



European Commission, DG Migration
& Home Affairs

Study on smuggling of migrants

Characteristics, responses and cooperation with third
countries

Case Study 3: Pakistan – Turkey – Greece

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1. Executive Summary

This case study has been developed in the framework of the EU-funded “Study on smuggling of migrants: characteristics, responses and cooperation with third countries”. Five case studies served as an information collection tool to contribute to the data collection of the larger study, in order to provide detailed information on the phenomenon of migrant smuggling and policies to address it as occurring in particular countries or along particular route segments.

The rationale for the decision on case study countries and route segments covered has been made based on their relevance according to indicators such as the number of irregular migrants apprehended (particularly based on Frontex data), border type, modus operandi, migration route and relationship with third countries, following the requirements in line with the tender specifications for the Study.

In this case study, Pakistan was selected 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. It focuses on the Eastern Mediterranean land and sea routes.

Methodological note

Research methodologies used included desk research, legal and policy analysis, qualitative research and interviews in specific countries along the selected route segments. Information has been collected over the course of the first half of 2015. Thus, the most recent dynamics in regard to flows and policies along the selected routes are not reflected in the case studies. Interviews and fieldwork were conducted locally in all case study countries. Interviews were conducted with a variety of stakeholders, including migrants, smugglers, government representatives, international organisations, civil society organisations, and journalists. Interview partners were selected based on their key expertise on the topic of migrant smuggling for the countries selected and/or along this route.

OVERALL TRENDS

The route from Pakistan via Turkey to Greece is a well-established and historical migrant smuggling route. Pakistan is a major source country for both Pakistanis and Afghans. A significant proportion (estimated at 38% in 2009) of irregular Pakistani and Afghan migrants have reportedly used migrant smugglers to cross borders. Those departing from Pakistan with a final destination in Europe primarily travel via the Eastern Mediterranean route. Due to the porousness of the borders and the subsequent lack of data collection, it is difficult to estimate how many people enter and leave, and who of these are doing so through the use of smugglers.

Turkey has transformed from a source country to a destination and transit country. Stronger border management mechanisms are established at the external borders of Europe with Turkey, and, with significant push factors developing in the Middle East, new insecure patterns of migration have arisen, supporting the role of migrant smugglers. For Turkey, detections of irregular migrants are the second highest along the border with Greece, surpassed only by detections along the Syrian border. Both Turkey and Greece serve as significant pathways for migrants crossing from Asia and Africa. In this regard, the research has shown that both Turkey and Greece are key hubs for the organisation and continuation of the journey (e.g. Istanbul, Thessaloniki), since they serve as critical sites for the setup of migrant smuggling operations and migrant smuggling business. The flows distribution among the land and sea borders between the two countries are constantly fluctuating and responding to policy changes (in particular Greek operation “Shield” and the concurrent building of a fence along the land border). Currently migrant smuggling operations are conducted primarily along the sea route from Turkey to Greece. The sea route has proven problematic to patrol, due to the complex border on the Greek Islands and the proximity to the coastlines.

According to data provided by the Turkish Coast Guard with regard to the Aegean route from Turkey, the number of migrants apprehended at the sea borders has increased sharply in the last four years, from 572 migrants in 2011 to 13,432 migrants in 2014. In 2014, 41,681 migrants were apprehended in the Aegean Sea by the Greek authorities, an increase of nearly 285% compared to 2013. For both Turkey and Greece, Syrians are now the main nationality apprehended illegally crossing the borders, followed by Afghans. In 2015 (as of August 2015) there were 175,375

apprehensions of Syrians in Greece, followed by Afghans (50,177 apprehensions) and Pakistanis (11,289 apprehensions). In the past the country has served as a main entry point for Pakistanis and Afghans. The majority arrive through the assistance of migrant smugglers from Turkey.

MODUS OPERANDI OF MIGRANT SMUGGLING OPERATIONS

The majority of irregular migrants leave Pakistan via the green border between border crossing points into Iran. Due to the fact that the borders are fairly porous and difficult to control between both Afghanistan and Pakistan and between Pakistan and Iran, irregular migrants (including those using smuggling services) may use a variety of means to cross the border between border posts (e.g. by foot, car or bus), depending on what they can afford. From Iran, migrants cross the border into Turkey (either by foot, on carrier animals, hidden in vehicles or through border crossing points with forged documents) and take buses or minivans to the western cities of Turkey. Migrant smugglers along these routes are primarily members of communities of the border region. For Pakistan, visa and document fraud has also been highlighted as an important factor in addition to corruption, although it is unclear whether fraudulent or false documents is used to cross these “green” borders or rather at further stages or via air routes.

