smuggling of migrants and prosecution of smuggling of migrants.[506] UNODC also provides guidance; it has developed manuals to support countries in investigating and prosecuting the smuggling of migrants, in cooperation with Interpol and Europol.[507] The "Working Group on the Smuggling of Migrants of the Conference of the Parties to UNTOC and its Protocols" has adopted general recommendations and good practice relating to special investigative techniques, the establishment of multi-agency centres and cross-border cooperation and information sharing in 2013.[508] Other organisations at international level organise meetings to discuss best practices in terms of cooperation between law enforcement agencies, judiciary and other relevant bodies in addressing, inter alia, the smuggling of migrants. An example mentioned is the OSCE Annual Police Experts' Meeting.[509]

In terms of training of prosecutors in third countries, there is an on-going twinning project with Kosovo implemented by Germany and Hungarian National Bureau of Investigation focusing on strengthening the investigation capacities of the Kosovo Police and the Kosovo Prosecutors, in order to record significant

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499 Case study 1: Syria – Lebanon – Egypt – Italy.
500 Crown Prosecution Website, Legal Guidance: Human Trafficking, Smuggling and Slavery. Available here: http://www.cps.gov.uk/legal/h_to_k/human_trafficking_and_smuggling/
501 TR/I/8; Interview with a lawyer from the International Labour Organization, Turkey. Case Study 4: Nigeria – Turkey – Bulgaria.
502 Federal Investigation Agency (2012), "*Red Book of Most Wanted Human Traffickers*". Available at: http://www.fia.gov.pk/redbooks/redbooktriff.pdf.
503 It should be noted that the statistics did not distinguish between prosecutions against smugglers and traffickers with regards to the Prevention and Control of Human Trafficking Ordinance , and neither between smugglers and smuggled migrants under the Pakistani Emigration Ordinance.
504 UNODC (2013), Recent trends of human trafficking and migrant smuggling to and from Pakistan, Vienna: UNODC; Azam, F. (2009), H*uman Trafficking, Human Smuggling and Illegal Migration to and from Pakistan*: *Review of Government Policies and Programmes*, Peshawar: Actionaid Pakistan and the European Union.
505 UNODC holds a Training Workshop for Egyptian Prosecutors on Investigating and Prosecuting Migrant Smuggling. UNODC. Cairo. 26 May 2011.
506 Ongoing projects, ICMPD website, Available at: http://www.icmpd.org/Ongoing-Projects.1570.0.html
507 Basic Training Manual on Investigating and Prosecuting the Smuggling of Migrants. UNODC. Vienna. May 2010; In-depth training manual on investigating and prosecuting smuggling of migrants. UNODC. Vienna. July 2011.
508 Report on the meeting of the Working Group on the Smuggling of Migrants held in Vienna from 11 to 13 November 2013, UN Conference of the Parties to UNTOC. November 2013.
509 Interview Representative OSCE.

progress in the fight against organised crime and corruption, with a view towards migrant smuggling. The research did not find any further evidence of training activities of prosecutors, this could suggest that less activities in this regard are undertaken compared to training activities to law enforcement (see section 5.5.2.2.)

### 5.5.4 Preventing and disrupting migrant smuggling (other than the above and those below)

In addition to the above, other activities are undertaken in order to prevent and disrupt the smuggling of migrants, including targeting the business operators and means of transport the smugglers use for their activities as well as their financial means and ways of communication.

Some countries target business operators by having rules in place holding carriers liable when migrants are smuggled into the country using their services. In the EU, all Member States except for Ireland have transposed the EU Directive on financial penalties of carriers (Council Directive 2001/51/EC of 28 June 2001[510]), which is a tool to address irregular migration by harmonising financial penalties imposed by the EU Member States on carriers. As a result, in these EU Member States, airlines are responsible for checking that migrants have the right documents. If they do let migrants without correct documentation through, the airlines become responsible for any onward costs for that person (detention costs, return costs etc.). These measures were deemed effective by the UK national authorities.[511] Similarly in Sweden, carriers involved in irregular entry are required to reimburse the State for the cost of the travel from Sweden for the migrant and security personnel who need to accompany the migrant as well as for the cost of the migrant's stay.[512]

Some countries assist business operators in the sectors most at risk, such as transport and shipping. For example, Hungarian regional police (along the border with Serbia) have provided information training as a preventative measure to bus and taxi drivers (as well as civil guards and field guards located in border areas) on procedures they need to follow in instances when they suspect irregular migration and human smuggling activities. Similarly, the EU Action Plan foresees the development of a handbook, including codes of conduct, to assist  drivers and operators of merchant and fishing vessels.

Apart from targeting the business operators, it also proposed to tackle the means of transport that smugglers use for their activities, by providing financial and technical support to "tow boats to the shores and scrap them", and to set up a list of suspicious vessels likely to be used in the Mediterranean, including those ready for scrapping. The EU agencies' role in this context is to set risk criteria for identifying such vessels and ensure that they are systematically monitored using Eurosur.[513] At the national level, in Italy, similar rules already exist: In the cases of "mother vessels" at high sea, Italian law allows for seizure of such ships at high sea to damage the asset of the smuggling organisation. A naval force, EUNAVFOR Med, to disrupt the smuggling of migrants in the Mediterranean was also created.[514] Its activities include the search, seizure and disruption of the assets of smugglers in the Southern Central Mediterranean.[515] This Common Security and Defence Policy (CSDP) operation was launched on 22 June 2015. Its financial reference amount is set at EUR 11.82 million for preparations, with a 12-month mandate.[516] EU Member States will take part in the operation, and it will be open to third countries. EUNAVFOR will be coordinated with EU agencies (incl. Frontex, Europol, Eurojust, EASO) and CSDP missions in the region. However, in order to launch the naval mission, the EU will need to reach an agreement on a resolution, under Chapter VII, from the United Nations Security Council.[517] However, such an agreement is not obtained, as countries have expressed their opposition to EU plans to destroy suspects' boats. The military operation has been

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510 Council Directive 2001/51/EC of 28 June 2001 supplementing the provisions of Article 26 of the Convention implementing the Schengen Agreement of 14 June 1985.
511 Interview representative Home Office, UK.
512EMN, Practical Measures to Reduce Irregular Migration, 2011 p.12.
513 EU Action Plan against migrant smuggling (2015 - 2020), COM(2015) 285 final, European Commission, Brussels, 27 May 2015.
514  Council Decision (CFSP) 2015/778 on a European Union military operation in the Southern Central Mediterranean (EUNAVFOR MED), 18 May 2015.
515 Council of the European Union, Council establishes EU naval operation to disrupt human smugglers in the Mediterranean, press release, 18 May 2015.
516 EU Mounts New Maritime Operation To Tackle Mediterranean People Traffickers, 9 June 2015,
    http://epthinktank.eu/2015/06/09/eu-mounts-new-maritime-operation-to-tackle-mediterranean-people-traffickers/
517 As the planned enforcement measures involve a threat or actual use of coercive power, the fundamental international law principles of sovereign equality, territorial sovereignty and non-interference prohibit the EU Member States from exercising enforcement jurisdiction in the territory of Libya (including territorial and internal waters) without: 1) Libya's permission and/or 2) the authorization of the UNSC under Chapter VII of the UN Charter. See: Gallagher and David, The International Law of Migrant Smuggling, CUP, 2014. p. 222.

criticised by different sides including NGOs, academics, MEPs, the Italian Coastguard and the UN Secretary General Ban Ki Moon[518] for several reasons including the possibility of collateral damage (i.e. the lives of innocent people/smuggled migrants). The mission has 21 contributing Member States and was welcomed by the global shipping association Baltic and International Maritime Council (BIMCO), which represents 2 300 members across 130 countries.[519]

The EU Action Plan against smuggling has proposed other activities by EU agencies related to law enforcement, in order to assist in the prevention and disruption of the smuggling of migrants, with the aim of disrupting their business, namely by targeting their financial resources and ways of communication. With regard to the former, the European Commission intends to step up cooperation with Financial Intelligence Units on financial flows and take action against money laundering and conduct financial investigations to seize and recover criminal assets of organised crime groups involved in the smuggling of migrants. The CARIN Network (Camden Asset Recovery Inter-Agency Network) was set up in 2004 to focus on depriving criminals of their illicit profits, by assisting national authorities in the asset recovery process. In this context, the Action Plan foresees a role for CARIN in targeting money connected with smuggling rings. In addition, the independent inter-governmental Financial Action Task Force (FATF) develops and promotes policies addressing money laundering and terrorist financing. In 2011, FATF undertook a study on the money laundering risks arising from THB and the smuggling of migrants, acknowledging that criminals are turning the smuggling of migrants to a greater extent as this crime is seen as highly profitable.[520] The report concluded that more data on the topic is needed, as well as more cooperation between all relevant agencies engaged in the subject matter.

With regard to targeting the channels of communication used by smugglers, in the EU Acton Plan the Commission intends to support national authorities to detect and request the removal of internet content used by smugglers by strengthening cooperation with internet service providers and social media.

### 5.5.5 Addressing root causes

Although research around root causes were explicitly not included in the scope of this research, several stakeholders noted policies addressing root causes as a key factor for stopping migrants from using smugglers (i.e. by identifying and addressing root causes for irregular migration in third countries). Therefore a brief discussion of policies addressing root causes has been included in the following section.

In this context, several NGOs at the national level underlined measures addressing root causes as an important solution to reducing the smuggling of migrants into the EU. A Belgian NGO noted for example the general lack of focus on root causes in the debate around migrant smuggling, arguing that this issue should be included in discussions around development aid/cooperation, which could be used to address these root causes.[521]

Similarly, the UNHCR argued that in the EU, instead of focusing on law enforcement, it is important to understand the factors that lead migrants to leave their countries and put their lives at risk.[522] In the EU, the Global Approach to Migration and Mobility (GAMM), adopted in 2011, sought to address the root causes of irregular migration and the relationship between migration and development through a general framework for cooperation between the EU and third countries.[523] The EU Action plan refers to itself as being part of a broader context of EU efforts to address the root causes of irregular migration[524], which includes the European Agenda on Migration[525], in close cooperation with third countries along the migratory routes. The European Council, too, noted the need to better target development cooperation and enhance investments in Africa to address the root causes of migration as well as providing economic and social opportunities, so as to reduce the incentives for illegal migration and to combat the smuggling networks.[526]

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518 Council Decision (CFSP) 2015/778 on a European Union military operation in the Southern Central Mediterranean (EUNAVFOR MED), Council of the European Union, 18 May 2015.
519 EU Establishes EUNAVFOR Med, World Maritime news.
520 Money Laundering Risks Arising from Trafficking in Human Beings and Smuggling of Migrants, FATF, July 2011.
521 Interview representative Pag-Asa, Belgium.
522 Interview with representative UNHCR Europe Office, 27 March 2015
523 The Global Approach to Migration and Mobility, COM/2011/0743 final/, European Commission, 11 November 2011.
524 EU Action Plan against migrant smuggling (2015 - 2020), COM(2015) 285 final, European Commission, Brussels, 27 May 2015.
525 Communication on a European Agenda on Migration, COM(2015) 240 final, European Commission. Brussels. 13 May 2015.
526 European Council meeting (25 and 26 June 2015) – Conclusions EUCO 22/15, European Council, 26 June 2015.

In this regard, it noted enhanced cooperation with African partners, in particular through the Valetta summit, as important tools to attain those goals. [527]

At international level, as mentioned before, the UNODC latest strategy on migrant smuggling, as well as the IOM strategy on the smuggling of migrants, both mention the need for effective responses to address development issues in origin countries.[528]

However, there are also those that argue that, in contrast to the assumption that increased development in countries of origin will lead to a decrease in migration, evidence shows that more economic development initially leads to more mobility and migration (dropping again after a certain time).[529] This line of argument would lead to the conclusion that free trade, foreign direct investment and aid policies used to change conditions in countries of origin do, in fact, not lead to less migration from these countries.[530] Moreover, some have also underlined the importance of not only looking at and understanding the reasons for migrants to decide to migrate, but also to those that are in transit and or those who do not leave their country of origin (e.g. not wanting to move away from family and friends).[531]

### 5.5.6   Regulate access

At the national level, researched countries have restrictive policies on entry and residency, including on labour migration in place, narrowing the legal channels into their country. These were mentioned by some stakeholders as ways to discourage migrants from irregular migration by making it more difficult for them to enter certain countries of transit and destination.

For example, the UK's strict visa regimes were mentioned by the UK national authorities as an effective measure in preventing irregular migrants from travelling to the UK. Although partly due to its geographical location, the relatively low number of asylum applications compared to other EU Member States of similar size and economic power can also be accounted for by the fact that migrants know that the UK has a stringent immigration policy. The UK 2014 Immigration Act (and the previous 2002 Immigration Act), provides for legal ways of making it difficult for migrants to get access to accommodation, financial services, to get a driver's licence, access to medical care etc.[532]

On the other hand, examples within third countries include Lebanon and Egypt, where more recent restrictive policies on entry and residency have had an important impact on smuggled migrants, particularly Syrians transiting through those countries, in terms of increasing insecurity and potentially also on the flow of irregular migration (including the use of smuggling services). In Lebanon, the imposition of stricter border controls and new entry and residency rules for Syrian citizens (the country previously had an open door policy towards Syrians) and Palestinian refugees, is expected to have an impact on Syrian nationals and Palestinian refugees' mobility inside and out of Lebanon, although the long-term impact cannot currently be assessed. Considering that these restrictions have made it more difficult to enter Lebanon in a regular way and to maintain legal residence, the research suggests that this may lead to an increase in human smuggling (including, in particular, access to forged documents), and that migrants and refugees would be more likely to enter into irregular status. By linking entry of a certain proportion of Syrians to a sponsorship system in the new policy, a concern of increased risk of exploitation or trafficking was noted. For Egypt, whereas previously visas could be obtained upon arrival, Syrians must now obtain a visa and security approval beforehand in the relevant Egyptian embassy (in Lebanon or elsewhere). This is expected to have an impact of discouraging Syrians from using Egypt as a transit country in the future.

For Pakistan, Lebanon and Ethiopia, the issue of labour migration policy was highlighted as directly impacting (reducing) the options available to potential migrants consequently increasing the likelihood that potential migrants would turn to migrant smuggling operations and would be vulnerable to exploitation or fraud. In the case of Pakistan and Lebanon[533], this was primarily directed towards restrictive

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527 European Council meeting (25 and 26 June 2015) – Conclusions EUCO 22/15, European Council, 26 June 2015.
528 UNODC Contribution to International Efforts to Address the Smuggling of Migrants across the Mediterranean; Strategy for the building of capacity of north African countries through an integrated response, UNODC, January 2015.
529 The hypothesis of the mobility transition. Geographical review, Zelinsky, 1971, p. 219-249.
530 Why migration policies fail. Ethnic and racial studies, Castles, 2004, 27(2), p. 205–227.
531 The Global Challenge of Managing Migration. Population Bulletin 68, Martin 2013; Before the Boat: Understanding the Migrant Journey. Brussels: Migration Policy Institute Europe, Townsend, J., & Oomen, C, 2015.
532 Interview representative Home Office, UK.
533 In the case of Lebanon, this information was gained through the refusal of interviews with potential smuggled migrants, who noted that due to the lack of legal opportunities, they count on the availability of smugglers to help them leave the country.

European policies on labour migration, while in Ethiopia the issue lay more with the national authority, which has banned labour emigration since 2013. In Pakistan and Ethiopia, the involvement of labour recruiters has been noted as an important aspect in cases where the migrant was eventually defrauded or trafficked.

### 5.5.7   Legal channels into countries of transit and destination

As a result of the above, a number of international organisations have been calling for the need to establish more legal channels for migrants and refugees to reach Europe as a way to address the smuggling issue. The UNODC's latest strategy for capacity building of North African countries to address migrant smuggling mentions the need for effective responses to address the insufficiency/lack of legal channels of migration to destination countries.[534] Similarly, the IOM's strategy on smuggling of migrants, which is currently under development, as well as the UNHCR's CMSI Action Plan, both promote actions to encourage legal alternatives to dangerous journeys, such as humanitarian visas, sponsorship programmes, resettlement and facilitated access to family reunification.[535] In addition, the IOM strategy also mentions additional labour migration channels at all skill levels; larger resettlement quotas and medical evacuation.[536] The African Union's Migration Policy Framework for Africa includes, as one of its five strategies, *"the development of common regional countermeasures to encourage more legal channels and orderly migration"*.[537]

The EU Migration Agenda also stresses the need to "open more safe, legal ways into the EU". The Migration Agenda, in particular, mentions sponsorships, humanitarian permits, and family reunification clauses. However, these are only mentioned in relation to persons in need of protection.[538] The Parliamentary Assembly of the Council of Europe[539] and the European Parliament have called for more legal channels to Europe for those in need of protection.[540] The FRA has published a toolbox of possible schemes EU Member States could use to enable more persons in need of international protection to reach the EU without resorting to smugglers.[541] It does so by presenting different refugee-specific schemes – including resettlement, humanitarian admissions, the issuance of humanitarian visas (either under Schengen or national law), the lifting of visa requirements and temporary protection – as well as regular mobility schemes, such as those available to family members of persons residing in the EU, students, migrant workers and other categories of persons, which could be made more accessible to refugees staying in third countries.

Several NGOs at the national level underlined the need for more legal channels into the EU as a measure to reduce the smuggling of migrants. A French NGO argued that smugglers and their services are the direct consequence of the current policy of closing borders and preventing irregular migration.[542] The NGO further argued that such policies would not be a pull factor, as migrants were already making their way to the EU anyway, regardless of the strict entry policies.

### 5.5.8   Awareness raising

Information or awareness raising campaigns can be undertaken for different purposes, namely to:

⭐  raise awareness among policymakers of the issue of migrant smuggling as such; and

⭐ to raise awareness among migrants on their rights and obligations (1), on the possibilities that exist in terms of regular migration (legal channels) (2), and the risks associated with using facilitators of smuggling (3).

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534 UNODC Contribution to International Efforts to Address the Smuggling of Migrants across the Mediterranean; Strategy for the building of capacity of north African countries through an integrated response, UNODC, January 2015.
535 Central Mediterranean Sea Initiative (CMSI) Action Plan, UNHCR, March 2015; Information provided by a representative of IOM, 19 June 2015.
536 Information provided by a representative of IOM, 19 June 2015.
537 The Migration Policy Framework for Africa, African Union EX.CL/276 (IX). 25-29 June. . p.15.
538 A European Agenda on Migration, COM(2015) 240 final, European Commission, Brussels, 13 May 2015.
539 http://assembly.coe.int/ASP/Doc/XrefViewPDF.asp?FileID=21743&Language=EN
540 http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//NONSGML+MOTION+P8-RC-2015-0367+0+DOC+PDF+V0//EN
541 Legal entry channels to the EU for persons in need of international protection: a toolbox, FRA, February 2015.
542 Interview representative NGO La Cimade, France.

Such campaigns are deemed important to address the smuggling of migrants, as reportedly prospective migrants have incomplete information on the risks and dangers associated with irregular migration, as well as distorted impressions of potential destination countries, such as unrealistic expectations with regard to employment opportunities and salaries.[543] However, in the literature the opinion exists that the real objective of such campaigns is not to inform or protect migrants, but rather to shield the EU from irregular migration flows.[544]

At least half of the researched EU Member States included in this research undertake some kind of awareness raising activities related to migrant smuggling (i.e. Belgium, Germany, Spain, France, Netherlands and the UK). These campaigns are mostly targeted at countries of origin or transit. Within the EU, for example, awareness raising campaigns are organised in Calais, jointly by the UK and France, targeting migrants with the intention to continue their journey to the UK.[545]

Awareness raising campaigns targeting countries of origin have also been organised by, and held in, researched third countries, most notably in Egypt, Nigeria and Pakistan. For example in Nigeria, national authorities have undertaken awareness raising work to discourage Nigerians from using smuggling networks, including posters, a TV programme (soap opera) developed with IOM, and an awareness booklet on the risks of irregular migration, the latter of which specifically targets young men. However, it should be noted that often such campaigns focus on discouraging potential migrants from engaging smuggling services, with the argument that this may result in a situation of trafficking or exploitation. Thus, while such campaigns can be viewed as an anti-trafficking measure, they are directed towards raising awareness among those migrants who may look to smuggling services and then eventually be caught up in a trafficking network.

At the international level, the UNCHR's Agenda for Protection includes a mandate to undertake activities to raise awareness among refugees of the risks of irregular migration, and its Central Mediterranean Sea Initiative (CMSI) Action Plan includes plans for the UNHCR to implement two mass information projects. [546] IOM has also been carrying out such awareness raising activities in different parts of the world, including in Djibouti, Burundi[547], Nigeria (as mentioned above) and Egypt[548]. Campaigns not only focus on the local population but also on other nationals transiting through the country.[549] The campaign in Egypt consisted of the production of a documentary for key stakeholders and at-risk communities, and in Pakistan to address vulnerable groups, through briefings, counselling sessions and distribution of informational material in local villages. The IOM and the German Federal Office for Migration and Refugees (BAMF) have, since January 2014, undertaken the "German Migration Information Campaign Chechnya", which consists of a website which tells the story of Chechens being sent back to their country after arriving in Germany, with a view to contributing to an increased awareness among the Chechen population in the Russian Federation of legal migration channels and promoting realistic expectations of filing asylum applications in Germany. According to the German Federal police, the campaign was very successful, as the number of Chechens migrating irregularly to Germany has decreased significantly.[550]

At EU level, an EU funded pilot project includes information and prevention campaigns in Ethiopia/Sudan and Niger, which are being implemented by UNHCR and IOM respectively[551].

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543 Human Smuggling as a transnational service industry: Evidence from Austria. International Migration, Special Edition on Human Smuggling, Bilger, Hofmann, Jandl, 2005.
544 Protecting Europe and Protecting Migrants? Strategies for Managing Unauthorised Migration from Africa. The British Journal of Politics and International Relations, Carling, J., Hernandez-Carretero, M., 2011.
545 France/UK/migration – Joint declaration by M. Bernard Cazeneuve, Minister of the Interior, and Mrs Theresa May, Home Secretary of the United Kingdom, Paris, 20 September 2014. See also: British government pledges £12m to tackle 'illegal immigration' from Calais, The Guardian, 20 September 2014; and UK pledges £12m to help Calais tackle illegal migrants, BBC News, 20 September 2014.
546 Central Mediterranean Sea Initiative (CMSI) Action Plan, UNHCR, March 2015.
547 Migration Initiatives 2015, Regional Strategies. IOM. Geneva. 2014.
548 Case study 4: Nigeria-Turkey-Bulgaria; Case Study 1: Syria – Lebanon – Egypt – Italy ; Migration Profile: Egypt, European University Institute, June 2013; Combating Human Trafficking in Egypt 2012 Fact Sheet, IOM Egypt, 2012.
549 Information provided by a representative from IOM, 19 June 2015.
550 Interview representative Federal Police, Germany.
551 ANNEX to the COMMISSION IMPLEMENTING DECISION concerning the adoption of the work programme for 2014 and the financing for Union actions and emergency assistance within the framework of the Asylum, Migration and Integration Fund , Brussels, 8.8.2014 C(2014) 5652 final , http://ec.europa.eu/dgs/home-affairs/financing/fundings/migration-asylum-borders/asylum-migration-integration-fund/union-actions/docs/awp_2014_amif_en.pdf

Little information exists at the moment about the impact of information campaigns in general. Some stakeholders consulted for this research also questioned the effectiveness of these campaigns, mentioning that migrants usually do know where they are going and what risks are involved.[552] In this regard, it has been argued that the question is not whether migrants have access to information, but whether they trust the information given.[553] This statement was confirmed by a Belgian NGO, which noted the ineffectiveness of information campaigns as a tool to persuade migrants from not using smugglers, as often migrants have family members or friends that have already been smuggled into Europe, and they will not convey the negative aspects of their journey or the difficulty of their irregular position. As a result, it was claimed that the messages in information campaigns showing the risks of smuggling are often not accepted by migrants. Existing literature further argues that many prospective migrants will disregard information if they perceive it as attempts to dissuade them from migrating.[554] In contrast, types of information campaigns noted as having the potential of being successful are those that "reckon with the moral authority" of migrant families[555] and those campaigns providing migrants with information about safe and legal channels (e.g. employment, scholarships and temporary visas)[556].

### 5.5.9   Return and Readmission

At the national level, when a smuggled migrant is detected in a Member State and does not apply for asylum, or the application for asylum is rejected, the Member State should return the migrant to the country of origin, transit or another third country.[557] It has been argued that an effective return policy could deter migrants from paying a high price to smugglers if it means they would be returned to their country within a short period of time anyway. The UK, for example, has a fast track process, in which, according to the national authorities, those asylum claims for which the decision making is straightforward (the so called 'weak claims' for asylum) are decided on promptly and return is implemented quickly.[558] The UK national authorities stated that, as a result of this fast track process, the UK receives fewer applications from asylum seekers from countries with potential weaker claims.[559] However, this practice, which has been in place since 2000, has been criticised by NGOs[560] and has recently been ruled unlawful by the UK High Court.[561] The judges further called the system "systematically unfair and unjust" in an appeal court judgement.[562]

At the EU level, the EU Action Plan also makes reference to a return policy as a measure that could deter migrants from travelling irregularly including using smugglers.  The EU has mentioned several tools for an effective return and readmission including effective implementation of readmission agreements and strengthening the role of Frontex so it can initiate return missions and accelerate the treatment of asylum applications.[563] The EU has co-funded many projects with the aim of strengthening EU Member States' return management capacities of irregular migrants, including smuggled migrants, such as the projects MAREMCA II and EURINT. Further information on cooperation on return through readmission agreements is included in the section on cooperation (5.6.).