For migrant smuggling operations on the maritime route from Turkey to Greece, the most common vehicles used are inflatable boats and speedboats, and smugglers aim for cheap, old and large vessels, which can hold a large number of migrants and for which the financial loss if appropriated by security forces is negligible. In most cases, the smuggler will employ one of the migrants to be the boat skipper, to avoid the smuggler being intercepted by authorities. This route segment is highly professionalised, and the migrant smugglers are aware of what precautions to take to avoid being apprehended.

There are several hubs along this route. In Turkey, several cities serve as hubs for migrants as they enter and cross the country, including Van, Ağrı, Doğubeyazıt and Istanbul. In such hubs, migrants can get in contact with smugglers through migrant networks or by going to areas that are known to be frequented by recruiters and others involved in the migrant smuggling business. For Greece, Athens can be considered a hub for further migration into Europe as there are specific locations where migrants can easily meet recruiters. Other hubs are dependent on the onward movements of the migrants. Thessaloniki is recently growing in importance as a hub due to its position on the Former Yugoslav Republic of Macedonia-Serbia-Hungary route, while Ioannina serves as a hub for those aiming at illegally crossing the Greek-Albanian border.

Some migrants complete this route in a step-by-step fashion, organising their journey through their personal networks in each country. This method appears to be more widespread among migrants from Afghanistan. The majority of migrants using smuggling services from Pakistan to the EU pay the full amount in advance of migration (either in one lump sum or various instalments) using the *hawala* system of informal money transfer. In such cases the money would only be released to the smuggler once the migrant confirmed his or her safe arrival. Recently along the route to Greece, together with a written or verbal confirmation of the migrant’s safe arrival, there is a new trend of sending back photographs of the migrant posing in the country of arrival as proof of safe arrival. This is meant to counter practices of abuse, where migrants would be forced to release the money before arriving at the agreed destination. In the case of Pakistan, there are also reportedly arrangements with some smugglers that include several smuggling operation attempts before the smuggler is required to reimburse the money paid or before the smuggler charges again for the journey.

Smuggling along this route is not organised by mafia type organisations, but rather more horizontal networks, which enables flexibility and poses particular challenges for apprehending migrant smugglers.

Interviews in Greece revealed a loose level of organisation along this section of the route, with smuggling networks described as a chain with both small and large links, including:

- ★ Smuggler/top man, who provides the transport and retain the majority of the profit.
- ★ Recruiters, who can work for different smugglers or can be the smuggler himself; they can be of different nationalities and usually recruit from their same ethnic group.
- ★ Drivers, who can be of different nationalities and can work for different smugglers.

- ★ Skippers, who drive the boats (especially inflatable rafts), are usually migrants.
- ★ Money collector, which is usually (connected to) a *hawala* shop and which can cover a number of different smugglers and non-smugglers.

In addition, smugglers also count on corrupt officials or airline company staff in order to facilitate passage or the migrant smuggling organisation.

The research along this route has shown that migrant smuggling becomes more prevalent when legal pathways of exit and entry are limited. In Pakistan for example, the legal opportunities to migrate abroad (to destinations other than Gulf Cooperation Countries) for labour migration are fairly limited; unofficial labour recruiters are thus often linked with migrant smuggling, fraud and exploitation, as they are the primary means for a migrant to arrange labour migration to Europe.

POLICY RESPONSES: Institutional framework and cooperation

Considering the historical significance of this route in terms of irregular migration flows, it is perhaps unsurprising that the three countries have a number of established policies with regard to the route legs, and cooperation between the relevant authorities.

A key international framework that is central to policy responses is the UN Protocol Against the Smuggling of Migrants, a supplementary protocol to the UN Convention against Transnational Organized Crime, which has been ratified and transposed by both Turkey and Greece. In terms of Turkey's legislation, it also sanctions attempts to undertake a migrant smuggling operation as a crime fully committed. Pakistan has ratified the Convention but not the Protocol, thus, prosecution against smuggling activities falls primarily under legislation covering illegal exit and document fraud. Moreover, although Pakistan has passed legislation on trafficking in human beings, national policy and institutional actors often conflate the issues of human trafficking with migrant smuggling, which can hinder responses to migrant smuggling.

In Pakistan, the main stakeholder addressing irregular migration and migrant smuggling is the Federal Investigation Agency under the Ministry of Interior. All cases of suspected or detected irregular migrants are dealt with by the Anti Human Trafficking Circles for investigation and possible prosecution, which deals with not only trafficking, but migrant smuggling and other aspects of irregular migration. The Frontier Corps and Baluchistan Levies are paramilitary forces that patrol the "green" land borders between border posts. Despite the legislative challenges in distinguishing between human trafficking and migrant smuggling, Pakistan has recently developed the National Action Plan to Combat Human Trafficking and Migrant Smuggling 2015-2020, which aims at addressing the gaps in implementation of anti-smuggling efforts in the country and at clarifying the differences in policy responses to trafficking in human beings and migrant smuggling, to address the issue of conflation of the two concepts in policy fields.

Other major Pakistani institutional policies addressing issues related to migrant smuggling include those addressing document fraud, labour migration and the Afghan refugee population. Although policies on document fraud have increased detections of document fraud, they have also had a concurrent negative effect of discouraging immigration officers from taking up the task of border control, due to the punishment enacted on those immigration officers who fail to detect document forgeries. Labour migration policy, and restrictive European policies on labour immigration, was highlighted as particularly relevant in reducing the options available to potential migrants, and thus increasing their likelihood of turning to migrant smuggling. Pakistani policies relating to Afghan refugees and irregular migrants have also been noted, as increased pressure on the population in the country may lead to further migration of Afghans from Pakistan onwards towards the EU, although the extent could not be verified.

The key stakeholders in Turkey are the Ministry of Interior and the Ministry of Defence, while for controlling border passages, the national police and Turkish military forces are primarily involved. An increasing number of different civil society organisations, primarily engaged in providing arriving migrants with food, shelter and legal counselling, have also been highlighted as key in developing public awareness on the topic. Over the past five years Turkey has focused strongly on issues of border management and control, driven by EU demands for maintaining more restricted borders. Turkey and FRONTEX established official ties in 2013, marking a significant shift in the management of borders and

control procedures. Turkey has also recently published the Strategy Document and National Action Plan on Irregular Migration, which focuses on addressing irregular migration and preventing organised crime, with a focus on migrant smuggling.

In Greece, the main law enforcement agencies responsible for managing, responding and combatting smuggling are the Hellenic Police and the Hellenic Coastguard. Border operations, cooperation and policies have particularly focused on the border between Greece and Turkey, and such actions have been instrumental in the displacement of irregular migration flows. Indeed, this route has shifted over time according to border policies, from the maritime route being the most prominent, to the land route, and back to the maritime route. In particular, along the land border the Greek authorities constructed a fence, increased surveillance, and deployed an additional 1800 border guards to the area through Operation Shield (Aspida), all of which has contributed to the resurgence of irregular crossings via the maritime border. Frontex is also currently undertaking two Joint Operations in Greece, JOP Poseidon Sea (for the maritime border) and JOP Poseidon Land.

In terms of policy measures implemented across the three countries, police cooperation, intergovernmental dialogues and readmission agreements have been particularly highlighted as measures impacting on migrant smuggling, although directed at irregular migration in general. In particular, police cooperation between Turkey and Greece is becoming more advanced and institutionalised, with border police officers exchanged and operational cooperation organised at the local level between the two countries. In terms of intergovernmental dialogues, the Budapest Process and the Mediterranean Transit Migration Dialogue were particularly highlighted with regard to relevant work conducted on irregular migration in general and migrant smuggling more specifically. In terms of readmission agreements, although several have been signed between the case study countries (i.e. Pakistan-EU 2010, Turkey-Pakistan 2010, Turkey-Greece 2002, Turkey-EU 2013), obstacles to implementation have been highlighted by the research. In the case of Pakistan-Turkey, the limited implementation can be attributed to ongoing negotiations on prisoner conditions, while for Turkey-Greece, Turkey's reluctance to accept nationals other than from those countries bordering Turkey and at locations other than the land border have also reportedly limited its implementation. Nonetheless, regarding the latter, significant progress has also been reported in terms of cross-border cooperation between Turkey and Greece in recent years.

2. Introduction

2.1 The case study purpose

This case study has been developed in the framework of the EU-funded “Study on smuggling of migrants: characteristics, responses and cooperation with third countries”, conducted by Optimity Advisors, the European Council on Refugees and Exiles, and the International Centre for Migration Policy Development.