Evidence collected suggests that in some cases, smugglers have adjusted their services or advice to migrants to counteract a potential return through a readmission agreement. For example, for those migrants entering the FYRoM from Greece, migrants are informed by smugglers to destroy any documents they have noting temporary residence in Greece to avoid possible return on the basis of the readmission agreement between the FYRoM and the EU. For Syrians, smugglers reportedly advise them to destroy their documents in order to avoid identification once they reach Europe. It is clear in this latter case that

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552  Interview with representative DG HOME, as well as several interviews at national level, including Interview representative Pag-Asa, Belgium.
553 Migration risk warning campaigns are based on wrong assumptions, Danish Institute for International Studies, 5 May 2014.
554 Migration risk campaigns are based on wrong assumptions. Danish Institute for International Studies, Alpes, J., M., Nyberg Sorensen, N., 2015; Before the boat: Understanding the migrant journey, Migration Policy Institute, May 2015; Perception management – Deterring potential migrants through information campaigns. Global Media and Communication, Heller, C., 2014.
555 Migration risk warning campaigns are based on wrong assumptions, Danish Institute for International Studies, 5 May 2014.
556  "No to people smuggling": A review of Australia's anti-migrant smuggling awareness raising campaigns, Andreas Schloenhardt and Elizabeth Philipson, The University of Queensland, May 2013.
557 DIRECTIVE 2008/115/EC on on common standards and procedures in Member States for returning illegally staying third-country nationals, 16 December 2008, Article 2.
558 Interview representative Home Office, UK.
559 Interview representative Home Office, UK.
560 The fast-track system, Liberty website, Available at: https://www.liberty-human-rights.org.uk/human-rights/asylum-and-borders/fast-track-system; End the Detained Fast Track, Detention Action website, see http://detentionaction.org.uk/campaigns/end-the-fast-track-to-despair.
561 Fast-track asylum system 'unlawful', High Court rules, BBC News, 12 June 2015.
562 Court rejects government appeal over fast-track detention of asylum seekers, The Guardian, 29 July 2015; Asylum appeal fast-track system unlawful, says Court of Appeal, BBC News, 29 July 2015.
563 European Council meeting (25 and 26 June 2015) – Conclusions EUCO 22/15, European Council, 26 June 2015.

smugglers would not be aware of the fact that Syrians are not being returned by EU Member States. In the case of Pakistan, smugglers often establish a "three tries" policy, where - if the migrant is returned to Pakistan or unsuccessful in the attempt to migrate - the cost agreed upon covers another two attempts. Similarly, in the case of secondary movements from Greece along the Western Balkan route, the case study research noted that migrants will first attempt to cross the border (to the FYRoM and further) on their own, and only engage smugglers once they have been returned or when they eventually reach a certain leg of the journey where smuggling services would be required. In the case of Italy and Greece, a fast track bilateral readmission agreement (independent of Dublin II) and concurrent increased controls (additional funding, personnel and equipment) has been implemented, allowing smuggled migrants apprehended at an Italian harbour with direct connections to a Greek harbour to be immediately returned. This has apparently impacted on the prices (increasing them) of smuggling operations to Italy, as the risk of being detected and apprehended has increased with these heightened controls.

In some case study third countries (Nigeria, Pakistan) it was highlighted that smuggled migrants who have been returned to their country of origin can be an important source of information in combating migrant smuggling operations. For example, in the case of Nigeria, IOM has encouraged the government authority to systematically debrief returned migrants in order to identify smuggling trends. At the same time, (voluntary or forced) returnees may also be a source of information for aspiring migrants on how to organise the journey, as well as secure work and residence papers, as has been shown in UNODC research in Nigeria.[564]

### 5.5.10 Research and analysis (including risk analysis)

The final type of activity addressing the smuggling of migrants within the overall policy framework targeted at tackling the phenomenon concerns a commitment by organisations to undertake data collection, research and analysis in the area of smuggling and to increase the understanding of the phenomenon in general, which is necessary to inform policy making and operational response. Research ranges from specific types of research, to more general research on migrant smuggling.

A specific type of research on migrant smuggling is risk analysis, which is an analysis of operational criminal intelligence. At the international level, Interpol undertakes such analysis including analysis of crime trends and patterns and modus operandi and emerging threats. At the EU level, the Frontex Risk Analysis Network (FRAN) provides risk analysis reports which present numbers and nationalities of migrants illegally crossing EU external borders, migration routes and facilitators of irregular migration. In the same vein, Europol develops threat analysis reports. Both Frontex and Europol reports are (partly) restricted. EASO recently undertook a pilot study to collect information on facilitators used by asylum seekers arriving in Malta and Italy. The initiative is aimed at a more systematic collection of information on the routes and modus operandi of facilitators to analyse trends and profiles.[565]

With regard to research activities in general, most international organisations conduct such research on smuggling (e.g. UNODC, UNHCR, Interpol, IOM, CoE, and ICMPD).  At the EU level, FRA is the main agency undertaking research on irregular migration, including the smuggling of migrants, from the human rights perspective.[566]

According to the research findings of this study, there are currently insufficient crime statistics on the smuggling of migrants and on secondary movements within the EU. This has been confirmed by stakeholder interviews conducted for this study.[567] The EU Action plan against migrant smuggling proposes that Eurostat regularly collects crime statistics to include data on migrant smuggling with the support of relevant EU agencies.

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564 UNODC (2011), The Role of Organized Crime in the Smuggling of Migrants from West Africa to the European Union (United Nations Publications: Vienna).

565 Commission Staff Working Document Implementation of the Communication on the Work of the Task Force Mediterranean SWD(2014) 173 final, Brussels, 22 May 2014.

566 Relevant publications include: Fundamental rights: challenges and achievements in 2014 - Annual report, June 2015; Fundamental rights at land borders: findings from selected European Union border crossing points – November 2014; Criminalisation of migrants in an irregular situation and of persons engaging with them, FRA, Vienna, 2014; Handbook on European law relating to asylum, borders and immigration – 2014, June 2014.

567 For example, Interview with representative DG HOME, 27 February 2015.

## 5.6   Cooperation in the area of smuggling of migrants

EU Member States and third countries cooperate with each other operationally and in a more high level way. In terms of operational cooperation, countries cooperate through joint investigations, joint border patrols, as well as joint returns. High level/political cooperation is established through different agreements and dialogues, such as association agreements and migration dialogues. Most of this cooperation (both operational and high level) is not specifically targeted at the smuggling of migrants, but focuses more generally on (irregular) migration. Nonetheless, they have been argued by government and civil society actors as an important means to address particular migrant smuggling routes and route legs.

The following section will discuss three types of cooperation:

★ Cooperation between the researched EU Member States and third countries;

★ Cooperation between the researched EU Member States;

★ Cooperation between the researched third countries.

The sub-sections will differentiate between bilateral types of cooperation, as well as cooperation supported by/within the framework of EU or other international organisations (e.g. African Union).

The migration dialogues are discussed separately at the end of this section, as these are often a mechanism for cooperation between various types of actors, namely international organisations, the EU, EU Member States and third countries.

### 5.6.1   Cooperation between (the researched) EU Member States and third countries

#### 5.6.1.1   EU supported cooperation between EU Member States and third countries

Cooperation between EU Member States and third countries supported by the EU can take different shapes. The specific frameworks, highlighted by the research, under which this cooperation can take place, include:

★ EU Association Agreements;

★ EU and EU Member State Readmission Agreements with third countries;

★ Mobility Partnerships;

★ Common Agenda on Migration and Mobility;

★ EU IPA Cross-Border Cooperation Programmes.

At the European level, the EU has concluded EU Association Agreements with a number of the researched third countries, which represent an important example of broader policy relations that encompass discussions on migration and mobility. For example, the EU has concluded Association Agreements with Egypt, the FYRoM, Lebanon, Syria and Turkey, with negotiations with Libya and Syria frozen due to the current situation in both countries.[568] Each of these agreements address migration and mobility more broadly (so not specifically on migrant smuggling), albeit to differing extents. Under the framework of these agreements, further work on migration can be undertaken between the EU and a third country as, for example, has been seen in Egypt, which adopted an EU-Egypt Action Plan 2007-2013[569] aimed at reinforcing cooperation between the EU and Egypt on migration management (with an emphasis

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568 The Association Agreements with Egypt, Lebanon and Syria have been discussed or concluded within the context of the EU's European Neighbourhood Policy. The agreement with the FYRoM was signed as part of the Stabilisation and Association Process, which include specific provisions for potential future EU Membership. The Ankara Agreement (under the framework of the association regime) was signed between Turkey and the European Economic Community in 1963, and also included specific provisions for potential future EU Membership.

569 http://eeas.europa.eu/enp/pdf/pdf/action_plans/egypt_enp_ap_final_en.pdf

on irregular migration more generally). Another example is the EU-Algerian Association Agreement (2002)[570], which includes cooperation on the prevention and control of irregular migration. In this context, Algeria has worked with the EU and some Member States (France, Italy and Spain) to strengthen judicial administration and the police. They also include a provision that the EU Member States on the one hand, and the third country, on the other, agree to readmit nationals of their country illegally present in the counterpart's country.

Readmission agreements often serve as part of broader policy relations between a third country and the EU on the topic of (irregular) migration generally, with other aspects such as visa policy or improving operational capacities seen as complementary aspects to be addressed simultaneously. Interviews with national authorities in the case study research have highlighted readmission agreements as an important tool to address irregular migration generally, also in view of their role in reducing the "attractiveness" of the country for potential irregular (including smuggled) migrants. On the other hand, NGOs and the media (especially in third countries) have at times highly critiqued readmission agreements (Turkey, Pakistan) on the basis of human rights implications and potential discriminatory aspects. With regard to Pakistan, for example, the readmission agreement with the EU led to discussions on the impact on those Afghan refugees and Pakistanis displaced by instability in the region.[571]

Mobility Partnerships are a specific type of agreement that could be concluded focusing on the topic of migration and mobility, a precondition of which is the discussion and conclusion of a readmission agreement between the EU and the third country. In fact, the EU considers Mobility Partnerships, visa facilitation and readmission agreements as complementary to each other. None of the case study third countries assessed for this study have concluded a Mobility Partnership agreement to date, although Lebanon is currently discussing one with the EU (in the framework of the Dialogue on Migration, Mobility and Security[572]). It is thought to be similar to those stipulated with other Southern Mediterranean Neighbourhood countries. Egypt has formally declined the offer of the EU to begin a Dialogue on Migration, Mobility and Security, which may have eventually led to a Mobility Partnership.

The first ever Common Agenda on Migration and Mobility between the EU and a third country was signed with Nigeria in March 2015 and is aimed at strengthening cooperation in this area. This cooperation agreement can be seen as a similar framework to EU Mobility Partnerships and, in the case of Nigeria, makes specific reference to addressing migrant smuggling. One of its four key themes is preventing and combating irregular migration and tackling THB, within which is specifically highlighted the need to combat smuggling of migrants through capacity building in border management, as well as improvements in the field of document security. The Common Agenda is seen to be an open ended, flexible framework for cooperation in a mutual field of interest between the EU and third countries. It is as of yet unclear how this specific type of cooperation agreement will develop with respect to other third countries, although discussions have also begun with Lebanon with the aim of concluding an agreement under this framework.

With regard to more operational cooperation along the Western Balkan route, the EU IPA Cross-Border Cooperation Programmes were also noted for the support to cross-border cooperation between candidate countries (the FYRoM in particular) and EU Member States, in terms of enabling joint projects along the border. Moreover, joint patrols and cooperation between Hungary and Serbia seems to be fairly advanced (despite the current Hungarian plan for the building of a fence). Serbian border police are reportedly able to use the Hungarian police's equipment to support their surveillance of the border area, and the relevant institutions are in regular contact.[573] Joint Investigation Teams and joint border patrols are also set up between the two countries and, according to interviews with Hungarian police, are considered an important framework within which they exchange information and establish cooperation.[574] The two countries also cooperate with other EU countries in combating migrant smuggling activities. Austria and Germany launched a joint police operation with Hungary and Serbia in early 2015 focusing on migrant smuggling along the Western Balkan route.

570 http://eeas.europa.eu/algeria/agreement/index_en.htm
571 Peter, L. (2010) "EU-Pakistan deal sharpens debate on migrants", 16 July http://www.bbc.co.uk/news/world-europe-10645082
572 Launch of the EU Lebanon Dialogue on Migration, Mobility and Security, Lebanese Republic, Ministry of Information, 2014.
573 HU/A/1, HU/A/2; Interviews with a representative of the Hungarian National Bureau of Investigation (Head of Detection Sub-Unit of the Irregular Migration Unit) and a representative of the Csongrád County Police, Hungary. Case Study 5: Greece – FYRoM – Hungary.
574 HU/A/1, HU/A/2; Interviews with a representative of the Hungarian National Bureau of Investigation (Head of Detection Sub-Unit of the Irregular Migration Unit) and a representative of the Csongrád County Police, Hungary. Case Study 5: Greece – FYRoM – Hungary.

### 5.6.1.2  Bilateral cooperation between EU Member States – third countries

Outside the abovementioned EU frameworks, many EU Member States cooperate (bilaterally) with third countries in several ways, including operational (border) police cooperation (e.g. border control and joint investigations) and readmission.

*Bilateral police cooperation: EU Member States – third countries*

Bilateral police cooperation at borders to address the smuggling of migrants has been described as effective by stakeholders consulted for this research from several countries (including Germany, Spain and the UK). However, one stakeholder also mentioned the variable nature of the cooperation with third countries, which is highly dependent on the economic situation and political will of the country, which both can change over time.[575]

In the case of Turkey and Greece, this cooperation has reportedly become fairly advanced and institutionalised in the last few years, with border police officers exchanged and operational cooperation organised at the local level between the two countries. In fact, interviews with Greek law enforcement officials have noted the significance of this collaboratio which has, in several cases, resulted in the apprehension of smugglers.[576] In cases where Greek police, through their surveillance efforts, identify smuggled migrants arriving via the land border, they systematically notify their Turkish counterparts, who then proceed to apprehend the individuals. This cooperation, together with the Greek efforts noted above, has been considered effective in closing the land border route from Turkey to Greece.

Italy and the transitional government in Egypt, following the revolution, did engage in a dialogue in order to affirm the previous cooperation agreements under the Mubarak government, which included a police cooperation agreement aimed at addressing irregular migration flows as well as a readmission agreement. However, new agreements have not been signed since the fall of the Morsi Egyptian government.

Along the Western Balkan route, the case study findings also reported various forms of police cooperation, which facilitates information exchange, joint threat analysis, joint investigation teams, operational meetings and mixed patrols between the FYRoM and Serbia and between Serbia and Hungary. The Southeast European Law Enforcement Centre (SELEC) also organises operational meetings and supports information exchange between relevant countries when there is a case of organised crime, so has been considered relevant in addressing migrant smuggling operations along this route. There is also a current initiative to open a common border control centre between the FYRoM and Serbia, to better control crossings between the countries. However, discrepancy in the figures of irregular arrivals in Serbia with those in the FYRoM has been noted and is – despite the cooperation that does exist – attributed to insufficient cooperation between the two countries on addressing irregular migration and migrant smuggling[577], as well as ineffective border controls conducted by the FYRoM[578]. Cooperation between Hungary and Serbia, on the other hand, is reportedly quite well organised and institutionalised, including the shared use of equipment, regular operational meetings and phone contact. At the end of 2014, a Joint Communication Service of the Serbian and Hungarian police was opened where officers from both countries can seek information (primarily regarding checks on vehicles, persons, documents). Police liaison officers have been exchanged, for the purpose of combating transnational organised crime. Despite this cooperation, Hungary has begun construction of a fence along its border with Serbia.[579] They have, at the same time, temporarily suspended the Dublin agreement and announced plans to engage its Hungarian border patrol along the border of the FYRoM and Serbia.[580] The fence construction comes at a time of intense political debate within Hungary on migration, including with regard to its ongoing national

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575 Interview representative OCRIEST, Central Directorate of Border Police, Ministry of Interior, France.

576 GR/A/3, GR/A/9, Interviews with representatives of law enforcement agencies, Greece. Case Study 3: Pakistan – Turkey – Greece.

577 MK/A/4, Interview with representative from the Sector for Border Affairs, Ministry of the Interior, FYRoM. Case Study 5: Greece – FYRoM – Hungary.

578 European Commission (2013), The FYRoM 2013 progress report, p. 47.
   http://ec.europa.eu/enlargement/pdf/key/documents/2013/package/mk/rapport/2013.pdf

579 Thorpe, N. (2015), "Hungary races to build border fence as migrants keep coming", 6 August, BBC News, Available at: http://www.bbc.com/news/world-europe-33802453;

580 Website of the Hungarian Government (2015), "Hungary is suspending re-admission of asylum-seekers from other EU Member States", 23 June, Available at: http://www.kormany.hu/en/ministry-of-interior/news/hungary-is-suspending-re-admission-of-asylum-seekers-from-other-eu-member-states; and Gorondi, P. (2015), "Hungarian police to assist Serbia on Macedonian border", 22 June, Associated Press, Available at: http://news.yahoo.com/hungarian-police-assist-serbia-macedonian-border-132214252.html.

consultation on immigration, economic migration and terrorism, and does not necessarily reflect purely on the level of (border police) cooperation with Serbia.

Even in cases where cooperation is not formalised, information exchange between border police and authorities has been described as a key point in combating migrant smuggling, for example as was noted in the case of the cooperation between Greece and the FYRoM.

Some countries reportedly set up JITs on a bilateral level (without the coordination of Eurojust, see for further information below). For example, Spain has set up "ECIs", which are Joint Investigation Teams, with Morocco and Mauritania, and is planning to set up JITs in Niger and Algeria in the near future. The "ECIs" are included in a cooperation police work plan to fight against migrant smuggling. According to a Spanish police officer, these teams have proven to be effective as irregular migration from Morocco and Mauritania has decreased in recent years.[581]

Germany works together with the Department of Anti-Smuggling and Organized Crime of the Turkish National Police, on the "ghost ships" leaving Turkey for the EU.[582] A German representative of the police stated as a next step in its cooperation with Turkey, to cooperate with Turkish prosecutors to enable the use of information received from Ankara as evidence to support cases in Germany.[583]

A few stakeholders in the researched additional countries (i.e. France, Belgium) highlighted the usefulness of bilateral agreements, even if not specifically aimed at addressing the smuggling of migrants. A stakeholder in Belgium, for example, noted that the bilateral agreements with third countries are especially useful for important cases with big criminal networks.[584]

### Bilateral readmission agreement: EU Member States – third countries

Although not specifically focused on smuggled migrants, bilateral readmission agreements between EU Member States and third countries allow for the return of irregular migrants, among which smuggled migrants are likely to also be included[585], to the country of citizenship or departure. Such agreements are in place among countries along the selected case study routes, as well as additional countries. In some cases, there have been obstacles to the implementation of readmission agreements, primarily due to ongoing negotiations between the involved states on related issues. For example, the Greek law enforcement has suggested a reluctance on the part of Turkey to implement their readmission agreement with Greece at locations other than the land border (due to a reported lack of resources at other locations)[586] and to accept nationals other than countries bordering Turkey[587].. A stakeholder consulted for this study noted that just having the readmission agreement in place is not always sufficient, as a good relationship with the third country is required as well to enable a good cooperation in practice. Spain, for example, has a readmission agreement in place with Morocco, but it reportedly does not work at all.[588] No implementation protocol is in place between the FYRoM and Greece, although cooperation apparently is currently running more smoothly.

With regard to readmission agreements, research suggests that even though the scope of the MoUs vary considerably they were useful, for example, in the case of the UK to effect returns to third countries with greater ease than would have been possible without the agreements.[589] A stakeholder in France even stated

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581 Written answers provided by representative General Commissariat for Alien Affairs and Borders, Spain
582 Interview representative German Federal Police, Germany.
583 Interview representative German Federal Police, Germany.
584 Interview Representative Ministry of Justice, Belgium.
585 The research could not confirm the extent to which those persons returned under readmission agreements are smuggled migrants.
586 While the Protocol foresees three readmission locations (the airports of Athens and Istanbul respectively, a border crossing point of the Greek-Turkish border at the Evros River, and the port of Izmir for Turkey and the port of Rhodes for Greece), only the land border readmission locations are actually used. Turkey continues to refuse to use the port of Izmir as a readmission location, noting that it does not have the necessary human and material resources for that. GR/A/02, Interview with law enforcement authority, Greece; Case Study 5: Greece – FYRoM – Hungary.
587 Turkey negotiated geographical limitations to the Protocol, willing to accept only nationals of countries with direct borders to Turkey. This has automatically significantly limited the number of potential returnees. Triandafyllidou, A., & Dimitriadi, A. (2013). Migration management at the Outposts of the EU: the case of Italy and Greece's Borders'. *Griffith Law Review, 22*(3), 598-618.
588 Interview representative Ministry of Interior, Spain.
589 Toms, H. Thorpe, K. Practical Measures for Reducing Irregular Migration. Home Office. 2012.

that bilateral cooperation with regard to readmission generally works better than, for example, EU readmission agreements.[590]

An area where cooperation could be improved, according to one stakeholder, is international cooperation in relation to seizure and transfer of assets of smugglers/facilitators.[591] In relation to smuggling, the stakeholder noted this would be useful for the purpose of disrupting the business of the smugglers by seizing their profits/assets gained through smuggling.[592]

### 5.6.2   Cooperation between EU Member States

#### 5.6.2.1   EU supported cooperation between EU Member States

The two main tools for cooperation between EU Member States with regards to detection and investigation of smuggling of migrant cases, which is supported by the EU, are Joint Operation and Joint Investigation Teams (JITs). As briefly mentioned in the sections above, two types of joint operations have been coordinated by the EU agencies: Europol is responsible for supporting Joint Police Operations (with the aim of detecting and apprehending criminals such as smugglers), while Frontex is responsible for coordinating joint operations at the EU border (with the aim of enhancing border control by building the capacity of border areas which are under significant pressure).

*Frontex-led Joint Operations*

Frontex plans, coordinates, implements and evaluates joint operations conducted using Member States' staff and equipment at external borders (sea, land and air).[593] Along the Mediterranean sea route, numerous Frontex joint operations at sea were noted as relevant in addressing the smuggling of migrants, by the stakeholders taking part in this research, as their particular aim has been to coordinate operational activities to address smuggling operations in the Mediterranean. In cases where there are reasonable grounds to suspect that a vessel is engaged in the smuggling of migrants by sea, the participating units may seize the vessel and apprehend persons on board, or alternatively they order the vessel to alter its course or conduct the vessel or persons on board to the Coastal Member State, depending on the operational plan.[594]

Examples of recent Frontex-led operations at sea, highlighted as relevant by stakeholders in this study, include: Hermes, a surveillance operation in the Mediterranean between Italy and North Africa; Aeneas, a border security operation in the Eastern Mediterranean area focusing on flows from Turkey and Egypt towards Italy; Poseidon (in the Eastern Mediterranean), a border security operation led by Greece from the Western Turkish coast and Egypt towards Greece and Italy, with a particular land portion focusing on Greece's land borders with Albania, Turkey and Bulgaria and Triton, launched in November 2014, aiming at coordinating surveillance activities in the Central Mediterranean sea. Following the tragic shipwrecks in the Mediterranean in April 2015, the decision was taken to triple the budget for operation Triton and Poseidon and to expand the geographical scope of both operations.[595] Triton's geographical area was expanded to 138 nautical miles South of Sicily and, as of July 2015, six off-shore patrol vessels and 12 patrol boats, four airplanes and two helicopters, nine debriefing teams and six screening teams are deployed in the operation. As with the Mare Nostrum operation (although slightly less so due to the more limited geographic scope), Triton has had an important (albeit unintended) impact on preventing arrivals to Malta, as those migrants rescued are disembarked in Italy.