The main object of the larger study is to identify and outline international developments and structures in the area of migrant smuggling, as well as existing ways to facilitate intergovernmental exchange, and to support the development and implementation of co-operation initiatives.

More specifically the study seeks to:

- ★ List and analyse policies, programmes and operational responses implemented by selected EU Member States and third countries aimed to fight against, reduce and prevent migrant smuggling to the EU;
- ★ Map the characteristics of the phenomenon to establish a comparative picture of its scale, characteristics, trends and patterns. Based on this the study team can draw comparative assessments of practices in various parts of the world where smuggling of migrants occurs.
- ★ Draw conclusions based on data collection and case study outcomes.

In this regard, five case studies **served as an information collection tool** to contribute to the data collection of the larger study. Their more specific aim was to provide detailed information on the phenomenon of migrant¹ smuggling and policies to address it as occurring in particular countries or along particular route segments, through the use of desk research, legal and policy analysis, qualitative research and interviews in specific countries along the selected route segments. Data collection has focused on dynamics of migrant smuggling operations and migrant smuggling routes, as well as existing policies and measures to prevent and tackle migrant smuggling.

Across all case studies, information has been collected over the course of the first half of 2015 for countries of departure (i.e. a country from which migrants leave), countries of transit and countries of first entry to the EU². The most recent dynamics in regard to flows and policies along the selected routes are thus not reflected in the case studies. Despite the choice of specific countries, the case studies should not be understood in terms of a singular route logic. Rather, this approach is informed by the insight that migrant smuggling more often than not involves loosely connected networks of smugglers/facilitators, distinct legs of a wider journey, and in geographical terms hubs in transit areas connecting countries of origin/departure and destination/first entry into the EU.

This report is thus one of the five case studies developed as one method contributing to the Study’s final comparative report. The five case studies are:

- ★ Case Study 1: Syria/Lebanon – Egypt – Italy
- ★ Case Study 2: Ethiopia – Libya – Malta/Italy
- ★ Case Study 3: Pakistan – Turkey – Greece
- ★ Case Study 4: Nigeria – Turkey – Bulgaria
- ★ Case Study 5: Greece – Former Yugoslav Republic of Macedonia – Hungary.

The rationale for the decision on case study countries and route segments covered has been made based on their relevance according to indicators such as the number of irregular migrants apprehended (particularly based on Frontex data), border type, modus operandi, migration route and relationship with third countries, following the requirements in line with the tender specifications for the Study.

¹ The term “migrant” in these case studies is used to refer to all migrants including economic migrants, asylum seekers and refugees traveling in mixed migration flows. When the research refers to specific flows of asylum seekers and refugees those terms will be used.

² For Case Study 5 (Greece – Former Yugoslav Republic of Macedonia – Serbia/Hungary), Greece is chosen as the “country of departure” in order to study secondary movements along the Western Balkan region, even though it is often the first country of entry to the EU as well.

For this case study, **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 Eastern Mediterranean land and sea border routes.

The findings of this case study are organized into four chapters, with additional appendices that follow.

The introductory chapter is divided into four parts: the basic background on the purpose of this case study in relation to the broader Study; a basic and general description of the case study content as an introduction to this specific case study; the methodology used and challenges in conducting empirical work in each of the case study countries; and the background context on migrant smuggling for each of the countries covered in the case study, including broader patterns and basic policy response information.

The second chapter provides a **description of the characteristics of migrant smuggling operations** on each of the route segments covered. It focuses on the numerical scope, patterns and dynamics of migrant smuggling in each country and on the more qualitative characteristics of the phenomenon from the supply and demand side. The analysis includes descriptions of the modus operandi, the financial aspects of the operations, the relationship between smugglers and smuggled migrants and the risks and dangers migrants face during the smuggling journey.

The policy chapter focuses on the frameworks in place both at an international and regional level, paying particular attention to the engagement and participation in bilateral and multi-lateral cooperation dialogues and initiatives aimed at tackling migrant smuggling between the countries on the route segments and the EU. The chapter also collects information on institutional structures, migration management legislation, policies and programmes developed by each case study country relevant to addressing migrant smuggling.

Conclusions are based on both the characteristics of smuggling operations along the route segments and policy responses in the case study countries. This final chapter is followed by additional information/annexes, including a full list of interviews conducted (Section VI provides details on interviews as per country and interview code used, with personal details removed as per requests of anonymity of interviewees) and the list of references.

2.2 General introduction to the case study

The present report follows the irregular migratory journey mainly of migrants departing from Pakistan and arriving to Greece as the first country of entry to the EU, via Turkey. Pakistan is a major source but also transit country, for both Pakistani as well as Afghan nationals migrating irregularly. Although the Pakistan-Turkey-Greece route for Pakistani and Afghan migrants has historically been an important route, a noticeable change has taken place in the last few years whereby Pakistani irregular flows entering Greece via Turkey have significantly decreased, although 2015 data shows again a slight increase. This is likely due to a variety of factors, detailed in the sections that follow. However, this change in the trend simultaneously coincided with a sharp increase in Syrian arrivals. Thus, the present report documents and analyses the trajectory and smuggling routes from Pakistan to Turkey and subsequently to Greece of Afghans and Pakistani nationals, while in parallel drawing information from Syrian arrivals and their trajectory through the use of smuggling networks along the Greek-Turkish maritime border. Turkey is, by virtue of its geographical position, the main transit country prior to entry to the European Union, with Greece in the past decade functioning as the first country of arrival within the EU. The Greek-Turkish land and sea borders have proven particularly porous in the past fifteen years, despite repeated attempts to curb migratory flows. The broader geopolitical situation in the neighbourhood, with an emphasis on the Syrian crisis, has further mobilised mixed migratory flows departing from Turkey and arriving to Greece (and increasingly Bulgaria, see Case Study 4) seeking safe passage but also utilising Greece as a transit site, a step on the journey towards other EU Member States. The report focuses in part on the migratory journey and the smuggling process as it is undertaken in relation to the specific route (Pakistan-Turkey-Greece), particularly via the Greek-Turkish maritime border: the main entry point of the last two years for irregular arrivals to the EU. Moreover, the report highlights the particular national policies and cooperative frameworks aiming at addressing migrant smuggling within each country, and along this particular route.

Figure 1: Irregular migration routes from Pakistan.



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

2.3 Methodology

The research for all five case studies included desk research, legal and policy analysis, and interviews. The following sections detail the methodology used, particularly with regard to interviews, information on fieldwork, as well as challenges in conducting empirical work in each of the case study countries. Qualitative research aims at collecting a broad spectrum of examples, insights and assessments from different point of views which could otherwise not be generated. Every expert respondent provides a particular point of view, background, experience and interpretations.

Interviews for this study were conducted with persons with diverse backgrounds, including public authorities, migrants, migrant smugglers, and other stakeholders, all with specific inside knowledge and expertise on the topic of human smuggling. While experts are able to distance themselves from the subject in question, affected persons can convey their very personal and subjective perspective of a process or a situation. In addition personal experiences raise new aspects to the research topic and can shed light on aspects otherwise underrepresented. Thus, information is complementary rather than additive. Moreover, through the use of desk research and legal and policy analysis, the research was also able to verify information gleaned from other sources.

Methodology – Pakistan

The fieldwork for Pakistan took place from 23-26 February 2015 and 21-22 April, 2015 in Islamabad, with several additional interviews conducted remotely by phone or Skype. This resulted in the 10 interviews noted below in the "Interviews and consultations" section: five authority interviews, four expert stakeholder interviews and one migrant interview. Authority interviews focused on the key government stakeholders involved in policy making related to irregular migration and migrant smuggling, in particular the Federal Investigation Agency (the main government agency charged with addressing migrant smuggling) and the Ministry of Overseas Pakistanis and Human Resource Department (the Ministry charged with labour migration), in addition to three anonymous authority interviews. Interviews with expert stakeholders included international organisations working on the topic of migration more broadly (ILO, UNHCR) or migrant smuggling in particular (UNODC), as well as an interview with an international non-governmental organisation which had particular research expertise on migrant smuggling. These interviews were in fact increased due to the difficulties in gaining access to migrants and (convicted) smugglers. Multiple requests by email and phone to 15 separate gatekeepers (academics, non-governmental organisations and international organisations) to facilitate access to migrant interviews were denied or met with no response. Moreover, access to

migrant and smuggler interviews via the Federal Investigation Agency was denied. Site selection strategy³ to access smugglers was not deemed an appropriate approach, due to the high security risk in going to locations where smugglers operate in Islamabad or Karachi (the latter of which has been identified as a smuggling “hub” in the research, but is of very high security risk). It should also be noted that the short research period limited the possibility of gaining trust relations with migrants, smugglers and gatekeepers as an alternative means of access. The migrant interview that did take place was identified through “snowball sampling” through the use of the researchers’ networks.