Europol generally supports Frontex-led Joint Operations in, for example, the preparatory meetings and by providing on-the-spot support on an ad-hoc basis. The hosting Member States can provide personal data of apprehended smugglers gathered during this operation to Europol for cross-checking via SIENA. One

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590 Interview representative OCRIEST, Central Directorate of Border Police, Ministry of Interior, France.
591 Interview Representative Federal Centre of Migration. Belgium.
592 Interview Representative Federal Centre of Migration. Belgium.
593 EU Action Plan against migrant smuggling (2015 - 2020), COM(2015) 285 final, European Commission, Brussels, 27 May 2015.
594 Regulation (EU) No 656/2014 establishing rules for the surveillance of the external sea borders in the context of operational cooperation coordinated by the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union, 15 May 2014. Article 6 and 7.
595 Frontex expands its joint operation Triton, Frontex, 26 May 2015; European Commission makes progress on Agenda on Migration, press release, European Commission, Brussels 27 May 2015.

stakeholder from Europol stated that Frontex would like to see more systematic support from Europol in the Joint Operations coordinated by Frontex, in order to ensure that participating Member States are fully instructed regarding the data to be collected and submitted to Europol for cross-checking.[596] However, the stakeholder stated that Europol does not have the capacity to support all Frontex-led Joint Operations to the same extent or for the whole duration of the operations (e.g. budgetary and resource issues), therefore, the agency always has to try to find a balanced solution and assesses every request carefully. However, the stakeholder underlined that the mobile teams envisaged in the EU Action Plan should help in this context.[597]

### Europol-led Joint Operations

Europol is also responsible for supporting Joint Police Operations. Within these, it takes charge of facilitating the (real time) exchange of intelligence; undertaking immediate cross-checks of all data gathered; hosting/organising operational meetings; interlinking the investigations; deploying a mobile office for on the spot intelligence analysis and setting up of coordination centres. Recently, Europol took part in Joint Police Operations tackling migrant smuggling and facilitator networks in Greece, Spain and Germany.[598] Other Joint Operations undertaken in 2015 focused on Facilitated Illegal Immigration and include the operations "Poker Face" (France), "Limax" (Austria), "Lavina" (Hungary), "Zoran" (Slovakia), "Trans" (Czech Republic), "Rugova" (Germany), and "Rando" (Kosovo), which resulted in the arrests of 77 members of the same organised criminal network suspected of large-scale irregular migrant smuggling from Kosovo to the EU in a period of around three months. Another example of a Joint Operation, "Daidalos" (March 2015), included five countries (incl. Greece, Germany and Sweden) and led to the dismantling of an organised criminal group suspected of smuggling migrants – mainly Syrian nationals – into Greece from Turkey (to the islands of Rhodes and Kos) via maritime routes.[599]

Under the European Multidisciplinary Platform against Criminal Threats (EMPACT), which is part of the multi-annual policy cycle[600], an Operational Action Plan 2015 on Illegal Immigration[601] was adopted, which foresees operational actions aimed at disrupting Organised Crime Groups involved in the facilitation of illegal immigration and focuses on smuggling through the use of fraudulent documents.[602] Europol and Frontex cooperate under the EMPACT-illegal immigration project. In this regard, Eurojust has supported a number of operational actions led by Europol. A stakeholder from Europol stated that, although not its core task, Eurojust sometimes wishes to take the role of a coordination centre within Joint (Police) Operations/Common Action Days, despite the fact that it is a police matter under the police command and despite the fact that Europol had already provded long term operational and analytical support in the respective case.[603]

Common Action Days are a joint arrest operation which can be part of EU-led Joint Operations, where a number of Member States participate in usually parallel or linked criminal investigations. According to Europol, this is within the competences of the agency and it has all the necessary equipment and tools, as well as finances to support these common actions.

### Eurojust-supported Joint Investigations

At European level, Eurojust supports mutual legal assistance in criminal cases, including the smuggling of migrants. It is responsible for the coordination (and financing) of investigation and prosecution activities across EU Member States, mainly through Joint Investigation Teams (JITs). For example, in

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596 Interview representative Europol.
597 Interview representative Europol.
598 EUROPOL, Joint law enforcement action to tackle people smuggling network in Greece, Press Release, 17 March 2015; EUROPOL, German and Bulgarian Police arrest suspected people smugglers, Press Release, 28 January 2015; EUROPOL, Criminals behind people smuggling ring arrested, Press Release, 16 February 2015; EUROPOL, EU-wide police operation tackles illegal immigration via airports, Press release, 2 June 2014.
599 Information provided by Europol, 18 June 2015.
600 Council conclusions on the creation and implementation of a EU policy cycle for organised and serious international crime, Council of the European Union, November 2010.
601 Operational Action Plan 2015 related to the EU crime priority A: "Illegal immigration", Council of the European Union, Brussels, 15 June 2015.
602 Operational Action Plan 2015 related to the EU crime priority A: "Illegal immigration", Council of the European Union, Brussels, 15 June 2015.
603 Interview representative Europol

2013, Eurojust set up a JIT to investigate a Pakistani organised crime group, suspected of smuggling migrants into several European countries. Another example is the JIT supported by France in 2012, which concerned a network of migrant smugglers located in France, Belgium and the UK, which had links to Greece and Turkey as well as to the Netherlands. Eurojust contributed via the JIT Funding Project and held two coordination meetings, which were followed by the signing of a JIT agreement between the three countries. Eurojust also deployed an Operational Coordination Centre (OCC), which was run by Eurojust's French, Belgian and UK desks. Within the framework of the same operation, during a joint action day in February 2013, Eurojust set up an OCC run by national Eurojust officers assisted by the Eurojust Case Analysis Unit.[604]

However, Eurojust has reported on the challenges of JITs, mainly relating to differences between Member States' investigation procedures, including the rules for gathering evidence, disclosure of information, and time limits for data retention, as well as the transfer of criminal proceedings. A stakeholder from the independent Belgian Federal Centre of Migration commended JITs as a useful tool from a judicial point of view, as they enable states to operate on the territory of other Member States and enable magistrates to react much quicker and more efficient. However, the stakeholder also noted that the setup of a JIT can be a very lengthy and bureaucratic process. Another stakeholder from the Belgian police also mentioned the "heavy" aspect of JITs, in that they need full cooperation from two or more countries, which need to work together as one team/using the same techniques/making all decisions together, which is not always easy.[605] The stakeholder further stated that this way of working is sometimes slower than to investigate cases of smuggling in a bilateral manner or in a less intensive way (i.e. only information sharing without working together on investigating a case), putting the smuggled migrant at risk, and not the most effective approach in all circumstances.[606]

In the context of the information provided above, the EU Action Plan against smuggling nevertheless calls for a multi-agency approach and stronger coordination between law enforcement and judiciary structures in the EU. It has called on Eurojust to set up a thematic group on migrant smuggling to reinforce cooperation between national prosecutors specifically and enhance mutual legal assistance.

### 5.6.2.2   Bilateral cooperation between EU Member States

Some stakeholders noted effective cooperation between some researched Member States outside the Framework of the EU. Similar to EU-third country cooperation, this cooperation ranges from police cooperation, information exchange to readmission.

An example of bilateral cooperation that was noted as being effective is the cooperation between France and Spain.[607] The cooperation includes the posting of Spanish police officers at French airports to control flights coming from Latin America (for Spanish speaking South American migrants that aim to continue their journey to Spain), as well as the posting of French police officers in Ceuta and Melilla to control African migrants trying to cross border posts and transit across Spain to reach France. Since this bilateral cooperation began, there has reportedly been a decrease in the number of migrants that try to use smugglers for illegal border crossing.[608] A Spanish law enforcement officer stated that bilateral cooperation is not necessarily more effective than cooperation under an EU framework, however the exchange of information is more targeted and more concrete/operational, as information is directly passed on from one police force to another.[609]

An example of bilateral cooperation in terms of information exchange is the Öresund agreement between Denmark and Sweden, which is an agreement on police cooperation and the exchange of information on cases and persons as well as relevant events in relation to criminal activities in the Öresund region, including the Öresund Bridge between Denmark and Sweden, one of the major entry points to Sweden[610].

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604 Successful action against people smuggling & illegal immigration, Joint Press Release, Europol and Eurojust, 6 February 2013.
605 Interview representative Federal Judicial Police, Belgium.
606 Interview representative Federal Judicial Police, Belgium.
607 Interview representative General Commissariat for Alien Affairs and Borders, Spain.
608 Written answers provided by representative General Commissariat for Alien Affairs and Borders, Spain.
609 Interview representative General Commissariat for Alien Affairs and Borders, Spain.
610      EMN, 'Practical responses to irregular migration in Sweden', 2011 p.43.

An example of cooperation between more than two EU countries are the tri-lateral joint operations (Germany-Austria-Italy/Germany-Austria-Hungary) in which extra checks on trains are being carried out. These operations have been perceived by the Germany Federal Police as being effective in stopping migrants from using these trains, as smuggled migrants now avoid them. Their mode of transport has changed as the migrants now use smaller buses to get to Germany.[611] As a result, Poland and Germany are now undertaking joint patrols or spot checks to target these buses.

According to UK national authorities consulted for this research, cooperation between France and Belgium through the introduction of juxtaposed controls in these countries had a large impact on the number of irregular migrants (including those being smuggled) into the UK.[612] Juxtaposed controls are only part of the UK's general policy to "export their border", also called "upstream policies", focusing on the interception of migrants before they reach the UK. UK officials contacted for this study generally commended the cooperation with France and Belgium as being effective, for example cooperation in closing the "Lille loophole".[613]

An example of cooperation between EU Member States on readmission are the bilateral agreements for the readmission of irregular migrants that Italy has in place with 13 other EU Member States[614].

### 5.6.2.3 Stakeholder perceptions on the usefulness of EU supported joint operations vs bilateral cooperation

With regards to Frontex led joint operations, according to a stakeholder from the Commission, the fact that the additional expenses of joint operations are covered by Frontex to complement Member State resources, encourages Member States to participate.[615] Although many stakeholders commented on the usefulness of Europol led joint operations and Eurojust led JITs, some stakeholders were more critical. A stakeholder from France pointed out the marginality of such joint operations, if compared to the overall number of investigations undertaken at national level.[616] In France, for example, only three out of 400 investigations were undertaken through Europol led joint operations, and of the 226 dismantled criminal networks in 2014, Europol had a "positive role" in only five of them.[617] The stakeholder further noted that Europol was only drawn in to institutionalise the cooperation between other EU Member States and that generally, bilateral cooperation worked better.[618] Similarly, a Belgian stakeholder mentioned that the Belgian approach of smaller teams working intensively on gathering focused intelligence, as well as detecting and dismantling criminal networks involved in the smuggling of migrants, is quite effective (if done in a short period of time).[619]

One stakeholder highlighted, with regard to impediments to cooperation between EU Member States, the lack of a specialised agency at national level dedicated to address the smuggling of migrants and the lack of political will between various actors to truly cooperate.[620]

### 5.6.3 Cooperation between third countries

This study found a few instances of cooperation between the researched third countries in addressing the smuggling of migrants, provided below.

### 5.6.3.1 Cooperation between third countries - supported by the African Union or ECOWAS

Third countries cooperate under the Economic Community of West African States (ECOWAS)[621], with regards to fighting irregular migration. In 2000, ECOWAS member countries established a borderless sub region, and joint border patrols between neighbouring countries like Nigeria, Niger and Mali were planned

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611 Interview representative German Federal Police, Germany.
612 Interview representative Home Office, UK.
613 Interview representative Home Office, UK.
614 Slovenia, Romania, Hungary, Lithuania, Latvia, Estonia, Croatia, France, Austria, Bulgaria, Slovakia, Greece, Spain.
615 Interview with representative DG HOME, 27 February 2015.
616 Interview representative OCRIEST, Central Directorate of Border Police, Ministry of Interior, France.
617 Interview representative OCRIEST, Central Directorate of Border Police, Ministry of Interior, France.
618 Interview representative OCRIEST, Central Directorate of Border Police, Ministry of Interior, France.
619 Interview representative Federal Judicial Police, Belgium.
620 Interview representative OCRIEST, Central Directorate of Border Police, Ministry of Interior, France.
621 The ECOWAS states include Mali, Niger and Nigeria.

to be undertaken, as well as closer cooperation in terms of information exchange between the police and internal security agencies in those countries.[622] The 2008 ECOWAS Common Approach to migration[623] promotes cooperation between the ECOWAS member states in the fight against illegal migration to dismantle organised crime networks, as well as collaboration with host countries. Although not a policy specifically targeted at migrant smuggling, the ECOWAS Plan of Action against Trafficking in Persons charges members with ensuring a high quality of identity documents, which can be considered a relevant action in terms of addressing the use of document fraud by smuggling networks. In a similar vein, the ECOWAS Conflict Prevention Framework Implementation Matrix (2013-2015) includes proposals to adopt national biometric identity cards and a standardised ECOWAS passport across the region, as well as to establish information centres at designated borders to collate data on migration across the region.

At the same time, the free movement established among ECOWAS member states has posed certain challenges in combating migrant smuggling, as has been seen in the research in Nigeria. According to the Nigerian Immigration Service, the enhanced capacity in Nigeria to police its own air borders and in terms of increased document security of electronic Nigerian passports (although other forms of document fraud still persist), has resulted in a displacement of flows.[624] This displacement is not only to the Trans-Saharan route (where Nigerians also have visa free access to a number of countries along the route, notably Cameroon and Chad), but also towards air routes departing from other ECOWAS countries where air border controls are reportedly less robust.

A potential framework for police cooperation between third countries is the African Union Police Cooperation Mechanism (AFRIPOL),[625] which is currently under development as an important tool to counter all forms of transitional organised crime faced by African countries by enhancing cooperation between the police and other law enforcement agencies on the continent.[626] It is, however, unclear to date, whether and how, AFRIPOL will help coordinate national police information and investigation capacities in Africa with regards to the smuggling of migrants. More generally, the African Union confirmed in its latest AU summit of June 2015 its commitment to improve enhanced cooperation in order to strengthen efforts to combat smuggling of migrants.[627] In addition, the African Union Migration Policy Framework for Africa (2006) provides recommendations on national laws regulating (irregular) migration through improved border management technologies (including document security) and cooperation at the national and regional levels between law enforcement officials, immigration and customs.

### 5.6.3.2 Bilateral cooperation between third countries

Some third countries have cooperation agreements in place with regards to migration and mobility management in more general terms. For example, Mali has several bilateral cooperation agreements in place with Mauritania (1963), Cameroon (1964), Guinea (1964), Niger (1964) and Burkina Faso (1969) to ensure the free mobility of persons and to abolish visa requirements with countries such as Morocco and the Cameroon. Activities include informal exchange of information and coordinated border patrol. Another example is the India-Bangladesh Coordinated Border Management Plan (CBMP), adopted in 2011, to increase data sharing between the two countries' immigration systems.[628] High-level meetings have been held between India and Bangladesh on smuggling, aiming to strength cooperation and the border management system.[629] With regards to border management, there is cooperation with the Kurdish Regional Government (KRG) as the operator of the Iraqi border into Turkey. However, this mainly includes passport checks.

A few third countries have readmission agreements in place bilaterally with other third countries, which serve the same purpose as those established between the EU or EU Member States and third countries. In the case of Turkey and Nigeria, their bilateral readmission agreement has been noted as having a positive

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622 Policing Irregular Migration in the West-African Sub-region: Implications for Regional Integration, Ikuteyijo Lanre Ousegun, 29 April 2015.

623 ECOWAS Common Approach on Migration, January 2008 at 33rd Summit of Heads of State and Government of ECOWAS.

624 NGA/A/1, Interview with representative of the Nigerian Immigration Service, Nigeria; Case Study 4: Nigeria – Turkey – Bulgaria.

625 Algiers Declaration on the establishment of the African Mechanism for Police cooperation – AFRIPOL, Algiers, 10-11 February 2014.

626 Press release, the ad hoc committee on the operalization of afripol concludes its 4th meeting, the fourth meeting of the ad hoc Committee on the establishment of the African Union Police Cooperation Mechanism – AFRIPOL, Addid Ababa, 2 June 2015.

627 AU Summit: Declaration on migration, African Union, 25 June 2015.

628 High Commission of India. India-Bangladesh Coordinated Border Management Plan. Signed 30 July 2011.

629 Ministry of Foreign Affairs. Press Release. India-Bangladesh Home Secretary level talks held in New Delhi. 17 Feb 2015. URL: http://www.mofa.gov.bd/index.php?option=com_content&view=article&id=168&catid=43&PRid=938&Itemid=1

impact on the governments' bilateral relations; although returning apprehended irregular migrants serves as an important aspect of the agreement, cooperation and collaboration in enhancing migration capacity in both countries and combating migrant smuggling and trafficking have also been considered essential. However, in some cases readmission agreements between third countries have experienced challenges in implementation due to larger political issues between the two countries. For example, in the case of the readmission agreement between Turkey and Pakistan, both the reported lack of information presented by Pakistani authorities to the Turkish counterparts regarding irregular Pakistani migrants in the country, as well as ongoing negotiations regarding conditions of migrants and prisoners, have limited the implementation.[630] Another example is India, where return of irregular Bangladeshis in India has been sparingly implemented.[631]

### 5.6.4   Political processes and dialogues

The majority of the political processes and dialogues relevant for the countries assessed for this study on the topic of migration in general, and human smuggling in particular, have been or began as regional processes. For example, while the Budapest Process began as a regional process in Central and Eastern European countries in 1993, it has since expanded regionally eastwards, encompassing Central Asia and the Silk Routes Region. While not engaging states along an entire route, such processes primarily engage states along a particular regional segment of a route. The majority of these political processes do not focus specifically on the topic of migrant smuggling, but rather more often do so within a larger framework of irregular migration.

However, two dialogues have been set up to discuss and improve cooperation in the field of smuggling of migrants specifically, namely the Khartoum Process and the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime.[632] The Khartoum Process focuses on cooperation to address THB and smuggling and is set to expand to other areas, if consensus is reached at a later stage, in line with the EU's GAMM. The Khartoum Process particularly focuses on the migration route from the Horn of Africa to Northern Africa and was assessed by stakeholders in the relevant case study countries (Egypt, Ethiopia) as being a potentially important initiative that aims at addressing migrant smuggling activities along this route. As the Process was launched only in November 2014, it yet remains to be seen what concrete work will be done in the framework of the dialogue in the future (Annex 9 - Descriptions of migration dialogues relevant to smuggling).

The objectives of the Bali Process[633] include information sharing, improved cooperation between law enforcement agencies to address smuggling and cooperation between border and visa systems. Other objectives include increasing public awareness, enhancing effectiveness of returns, criminalising the smuggling of migrants and tackling root causes of irregular migration. In 2014, a special conference on "The Irregular Movement of People" in Jakarta was organised. UNODC, UNHCR and IOM are part of the Steering Committee.[634] Other participating agencies include ICMPD, IFRC, ICRC and Interpol, and the majority of the other EU countries are participating countries.

A number of other migration dialogues, which discuss the smuggling of migrants among other things, engage countries of departure, transit and arrival along this study's migrant smuggling routes. The following table shows the researched EU Member States and third countries forming part of this study that participate in these dialogues.

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630 https://www.tbmm.gov.tr/sirasayi/donem24/yil01/ss86.pdf; TR/A/1, Interview with anonymous authority representative, Turkey, Case Study 3: Pakistan – Turkey – Greece.
631 Pattanaik, S. Politics of Illegal Immigration and India Bangladesh Relations. Institutions for Defence Studies and Analyses. 16 May 2014.
632 Further descriptions of these dialogues are provided in Annex 7
633 Bali Process website. Available at: http://www.baliprocess.net/
634 Interview representative IOM.

Table 10 Overview of political processes and dialogues in researched EU Member States and third countries

| Country | Khartoum Process | Bali Process | MTM Dialogue | MME Partnership | Rabat Process | Budapest (Silk Routes) | Euro Med III | Prague process | Almaty process | IGC | Western Mediterranean (5+5 dialogue) |
|---|---|---|---|---|---|---|---|---|---|---|---|
| Belgium | x | | x | x | x | x | x | x | | x | |
| Bulgaria | x | | x | x | x | x | x | x | | | |
| Germany | x | | x | x | x | x | x | x | | x | |
| Spain | x | | x | x | x | x | x | x | | x | x |
| Greece | x | | x | x | x | x | x | x | | x | |
| France | x | x | x | x | x | x | x | x | | | x |
| Hungary | x | | x | x | x | x | x | x | | | |
| Italy | x | | x | x | x | x | x | x | | | x |
| Malta | x | | x | x | x | x | x | x | | | x |
| Netherlands | x | | x | x | x | x | x | x | | x | |
| Poland | x | | x | x | x | x | x | x | | | |
| Sweden | x | | x | x | x | x | x | x | | x | |
| UK | x | | x | x | x | x | x | x | | UK | |
| Afghanistan | | x | | | | x | | | x | | |
| Algeria | | | x | x | observer | | | x | | | x |
| Bangladesh | | x | | | | observer | | | | | |
| Egypt | x | | x | x | x | | x | | | | |
| Eritrea | x | | | x | | | | | | | |
| Ethiopia | x | | x | x | | | | | | | |
| FYRoM | | | | | | x | | x | | | |
| Iraq | | x | | | | x | | | | | |
| Lebanon | | | x | | | | x | | | | |
| Libya | | | x | x | x | | x | | | | x |
| Mali | | | x | x | x | | | | | | |
| Morocco | | | x | x | x | | x | | | | x |
| Niger | | | x | x | x | | | | | | |
| Nigeria | | | x | x | x | | | | | | |
| Pakistan | | x | | | | x | | | observer | | |
| Somalia | x | | | x | | | | | | | |
| Sudan | x | | | x | | | | | | | |
| Syria | | x | x | | | | | x | | | |
| Turkey | | x | x | | | x | | x | x | | |

Dialogues can lead to the development of a cooperation agreement. For example, for the EU-Nigerian "Common Agenda on Migration and Mobility", pre-cursor dialogues took place in the framework of the EU-Nigeria Dialogues on Migration and Development 2008-2013, the EU Nigeria Joint Way Forward 2009 and the high-level Ministerial Meeting between the countries in Brussels in 2013. These meetings and dialogues covered a wide range of issues, involving peace and security, democracy and economic development, but have been clearly noted in the case of Nigeria as laying the groundwork for the Common Agenda.

Challenges noted by stakeholders with regard to dialogues in terms of their added value in the area of smuggling of migrants included the fact that combating smuggling is a very operational issue and therefore a dialogue-setting can struggle to find its footing and bring concrete added-value in operational terms. This was besides the obvious and absolutely essential exchange of views, information sharing, trust-building, identification of common ground for cooperation, etc. to specialists who already have their existing operational networks.[635] This was confirmed by the French authorities, who stated that from an operational point of view, the effects of these dialogues are not noticeable and they do not seem to make a difference.[636] A stakeholder from the Spanish authorities also noted the difficulty of seeing operational results from these dialogues but that this political contact is needed as a first step anyway.[637] Another stakeholder noted that on the operational level, EUROMED and MTM are important dialogues.[638]

Another challenge mentioned was finding funding for the projects under these dialogues.[639] A stakeholder representing an NGO further noted Member States are shifting their responsibilities to the third countries and are externalising their migration issues, "blackmailing" the third countries into measures preventing smuggling/controlling migration, promising development aid in return.[640]

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635 Information provided by ICMPD.
636 Interview representative OCRIEST, Central Directorate of Border Police, Ministry of Interior, France.
637 Interview representative Ministry of Interior, Spain.
638 Interview representative Ministry of Security and Justice, the Netherlands.
639 Interview representative Ministry of Interior, Spain.
640 Interview representative La Cimade, France.

# 6 Conclusions

The increasing number of people wanting to migrate to EU Member States observed in recent years is a direct result of the increasing push factors which have developed in the Middle East and Africa. The continued conflicts in Syria, Libya, Afghanistan and Iraq as well as in many Sub-Saharan African states results in ever larger numbers of refugees and displaced persons. There are higher numbers of aspiring migrants than there are legal opportunities for migration. This has resulted in a huge growth in the number of irregular migrants and corresponding demand for smuggling services.

Migrant smuggling is a significant issue for the European Union. This research has confirmed what is already known, namely that many migrants do not survive the journey from third countries to Europe and those who do put considerable pressure on resources in the countries of entry, transit within Europe, and countries of destination (secondary movements). Those migrants who use the services of smugglers take considerable risks; migrant deaths are increasing, particularly where migrants are travelling by boat across the Southern Mediterranean. There are many stories of migrants falling victim to exploitation by smugglers and, in the extreme, becoming vulnerable to human trafficking. Due to its hidden nature, making reliable and verifiable statements about the scale of irregular migration, in general, and migrant smuggling, in particular, is impossible in countries of departure and transit outside the EU. The data and estimates presented earlier in this study suggest that more than 280 000 people were detected for illegal border crossing into Europe in 2014[641], the majority having used smuggling services to gain entry.

The dynamics of migrant smuggling are complex. In order to frame conclusions about the dynamics of smuggling and the mapping of policies and programmes, the study team has adapted a conceptual model used in previous research into the illicit drug trade[642]. The model explores smuggling from three inter-related perspectives, namely:

The market perspective, which examines whether there is demand for and supply of migrant smuggling that is sensitive to price and risk and responds to traditional market supply and demand mechanisms and, if so, whether the policy responses currently in place at international, EU and national level address these aspects of the illicit market and reduce the market size;

The business perspective, which explores the nature of the business model for migrant smuggling and how it operates across the supply chain and whether the policy responses currently in place at international, EU and national level address these aspects of the business and disrupt the business model; and

The social perspective, which focuses on how the cultural and social bonds and familial relationships affects the market and the business model and whether these aspects are taken into consideration in policy responses.

In theory, migrant smuggling does not usually involve "coercion" and takes place with the consent of the person willing to move. However, it is also important to recognise the harm associated with migrant smuggling[643] and to consider the human rights of migrants.

## 6.1    The market for migrant smuggling

Features of an efficient market include buyers and sellers who have access to good information about the market and are free to join or leave. Furthermore, in an efficient market, sellers can access resources relatively easily with relatively low financial risks[644]. The research for this study suggests that many of these characteristics exist in the context of migrant smuggling, albeit with some significant distortions.

The research has shown that migrants are buyers of services and that smuggling is supplied across a network of actors working collectively to deliver services. There is evidence of good communication via social media, that buyers do "shop around" and that supply is relatively flexible with new actors able to join the market relatively easily. There is also evidence that price varies according to quality of service, the level of service traded (a leg of a journey, a fraudulent document, etc.), and that sub-markets exist for

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641 Frontex Annual Risk Analysis report 2015, p.59.
642 Matrix Knowledge Group: The Illicit Drug Trade in the United Kingdom. Home Office (2007) ISBN: 978 1 84726 550 0.
643 Smuggling of Migrants: A Global Review and Annotated Bibliography of Recent Publications. UNODC. Vienna 2011. p.6.
644 See for example in economics textbooks such as Samuelson, Paul A.; William D Nordhaus (2004), *Economics*, McGraw-Hill.

different nationalities, different journeys from country to country, and different modus operandi. On journeys from Libya, for example, prices start at around USD 1 000  for a sub-Saharan African migrant ready to sit in the most dangerous below deck positions, and rises to USD 2 500 or more for wealthier Syrians who can pay for more security on the crossing. The business of smuggling will be discussed further below, but it is clear that a market is operating and that, with the right information, it should be possible to predict the potential impact of policies on the size of the market.

Border management and migration control are widely used by national authorities as one of the main policy activities to reduce irregular migration including smuggling of migrants. They can be described generically as control measures or "target hardening" activities, as they make it more difficult for migrants to cross borders and for smugglers to smuggle migrants into the countries. It is the existence of these policies that, in part, also creates the demand for smuggling services by irregular migrants; the more restrictive the border controls, the greater the challenges faced by irregular migrants, and the greater their need to engage with smuggling networks. These activities, therefore, while intended to reduce irregular migration overall, could inadvertently increase the proportion of irregular migrants who demand smuggling services.

The research has shown that countries are also engaged in activities targeted directly at reducing the supply of smuggling services by focusing on reducing document fraud and/or taking action targeted on the means of transportation used by smugglers. Some countries have adopted policies targeted at carriers, to prevent them from participating in smuggling (by taking money from smugglers to transport migrants)[645], or alternatively to encourage carriers to take measures to prevent migrants from using their truck/vessel unknowingly to be smuggled. Whilst these policies are not likely to be effective in curtailing irregular migration in circumstances such as experienced at Calais in June 2015[646], the targeting of links between legal business and illicit migrant smuggling has the potential to discourage legitimate traders (such as transport carriers) from participating in illicit side-line activities.

Combining target hardening activities with strong law enforcement activities targeted at actors engaged in smuggling activities should result in increased risks and costs for smugglers, and should have the effect of reducing the level of supply. However, it can also have the effect of displacing the supply of smuggling activities to other, less secure, borders.

Effective return policies are also noted by some stakeholders as providing mechanisms for discouraging irregular migration. These deter migrants from paying a high price to smugglers only to be returned to their country within a short period of time. Effective return policies require swift processes for registering and assessing genuine asylum claims, and they also need agreements to enable returns between Member States and third countries. The research has found some examples of initiatives where effective return policies are aimed at reducing irregular migration. There is less evidence to support this as a policy that directly tackles migrant smuggling.

It is not possible to say whether the recent large increase in the volume of irregular migrants using smugglers has impacted positively on prices. However, the absence of anecdotal evidence of rapid price escalation suggests that market supply is likely to be relatively "elastic"; in other words, the volume of supply is able to expand as demand increases.  Differential pricing for different routes and different levels of quality of service within a route (for example for more affluent Syrian migrants) also suggest a degree of market sophistication, with suppliers being able to differentiate between customer needs and commanding higher prices from more affluent customers who want a less risky journey.

Changes in the economic circumstances of specific countries of destination and transit, such as Greece and Spain (for example in relation to employment prospects), also demonstrate the ability of migrants, and smugglers to substitute one service for another relatively easily, allowing migrants to change their choice of destination and transit country and instead travel to new places of settlement as circumstances dictate. Although there is a paucity of evidence on price elasticity, the research also shows that when risks increase for migrants travelling on specific legs of the journey, for example the Mediterranean crossings, the volume of migrants wanting to use migrant services to travel to Europe does not fall. This suggests that market demand may be relatively "inelastic"; in other words demand may be relatively unresponsive to changes in price. For example, tightening of visa regulations for Syrian citizens in Egypt – alongside a more general

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645 Up to 100 Britons reportedly jailed in France for attempted people smuggling, The Guardian, 23 June 2015.
646 Cross-channel trains suspended amid strike by French ferry workers – as it happened, The Guardian, 23 June 2015.

deterioration of the situation for Syrians[647] – has discouraged Syrians from using Egypt as a country of transit. Syrians have changed their route and now tend to travel to Turkey and, if they are planning to proceed to a European country, continue their journey from there.[648] Lebanese restrictions on entry of Syrians have comparable effects.[649]

If supply is relatively responsive to demand increases and demand is relatively unresponsive to price increases, then, put simply, programmes to tackle migrant smuggling which only focus disproportionately on reducing supply, could result in either price increases or higher risks without impacting on the volume of smuggled migrants. It is vital that policies are put in place to address both demand and supply for migrant smuggling including policies to address the motivation for irregular migration more generally.

Policies that improve economic development in originating countries should have a long-term impact across all populations in terms of reducing the volume of irregular migration and the demand for smuggling services. However, where immediate crisis is the driving force behind the use of smuggling services by migrants, policies which address the root cause need to be very context specific and targeted on addressing the immediate crisis and underlying factors.

The availability of legal channels for migrants and refugees to reach Europe is of particular relevance where crises exist as it would have a direct impact on irregular migration and the demand for migrant smuggling services. Initiatives to support genuine refugees and asylum seekers to access legal channels to Europe would potentially have an immediate and direct impact on the demand for smuggling services. These initiatives are promoted by the IOM's strategy on smuggling of migrants, which is currently under development, as well as the UNHCR's CMSI Action Plan. Both encompass actions to encourage legal alternatives to dangerous journeys, such as humanitarian visas, sponsorship programmes, resettlement and facilitated access to family reunification. The IOM strategy also mentions additional labour migration channels at all skill levels, larger resettlement quotas and medical evacuation. The EU Migration Agenda also has the intention to "*open more safe, legal ways into the EU*".

There are also measures that create more favourable conditions for migrants, for instance asylum and reception conditions or procedures related to family reunification, which can reduce the demand for irregular onward movements (e.g. secondary movement) and dry out the market for smugglers. Conversely, the absence of sound migration legislation, comprehensive migration management and functioning migration control is the basis for an uncontrolled growth of the smuggling market (e.g. Libya).

Demand can also potentially be influenced by successful awareness raising activities. These are generally designed by international bodies (including the EU), Member States and third countries and are targeted on countries of origin or transit, outside and within the EU. They are designed to draw attention to the risks of irregular migration including the use of smugglers using media such as documentaries, counselling, briefing, informational material and, more recently, on-line collateral. The evidence suggests that these can have a significant impact on irregular migration and indirectly, therefore, on the use of smugglers (e.g. "German Migration Information Campaign Chechnya"). However, some stakeholders consulted as part of this research are more sceptical of their effectiveness in all circumstances and suggest that migrants usually do know where they are going and what risks are involved. These comments could reflect the perception that, when irregular migration is being driven by a crisis in the originating countries, migrants may be very aware of the risks of migrant smuggling and consider these risks worth taking. Where smuggling exists to enable irregular migration, which is primarily motivated by a desire for economic improvement (employment prospects etc.), awareness raising of the risks might be very powerful at discouraging their use. However, it has also been argued the question is not whether migrants have access to such information, but whether they trust the information given.[650] For example, NGOs which play a crucial part in awareness raising campaigns can be seen as "official", or quasi-governmental, and they might, therefore, not be a trusted source of knowledge. Instead, smugglers might be seen by migrants as knowing the best way of getting them where they want to go.

Freedom to communicate is one of the most important characteristics of the market. The research has shown that the growth of social media, pay-as-you-go phones and other forms of communication ensure strong communication networks between buyers, between sellers and between buyers and sellers. Family

647 Bauer, W. (2015). Über das Meer. Mit den Syrern auf der Flucht nach Europa. Frankfurt/M: Suhrkamp.
648 LB/OS/3, Case Study 2: Syria – Lebanon – Egypt – Italy.
649 http://reliefweb.int/sites/reliefweb.int/files/resources/legal_status_of_individuals_fleeing_syria.pdf
650 Migration risk warning campaigns are based on wrong assumptions, Danish Institute for International Studies, 5 May 2014.

and diaspora are also an important source of market information for migrants. Migrants often use their social network to share information and comment on the products or services available from which seller. Although an illicit market, information appears to be freely available with migrants using social media forums, such as Facebook, to post information about their journey, conditions, payment and experience and even to provide intelligence on where services can be found. Communication across social networks also takes place via chat forums such as Viber and WhatsApp. Service providers advertise services through these same forums and use mobile technology to communicate across smuggling networks to identify actors and coordinate services.

The research evidence suggests that there are circumstances where asymmetry of information between the migrant and the smuggling network can result in migrant exploitation; smugglers benefit from the circulation of misinformation regarding legal migration channels and cumbersome visa procedures at Member States' embassies. With the growth of social media and mobile communications, the frequency of these examples is diminishing. Whilst social networks help to expedite irregular migration, migrants also appear to lack accurate and unbiased information on the realities of using smuggling services, both on the various options for attempting it and expectations/realities awaiting them in destination countries. Those considering embarking, or continuing on a journey, appear to be disproportionately influenced by the successes of others who report having succeeded in migrating and, as referenced above, tend to trust these communications more than those issued by governments or news agencies.

Working with providers of social media to disrupt communication channels is potentially a very important policy instrument. However, there are no examples of successful initiatives in this area that have impacted on the volume of migrant smuggling. While support to national authorities in these initiatives is promised in the EU Action plan, via co-operation with internet service providers and social media sites, this is clearly a massively under-developed area which requires far more attention going forward.

Migrant smuggling is an illicit market and as such consumers ultimately have little protection from exploitation. This increased risk of human rights abuses, threats to life and vulnerabilities for smuggled migrants, increases the risk of trafficking in human beings (THB).[651/652] Essentially, where the migrants are especially vulnerable, they can move from being a client for a smuggling service to being vulnerable to human trafficking. Circumstances can change for different legs of the journey with vulnerability increasing as the journey progresses when migrants' resources are depleted and risks of detection increase. For example, some migrants report on abuse, rape, torture and deprivation during their journey to Europe. There are also reports of migrants being abducted by smugglers for ransom to be paid by their families or migrants who are persecuted for religious reasons. Those that try to earn money for their journey in a transit country are often exploited by their "employers".

## 6.2    The business of migrant smuggling

The smuggling of migrants as a business was first articulated in 1997 by Salt and Stein[653], but has been discussed frequently in the literature since then. Several taxonomies of business models have since been developed.[654] Different types of actors within the business have been discussed in the literature. The UNODC, for example, distinguished five categories of actors (coordinators/organisers; recruiters; transporters/guides; spotters/drivers/messengers and service providers/suppliers).[655]

The research has confirmed a diverse range of actors within a network performing a variety of roles in the migrant smuggling business including: Smugglers/top men; Recruiters; Guides, drivers or skippers; Spotters/Messengers; Money collectors - Hawala shop; Forgers (passports/formal documents); Suppliers (boat makers, boat owners, car/bus owners); Corrupt government officials (immigration officials), corrupt service providers (train conductors etc.), Enforcers and receivers. Their role and function varies according to the type and scale of the smuggling network in which they are involved as to the range of services provided to migrants.

651 Mahmoud, T.O. Trebesch, C. The Economics of Human Trafficking and Labour Migration: Micro-evidence from Eastern Europe. Journal of Comparative Economics, vol. 38. 2010. p.175.
652 Barker, C. The People Smugglers' Business Model. Foreign Affairs. Research Paper No. 2. 28 February 2013. p.26.
653 Salt, J. and J. Stein (1997). "Migration as a business: the case of trafficking", International migration, 35(4): 467-494.
654 Derived From: V. Bilger, M. Hofmann, I. Van Liempt and M. Neske, "A descriptive typology of human smuggling". – Forthcoming publication, ICMPD.
655 UNODC (2010), Issue Paper A short introduction to migrant smuggling.

The ToR for this study steered the research team towards an evaluation of migrant smuggling routes. However, evidence from this research suggests that rather than operating along a pre-defined route, the business of smuggling is best described as a network model, with a network of communication links between smaller groups or "cells" of actors/facilitators to enable movement of people from one country to another from source to destination. For instance, an Afghan smuggler explained the sort of cooperation between different networks: "everything and everyone is connected. From Afghanistan they (organisers) will give phone numbers or recommended organisers to call in Iran, and then Turkey, Greece etc. It's like a business. If someone is good they will recommend him, if someone is not good they will not collaborate".[656] There may be multiple networks within a country and networks can span borders and/or have links with other networks across borders. Networks cluster to form Hubs where the intensity of smuggling activities is greatest. Whilst routes are visible in terms of geographical flows of people, they are most clearly seen with hindsight; they result from a complex pattern of ever-changing migration patterns resulting from displacement of supply in response to policy initiatives along the legs of the journey.

This "clustering" of migration flows, i.e. the concentration of migrants from a certain country or region of origin in specific "target countries" is growing. The Hubs form because of their geographical position on an irregular migration route, i.e. their location between countries of origin and aspired final destinations and the necessity to cross them. These are at critical points along migratory routes where particularly difficult stages have to be overcome or where "favourable" conditions facilitate the activities of migrant smugglers. At the EU borders, Turkey, Egypt, the FYRoM, Serbia and Libya, are the critical Hubs of a smuggling journey and, therefore, in relation to the management of irregular migration. Inside the EU, Hubs exist in Greece, Italy, Malta and Hungary. From an analytical perspective, "Hubs" appear as the main constant – the geographical and operational nodes structuring the myriad of route options on offer and connecting migrants from diverse origin with a variety of destinations.

The research evidence suggests that within these Hubs, the degree of professionalism, vertical hierarchical organisation and cross-border contacts within any smuggling network increases with size. The greater the number of migrants using the Hubs, the more likely it is that the smuggling is conducted by a professional criminal network. Here, even though the "business of smuggling" operates as a network, the relationships change. The "top man" controls the migrant smuggling operation but contracts with actors all of whom are relatively influential within their respective spheres of influence. For example, a corrupt official engaging in migrant smuggling may not have the overview in an operation but is certainly influential and important to the network.

There is also evidence that where these Hubs increase in intensity of activity, the organisers of the networks can become particularly powerful. The sea crossing on the Southern Mediterranean route in Egypt and in Libya shows a more top down approach to the network management than reported for the other routes and borders. The research has provided examples from Egypt where the networks were dominated by powerful well-connected organisers who divided and distributed territorial power along the Egyptian coastline. Italian operations identified two principal smugglers in Libya, one born in Ethiopia, the other in Eritrea each managing a wide network with connections in Sudan, with Ethiopian and Eritrean intermediaries who acted as agents selling the service and with drivers.

There is mixed evidence of links with Italian mafia groups with some sources claiming that levies are paid for operating within their territory and others reporting that their involvement is more evident within reception centres for refugees. It is unclear from this research where and how these links impact on the business model in the Hubs and whether this varies by Hub.

The network model provides for flexibility as actors adapt their links in response to changes in national and international initiatives designed to mitigate their activities. It also means that the business model is highly adaptive, agile and extremely resilient. Policies designed to disrupt the business of smuggling need to be focused on the points in the network that will be predicted to have the maximum impact and, in particular, on disrupting the financial hubs and money transfers.

The policies need to be highly adaptive with continuous innovation utilising risk predictions to anticipate how the networks are likely to respond. Most of all, they require cooperation across Member States and between the EU and third countries. While there is no international organisation with specific responsibility to coordinate joint operations between countries aimed at detecting and dismantling migrant smuggling

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656 GR/S/AF/03, Case Study 3: Pakistan – Turkey – Greece.

networks, joint police operation between two or more Member States are supported by Europol. Moreover, bilateral cooperation does happen. Some researched EU Member States have set up specific bodies which deal with the investigation of the smuggling of migrants. As described above, these are likely to be crucial complementary activities to the "target hardening" activities if they are to ultimately impact on smuggling as a business. There are two main different levels/ways in which countries cooperate including sharing of intelligence (e.g. through border management systems and deploying liaison officers) and police cooperation (incl. joint border patrols or bilateral joint operations). These are an important ingredient in the actions targeted against smuggling as a business. These are often bilateral operations focused on local circumstances and immediate needs and can be deployed relatively quickly.

The provision of data and intelligence by Interpol, Europol and IOM is likely to enhance the capacities of countries to detect and apprehend smugglers. The EU Action Plan called for a strengthened use of these systems and it will be important for these to be focused around the activities related to migrant smuggling Hubs.

There is also an EU Action Plan proposal to build on the success of hot spots policing, a US practice where law enforcement agencies focus limited resources in areas where crime is highly concentrated and develop a 'Hot spots' approach to smuggling detection. This would involve joint mobile teams consisting of Europol, Eurojust, EASO and Frontex members deployed to frontline states facing particular pressure. These will include debriefing and screening teams to interview migrants upon arrival, operational and information support and assistance with the investigations. Hot spots policing strategies are prevalent in the USA and generally target policing on small geographic areas or places, which show a high and predictable concentration of crime; evidence suggests they are effective at reducing crime[657]. In principle, the practice of hot spots policing could translate into a hot spots approach for smuggling; an interesting aspect of this would be to position these activities at key strategic locations within the network Hubs with the objective of targeting intelligence gathering as close to the Hub organisers (the "top man") as possible.

Bilateral operations have the disadvantage of potentially displacing smuggling activities to another location rather than reducing supply. There is a risk that EU level operations can be more difficult and slower to coordinate; local bilateral arrangements are able to respond with more agility and more intensity to detect and dismantle criminal networks involved in the smuggling of migrants.[658] As discussed in more detail above, the business of smuggling is agile and resilient and requires innovative, adaptive policy responses which need to be implemented locally at the right time and in the right place.

Prosecution is a key objective at national level for addressing migrant smuggling and disrupting the smuggling business. Organisations at EU and international level can, and do, assist the Member States in bringing smugglers to justice by providing training and guidance to prosecutors, or by organising meetings or signing agreements with the aim of enhancing information exchange and cooperation. Initiatives such as the JITs set up by Eurojust to investigate organised crime groups, suspected of smuggling migrants into the EU, are also valuable policy initiatives. They are, however, not without their challenges. Member States have different rules for gathering evidence, disclosure of information and time limits for data retention, as well as the transfer of criminal proceedings. Moreover, while JITs can be useful in addressing cross border networks, establishing a JIT can be a lengthy and bureaucratic process. They need full cooperation from two or more countries that need to work together as one team, which is not always easy.[659] It can be easier and simpler to share information and cooperate on a bilateral basis to solve the same case. For example, Spain has "ECIs", Joint Investigation Teams without the coordination of Eurojust, with Morocco and Mauritania and plans to establish more in Niger and Algeria. These teams are considered by stakeholders as effective, as irregular migration from those countries has decreased in recent years.

What is needed is targeting these approaches on specific Hubs and specific actors such that disruption activities can have maximum impact. One area which is currently relatively under-developed is a focus on coordinated activities targeted on disrupting financial flows of funds and inhibiting payment mechanisms. While this is not likely to be effective at the individual level, actions targeted at network Hubs have the potential to impact on the profitability of activities across a number of actors simultaneously.

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657 Braga et al 2012.
658 Interview representative Federal Judicial Police, Belgium.
659 Interview representative Federal Judicial Police, Belgium.

## 6.3    The social perspective: The importance of social networks

Social networks can interact with migrant smuggling as an enterprise by:[660]

⭐ Raising funds for migrants wishing to use the services of smugglers

⭐ Playing the role of different "actors" in the business model

⭐ Providing information on the quality of smuggling services

⭐ Providing documents, transport, housing, employment

⭐ Facilitating payment systems to support smuggling

⭐ Facilitating remittances from migrants to families in their country of origin

⭐ Facilitating integration in country of destination

It is important to note that policies targeted at breaking or disrupting the business model, or taking action on market mechanisms, are unlikely to work if participant motivations are driven by social, familial or community goals rather than a profit motive. Instead, policies need to be focused on the motivations of migrants and the cost of irregular migration (e.g. diaspora driven risk awareness campaigns).

The research from the case studies suggests that family members and social networks play a vital role. The research has identified many examples of family and social relationships that serve as communication channels between migrants. The research has also shown how these relationships can support the management of financial arrangements. The example given of Syrians who arrange for smugglers to receive payments from family members once they arrive in transit countries is not untypical. There is also an expectation that family relations will help them to start their "new life" once they reach their destination countries.

The research also suggests that, over time, these social networks provide vital information in the preparation of the journey, provide financial and emotional support and assist in insertion and integration processes after arrival.

This social aspect is of huge importance in the context of setting policies to address migrant smuggling; irregular migrants listen to each other and to their families and rely heavily on these relationships to establish the trust required to engage with smugglers to facilitate their journey. Evidence suggests that how individuals respond to a message is greatly influenced by the messenger and that individuals are more likely to act on information if the messenger has demographic and behavioural similarities.[661] Policies which target these social networks to discourage the use of smugglers and raise awareness of the risks need to engage closely with the social communities if they are to be effective.

There appear to be few activities targeted on social networks. Given their important role in the dynamics of smuggling, there is potential to do considerably more in this area. One issue, for example, which might be worth exploring further is for authorities to work much more closely with diaspora to co-design information campaigns to raise awareness on legal routes and the risks of using smugglers. Using diaspora as the vehicle through which these messages are developed and delivered could positively impact on their effectiveness. Working with community representatives of irregular migrants is challenging given the policy context, however, if seen as part of a wider campaign to improve access through legal routes and part of a wider initiative to work with NGOs to support refugees and asylum seekers and reduce the risk of harm from migrant smuggling, there may be some scope to develop more effective campaigns.

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660 Smuggling of Migrants: A Global Review and Annotated Bibliography of Recent Publications. UNODC. Vienna 2011 p.63-65.
661 Mindspace, Influencing Behaviour Through Public Policy, Institute for Government (2010).

## 6.4 Overview of existing and priorities for further research

As the research reported in this study has shown, patterns and routes are constantly changing and so are the numbers of those who are in need and deciding to leave their countries. This means that there are only few aspects of irregular migration routes and destination choices that can be assessed with strong evidence. Consistent research on the scale of smuggling of migrants is, therefore, difficult. Frontex data, which is based on information provided by EU Member States and Schengen Associated Countries as well as information collected during Frontex Joint Operations and collected from open sources, is one of the main sources to determine the scale of the phenomenon (i.e. by collecting data on illegal entry between and at border crossing points). Research on the scale of migrant smuggling is reliant on countries to systematically investigate and prosecute irregular migration – if this is not done in a methodical way, statistics are not available. In addition, Frontex data mainly captures statistical information, but does not provide for more nuanced information, such as experiences of migrants along the routes. One of the main priorities for ongoing and new research is, therefore, to follow up and keep on top of these constant changes to the scale and dynamics of migrant smuggling.

> NOTE: From the publications used for this research (2010-2015), only around 40% included research in general (covering topics beyond migrant smuggling), and only 15% were publications on irregular migration/smuggling of migrants. The analysis of research needs below is based solely on the 219 research documents that form part of the bibliography, and thus excludes general websites, policy documents, operational reports, legislation, government statements, guidance, press releases and news articles.

The research reported in this study suggests that there are only few publications focusing solely on the smuggling of migrants (SOM). Around 45 research reports/articles on the smuggling of migrants were identified through this study. Around half of this research is grey literature, namely reports from international organisations, of which the majority were published by the UNODC (15). A recent (2015) UNODC publication includes the UNODC report on migrant smuggling in Africa.[662] Moreover, about a third are academic papers and articles and PhD papers (15 documents), such as the Survey study on the profile of human smugglers in Turkey.[663] The findings of this research suggest that there has been a steep increase in the number of SOM focused research being published since 2013 (tripling from 2012 to 2013).

Secondly, this research suggests there is also limited research published discussing irregular migration more generally (excl. publications specifically on refugees and asylum seekers). Around 30 research reports on irregular migration were identified by this study, which also discuss the smuggling of migrants. This excludes research focusing on refugees and asylum seekers. Around one-third of the reports identified by this study were published by International Organisations, and in particular EU agencies and networks (including the FRA[664] and the EMN[665]) and the Council of Europe[666]. Over 25% of the reports were published by NGOs and think tanks (incl. the Migration Policy Centre, Save the Children, Amnesty International and ELIAMEP), and another 20% were published by academia.