Methodology – Turkey

The fieldwork in Turkey took place in the period of 12 February-11 May 2015 in Istanbul, Izmir, Ankara and Agri. Along the smuggling route from Turkey to Europe, Istanbul on the Thrace and Izmir on the Aegean region, are the main hubs for irregular migrants and smugglers, while Ağrı, situated in Eastern Anatolia and extending to the Iranian border, is one of the main entry points for irregular migrants. Ankara being the political capital of the country was considered relevant for interviews with government representatives. For these reasons they were chosen as fieldwork locations. During this period a total of 30 interviews were conducted with a variety of actors, including: eight national authorities, twelve stakeholder interviews (including researchers, international organisations and national and international civil society organisations), eight migrants and two smugglers. Conducting fieldwork in Turkey on this particular topic has its own particularities and challenges, as these topics are among the highly debated hot issues in general, and for not all but most of the authorities and bureaucrats the topic has its own security dimension, which meant that a large number of the interviewees requested anonymity as a requirement for participation in the research project. Moreover, especially the gathering of systematised data has been difficult, due to the on-going change in the administrative structure in the management of migration. The short time period of the research also created challenges in establishing trust relations with interview subjects, especially with smugglers, despite the existence of previous connections of researchers with actors involved in the process of migrant smuggling in Turkey.

More specifically, some of the migrants or smugglers in Istanbul, Izmir and Agri felt uncomfortable in the course of the interview process. They were suspicious that the researcher might be a police officer or a journalist, as well as about the research topic, which might challenge their insecure working and living conditions by making them public. As a result, they either preferred not to come to the interview site, or if they came, they chose to give general information about smuggling operations and ignored the questions detailing their own experiences with regard to the organisational structures and actors involved in the smuggling of migrants. Nonetheless, 30 interviews were successfully completed, providing a rich variety of information and experiences. Moreover, the fieldwork conducted in various locations, such as Agri and Izmir, shows the need for more qualitative research for filling the gap on critical lack of information about the changing regional dynamics which alter the process of the smuggling of migrants, and the actors involved.

Methodology – Greece

Research in Greece took place from 10 February to the end of April 2015 and utilised a mixture of desk and primary research. Relevant literature was analysed, including the new Code for Migration which incorporates penalties for smuggling. However, the majority of data were collected through primary interviews with ten migrants and two smugglers. In addition, seven interviews were conducted with authorities, including the Ministry of Foreign Affairs, the asylum service, law enforcement agencies, Frontex and a public prosecutor’s office. Three interviews were also conducted with expert stakeholders: a journalist, an international organisation and an international NGO. The interviews with officials and expert stakeholders largely corroborate the findings from the migrant interviews.

With regard to interviews with smuggled migrants, overall contact with the Pakistani community proved difficult since following the Operation Xenios Zeus (which will be discussed in later sections), and the length of detention of many

³ This method is a means to establish trust by frequenting sites where migrants or smugglers socialise or meet. See Janine Dahinden & Denise Efonyayi-Mäder (2009), *Challenges and Strategies in Empirical Fieldwork with Asylum Seekers and Migrant Sex Workers*, In: Else van Liempt & Veronika Bilger (eds), *The Ethics of Migration Research Methodology. Dealing with Vulnerable Immigrants*. Brighton. Portland: Sussex Academic Press, pp. 98-138.

Pakistanis in pre-removal centers, the undocumented population residing in Greece seems to have gone “underground”, hesitant to speak to researchers and even more hesitant to discuss future migratory plans. Thus, the focus early on shifted to identifying Afghans and Syrians, taking into consideration the new trend of high Syrian arrivals from Turkey. Since Greece was used in two case studies in the project (see also Case Study 5), both as an entry and exit site, a total of 8 interviews with migrants took place, Afghans and Syrians. In all cases, they had entered via Turkey (and some had attempted exit to FYROM or at the time of the interview they were contemplating the land border route and examining costs and options available). Thus, any corresponding information from those interviews was utilised in the present report.