Thus, it can be concluded that overall, the type of body undertaking and publishing most research on irregular migration and SOM are International Organisations (42%), and in particular the UNODC (almost 20% of the total publications identified by this study), academia (29%) and NGO and think tanks (11%). Of these research reports, about 40% are specifically focusing on a third country or region, which include particularly countries/regions within Africa (e.g. Libya, Ethiopia, Horn of Africa) and countries within the Middle East (e.g Afghanistan, Syria and Pakistan).[667] Moreover, over a quarter focus specifically on a country of transit or destination within the EU (e.g. Greece and Italy) or Europe/the EU as a region of destination in general. Moreover, some reports specifically focus on smuggling via the sea border (8%). The highest number of research reports on irregular migration and SOM were published in 2014 (19 reports). However, it is expected that, if the same amount of research reports on irregular migration and SOM are published in the second half of 2015 as were published in the first half of 2015[668] (namely 11

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662 Migrant Smuggling in Asia: Current Trends and Related Challenges. UNODC. Bangkok. April 2015.
663 Icli, T. G. Sever, H. Sever, M. A Survey Study on the Profile of Human Smugglers in Turkey. Advances in Applied Sociology, vol.5: 1-12. 2015.
664 Publications include Criminalisation of migrants in an irregular situation and people engaging with them, FRA, 2014.
665 EMN Ad-Hoc Query on Facilitation of irregular immigration (migrants smuggling) to the EU: national institutional frameworks, policies and other knowledge-based evidence. 2014.
666 Belhadj, M. Picarra, N., Borges, F. and Kicinger, A. Policies on irregular migrants Volume III: France, Portugal and Poland. (2010), and Policies on irregular migrants - Volume IV: Spain and the United Kingdom (2010).
667 It should be noted this focus could be related to the focus on specific case study countries ibn this study.
668 the data collection period covered by this study.

reports), 2015 will be the year that most research on irregular migration and SOM has been published to date.

Other related research reports include research on migration and migrants in general, refugees and asylum seekers. Interestingly, here the reports are more frequently developed by NGOs and think tanks (incl. ECRE, Open Society Foundation, Migreurop, Human Rights Watch and Amnesty International), namely about 30%. Moreover, 30% of these reports were developed by International Organisations, i.e. over one-third by the UNHCR, just under one-third by the EU and three by the IOM. The remaining 40% were academic papers and reports.

As highlighted in the preceding chapters of this report and following on from the overview of existing research and publications on the smuggling of migrants identified by this study, a number of research gaps have been recognised, which are further discussed below:

The market for migrant smuggling: This research suggests that the supply of smuggling services is relatively responsive to increases in demand; the higher the number of people needing the service, the more actors enter the smuggling business. Moreover, the research suggests that demand may be relatively unresponsive to price and/or risk. While migrants are constrained by budgets and often poverty, they are prepared to take considerable risks to travel to Europe. The implication of this finding is that policies which are largely focused on increasing the barriers and costs of supply of smuggling services will simply increase price and/or risk and will have little or no impact on the volume of migrants using smuggling services. Further, more focused research to validate this finding would be very valuable in informing the balance of efforts in terms of ongoing policy development and the need to take a more fundamental look at strategies to reduce demand, such as legal routes of entry.

Migrant smuggling networks and Hubs: The research has demonstrated that migrant smuggling as a business operates as a network model, with clusters forming where the number of irregular migrants coalesce and border crossing or leg navigation becomes particularly difficult for migrants to accomplish unaided. There is relatively little research into these Hubs in terms of how they form, develop and function. Moreover, little is known about how they compare and contrast in terms of understanding which policies are more or less effective in the relevant local context. Further research into this would be valuable to policy makers in helping to target interventions more effectively within these Hubs, particularly in the context of disrupting the business model and profitability of migrant smuggling.

Finances and money flows related to migrant smuggling: The smuggling of migrants is seen as a highly profitable business. However, given the sensitive nature of this topic, very little is known to date on how the money flows in smuggling operations. Investigations are hindered by the fact that third countries still largely function on the basis of cash, as many people have no bank accounts, making smuggling transactions invisible. More comprehensive research has been undertaken on this issue by the Financial Action Task Force (FATF, 2011), describing the money flows related to migrant smuggling (and THB) and attempts to assess their scale, as well as by the APG Typologies Working Group (2010). Both reports, however, call for further, global research into this topic if this intelligence is to be of value to policy makers. This study suggests that such research should also differentiate the financial flows in the different Hubs as these are likely to each present different opportunities for business disruption interventions.

Effectiveness of policy interventions: Given the scope and multi-faceted nature of migrant smuggling, it is clear that not a single policy intervention can respond to or address every aspect of the phenomenon. However, the multitude of policies to tackle the issue might have resulted at times in inefficiencies and duplication of efforts. To date, however, there is no comprehensive assessment of the real effectiveness of existing policies tackling migrant smuggling. There is some research published by the Council of Europe on policies on irregular migrants[669], however, it does not assess its effectiveness. While this study has provided an overview of policies at international, European and national level addressing the smuggling of migrants, more research is needed in this respect in order to assess the impact of said policies and determine good-practice examples in the context of specific smuggling Hubs.

Secondary movements within Europe: This study has shown that there is a lack of existing comprehensive research on secondary movement of migrants, once they have entered the EU. A number of reasons for this gap are discussed in existing literature, which mentions e.g. the clandestine nature of

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669 For example Belhadj, M. Picarra, N., Borges, F. and Kicinger, A. Policies on irregular migrants Volume III: France, Portugal and Poland. (2010).

irregular migration, which makes it difficult to involve irregular migrants in research; the lack of awareness of migrants about which routes they took (i.e. unaccompanied minors lacking the necessary geographical knowledge), and the general unwillingness of migrants to share information on the routes they took with researchers. Europol is currently undertaking a study on secondary movement of irregular migrants within the EU, however, the study findings will not be publicly available. Insights into secondary movement would help to identify the role played by migrant smugglers and hence where policies can be targeted on minimising the costs to the EU and the harms to migrants within the EU.

Social media and its role in facilitating human smuggling: Evidence suggests that smugglers make more and more use of social media to get in touch with migrants willing to leave their countries of origin and to provide information on smuggling routes, contact details and risk assessments. Migrants also use social media to share intelligence and information. Little is researched to date though on the role social media play in facilitating migrant smuggling and there is insufficient evidence to date to draw conclusions on the role and importance of social media in determining the routes and preferred destinations of migrants. The EU Action Plan against migrant smuggling recognises the increased importance of social media in migrant smuggling, and therefore intends to establish closer cooperation between internet service providers and social media and EU agencies, such as Europol and Eurojust. This should, however, be informed by further more focused research in this area so as to properly focus the policy response.

# 7   Appendices

## 7.1   Annex 1: Research Questions

| Research questions matrix | | | |
|---|---|---|---|
| **Task 1: Overview of completed, ongoing and planned research on migrant smuggling** | | | |
| Research question(s) | Proposed indicators | Data collection methods | Data Source |
| 1) What research has been conducted, over the last five years, on migrant smuggling? We will make a distinction between studies being undertaken with a:<br>✓ Geographic focus: (Horn of Africa/ West-Africa/ North-Africa to Europe, Middle-east to Europe, Asia to Europe, focus on specific destination countries/ regions)<br>✓ Focus on scale of the phenomenon (e.g. statistics on migrant smuggling)<br>✓ Focus on impact on European Member States and/or third countries<br>✓ Focus on policies and programmes to address migrant smuggling<br><br>2) What research is ongoing and what research is planned? | ✓ Recent studies with a geographic focus:<br>  ✓ Horn of Africa/ West-Africa/ North-Africa to Europe<br>  ✓ Middle-east to Europe<br>  ✓ Asia to Europe<br>  ✓ Specific destination countries/ regions)<br><br>✓ Recent studies with a focus on the scale of the phenomenon (e.g. statistics on migrant smuggling)<br><br>✓ Recent studies with a focus on the impact of migrant smuggling on European Member States and/or third countries<br><br>✓ Recent studies with a focus on policies and programmes to address migrant smuggling<br><br>✓ Types of research that is ongoing and planned | ✓ Desk based research<br>✓ Expert advice | Published and grey literature |
| **Task 2: Overview of institutional arrangements and bodies** | | | |
| 3) Which institutions and bodies are involved in addressing migrant smuggling?<br>✓ Which national institutions/bodies are involved in addressing migrant smuggling in each Member State?<br>✓ Which European institutions/bodies are involved in addressing migrant smuggling?<br>✓ Which international institutions/bodies are involved addressing migrant smuggling?<br>✓ How do these institutions and bodies work together? | ✓ Type and number of national institutions/bodies that are involved in addressing migrant smuggling in each Member State?<br><br>✓ Type and number of European institutions/bodies involved in addressing migrant smuggling<br><br>✓ Type and number of international institutions/bodies involved in addressing migrant smuggling | ✓ Desk-based research<br>✓ EMN Ad-Hoc Queries<br>✓ Interviews | Published and grey literature<br><br>EMN Ad-Hoc Queries |

| Research questions matrix | | | |
|---|---|---|---|
| | ✓ Stakeholders' perceptions regarding the way in which these institutions and bodies cooperate | | |
| **Task 3: Characteristics of the phenomenon** | | | |
| 4) What are the dynamics of smuggling operations?<br>✓ What are the main routes of smuggled migrants that can be identified through research?<br>✓ Where do most smuggled migrants come from? Top 10?<br>✓ Which transit countries are mostly used? Why?<br>✓ What characteristics contribute to a country becoming a transit country?<br>✓ What are the most popular destination countries for smuggled migrants?<br>✓ What characteristics make some countries more desirable than others as a destination for migrants (i.e. access to family reunification, regularisation, asylum, work etc.)? | ✓ Stakeholders' perceptions of the main routes of smuggled migrants<br><br>✓ Estimated number of smuggled migrants from the top 10 countries of origin<br><br>✓ Estimated number of smuggled migrants per transit country over the last five years<br><br>✓ Stakeholders' perceptions on what characteristics contribute to a country becoming a transit country<br><br>✓ Estimation of number of smuggled migrants per destination country over the past five years<br><br>✓ Stakeholder's perceptions on what characteristics make some countries more desirable than others as a destination for migrants (i.e. access to family reunification, regularisation, asylum, work etc.) | ✓ Desk-based research<br>✓ In-depth interviews on European/international level<br>✓ Interviews at national level (adjusting the research questions to national level: where do smuggled migrants in your country come from/through which transit state etc)<br>✓ Case studies<br>✓ EMN Ad-Hoc Queries | International, regional, third country and MS research<br><br>Field and academic experts on European/international level including:<br>• DG Home<br>• Europol<br>• Frontex<br>• Academic researchers<br><br>Field and academic experts on a national level including:<br>• Policy makers<br>• Law enforcement agencies<br>• Refugee organisations<br>• NGOs<br>• Professionals supporting smuggled migrants<br>For case studies:<br>• smuggled migrants, facilitators of smuggling and court file analysis |
| 5) What is the scale of the phenomenon in relation to the specific typology of borders (sea, land, air) over the last five years?<br>✓ Roughly how many migrants were smuggled into Europe (in the last five years)?<br>   o How many migrants from which countries? (estimation)<br>   o How many migrants come over by sea? (estimation)<br>   o How many migrants come over by land? (estimation)<br>   o How many migrants come by plane? (estimation) | ✓ Number (estimations) of migrants smuggled into EU in the last five years<br><br>✓ Number of migrants smuggled into the EU divided by countries of origin (estimated)<br><br>✓ Number of migrants smuggled into the EU by sea (estimated)<br><br>✓ Number of migrants smuggled into the EU by land (estimated)<br><br>✓ Number of migrants smuggled into the EU by plane (estimated) | | |

| Research questions matrix | | | |
|---|---|---|---|
| 6) What are the different patterns and modus operandi per typology of border (sea, land and air) and what is the scale of organised criminal activity in this area?<br>✓ What pattern can be seen for smuggling over sea, land and air?<br>✓ What modes of transport are being used? For which routes?<br>✓ How long does it take?<br>✓ What are the costs?<br>✓ Does it involve whole-package deals or does it involve separate parts of this route?<br>✓ What do migrants pay for their transport? Which actor do they pay (e.g. coordinators/recruiters etc)? | ✓ Type of and extent to which patterns can be identified for smuggling by sea, land, air by assessing:<br>✓ Main mode of transport used<br><br>✓ Examples of duration of the journey<br><br>✓ Examples of average costs per smuggled migrant (estimated)<br>✓ Number of migrants smuggled on sea, land, air routes that involve whole package or separate parts (estimated)<br><br>✓ Estimated number of smuggled migrants arriving in the EU by a combination of sea, land, air routes<br>    ✓ Types of transport identified for each route in the case studies<br>    ✓ Sea, air, land<br><br>✓ Likely costs (e.g. money in Euros) paid by smuggled migrants per mode of transport in the case study countries<br><br>✓ Type of actor paid by smuggled migrants per mode of transport (coordinator/recruiter etc.) | | |
| 7) What profile do facilitators of smuggling have in the predefined countries?<br>✓ What are the motivations of the facilitators of smuggling in the predefined countries? (amount/percentage per motive per country)<br>✓ Are migrant facilitators part of an organised criminal group (OCG) and is organised criminal activity more prevalent in any of the following routes (i.e. sea, land, air)?<br>✓ How do facilitators get in touch with migrants?<br>✓ How are facilitators paid in the country of origin/departure, country of transit, country of destination? In which currency? Where does the money originate from? Going to?<br>✓ Which actors are involved in facilitating the smuggling process (Coordinators/recruiters etc)? | ✓ Nationality of facilitators of migrants smugglers in predefined countries (estimated)<br><br>✓ Estimated number of smuggling facilitators per type of motivations and breakdown of percentage per country<br><br>✓ Estimated number of facilitators involved in organised criminal groups (OCGs) and breakdown of percentage for different border crossings<br>    o Sea, land, air<br><br>✓ Stakeholders' perceptions on how facilitators get in touch with migrants<br>✓ Type of actors | | |

| Research questions matrix | | | |
|---|---|---|---|
| | ✓ Types of payment systems used to pay facilitators (estimate) | | |
| 8) What are the most important issues on the demand side?<br>✓ How do migrants get in touch with facilitators of smuggling?<br>✓ Why are people on the move relying on smuggling?<br>✓ Did people try or not (and why) legal channels of mobility before being smuggled?<br>✓ Why did it not work out?<br>✓ What kind of travel document do they have? (if they used documents) | ✓ Stakeholders' perceptions/experiences regarding how migrants get in touch with facilitators of smuggling<br><br>✓ Smuggled migrants experience on:<br>o Motivations for using a facilitator<br>o Whether they have tried legal channels<br>o Why it did not work out<br>✓ Type of travel documents they used | | |
| 9) What are the secondary movements of smuggled migrants in the EU?<br>✓ Where do smuggled migrants go once they have arrived in one of the European Member States?<br>✓ Is this usually their final destination?<br>✓ What are the main routes within Europe?<br>✓ What are the most popular destination countries in Europe?<br>✓ What is their mode of transport within Europe?<br>✓ Are smugglers still involved after having arrived in Europe?<br>✓ How many Dublin-transfers are there per destination country within the EU (estimation)? | ✓ Estimated number of smuggled migrants moving to secondary Member States after arriving in the EU in the last five years<br><br>✓ Estimated number of smuggled migrants remaining in each Member State<br><br>✓ Perceptions of stakeholders on whether the secondary countries are usually migrants' final destination<br><br>✓ Estimated number of migrants smuggled by different routes within Europe<br><br>✓ Stakeholders' perceptions on types of transport used for secondary movements of smuggled migrants in the EU<br>o Boat, train, plane<br><br>✓ Number of migrant smugglers apprehended in the EU<br><br>✓ Number of Dublin-transfers per destination country within the EU (estimate) | | |
| Task 4: Existing policies and programmes | | | |
| 10) What legal framework and policies exist at international and EU level to address the smuggling of migrants? | ✓ Number and type of existing legal frameworks and policies at international and EU level to address the smuggling of migrants | ✓ Desk research<br>✓ Interviews<br>✓ EMN Ad Hoc Queries<br>✓ In depth interviews | • Studies on international/European and national level<br>• EMN Ad-Hoc Queries |

| Research questions matrix | | | |
|---|---|---|---|
| 11) What measures are already in place in the (researched) European and third countries to address migrant smuggling? Distinguishing between:<br>   a.  Legislation<br>   b.  Programmes<br>   c.  Projects<br>   d.  Agreements<br>   e.  Joint operations<br>12) Which other related policies contribute to or impact the smuggling route? (e.g. search and rescue at sea, fishing quota etc) | ✓ Number and type of measures already in place in the (researched) European and third countries to address migrant smuggling? Distinguishing between:<br>o  Legislation<br>o  Programmes<br>o  Projects<br>o  Agreements<br>o  Joint operations<br><br>✓ Number and type of other related policies that contribute to or impact on the smuggling route (e.g. search and rescue at sea, fishing quota etc.) | ✓ Case studies | Interviews with various stakeholders:<br>•  Member States and third countries competent authorities,<br>E<br>•  uropean Commission,<br>•  EU agencies,<br>•  International organisations<br>•  NGOs |
| 13) Cooperation between specific Member States and third countries;<br>  ✓ Do European Member States cooperate with third countries to address smuggling? Which? How?<br>  ✓ Do European Member States cooperate with each other to address smuggling? Which? How? Do they cooperate beyond Europol? How?<br>  ✓ Do third countries cooperate with each other to address smuggling? Which? How? | ✓ Way in/extent to which EU Member States cooperate with third countries and with each other to address smuggling of migrants<br>✓ Which Member States and third countries?<br>✓ Way in which they cooperate?<br>✓ Way in/extent to which third countries cooperate with each other to address smuggling of migrants<br>✓ Which third countries?<br>✓ How they cooperate | | |
| 14) Political processes or dialogues in place with third countries;<br>  ✓ Which political processes or dialogues are in place in third countries? | ✓ Number and type of political processes or dialogues that are in place in third countries | | |
| 15) The extent to which measures are/have been tailored to particular circumstances/types of smuggling and the degree to which these are/have been effective;<br>  ✓ Are measures tailored to particular circumstances/types of smuggling? Which ones? Have they been effective? | ✓ Type/number of measures which are tailored to particular circumstances/types of smuggling<br>✓ Stakeholders' perception whether the measures have been effective | | |
| 16) Link with return policies and specific target countries (i.e. specific readmission agreements for smuggled migrants);<br>  ✓ Are these (national and European) measures linked to (national and European) return policies?<br>  ✓ Are they linked to policies on Trafficking in Human Beings? | ✓ Extent to which measures (national and European) are linked to (national and European) return policies | | |
| Task 5: Conclusions | | | |

| Research questions matrix | | | |
|---|---|---|---|
| 17) Which policies, programmes and operational responses, implemented by researched EU Member States and third countries aimed to fight against, reduce and prevent migrant smuggling to the EU, are in place? | ✓ Extent to which EU Member States and third countries have introduced the following measures that aim to fight against, reduce and prevent migrant smuggling to the EU:<br>o Policies<br>o Programmes<br>o Operational responses | ✓ Data analysis and triangulation | Analysis of the results of task 4 |
| 18) What are the characteristics of the phenomenon? What is the estimated scale, what are the characteristics, trends and patterns of the phenomenon? | ✓ Type and number of (new) characteristics/trends/patterns of the phenomenon identified | ✓ Data analysis and triangulation | Analysis of the results of task 3 |

## 7.2   Annex 2: Rationale for case studies

The following choices of case studies have been based on their relevance according to indicators such as the number of irregular migrants apprehended, border type, modus operandi, migration route and relationship with third countries, following the requirements in line with the tender specifications.

Case Study 1: Syria/Lebanon – Egypt – Italy

Syria and Lebanon have been chosen as the countries of departure, with Egypt being chosen as a transit country and Italy as the country of first entry to EU. This case study covers the land route from Syria/Lebanon to Egypt, as well as the sea route from Egypt to Italy. This case study focuses on the Central Mediterranean sea border route.

In 2013, Syrians represented the top nationality detected attempting to cross the EU external borders (30% of all detected), and the highest number of applications for asylum.[670] Along this route, they were the second largest nationality detected crossing irregularly in 2013, a significant number departing from Egypt.[671] Frontex has underscored that flows via the Central Mediterranean continue to be significant. Moreover, the deliberate sinking by smugglers of a migrant boat departing from Egypt towards Italy highlighted the increasing importance of this route, the changing role of smugglers in the process and the precarious situation of those being smuggled.[672]

Figure 11 Central Mediterranean route (Case Studies 1 and 2)
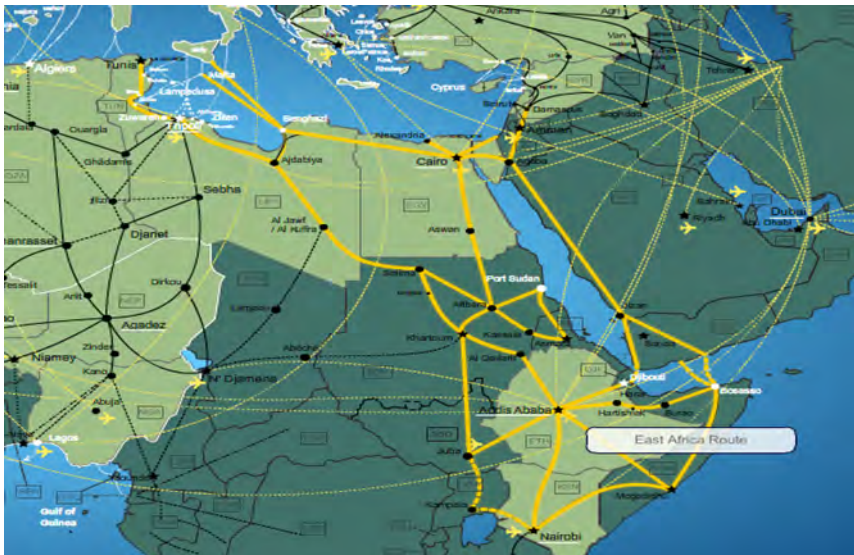


*Source: ICMPD (2015), i-Map.*

Case Study 2: Ethiopia – Libya – Malta/Italy

For this case study, Ethiopia has been chosen as the country of departure, with Libya being chosen as a transit country and Malta and Italy as countries of first entry to EU. The case study covers the land route from Ethiopia via Sudan to Libya, and the sea route from Libya to Malta and/or Italy. This case study focuses on the East Africa route and the Central Mediterranean sea border route.

Research on this route has shown that along the East Africa route, a significant proportion of Ethiopians, Eritreans and Somalis begin their journey from Addis Ababa towards Libya through Sudan.[673] Further, Tripoli and Libya in general have historically been a transit hub for migrants, including those who subsequently depart via the Central Mediterranean

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670 Frontex (2014). Annual Risk Analysis. Warsaw: Frontex.
671 Frontex (2014). Annual Risk Analysis. Warsaw: Frontex.
672 http://edition.cnn.com/2014/09/16/world/europe/europe-migrant-deaths/; http://www.theguardian.com/world/2014/sep/15/migrant-boat-capsizes-egypt-malta-traffickers
673 http://www.altaiconsulting.com/mixedmigrationlibya/Altai_Consulting-UNHCR-Mixed_Migration_Libya.pdf

route.[674] Frontex has noted that, along the Central Mediterranean route in 2013, the majority of detected boats departed from Libya, with a large portion of those detected being from Eritrea and Somalia.[675]

Case Study 3: Pakistan – Turkey – Greece

Pakistan has been chosen as the country of departure, with Turkey chosen as a transit country and Greece as the country of first entry to the EU. This case study covers the land border from Pakistan to Turkey, as well as the sea border from Turkey to Greece, and focuses on the South-Eastern land border route and the Eastern Mediterranean sea border route.

UNODC has estimated that approximately 300 000 people irregularly migrate from Pakistan each year using smuggling or human trafficking networks, with a major smuggling route directed towards Europe, via Turkey as a transit hub.[676] The Greek-Turkish border is one of the main points of irregular border crossings into Europe, and over the course of 2013 and 2014 the Hellenic Police recorded an increasing number of apprehensions of migrants and arrests of smugglers. Moreover, policies by the Greek government (e.g. Xenios Zeus, Aspida) have had a significant impact in displacing migrant flows from the land border to the sea border route.

Figure 12 Eastern Mediterranean route (Case Study 3)



*Source: ICMPD (2015), i-Map: Budapest Process region Pakistan.*

Case Study 4: Nigeria – Turkey – Bulgaria

Nigeria has been chosen as the country of departure, with Turkey chosen as the transit country and Bulgaria as the country of first entry to the EU. This case study covers the air route from Nigeria to Istanbul, Turkey, as well as the land route from Turkey to Bulgaria.

In 2013, the number of West Africans detected crossing the Western Balkan region increased to 8%, with Nigerians accounting for 581 detections, a 1774% increase.[677] Frontex has highlighted that the increased airline connections between Istanbul and Nigeria, as well as the implementation of the Turkish e-visa system as potentially having an impact.[678] Along the Eastern Mediterranean route, 45% of detections in 2013 were at the land border between Bulgaria and Turkey.[679]

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674 http://www.altaiconsulting.com/mixedmigrationlibya/Altai_Consulting-UNHCR-Mixed_Migration_Libya.pdf
675 Frontex (2014). Annual Risk Analysis. Warsaw: Frontex.
676 UNODC (2012) "Migrant Smuggling in Asia: A Thematic Review of Literature. Bangkok: UNODC.
677 Frontex (2014), Western Balkans Annual Risk Analysis. Warsaw: Frontex.
678 Frontex (2014). Annual Risk Analysis. Warsaw: Frontex.
679 Frontex (2014), Western Balkans Annual Risk Analysis. Warsaw: Frontex.

Figure 13 Western Balkan route (Case Studies 4 and 5)



*Source: ICMPD (2015), i-Map.*

Case Study 5: Secondary movements from Greece – Former Yugoslav Republic of Macedonia – Hungary (via Serbia)

Greece has been chosen as the country of departure, with the FYRoM chosen as a transit country and Hungary chosen as the country of entry into the EU. The case study covers the land route from Greece, through the FYRoM, to Hungary via Serbia, focusing on the Western Balkan land border route.

According to Frontex, in 2013, half of all detections of irregular border crossings in the region occurred along the Serbia/Hungary land border.[680] Moreover, changes in Hungarian policies on detention of asylum seekers in 2013 reportedly impacted on the inflows of migrants. Frontex reports that, together, the detections along the Serbia/Hungary border and the FYRoM/Serbia border account for 80% of all detected illegal border crossings linked to transiting migrants in the region.

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680 Frontex (2014). Annual Risk Analysis. Warsaw: Frontex.

## 7.3   Annex 3: Conceptual framework for conclusions

In order to provide a concise framework for this study and the data collected, a conceptual model was developed to guide the research. This conceptual framework is used as a common thread to frame the conclusions in this report. The model is described below.

There are three perspectives that can be used to assess the drivers of migrant smuggling, namely:

1. The market perspective which is an interplay of supply, demand and risk and benefit.
2. The business perspective which focuses on how those engaged in the supply of smuggling services invest and organise  to make profits.
3. The social perspective which focuses on the relationships between human operators and their effect on the above.

Analysing research on smuggling through each of these lenses should provide additional insight into which policies and/or portfolio of policies and activities addressing migrant smuggling are likely to be the most effective. It should be noted that these three perspectives overlap and intersect.

As in theory migrant smuggling does not usually involve 'coercion' and takes place with the consent of the person willing to move, migrants should not be harmed by these smuggling operations. However, in reality this is not the case.[681] It is very important, therefore, to recognise the harm associated with migrant smuggling and to look at this phenomenon from a human rights perspective. This dimension is being discussed throughout the chapters of this report.

### 7.3.1   THE MARKET PERSPECTIVE

Here, the main question to be answered is: Is there a market that is sensitive to price and risk and responds to traditional market supply and demand mechanisms?

Effective markets[682] exhibit the following characteristics:

★ There is good information between buyer and seller and the future is predictable;

★ Buyers and sellers can easily join and participate in any part of the market and can just as easily leave it;

★ Resources used to produce goods and services are generally mobile allowing for investment and disinvestment with relative ease;

★ The market does not generate unintended side effects or "externalities";

★ Goods and services are paid for by those that benefit from them and there are no "public goods". [683]

Governments improve market efficiency by regulating in order to correct market failures. A market failure exists where one or more of these characteristics are not true. Migration into the EU is regulated to prevent any unintended side effects ("externalities"), such as unwanted social and economic impacts or breaching of human rights.

Criminalisation is an extreme form of regulation. Migrant smuggling is an illicit market which has developed to circumnavigate barriers to migration which could result in increased risk of human rights abuses, threats to life and vulnerabilities for smuggled migrants and increases risk of trafficking in human beings (THB).[684] Illicit markets may show similar characteristics to regulated legal markets[685] and, if so, require targeted policy responses collectively designed to reduce the size of the market.

In the context of irregular migration, if the smuggling of migrants can be considered a market, demand, supply and price can be defined as follows:

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681 Smuggling of Migrants: A Global Review and Annotated Bibliography of Recent Publications. UNODC. Vienna 2011. p.6.
682 Hayek, F, A. Individualism and Economic Order (1949) ISBN: 9780226320939
683 See for example in economics textbooks such as Samuelson, Paul A.; William D Nordhaus (2004), *Economics*, McGraw-Hill, ISBN 0-07-287205-5
684 Mahmoud, T.O. Trebesch, C. The Economics of Human Trafficking and Labour Migration: Micro-evidence from Eastern Europe. Journal of Comparative Economics, vol. 38. 2010. p.175.
685 Barker, C. The People Smugglers' Business Model. Foreign Affairs. Research Paper No. 2. 28 February 2013. p.26.

★ Market demand: the quantity of people who want to buy migrant smuggling services as price varies. All other things being equal, market demand will increase as price falls

★ Market supply: the quantity of services smugglers are willing to supply as price varies. All other things being equal, market supply will increase as price rises.

★ Market price: the interaction between market supply and market demand. This will vary for different migration routes, modes of transport and customer segmentation.

In this respect, a supply and demand curve of the supposed smuggling services market is presented in the Figure below As can be seen here, the size of the market is shaped by these two curves.

Figure 14 Supply and demand curve of smuggling services
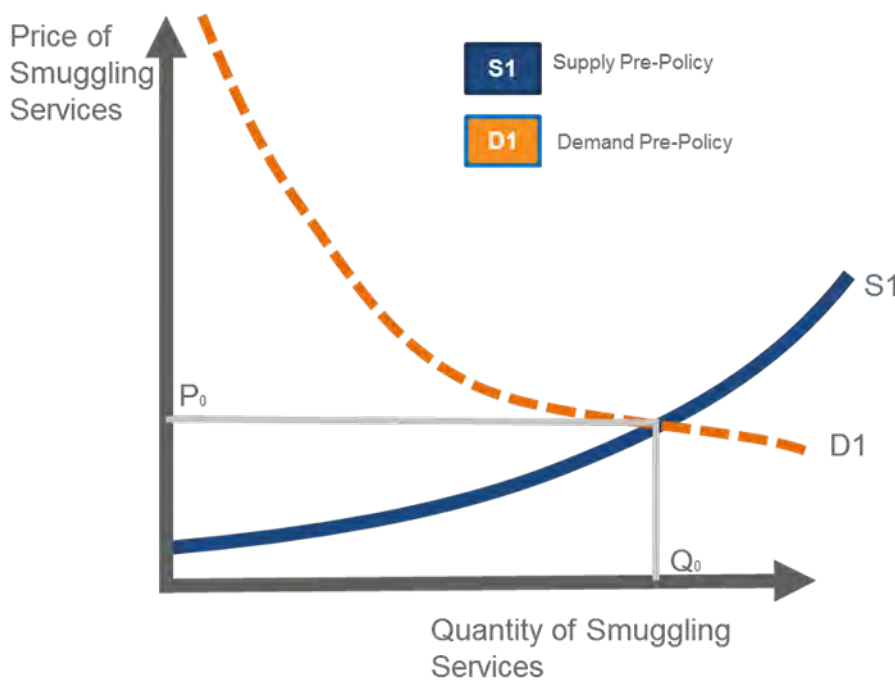


The curve changes when, for example, costs/risks of supply increase, and all other things being equal: the supply curve will shift to the left and could get steeper (as illustrated in the figure below). Generally, the quantity sold will decrease but the market price will increase. The impact on the size of the market (price x quantity) of a shift in supply, will depend on the slope of the demand curve.

Figure 15 Supply and demand curve when costs and risks of supplying smuggling services increase
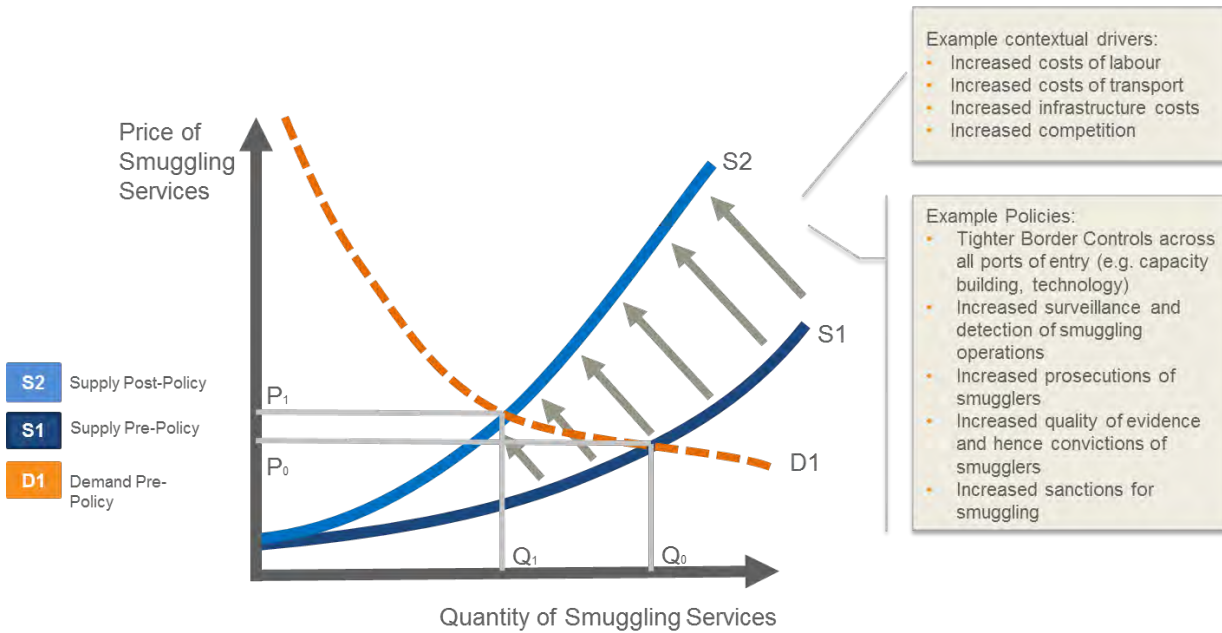


The curve also changes if reasons for migrating fall, all other things being equal: the demand curve will shift to the left and could get steeper Figure below. Generally, a downward shift in demand will reduce both quantity and price depending on the slope of the supply curve.

Figure 16 Supply and demand curve when demand decreases
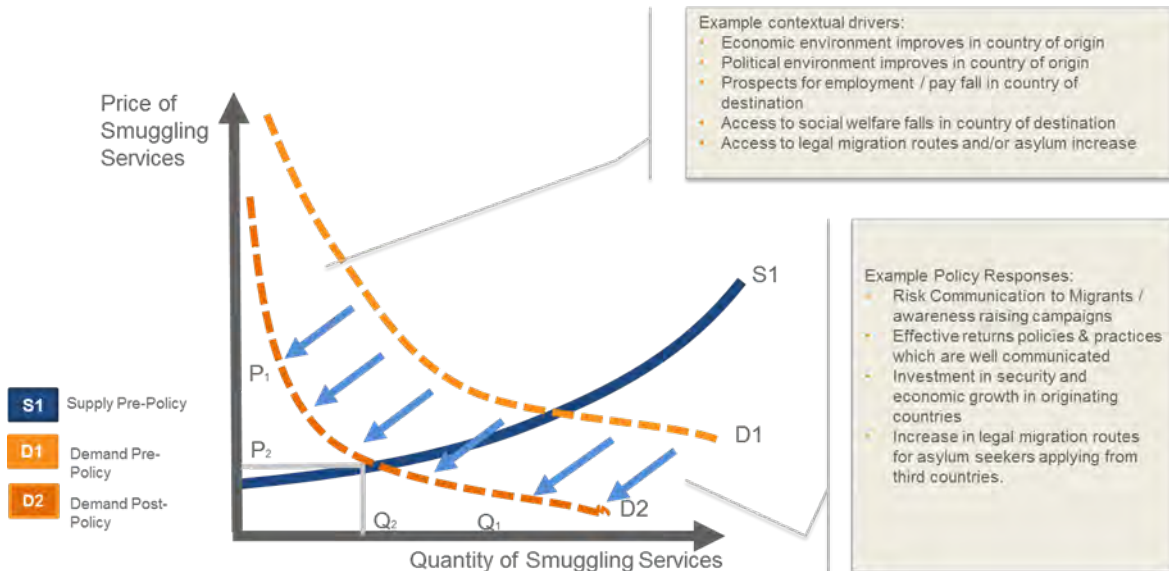


Thus, increasing the cost of supply and, at the same time, reducing the pressures on demand should reduce the overall size of the illicit market, and reduce the risk of human rights abuses, migrant vulnerabilities and loss of life/liberty. If a market does exist, and demand is relatively unresponsive to price, a policy induced reduction in supply which does not also tackle demand could even increase the size of the market as the quantity remains relatively high but prices are set much higher.

Figure 17 Demand and supply together reducing price and quantity
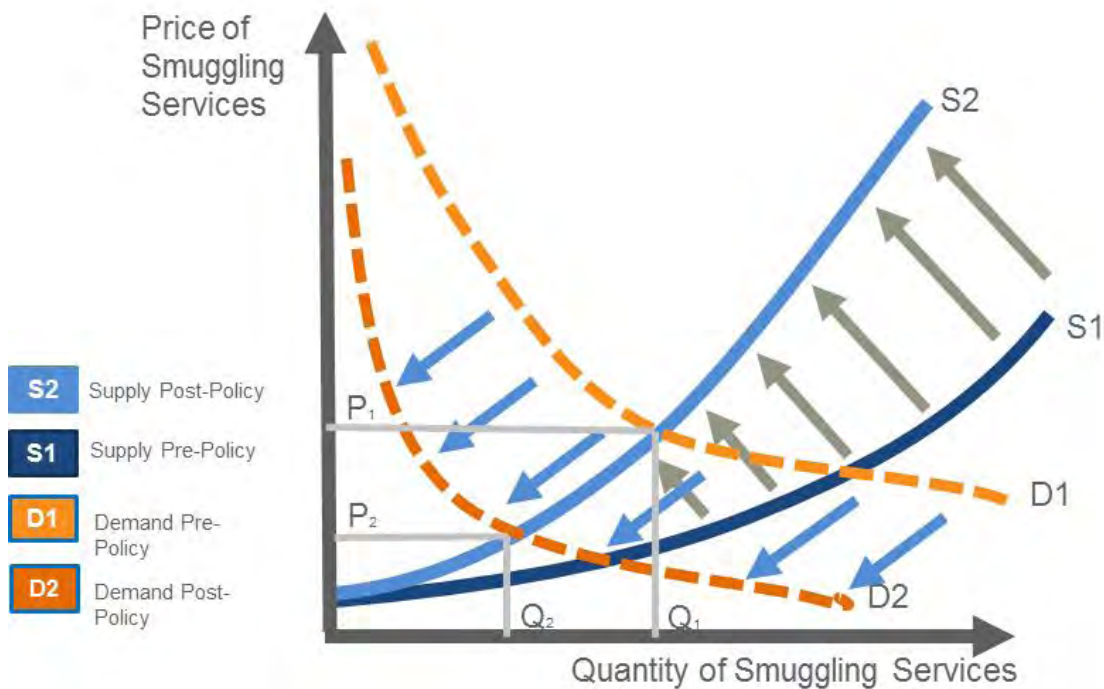


In order to see whether the smuggling of migrants is an illicit market as described in the question above, this research will need to test/answer two questions:

1. Whether the abovementioned market-characteristics apply to the smuggling of migrants?
2. And, if this is true:

    a. Which factors drive demand and supply (which set price and volume)?
    b. Whether the policy responses currently in place at international, EU and national level address these aspects of the illicit market and reduce the market size?

### 7.3.2 THE BUSINESS PERSPECTIVE

The business perspective takes a more detailed look at how the supply side operates. Here, the main question to be answered is: Is there an organised business model including control of costs, operations, market share, and hence profit maximisation across the supply chain?

The smuggling of migrants as a business was first articulated in 1997 Salt and Stein[686] but has been discussed frequently in literature since then. Several taxonomies of business models have been developed for the smuggling of migrants as a business, of which two are described in the tables below.

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686 Salt, J. and J. Stein (1997). "Migration as a business: the case of trafficking", International migration, 35(4): 467-494.

Table 11 Taxonomy of Business Models: Influence of migrant/facilitator

| Smuggling Taxonomy[687] | Description[688] |
|---|---|
| Service type | Aspiring migrant will approach a smuggler or smuggling network, agree on a price and destination and the smugglers deliver or at least credibly try to do so according to the agreement. |
| Negotiable type | Migrants have covered part of the journey themselves and arrive in strategic places along migration routes where a number of smugglers offer their services (Hubs). The migrant has the choice between different service providers based on their reputation, information the migrant can collect from other migrants etc. |
| Directive type | The smugglers will have an interest in trying to direct the destination country of the migrant to reduce costs, risks or gain economies of scale by transporting a bigger number of people. (Facilitator determines what happens) |

Table 12 Taxonomy of Business Models: Level of Organisation

| Level of Organisation[689] | Level of Organisation | Description[690] |
|---|---|---|
| Partial smuggling | Low | Local smugglers cover a limited number of point-to-point routes that form only part of the migrant's journey. Partial smuggling caters for directive and negotiable smuggling |
| Document smuggling | Medium | Smuggler procures fraudulent travel documents and migrants undertake the travel by themselves. |
| Organised chain | High | Migrants are accompanied through most of their journey by different smuggler organisations responsible for providing some of the services mentioned above (point-to-point transport between Hubs or from a Hub to the destination etc.). |

It is also important to look at whether distinctive roles or actors can be identified within the business. Different types of actors have been discussed in the literature. The UNODC, for example, distinguished five categories of actors (coordinators/organisers; recruiters; transporters/guides; spotters/drivers/messengers and service providers/suppliers).[691]

In order to see how the smuggling of migrants operates as a business, as described in the question above, it needs to be established:

1. What model best describes the business of smuggling?
2. Which actors are involved in the business of smuggling of migrants?
3. Whether the policy responses currently in place at international, EU and national level address these aspects of the business and disrupt the business model?

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687 Derived From: V. Bilger, M. Hofmann, I. Van Liempt and M. Neske, "A descriptive typology of human smuggling". – Forthcoming publication, ICMPD.
688 Ibid.
689 Ibid.
690 Ibid.
691 UNODC (2010), Issue Paper A short introduction to migrant smuggling.

### 7.3.3   THE SOCIAL PERSPECTIVE

Here, the main question to be answered is: Is smuggling affected by cultural and social bonds and familial relationships and how does this affects the market and the business?

Social networks could impact on migrant smuggling by influencing the propensity of migrants to use smuggling services (e.g. family already in the EU provides a pull factor for the migrants), or on the side of the smugglers (e.g. social networks funding, organising and facilitating smuggling of migrants).[692] The fundamental difference between social networks, business models and markets is that the drive for the social network model is social goals/altruism rather than the profit motive.

Social networks can interact with migrant smuggling as an enterprise by:[693]

- Raising funds for migrants wishing to use the services of smugglers
- Playing the role of different "actors" in the business model
- Providing information on the quality of smuggling services
- Providing documents, transport, housing, employment
- Facilitating payment systems to support smuggling
- Facilitating remittances from migrants to families in their country of origin
- Facilitating integration in country of destination

It is important to note that policies targeted at breaking or disrupting the business model, or taking action on market mechanisms, are unlikely to work if participant motivations are driven by social, familial or community goals rather than a profit motive. Instead policies need to be focused on the motivations of migrants and the cost of irregular migration (e.g. diaspora driven risk awareness campaigns).

In order to see whether the smuggling of migrants is a social organisation, as described in the question above, we will need to test/answer two questions:

1. Whether the abovementioned social-characteristics (cultural/social/family bonds) apply to the smuggling of migrants?
2. And if this is true:

    a. How does this affect the market and the business?
    b. Do the policy responses currently in place at international, EU and national level address these aspects of the social organisation?

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692 Theoretical Approaches. P11-12.
693 Smuggling of Migrants: A Global Review and Annotated Bibliography of Recent Publications. UNODC. Vienna 2011 p.63-65.

## 7.4 Annex 4: Stakeholders interviewed on EU/international level

| | Type | Organisation | Role |
|---|---|---|---|
| 1 | EU body | European Commission, DG Migration & Home Affairs | Unit C.2 Border management and Schengen on Smuggling, (responsible for cooperation with Frontex) |
| 2 | EU body | European Commission, DG Migration & Home Affairs | Unit C1: Irregular migration and return policy |
| 3 | EU body | European Commission, DG Migration & Home Affairs | International relations Officer, A3 |
| 4 | EU body | European Commission, DG Migration & Home Affairs | Unit D.2 Organised crime, Policy officer, Strategic & Horizontal aspects of organised crime, drugs, financial investigations & firearms |
| 5 | EU body | DG Migration and Home Affairs, Anti-Trafficking Coordinator | EU Anti Trafficking Coordinator's Office |
| 6 | EU body | European External Action Service (EEAS) | Desk Officer for Ethiopia |
| 7 | EU body | European External Action Service (EEAS) | Unit K3: Security policy & conflict prevention |
| 8 | EU body | European External Action Service (EEAS) | Desk Officer on migration in external relations |
| 9 | EU body | European Commission, Neighbourhood and Enlargement Negotiations (DG NEAR) | Unit B2 – Regional Programmes Neighbourhood South Migration and Justice |
| 10 | EU body | European Commission, Neighbourhood and Enlargement Negotiations (DG NEAR) | Program manager for migration in the EUD Libya |
| 11 | EU body | European Commission, DG Devco | International Cooperation Officer, B3 |
| 12 | EU body | EASO | Policy and inter-institutional Relations Coordinator |
| 13 | EU body | FRONTEX | Head of Operational Analysis |
| 14 | EU body | FRONTEX | Cooperation with third countries, Head of Strategic Analysis Sector |
| 15 | EU body | Europol | Combined interview with Focal Point Checkpoint team within the Operations Department of Europol and Strategic Analysis Team within the Serious and Organised Crime Department of Europol |
| 16 | EU body | Eurojust | Assistant to the National Member for France |
| 17 | EU body | EU Delegation in Ankara | Attaché Border Management, Local Schengen Cooperation, Immigration Liaison Officers Network, Institution Building and Civil Society |

| | Type | Organisation | Role |
|---|---|---|---|
| 18 | EU Body | Fundamental Rights Agency | Programme Manager Freedoms and Justice Department |
| 19 | UN agency | UNODC | Crime Prevention and Criminal Justice Officer, Human Trafficking and Migrant Smuggling Section (HTMSS), Organized Crime and Illicit Trafficking Branch (OCB), Division for Treaty Affairs (DTA) |
| 20 | UN agency | UNODC | Chief, Human Trafficking and Migrant Smuggling Section, Organized Crime and Illicit Trafficking Branch |
| 21 | UN agency | UNHCR | Head of Unit, EU Policies and Senior Protection Officer, UNHCR Brussels office |
| 22 | International security/human rights organisation | Organisation for Security Cooperation in Europe (OSCE) | Police Affairs Officer – Adviser on Fight Against Crime TNTD/SPMU |
| 23 | International Intergovernmental organization | IOM | Senior Immigration and Border Management Specialist |
| 24 | NGO | PICUM | Programme Officer |
| 25 | NGO | SOCIAL PLATFORM - Fundamental Rights and Equality | Policy & Advocacy Adviser |
| 26 | NGO | CARITAS | Director of Operations, Asylum and Migration department |
| 27 | NGO | Global Initiative | Head of the Secretariat |

## 7.5 Annex 5: Interviews case studies

A list of respondents can be found in each of the specific case studies.

| | Migrant | Smugglers | Authority | Other | Total |
|---|---|---|---|---|---|
| Lebanon/Syria | * | | 2 | 4 | 6 |
| Egypt | | | | 2 | 2 |
| Italy | 15 | | 4 | 3 | 22 |
| Total | | | | | 30 |
| Ethiopia | 5 | 1 | 3 | 4 | 13 |
| Libya | | | 1 | 6 | 7 |
| Malta | 5 | | 2 | 1 | 8 |
| Italy (see above) | | | | | 0 |
| Total | | | | | 28 |
| Pakistan | 1 | | 5 | 4 | 10 |
| Turkey | 8 | 2 | 8 | 12 | 30 |
| Greece | 8 | 2 | 7 | 3 | 20 |
| Total | | | | | 60 |
| Nigeria | | | 5 | 2 | 7 |
| Turkey (see above) | | | | | 0 |
| Bulgaria | 10 | | 1 | 6 | 17 |
| Total | | | | | 24 |
| Greece (see above) | | | | | 0 |
| FYRoM | 5 | 2 | 5 | 4 | 16 |
| Hungary | 11 | | 3 | 3 | 17 |
| Total | | | | | 33 |
| Grand Total | 68 | 7 | 46 | 54 | 175 |

*Note: some Authority interviews entail those with EU stakeholders (e.g. EU Delegation, embassies)*