Additionally two interviews with participants in smuggling operations were conducted. Site selection strategy could not be used since the security risks were high. However through “snowball sampling” through personal contacts, eventually two interviews were arranged via a middle-man, who was not part or involved in any way with smuggling operations. The persons interviewed for smuggling activities were from Afghanistan and Syria. Though they covered the sea and land border respectively, they both had knowledge of operations, payments and modus operandi of the smugglers in Greece and similarly to the interviews with migrants, relevant information were used for the corresponding routes. One was arrested and convicted of smuggling and the other appears to have the function of an intermediary. With few exceptions they described smuggling operations, modus operandi, prices and recruitment in similar (if not the same at times) manner. Their information were largely also confirmed in the migrant and law enforcement interviews. Smugglers are incredibly difficult to access, especially by researchers since there is always suspicion of potential collaboration with the police. Migrants are also afraid of naming them or putting researchers in touch with them. Thus, securing two interviews is rare and extremely difficult and interviewees agreed to be interviewed following a series of precaution undertaken.

2.4 General Background on relevant issues regarding migrant smuggling for each of the case study countries

2.4.1 General Background Pakistan

Pakistan is a major source and transit country for irregular migrants to Europe, with both Pakistanis and other nationalities – particularly Afghans – leaving from Pakistan towards Iran. The most common routes of irregular migration and migrant smuggling in general are via land to Pakistan-Iran-Oman-United Arab Emirates, Pakistan-Turkey-Greece (the focus of this report), Pakistan-Central Asian Republics-Europe, and Pakistan-Middle East-West Africa-Spain (although this latter route is not commonly used anymore).⁴ Those departing from Pakistan with a destination in Europe primarily travel via the Eastern Mediterranean route, leaving from Pakistan to Turkey via Iran (overland) and then to Greece (by land or sea). Figure 1 above highlights the main irregular migration route, as well as other routes that can be used that join up at certain sections of this case study route.

One relevant issue for Pakistan with regard to irregular migration and migrant smuggling is that it is also used as a transit country for Afghans being smuggled towards Europe. Pakistan is host to an estimated 1.5 million registered Afghan refugees, in addition to which the National Alien Registration authority (NARA) estimates 3.35 million irregular migrants in Pakistan, of which an estimated 2.2 million are Afghan and 1 million are Bangladeshi.⁵ It also hosts limited number of other nationalities (Iraqis, Somalis) and stateless persons (Bangali, Bihari, Rohingya).⁶ Policies directed towards Afghan refugees and irregular migrants are a particular issue for Pakistan with regard to migration issues in the country and will be further discussed in the chapter on Policy Responses.

As regards, statistical data, it should be noted that there is no accurate data on migrant smuggling from Pakistan towards Europe. What is available is limited and should not be taken as wholly comprehensive; statistics available on, for example, interceptions at the border or returns, should be understood in the context of the fact that Pakistan's borders are fairly porous, a fact supported by both the literature and in-depth interviews, which could mean that larger numbers of persons may have crossed and/or a certain number could have returned following deportation.⁷ Moreover, the conflation of the concepts of migrant smuggling and trafficking in human beings both in legal terms as well as among policy makers and practitioners further complicates the issue in terms of data on smuggling offenses.

Indeed, Pakistani governmental stakeholders and law enforcement tend to conflate the concepts of migrant smuggling and human trafficking. This is supported by the field research, as well as previous research on the topic.⁸ There is no legal definition of smuggling as a specific crime in Pakistan. Smuggling is dealt with and prosecuted under a number of different legal instruments. Notably, the Emigration Ordinance of 1979 is the primary legislation relevant in terms of regulating and prosecuting irregular migration.⁹ If a person is identified leaving Pakistan irregularly (either using smuggling networks or not) or a smuggler is identified, they would be prosecuted primarily under this legislation. As trafficking in persons and migrant smuggling are often conflated by national actors, the Prevention and Control of Human Trafficking Ordinance (PACHTO) of 2002 is also relevant as it clarifies the definition of trafficking and accordant punishment. These policies and others will be further described in the chapter on Policy Responses.

A large proportion of irregular Pakistani migrants (38%, according to the 2009 Baseline Study) have used migrant smuggling operations to cross borders.¹⁰ This is also supported by data provided by the Pakistani Federal investigation Agency (FIA) showing that the majority of deportees to Pakistan have used illegal routes rather than legal exits.¹¹

⁴ PK/A/10

⁵ UNHCR (2015), "UNHCR country operations profile – Pakistan" <http://www.unhcr.org/cgi-bin/texis/vtx/page?page=49e487016>. Azam, F. (2009), *Human Trafficking, Human Smuggling and Illegal Migration to and from Pakistan: Review of Government Policies and Programmes*, Peshawar: Actionaid Pakistan and the European Union. *The number of unregistered Afghans in the country varies and is strongly disputed.*

⁶ UNHCR (2015), "UNHCR country operations profile – Pakistan" <http://www.unhcr.org/cgi-bin/texis/vtx/page?page=49e487016>.