## 7.6 Annex 6: Stakeholders interviewed in additional Member States

| | Country | Type | Organisation | Role |
|---|---|---|---|---|
| 1 | BE | Police | Central Service Trafficking in Human Beings, Federal Judicial Police, Federal Public Service Interior | Police chief, Central department of department trafficking |
| 2 | BE | Ministry of Justice | General Directorate Legislation, Civil Liberties and Fundamental Rights, Criminal Policy Service, Organised Crime Unit, Trafficking and smuggling in human beings (Chairmanship of the Bureau of the Interdepartemental Coordination Platform against THB) | Attaché |
| 3 | BE | Other | Independent national rapporteur human trafficking /Anti-Trafficking Unit, Federal Migration Centre | Representative |
| 4 | BE | NGO | Pag-Asa | Director |
| 4 | ES | Ministry of Security | Department of International Relations and Foreigners, Ministry of Security | Area Chief |
| 5 | ES | NGO | Caritas Spain | Migration team, Department of Social and Institutional Development |
| 6 | ES | Police | General Commissariat for Aliens and Borders (National Police) | Head of the Operational Section for International Relations in the Intelligence and Risk Analysis Centre |
| 7 | FR | Ministry of the Interior | Directorate General for Foreign Nationals in France | Head of the Division Fight against irregular migration |
| 8 | FR | Ministry of Interior | Central Office for the Fight Against Illegal Immigration and Employment of Undocumented Foreigners (OCRIEST), Central Directorate of Border Police (DCPAF), Ministry of Interior | Divisional Commissioner, Head of OCRIEST and UCOLTEM |
| 9 | FR | NGO | LaCimade | Secretary -General |
| 10 | DE | Police | German Federal Police | Head of Joint centre for analysis and strategy on illegal migration |
| 11 | DE | Police | German Federal Police | Head of referat 34 of the German Federal Police, which focuses on central investigation on an operational level |

| | Country | Type | Organisation | Role |
|---|---|---|---|---|
| 12 | DE | Ministry of the Interior | International border police issues (Internationale grenzpolizeiliche Angelegenheiten) | Referat B 4, International border police issues |
| 13 | NL | Police | Expertise Centre on Human Trafficking and People Smuggling (EMM), National Police | Coordinator |
| 14 | NL | Ministry of Security and Justice | Policy maker, Ministry of Security and Justice | Policy maker |
| 15 | PL | Border guard | Polish Border guard | Officer Unit I for Combating Organized Crime<br><br>Investigative Department of the Polish Border Guard HQ |
| 16 | PL | University | Centre of Migration Research University of Warsaw | Researcher |
| 17 | SE | Refugee in Sweden (Eritrean smuggled into Sweden) | | |
| 18 | SE | Refugee in Sweden (Eritrean smuggled into Sweden) | | |
| 19 | SE | Refugee in Sweden (Eritrean smuggled into Sweden) | | |
| 20 | SE | Interview with smuggler | | |
| 21 | SE | Police | Swedish Police | Intelligence Unit |
| 22 | SE | Police | Swedish Police | National operations department, Border Policing Section, |
| 23 | SE | NGO/think tank | Black Market Watch and Global Initiative | |
| 24 | SE | NGO | Caritas Sweden | |
| 25 | SE | NGO | Red Cross Sweden | |
| 26 | SE | Expert | | Eritrean journalist and human rights activist |
| 27 | UK | Ministry of Interior | Home Office | UK's alternate delegate to the Frontex Management Board |
| 28 | UK | Ministry of Interior | Home Office | Border and Immigration System, International and Immigration policy(IIPG) (Part of a team responsible for bringing together information across Home Office on migration flows - including people smuggling). |
| 29 | UK | Ministry of Interior | Home Office | Intelligence analysis, Immigration Enforcement |
| 30 | UK | Ministry of Interior | Home Office | Head of Asylum and Family Policy Unit<br>International and Immigration Policy Group |

| | Country | Type | Organisation | Role |
|---|---|---|---|---|
| | THIRD | | | |
| | Afghanistan | NGO | Afghanistan Migrants Advice and Support Organisation, Afghanistan | Director |
| | Afghanistan | International Intergovernmental organization | IOM Afghanistan | Manager, Programme of Assisted and Voluntary Return and Reintegration |
| | Afghanistan | EU Body | EU Delegation Afghanistan | Political Adviser, Regional Cooperation and Economy |
| | Afghanistan | EU Body | EU Delegation Afghanistan | Anonymous interviews (one interview and two departments provided information via email anonymously) |
| | Afghanistan | University | Kabul University, Afghanistan | Academic, Afghanistan Centre at Kabul University, Afghanistan (Department of Sociology, City University London) |
| | Afghanistan | NGO | Afghanistan and Central Asian Association (Afghan community group in the UK) | Director |
| | Afghanistan | Volunteer | Volunteer | Anonymous interview, Afghan student and volunteer working with undocumented Afghan refugees and migrants for eight years, Greece. |
| | Afghanistan | | Two other departments from the EU delegation in Afghanistan sent information by email anonymously. | UNHCR Afghanistan provided additional information on unaccompanied children by email. |

## 7.7    Annex 7: Secondary Movements

### 7.7.1    SECONDARY MOVEMENTS

The assessment of the scope and direction of secondary movements of smuggled migrants has to come up against two main difficulties, the absence of a commonly accepted definition that would clearly distinguish secondary movements from other types and patterns that involve more than one country of destination or transit and the lack of unambiguous data that would allow for describing related flows. The only applicable legal definition of secondary movements relates to the "irregular movement of asylum seekers" understood as the "movement of asylum seekers and refugees from countries in which they have already found protection" and "in absence of authorisation or sufficient documentation for travel."[694] This understanding is also the basis for the Dublin Regulation which aims - based on a number of criteria - to ensure that (only) one EU Member State is responsible for the examination of an asylum application, to deter multiple asylum claims and to determine as quickly as possible the responsible Member State to ensure effective access to an asylum procedure.[695]

Two additional aspects of time and intention come into play when characterising a move as "secondary". In its research on secondary movements of Somali refugees, Moret et al. has referred to the time aspect and defined the phenomenon as the "onward international movement of a person who has settled in a country for at least one month prior to undertaking additional movement." Thus, a direct journey would be a series of transit stops made without involving settlement.[696] In the context of migrant smuggling, however, it is particularly difficult to distinguish secondary movements from transit movements by applying only the time factor. A move to another country might occur rather quickly when the opportunity arises, although it was never planned in the first place. Conversely, migrants might get stuck for quite a long time in a country that initially should only have functioned as a short transit stage. The initial intention to stay in a certain country or to use it as a transit stage is the second dimension that needs to be considered to characterise a move as "secondary".

#### 7.7.1.1    *The role of asylum systems in secondary movements*

In some EU Member States, a substantial part of asylum seekers abscond during asylum procedures, often only a few days after having made an initial application and mostly from first countries of arrival located at the EU's external borders or EU neighbouring countries. The most drastic example was provided by the representative of the Asylum Section within the Ministry of Interior of the FYRoM who stated that more than 95% of the asylum claimants depart within two to three days and continue their way to Serbia before having their asylum claims processed and their protection needs determined.[697] Currently the overwhelming majority of migrants who make use of human smugglers while entering the EU are onsidered in need of international protection. However, the country in which the asylum procedure is entered is not necessarily the first safe country but, as long as such options are open, a country that is chosen because of other considerations, like existing family and network ties or assumed favourable conditions regarding the access to economic opportunities or state support. Asylum systems in EU Member States and EU neighbouring accession countries (e.g. the FYRoM and Serbia) may serve as temporary "resting places" for asylum seekers who use these countries as transit points on their way to other European countries and also as "points of reorganisation" for migrants and smugglers to prepare the onward journey. Thus, migrants lodge an asylum application in an EU Member State then leave shortly after for another EU Member State without awaiting the outcome of the asylum procedure. Applying for asylum provides migrants with the possibility of entering an EU Member State and obtaining provisional residency rights during the procedure. This, in turn, can be used to organise an onward journey to another European country of destination. [698]

Asylum systems in the country of residence or in another EU Member State also provide a form of "safety and social security system" in cases where the initial migration strategy fails and no other options are open to make a living. Reception conditions must not necessarily be regarded as a main motive for initial migration decisions even though they gain in importance during later phases of stay in the EU. Low reception and housing standards, limited access to social benefits and lack of job opportunities do exert a certain "push", while the expectation that this will be better in a

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694 Zimmermann, Susan E. 2009. "Irregular Secondary Movements to Europe: Seeking Asylum beyond Refuge." *Journal of Refugee Studies* 22(1): 74-96.

695 http://www.ecre.org/topics/areas-of-work/protection-in-europe/10-dublin-regulation.html

696 Joelle Moret, Simone Baglioni, Denise Efionayi-Mäder, the Path of Somali Refugees into Exile. A Comparative Analysis of Secondary Movements and Policy Response, SFM Studies 2006, p. 98.

697 MK/A/1,

 5: Greece – The FYRoM – Serbia-Hungary.

698 The findings of the cases studies confirm this assumption in many ways.

secondary destination exerts a certain "pull". Ultimately, a secondary destination's country reputation as a "good country" is more important for the decision-making than the factual situation. This also explains why in secondary movements certain destinations come in and out of fashion rather quickly.[699]

It must be stated that the exact scope of irregular secondary movements of smuggled migrants and asylum seekers cannot be deducted from existing data and statistics.[700] However, based on the assumption that a large share of smuggled migrants will enter the asylum systems of EU Member States at some point during their journey and by combining related statistics with the qualitative findings of this study, certain conclusions can be drawn.

### 7.7.1.2   Asylum applications as an indicator for secondary movements

Official statistics on annual detections of illegal border crossings and asylum applications in the EU can serve as indicators for secondary movements within the EU. Based on available statistics[701], it can be assumed that a large share of smuggled migrants, or migrants who have entered the EU undocumented, apply for asylum along the route in the EU or in their final country of destination. The total number and distribution of asylum seekers suggest that many have not applied for asylum in the first entry countries to the EU or, if they have done so, have moved on to another EU Member State at a later stage. This assumption is supported by the stark contrast between apprehension and asylum figures. On the Central Mediterranean route, Italy and Malta recorded a total of 39 651 illegal border crossings of Syrian nationals in 2014, representing 50.1% of all illegal border crossings of Syrians into the EU for that year. At the same time, Italy and Malta recorded a total of 810 asylum applications of Syrian nationals, representing 0.6% of the overall 122 115 Syrian applications in the EU in 2014. In the case of Eritreans, Italy and Malta recorded almost 100% of all illegal border crossings but only 1.5 % of all asylum applications (39 930 in total). On the Eastern Mediterranean route, Greece, Bulgaria and Cyprus recorded 49.3% of all illegal border crossings of Syrians into the EU in 2014 (39 029 in total) but only 6.5% of all Syrian asylum applications (8 025 in total). In the case of Afghans, Greece, Bulgaria and Cyprus recorded 54.4 % of all illegal border crossings (21 287 in total) but only 11.3 % of all Afghan asylum applications (4 675 in total).[702]

For the year 2014, Eurostat registered a total of 625 920 asylum applications lodged in the EU 28. This figure implied a 45.2% increase in comparison to 2013 (a total of 431 090 applications). Syria was the most important country of origin (122 115 applications or 19.5% of all applications), followed by Afghanistan (41 370 applications or 6.6% of all applications), Kosovo (UNSCR 1244/99 – 37 895 applications or 6.1% of all applications), Eritrea (36 925 applications or 5.9% of all applications), Serbia (30 840 applications or 4.9% of all applications), Pakistan (22 125 applications or 3.5% of all applications), Iraq (21 310 applications or 3.4%), Nigeria (19 970 applications or 3.2% of all applications), Russia (19 815 applications or 3.2% of all applications), Albania (16 825 applications or 2.7% of all applications) and Somalia (16 470 applications or 2.6% of all applications).[703]

The most important countries of destination for asylum seekers in the EU measured by numbers of applications were Germany (202 815 applications or 32.4% of all applications), Sweden (81 325 applications or 13.0%), Italy (64 625 applications or 10.3%), France (64 310 applications or 10.3%) and Hungary (42 775 applications or 6.8%).

Figure 18 Destinations of asylum seekers in the EU in 2014

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699 Jan-Paul Brekke, Grete Brochmann, Stuck in Transit. The Dublin Regulation, National Discrepancies and Secondary Migration of Asylum Seekers in Europe, Journal of Refugee Studies first published online September 30, 2014, p. 5.
700 Joelle Moret, Simone Baglioni, Denise Efionayi-Mäder, the Path of Somali Refugees into Exile. A Comparative Analysis of Secondary Movements and Policy Response, SFM Studies 2006, p. 19.
701 Eurostat database, table "asylum and new asylum applicants by citizenship, age and sex Annual aggregated data (rounded) [migr_asyappctza]"; Frontex "Detections of illegal border-crossing between BCPs", Frontex Annual Risk Analysis 2015, p. 16.
702 All asylum figures represent own calculations based on data from Eurostat database, table "asylum and new asylum applicants by citizenship, age and sex Annual aggregated data (rounded) [migr_asyappctza]" All apprehension figures represent own calculations based on data from Frontex "Detections of illegal border-crossing between BCPs", Frontex Annual Risk Analysis 2015, p. 16.
703 Own calculations based on data from Eurostat database, table "asylum and new asylum applicants by citizenship, age and sex Annual aggregated data (rounded) [migr_asyappctza]".

**Destinations of asylum seekers in the EU in 2014**
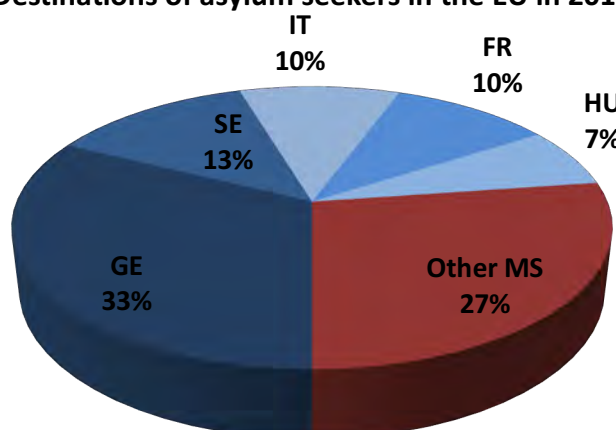


It is an often observed trend that overall asylum applications and applications lodged by citizens from a specific country of origin are not evenly distributed among EU Member States but focus on a small number of main destination countries. In 2014, 72.7% of all asylum applications were submitted in only five EU Member States, almost one-third of them in Germany.

Table 13confirms a clear trend towards such "clustering" of asylum seekers for the main countries of origin subject of this study. It is obvious, then, that their main countries of destination are not always first arrival countries to the EU. It can be assumed that a big share of persons who apply for asylum in Germany, Sweden, France, Austria, the Netherlands, Belgium and Denmark, which all rank among the top 10 countries of destination in the EU, must have entered the EU via a Member State located at a Schengen border. Either they have entered and/or stayed undocumented (including forged documents), have applied for asylum in more than one EU Member State or have entered under another entry and/or residence title and applied for asylum at a later stage.

Table 13 Asylum applications in top five EU Member States in 2014

| Country of origin | Degree of concentration in top five EU Member States | Top five EU Member States |
|---|---|---|
| Total | 72.7% | 1. Germany (32.4%)<br>2. Sweden (13.0%)<br>3. Italy (10.3%)<br>4. France (10.3%)<br>5. Hungary (6.8%) |
| Eritrea | 92.7% | 1. Germany (35.9%)<br>2. Sweden (31.2%)<br>3. Netherlands (10.6%)<br>4. United Kingdom (8.9%)<br>5. Denmark (6.2%) |
| Nigeria | 88.6% | 1. Italy (50.6%)<br>2. Germany (20.0%)<br>3. United Kingdom (7.3%)<br>4. France (7.2%)<br>5. Austria (3.4%) |
| Pakistan | 86.7% | 1. Italy (32.3%) |

| Country of origin | Degree of concentration in top five EU Member States | Top five EU Member States |
|---|---|---|
| | | 2. Germany (19.1%) |
| | | 3. United Kingdom (18.0%) |
| | | 4. France (9.9%) |
| | | 5. Greece (7.3%) |
| Somalia | 80.9% | 1. Germany (34.5%) |
| | | 2. Sweden (29.6%) |
| | | 3. Austria (7.0%) |
| | | 4. France (4.9%) |
| | | 5. Italy (4.9%) |
| Syria | 78.3% | 1. Germany (33.7%) |
| | | 2. Sweden (25.2%) |
| | | 3. Netherlands (7.2%) |
| | | 4. Austria (6.3%) |
| | | 5. Denmark (5.9%) |
| Iraq | 75.1% | 1. Germany (44.6%) |
| | | 2. Sweden (12.5%) |
| | | 3. Belgium (6.6%) |
| | | 4. Netherlands (6.2%) |
| | | 5. Austria (5.2%) |
| Afghanistan | 72.0% | 1. Germany (23.4%) |
| | | 2. Hungary (21.3%) |
| | | 3. Austria (12.3%) |
| | | 4. Italy (7.5%) |
| | | 5. Sweden (7.5%) |

### 7.7.1.3  *Statistics on illegally present migrants as an indicator for secondary movements*

Official statistics on the number(s) of illegally present third country nationals on the territory of EU Member States have to be seen as rather weak indicators for assessing the dynamics of secondary movements of asylum seekers and irregular migrants. Firstly, they include migrants who are not part of the target groups of this study but have entered the EU legally and have overstayed the duration of their permit. Secondly, the abolishment of border controls between Schengen countries and the difficulties for internal controls on the territory of EU Member States impact the likelihood that illegally staying migrants who have undertaken a secondary movement will also be detected. Some conclusions on secondary movements can, however, be drawn when comparing annual statistics on asylum applications and on the number of third country nationals found illegally present on the territory of EU Member States.

In the case of migrants from Afghanistan, Somalia and Syria, there is high congruence between the number of asylum applications and the number of persons apprehended as illegally present in the main EU destinations. Such correlation exists for Afghan nationals in Germany (23.5% of all EU-wide asylum applications in 2014 compared to 18.5% of all illegally present Afghans in the EU), in Austria (12.3% asylum applications compared to 11.6% of all illegally present) and Sweden (7.5% of all asylum applications compared to 4.6% of all illegally present). A similar picture arises for Somali nationals in the case of Germany (34.5% of all EU-wide asylum applications in 2014 compared to 38.8% of all illegally present Somalis in the EU), Sweden (29.6% of all asylum applications compared to 17.6% of all illegally present) and Austria (7.0% of all asylum applications compared to 11.4% of all illegally present). The same applies to Syrian

nationals in the case of Germany (33.7% of all EU-wide asylum applications in 2014 compared to 26.6% of all illegally present Afghans in the EU) and Austria (6.3% all asylum applications compared to 10.1% of all illegally present).[704] Thus, all three nationalities avoided applying for asylum in Greece..

In 2014, Greece recorded 32.7% of all Afghan nationals illegally residing in the EU[705] but only 4.1% of all asylum applications submitted by Afghan citizens.[706] The same applied to nationals from Somalia (15.0% of all illegally present in the EU compared to 0.7% of all asylum applications submitted in Greece) and Syria (34.0% of all illegally present in the EU compared to 0.8% of all asylum applications submitted in Greece). Iraqi nationals also seem to avoid applying for asylum *en route* (and in Greece) and submit asylum applications once they have reached their final destinations Germany, Sweden, Belgium and the Netherlands. Figures related to migrants from Pakistan suggest the following patterns: while *en route*, they also avoid applying for asylum in Greece (15.2% of all illegally present in the EU compared to 7.3% of all asylum applications).

The same trend applies to the UK as a main country of destination, albeit for different reasons. Here, migrants from Pakistan can rely on established networks and the support of their community. They still apply for asylum (18.0% of all applications in the EU in 2014), but the high number of Pakistani nationals found illegally present (42.1% of the overall EU apprehensions) suggests that only a smaller share of Pakistani nationals who have entered or stay in the UK illegally also enter the asylum system. The opposite trend can be observed for Italy, which recorded the most Pakistani asylum seekers in 2014 (32.3% of all applications) but only 1.4% of all illegally present nationals from Pakistan for that year. The qualitative research conducted in the course of this study suggests that many Pakistani nationals who had resided in Greece for some time have moved on to Italy because they find it increasingly more difficult to find jobs on the grey market in Greece than before.  Dublin requests as an indicator for secondary movements.

The recast Dublin Regulation[707] establishes a hierarchy of criteria for identifying the EU Member States responsible for the examination of an asylum claim in Europe. "Dublin" requests can be used as another indicator for assessing the dynamics of secondary movements between "Dublin countries".[708] Although the request by a Dublin country does not yet confirm that the person in question really had submitted an asylum application in another Dublin country, it still allows for the conclusion that the requesting country had good reasons to believe that this was actually the case. Consequently, a Dublin request suggests a previous secondary movement of the person in question from one EU Member State to another. Statistics provided by Eurostat, however, lead to the conclusion that there is an increasing gap between Dublin requests[709] and the actual implementation of Dublin transfers. While in 2008 approximately 30% of all Dublin requests resulted in a transfer, this value decreased to app. 15.0% in 2014. This development is largely down to the significantly increased number of overall applications that create bottlenecks on the side of the responsible authorities in the Dublin countries as well as to the suspension of transfers to Greece. The chances for asylum seekers to be transferred to another Member State upon a Dublin request are comparatively low.

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704 Eurostat database, table "third country nationals found to be illegally present - annual data (rounded) [migr_eipre]".
705 Own calculations based on data from Eurostat database, table "third country nationals found to be illegally present - annual data (rounded) [migr_eipre]".
706 Own calculations based on data from Eurostat database, table "third country nationals found to be illegally present - annual data (rounded) [migr_eipre]".
707 http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:180:0031:0059:EN:PDF
708 28 European Member States and 4 countries "associated" to the Dublin Regulation (Norway, Iceland, Switzerland and Liechtenstein).
709 The Dublin Regulation stipulates that "if a Member State to which an asylum application was submitted deems that another Member State is responsible, it can call on that Member State to take charge of the application (…) Where the requested State accepts to take charge of or to take back the person concerned, a reasoned decision stating that the application is inadmissible in the State in which it was lodged and that there is the obligation to transfer the asylum seeker to the Member State responsible is sent to the applicant.", http://europa.eu/legislation_summaries/justice_freedom_security/free_movement_of_persons_asylum_immigration/l33153_en.htm

Figure 19 Dublin requests and Dublin transfers 2008-2014

### Dublin requests and Dublin transfers 2008 - 2014
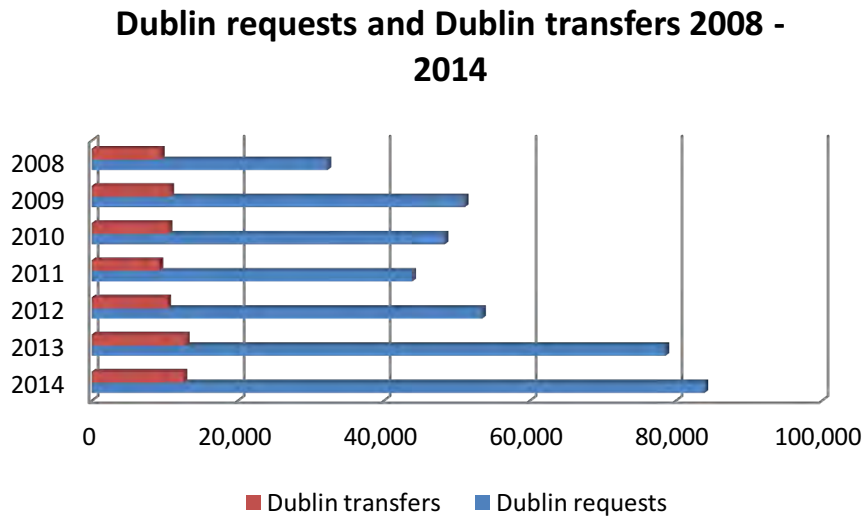


*Source: Eurostat*

In 2013[710], Germany issued by far the most requests for transfer to other Dublin countries (32 796 in total), followed by Sweden (10 162), Switzerland (9 679), France (5 903), Austria (5 104), Norway (3 343), Belgium (2 813), Italy (2 575), the United Kingdom (1 766) and Greece (1 279). For the same year, Italy received the most requests for transfer (15 532 in total), followed by Poland (10 599), Hungary (7 756), Belgium (5 441), Germany (4 532), Switzerland (3 672), Sweden (3 468), France (3 426), Austria (3 181) and Spain (2 744).

Figure 20 Outgoing and incoming Dublin requests 2013[711]

### Outgoing Dublin requests 2013

### Incoming Dublin requests 2013
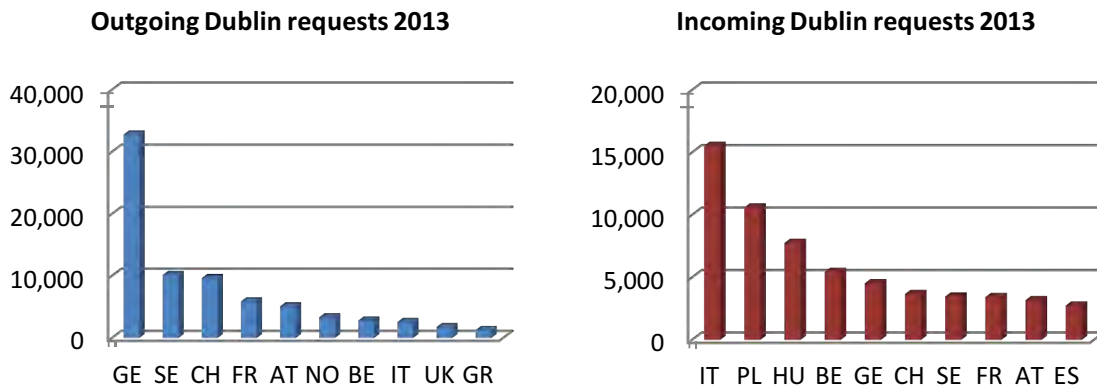


As stated above, Dublin requests allow for some conclusions on secondary movements of asylum seekers and on migratory routes within the EU (or between Dublin countries). Many of these movements take place between neighbouring countries but Dublin requests also suggest secondary movements between countries not neighbouring each other. As a rule, they link first countries of asylum located at Schengen borders (e.g. Italy, Poland, Hungary, Bulgaria and Malta) and the main countries of destination for asylum seekers (most notably Germany, Sweden, Austria and Switzerland). It must be stressed that, besides Italy, for which figures are available, Greece is also a main entry country and starting point for secondary movements, although it is not represented in Dublin statistics to the same degree as others because of the suspension of transfers.

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710 Chosen as year of reference because the Eurostat database does not include data from Italy for 2014 yet.
711 Eurostat data base, table "incoming 'Dublin' requests by submitting country, type of request and legal provision [migr_dubri]".

Table 14 Secondary movements of asylum seekers based on incoming Dublin requests 2014[712]

| Number of requests | Requesting Country | Requested Country | Neighbouring countries |
|---|---|---|---|
| > 2,000 – 8,000 | Germany | Poland | Yes |
| | Germany | Italy | No |
| | Switzerland | Italy | Yes |
| | Sweden | Italy | No |
| | Germany | Belgium | Yes |
| | Germany | Hungary | No |
| | Austria | Hungary | Yes |
| > 750 – ≤ 2,000 | France | Hungary | No |
| | Germany | Austria | Yes |
| | Germany | France | Yes |
| | France | Poland | No |
| | France | Belgium | Yes |
| | Sweden | Germany | No |
| | France | Italy | Yes |
| > 250 - ≤ 750 | Austria | Italy | Yes |
| | United Kingdom | Italy | No |
| | Sweden | Norway | Yes |
| | Netherlands | Italy | No |
| | Switzerland | Germany | Yes |
| | Sweden | Malta | No |
| | Netherlands | Belgium | Yes |
| | Netherlands | France | Yes |
| > 50 - ≤ 250 | United Kingdom | France | Yes |
| | United Kingdom | Germany | No |
| | Hungary | Bulgaria | Yes |
| | United Kingdom | Austria | No |
| | Hungary | Romania | Yes |

712 Own calculations based on data from Eurostat database, table "Incoming 'Dublin' requests by submitting country and type of request [migr_dubri]"

The findings from the qualitative research conducted in the framework of this study are in line with the trends suggested by Eurostat figures on asylum applications, illegally present and Dublin requests.

## 8.1 Annex 8: Institutions at International and EU level

As stated in Chapter 5 (section 1 on Institutional arrangements), various agencies operating at an international and EU level have a role in assisting countries to implement their national legislation and policies addressing the smuggling of migrants. The international organisations and the EU and its agencies are listed in the tables below, accompanied by a short description of their mandate and activities in the area of smuggling of migrants.

Table 15 Overview of international organisations involved in assisting countries in addressing the smuggling of migrants

| International organisations | Description (mandate and activities in area of smuggling) |
|---|---|
| **International governmental organisations** | |
| UN Office of Drugs and Crime (UNODC) | UNODC is the guardian of the UN Protocol against Smuggling. [713] Activities include undertaking research, providing legislative assistance and promoting the ratification and implementation of the UN Protocol against smuggling, capacity building and strengthening cooperation. |
| UN High Commissioner for Refugees (UNHCR) | UNHCR is mandated to lead and coordinate international action to protect and assist refugees, asylum seekers and Internally Displaced Persons (IDPs), irrespective of whether they entered the country illegally or by using a smuggler. Its activities include advocacy, capacity building and providing assistance and protection to refugees. |
| Office of UN Commissioner for Human Rights (OHCHR) | The mandate of the OHCHR is to promote and protect all human rights, including those of smuggled migrants by, for example, providing training and guidance. |
| International Maritime Organisation (IMO) | The IMO has a mandate in protecting the lives of all at sea including those of smuggled migrants transported by sea. Its activities include providing guidance on search and rescue at sea and disembarking. It develops guidelines and principles[714] to assist Member States in the implementation of IMO's security measures. Its most recent guide (2015)[715] provides guidance on the relevant legal provisions and practical procedures on disembarkation of rescued migrants for shipmasters, ship owners, government authorities, insurance companies and other parties involved in rescue-at-sea operations. It works with States to ensure coordination and cooperation in rescue operations. The IMO body on safety, the Maritime Safety Committee (MSC), also reports on incidents of unsafe practices associated with the smuggling of migrants by sea.[716] |
| International Organisation for Migration (IOM) | IOM is mandated to assist States in the development and delivery of programmes, studies and technical expertise in the area of migration management including the smuggling of migrants. |
| International Centre for Migration Policy Development (ICMPD) | ICMPD has a mandate to work in six thematic areas, which include irregular migration (including the smuggling of migrants), as well as related policy areas of trafficking of human beings (THB) and border management. It provides support to migration dialogues and undertakes capacity building and research projects. |
| Interpol | Interpol is an international police organisation that aims to prevent crime including the smuggling of migrants. Its activities include providing training, intelligence and analysis. |
| **Regional governmental organisations** | |
| Council of Europe (CoE) | The CoE approaches smuggling of migrants from the perspective of the protection of rights enshrined in the ECHR.[717] Generally, however, its focus lies on irregular migration, organised crime and rafficking in human beings.[718] |
| Organization for Security and Cooperation in Europe (OSCE) | Although smuggling is not one of the OSCE's main areas of focus, it has a narrow mandate in the field of smuggling of migrants, with regards to the promotion of the implementation of the UN |

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713 Protocol Against the Smuggling of Migrants by Land, Sea and Air, Supplementing the United Nations Convention Against Transnational Organized Crime United Nations, 2000.

714 Including Guidelines on the treatment of persons rescued at sea, IMO Resolution MSC.167(78). 20 May 2004; Principles relating to administrative procedures for disembarking persons rescued at sea. IMO FAL. 3/Circ.194. 22 January 2009.

715 Rescue at Sea: A Guide to Principles and Practice as Applied to Refugees and Migrants, UNHCR, IMO, January 2015.

716 Trafficking or transport of illegal migrants by sea / Persons rescued at sea, IMO website. Available at: http://www.imo.org/OurWork/Facilitation/IllegalMigrants/Pages/Default.aspx

717 Convention for the Protection of Human Rights and Fundamental Freedoms as amended by Protocols No. 11 and No. 14, Council of Europe, Rome, 4.XI.1950. Protocol 4 includes an article which recognises the rights of smuggled migrants by sea with regards to collective expulsion (article 4). See also European Court of Human Rights, Grand Chamber Judgement, Case of Hirsi Jamaa and Others v. Italy (application no. 27765/09), 23 February 2012.

718 The Council of Europe has adopted a Convention on Action against Trafficking in Human Beings and established a Group of Experts on Action against Trafficking in Human Beings (GRETA), which evaluates the implementation of the Convention.

| International organisations | Description (mandate and activities in area of smuggling) |
|---|---|
| | Protocol against Smuggling.[719] It has a wider mandate in related policy areas such as border management and THB. |
| African Union (AU) | Though not one of its priorities, the AU has a mandate in migration which includes addressing irregular migration and the smuggling of migrants. |
| Economic Community of West African States (ECOWAS) | The ECOWAS has Free Movement Protocols [720] in place for nationals of ECOWAS states (incl. Mali, Niger and Nigeria) which enables regional legal migration.[721]   Its Common Approach to Migration[722] includes action for controlling irregular migration, including awareness campaigns for migrants on the dangers of smuggling networks. ECOWAS Member States are beneficiary to the IMPACT project [723] which aims to prevent and combat smuggling from West Africa to the EU through capacity building and strengthening cooperation mechanisms among law enforcement and prosecution authorities. ECOWAS has also adopted policy on trafficking in human beings.[724] Finally, ECOWAS participates in migration dialogues such as the so-called "Rabat process". |

Table 16 Overview of European organisations involved in assisting countries in addressing the smuggling of migrants

| European Union | Description |
|---|---|
| European Commission (EC) | Through the European Agenda on Migration (COM (2015) 240 final) the Commission put forward a common and comprehensive migration policy in Europe, which includes actions addressing the smuggling of migrants. Cooperation against smuggling of migrants inside the EU and with third countries was also singled out by the European Agenda on Security (COM (2015) 185 final). The Directorate General for Migration and Home Affairs is the main DG within the EC and is responsible for developing policy in the area of smuggling of migrants. Other relevant DGs are DG Neighbourhood and Enlargement Negotiations (NEAR) and DG for International Cooperation and Development (DEVCO). |
| European External Action Service (EEAS) | The EEAS is the EU's diplomatic service and carries out the Union's Common Foreign and Security Policy (CFSP). Migration is one of the global and multilateral issues and the EEAS together with the Commission leads the implementation of the Global Approach to Migration and Mobility (GAMM). The EEAS also supports the political dialogues and regional processes. |
| European Parliament (EP) | The LIBE Committee of the EP (and less also DEVE and AFFET Committee) has adopted several resolutions on the situation in the Mediterranean[725] calling on Member States to "do everything possible to prevent further loss of life at sea". The LIBE committee is currently drafting a report which will reflect the European Parliament's medium- and longer-term policy orientations on migration.[726] |
| EU Agency for Fundamental Rights Agency (FRA) | FRA approaches the issue of migrant smuggling from a human rights perspective. It provides expert advice and recommendations to EU institutions and Member States in terms of its human rights obligations towards, inter alia, smuggled migrants. |
| Eurojust | Eurojust is the EU's Judicial Cooperation agency, which aims to improve the coordination of investigations and prosecutions of crimes (incl. the smuggling of migrants) between the judicial authorities in the Member States. |
| Europol | Europol is the EU's law enforcement agency and provides operational assistance to Member States and their law enforcement agencies in investigating cross border crimes, including smuggling of migrants and producing analysis and reports, such as the organised crime threat assessment (OCTA). More specifically, Europol supports Member States in criminal investigations into serious or organised crime including the smuggling of migrants, where at least two Member States are involved in |

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719 Interview representative OSCE. See also Enhancing Criminal Justice Responses to trafficking in human beings through a comprehensive approach. OSCE Decision No. 5/08. December 2008. And OSCE Strategic Framework for Police-related Activities, OSCE, Decision No. 1049. July 2012.
720 Protocol on Free Movement of Persons and the Right of Residence and Establishment, ECOWAS, 1979.
721 Toolkit to Combat Smuggling of Migrants, Tool 9 Prevention of the smuggling of migrants, UNODC, 2010.
722 ECOWAS Common Approach on Migration, January 2008 at 33rd Summit of Heads of State and Government of ECOWAS.
723 Law enforcement capacity-building to prevent and combat smuggling of migrants in the ECOWAS region and Mauritania (IMPACT)" is a European Union-funded project. Beneficiaries are all ECOWAS countries and Mauretania. Europol is partner in this project. See UNODC report from 2011: https://www.unodc.org/documents/human-trafficking/Migrant-Smuggling/Report_SOM_West_Africa_EU.pdf
724 The ECOWAS Declaration on the Fight against Trafficking; ECOWAS and ECCAS Joint Plan of Action against Trafficking in Persons, especially Women and Children.
725  Resolution on the latest tragedies in the Mediterranean and EU migration and asylum policies (2015/2660(RSP), European Parliament, 29 April 2015 and Resolution on the situation in the Mediterranean and the need for a holistic EU approach to migration (2014/2907(RSP), European Parliament, 17 December 2014; See also previous Resolutions of 23 October 2013 (2013/2827(RSP) and Debate on the smuggling of migrants in the Mediterranean, 13 January 2015.
726  Resolution on the latest tragedies in the Mediterranean and EU migration and asylum policies (2015/2660(RSP), European Parliament, 29 April 2015;  Resolution on the situation in the Mediterranean and the need for a holistic EU approach to migration (2014/2907(RSP), European Parliament, 17 December 2014; See also previous Resolutions of 23 October 2013 (2013/2827(RSP) and Debate on the smuggling of migrants in the Mediterranean, 13 January 2015.

| European Union | Description |
|---|---|
|  | investigations. States can send their data on a specific case to Europol and the agency will assess the information on whether it is in-line with the Europol mandate, will accept or reject the message accordingly and will cross-check and/or store and process the data. Further players/suspects or links amongst the suspects or criminal investigations or other crime areas can then be identified.[727] The Europol Focal Point Checkpoint, on the facilitation of irregular migration, is its main body collecting, analysing and disseminating intelligence to support EU Member States' investigations into serious and organised crime.[728] |
| European Asylum Support Office (EASO) | EASO's main focus lies on asylum. It enhances practical cooperation between Member States and provides targeted support to national asylum and reception systems when under pressure. |
| Frontex | Frontex is the EU Agency for the management of operational cooperation at the external borders of the EU Member States and assists Member States in facilitating data collection and exchange, providing research and risk analysis, training and coordinating Joint (return) Operations. |
| European Maritime Safety Agency (EMSA) | EMSA provides technical assistance and supports the EC and Member States in the development and implementation of EU legislation on maritime security and safety, which includes smuggled migrants at sea. |

727 Interview representative Europol.
728 Interview representative Europol.

## 8.2  Annex 9: Descriptions of migration dialogues relevant to smuggling

| Dialogue | Description |
|---|---|
| Khartoum Process | The Khartoum Process focuses on cooperation to address THB and smuggling and is set to expand to other areas, if consensus is reached at a later stage, in line with the EU's GAMM. The Khartoum Process particularly focuses on the migration route from the Horn of Africa to Northern Africa, and was noted by the relevant case study countries (Egypt, Ethiopia) as being an important initiative that aims at addressing migrant smuggling activities along this route. As the Process was launched only this year (2015), it yet remains to be seen what concrete work will be done on this topic in the framework of the dialogue in the future. However, in the Declaration of the Ministerial Conference of November 2014[729], the parties showed their commitment to undertake concrete action to prevent and tackle the challenges of migrant smuggling between the Horn of Africa and Europe and to focus on, inter alia:<br><br>Assisting the national authorities in increasing prevention measures (incl. information campaigns to improve awareness of risks of irregular migration);<br><br>Establishing national strategies to strengthen horizontal coordination among all services involved in addressing smuggling of migrants;<br><br>Improving or establishing criminal law frameworks and encouraging the ratification and implementation of the Protocols against Smuggling of Migrants. |
| Bali Process | The objectives of the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime include information sharing, improved cooperation between law enforcement agencies to address smuggling, as well as cooperation between border and visa systems. Other objectives include increasing public awareness, enhancing effectiveness of returns, criminalising the smuggling of migrants and tackling root causes of irregular migration. In 2014, it held a special conference on "The Irregular Movement of People" in Jakarta. The UNODC, UNHCR and the IOM are part of the Steering Committee.[730] Other participating agencies include ICMPD, IFRC, ICRC and Interpol. The majority of the other EU countries are participating countries.[731] |
| Mediterranean Transit Migration Dialogue (MTM) | The Mediterranean Transit Migration Dialogue (MTM) was set up in 2003 to address irregular migration in general including the smuggling of migrants.[732] The dialogue also promotes the application of the international legal instruments in the field of smuggling of migrants.[733] The MTM i-Map Expert Meeting in Damascus in 2009 resulted in partner states making efforts to strengthen their legislative framework in the area of smuggling.[734] The Dialogue has four core technical areas of cooperation, of which one is "Combating smuggling and trafficking".[735] In terms of smuggling its main function has been to establish an information exchange mechanism among participating states through the MTM i-Map and compile information such as the country/route profiles.[736] The MTM i-Map Final Conference held in 2014[737] did not discuss smuggling in particular.[738] Partner agencies include Caritas, Europol, Frontex, IFAD, Interpol, IOM, UNHCR and UNOCD. |
| MME Partnership) | The Africa-EU Partnership on Migration, Mobility and Employment (MME Partnership) was launched in 2007 by EU and AU member states and its latest Action Plan was adopted in 2010. It has two strands: (a) enhancing dialogue and (b) identifying and implementing concrete actions. The partnership also aims to expand EU-Africa cooperation in the area of migration. Smuggling of migrants is one of the main topics under the priority "irregular migration" of the MME Action Plan 2014-2017. To tackle this phenomenon, initiatives include organising raising awareness campaigns in origin, transit and destination countries; fostering prosecution of smugglers and traffickers and addressing corruption of law enforcement officials; promoting capacity building including in the area of integrated border management as well as developing concrete responses to support migrants in crisis situations.[739] |

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729 Declaration of the Ministerial Conference of the Khartoum Process (EU-Horn of Africa Migration Route Initiative), Rome, 28th November 2014.
730 Interview representative IOM.
731 Bali Process website. Available at: http://www.baliprocess.net/
732 After its 2003 informal meetings, the MTM concluded that the main areas of concern and intervention of the MTM platform should be represented in two pillars, of which one relates to irregular migration with a focus on smuggling of migrants and human trafficking. See ICMPD, The MTM Dialogue 2002-2012 a Multifaceted Approach, January 2013.
733 ICMPD, The MTM Dialogue 2002-2012 a Multifaceted Approach, January 2013, p. 11.
734 ICMPD, The MTM Dialogue 2002-2012 a Multifaceted Approach, January 2013, p. 21.
735 ICMPD, The MTM Dialogue 2002-2012 a Multifaceted Approach, January 2013, p. 18.
736 Information provided by partner ICMPD.
737 MTM i-Map Final Conference - MTM i-Map Platform: Towards more targeted migration policies.
738 MTM i-Map Final Conference - MTM i-Map Platform: Towards more targeted migration policies: summary of Discussions and Discussion Guide, ICMPD, Belgium, 4-5 June 2014.
739 http://www.africa-eu-partnership.org/sites/default/files/documents/action_plan_mmd.pdf

| | |
|---|---|
| Budapest Process | The Budapest Process[740] and, in particular, its project "Silk Routes Partnership for Migration" is a framework in which several meetings and training sessions have been conducted with national stakeholders on the topic of irregular migration including migrant smuggling issues. One of the five identified pillars for the Silk Routes project relates to legal migration and irregular migration including the smuggling of migrants.[741] Not all selected countries that are members of the process participate actively in meetings or produce reports (e.g. Bangladesh). However, Pakistan and Turkey were noted as particularly active participants in the Budapest Process/Silk Routes project on the topic of irregular migration in general. In June 2015 a larger-scale regional meeting with training was held in Islamabad with higher-level authorities. This meeting included a Budapest Process Silk Routes Working Group focusing on strengthening regional and intergovernmental policy dialogue, facilitating exchange of information, experience, best practices and know-how on migration. This provided a forum to both report on developments and progress in their countries and also get support and proposals for further actions from participating countries while maintaining the network of focal points between the Budapest Process countries. |
| Rabat Process | The Rabat Process[742]: its objective is to create a framework for dialogue and consultation within which concrete, practical initiatives are implemented. The Fourth Euro-African Ministerial Conference on Migration and Development, held in Rome in November 2014, adopted the Rome Declaration and Rome Programme (2015-2017). Smuggling has not been a priority during this third phase, although one of programme's pillars is "Improving border management and combating irregular migration", the issue has only been tackled as a transversal issue. However, smuggling will be a top priority of the fourth phase. A conference on smuggling and trafficking will take place in Portugal before the end of the year and the technical assistance of the Rabat process will most probably support the fight against smuggling.[743] Moreover, the fourth phase will see the introduction of a fourth pillar on international protection, highlighting the dialogue partners' commitment to pursuing a balanced approach to migration issues. According to DEVCO, almost all actions funded in 'Rabat process' countries relating to migration are seen as implementing the Rabat Process.[744] For example, a major EC funded project with UNODC (4.6million EUR) has included document fraud training for Nigeria Immigration Service officers, establishing the Nigeria Immigration Service Intelligence Unit, redrafting of the Immigration (Amendment) Bill, and preparation for the installation of Border Management Information Systems. Another project focused on the protection of vulnerable migrants and victims of smuggling at Egypt's southern borders (2012-2014), in particular, through the enforcement of international humanitarian law, the relevant national legislation and access to basic services. It has provided assistance to stranded migrants and Egyptian communities in need, as well as capacity building efforts for government and NGOs. |
| Euro Mediterranean Migration III | Euro Mediterranean Migration III is funded by the EU and will be relaunched in 2015. The project aims, inter alia, to support the prevention of irregular migration and to enhance border management capacity. Smuggling of migrants is discussed in the dialogue's Irregular Migration Component and is considered as one of the priorities for participating states.[745] However, originally the ToR of the dialogue foresaw eight regional workshops. Upon request of the participating states – who deemed the overall programme too unbalanced and too focused on the Irregular Migration component – this number was reduced to four.[746] There have been several "peer-to-peer" meetings on mixed migration flows and irregular migration, in which smuggling was addressed but not the main focus.[747] These peer-to-peer meetings contained a training programme which addressed, among other topics, methods for coordination, for detection and identification of false or falsified and counterfeit identity and travel documents, as well as cooperation in the prevention of irregular migration at sea including search and rescue operations.[748] However, due to their regional nature and the limited number of participants per country, as well as the substantial differences between them, it became obvious that limited concrete impact would be generated at national level and in the daily operating procedures of participating authorities. Thus, the programme was renamed regional workshops, and would no longer be called regional training. On this basis, it is foreseen that the Euro-Med III will conduct national training to ensure greater and concrete impact at national level. A recent regional workshop was held on "Regional cooperation and leading national experiences in the fight against irregular immigration (Warsaw, Feb. 2013) - addressing trafficking in human beings (Vienna, April 2013)". In 2015, EUROMED Migration IV will be launched and the I-Map information exchange will be incorporated in the project. |

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740 Budapest process, Available at: https://www.budapestprocess.org/

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|---|---|
| Prague Process | A dialogue participated in by all the selected Member States, as well as the FYRoM and Turkey, is the Prague Process (PP) which was launched in 2009 based on positive outcomes of the Building Migration Partnerships (BMP) project. The fight against smuggling belongs to the topics of interest of the 50 states participating in the PP[749]. It is explicitly mentioned in the two key documents of the process, the "Building Migration Partnerships" Joint Declaration (Prague, April 2009) and the Prague Process Action Plan 2012-2016 (Poznan, November 2011).[750] The Action Plan includes actions such as awareness raising campaigns in countries of origin on the risks of, inter alia, smuggling of migrants. The smuggling of migrants was also discussed during the implementation of Pilot Project 1 of the Prague Process Targeted Initiative. The Pilot Project was led by Poland, Romania and Slovakia and implemented in cooperation with another 15 states in August 2012 – July 2014. The project resulted in the Handbook and Guidelines on Concluding Readmission Agreements and Organising Returns[751], which was endorsed by all Prague Process states and accepted as standards of the PP in the covered area. Chapters 1.1.3 and 3.7 are dedicated to smuggling of migrants and its combating.[752] Currently, the establishment of a Prague Process training platform/training academy is being considered, where the PP standards would be cascaded to trainees from PP countries.[753] |
| Almaty process | Afghanistan, Pakistan and Turkey participate in the dialogue known as the Almaty process. This process was launched in 2013 and has eight member countries (Kazakhstan, Kyrgyz Republic, Tajikistan, Afghanistan, Azerbaijan, Pakistan, Turkey, Turkmenistan) and is supported by the UNHCR and IOM. One of its five areas of focus is the exchange of information on migration issues including border management and migrant smuggling. During its 2013 Ministerial Conference, "fight against smuggling and trafficking in human beings" was suggested by IOM as one of the four key programme areas to be part of a solution for migration challenges in the region. Under the process' objectives, migrant smuggling was mentioned as one of the eight main topics to be discussed in dialogues and on which to exchange information.[754] The conclusions of the Senior Officials Meeting themed "Mixed Migration Movements from Afghanistan Post-2014", did not specifically mention smuggling of migrants.[755] |

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741 Overview of Principal Regional Consultative Processes on Migration (RCPs), arranged by Region, IOM, June 2014.
742 Rabat Process Euro-African Dialogue on Migration and Development, website. Available at: http://processusderabat.net/web/
743 Information provided by ICMPD.
744 Interview with DEVCO.
745 Information provided by ICMPD.
746 Information provided by partner ICMPD.
747 Information provided by partner ICMPD.
748 EUROMED Migration III website, Irregular migration, Available at: http://www.euromed-migration.eu/project-components/irregular-migration/
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751 Prague Process Handbook and Guidelines concluding readmission agreements and organising return, Prague process, July 2014.
752 Information provided by ICMPD.
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754 Ministerial Conference on Refugee Protection and International Migration: The Almaty Process, Summary Report, Kazakhstan, 5 June 2013.
755 FIRST MEETING OF THE ALMATY PROCESS SENIOR OFFICIALS STATEMENT OF THE CHAIR,, Kazakhstan, 21 November 2014.

## 8.3   Annex 10: Bibliography

Below an overview of completed, ongoing and planned research related to migrant smuggling can be found. A distinction is made between literature used in this report and relevant literature relating to migrant smuggling which is considered, but not directly used in this report.

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