⁷ See, for example, the discussion on data limitations in UNODC (2013), "Recent trends of human trafficking and migrant smuggling to and from Pakistan", Vienna: UNODC. This was confirmed in interviews PK/A/6 and PK/N/7.

⁸ Cibeá, A. et al. (2013), "Pakistan Migration Country Report", Vienna: ICMPD; UNODC (2009), "Crime Facilitating Migration from Pakistan and Afghanistan", Vienna: UNODC; UNODC (2013), "Recent trends of human trafficking and migrant smuggling to and from Pakistan", Vienna: UNODC.

⁹ For a comparison of registration of cases and convictions under relevant provisions in the Emigration Ordinance as compared with other national legislation, see Annex 3, Tables 7 and 8.

¹⁰ Actionaid Pakistan (2009a), *Baseline Study on Illegal Migration, Human Smuggling and Trafficking in Pakistan*, European Union AENEAS programme 2004-2006, Peshawar: Actionaid Pakistan and the European Union.

¹¹ Azam 2009.

UNODC has estimated that approximately 300,000 people irregularly migrate from Pakistan each year to various destinations (i.e. not only towards Europe).¹² One major route from Pakistan is directed towards Western Europe, through Central Asian (Azerbaijan, Kazakhstan) or Middle Eastern countries (particularly Iran), with Turkey serving as a transit hub.¹³ The majority leave via the blue or green “unfrequented”¹⁴ or “informal” borders, between border check posts, particularly through Balochistan into Iran.¹⁵ Iran and Pakistan’s border is 909km long, with only one legal border check between the two countries (Taftan border post), while the border between Afghanistan and Pakistan has only two official border posts (Torkham and Chaman); both of these borders have been described as fairly porous.¹⁶ Aside from the official border posts between Afghanistan and Pakistan and Iran and Pakistan, however, there are also Pakistani border posts at regular intervals along the Pakistani border, operated by the Federal Investigation Agency.¹⁷ Due to the porousness of the border and lack of systematic data collection, it is extremely difficult to estimate how many people enter and leave, and how many of these are doing so irregularly and/or with the use of smuggling networks.

For Pakistan, the main institutional actor mandated to prevent and address issues related to irregular migration in general and migrant smuggling in particular is the Federal Investigation Agency (FIA) of Pakistan, which is the federal law enforcement agency of the country. Established in 1974 by the Federal Investigation Agency Act under the Ministry of Interior, its Immigration and Anti-Human Smuggling Wing focuses on the regulation of these issues.

Aside from the FIA, there are other institutions which, while not specifically mandated to address migrant smuggling, are important stakeholders identified by interviews in relation to border control and irregular migration. The Frontier Corps and Balochistan Levies paramilitary forces patrol the “green” land border between border posts. The Coast Guard patrols the “blue” maritime borders. Local law enforcement is also considered an important stakeholder, as they could be involved in terms of arrest and prosecution within the country.

Although the Ministry of Overseas Pakistanis and Human Resource Development (MOPHRD) is not mandated to deal with irregular migration issues, it can still be considered relevant as it regulates legal migration from the country. As will be noted below in the chapter Practice, the involvement or availability of legal means of migration can impact on the use of smuggling networks. Further information on these institutions is included in the chapter on Policy Responses.

2.4.2 General Background Turkey

At the crossroads between many Asian and African states and European states, Turkey is an essential hub of migration and migrant smuggling. The migration route going from Pakistan to Turkey to Greece is an established and historical route in the Eurasian context. On the east, this route encompasses the main Asian countries of origin including Pakistan, Afghanistan, Myanmar, and Bangladesh and is vital for the mobility of persons from the neighbouring countries of Iran, Iraq and Syria. While in the past this route has been mainly chosen by Afghans, Pakistanis and Iranians, over the last decade the number of Pakistanis and Iranians entering Turkey through irregular means has declined significantly. The on-going environment of insecurity in Afghanistan and the more recent trends of violence in Syria and Iraq have caused these three countries to become the main source countries of irregular migrants in Turkey.

Turkey has a long borderline shared with Syria, Iran, Iraq, Azerbaijan (Nakhchivan Autonomous Republic), Armenia (land borders) and Georgia (land and sea borders) in the east. The Turkish-Iranian border with a length of over 560 km is a specific leg of the journey on the land route and entry point for irregular migrants who attempt to transit Turkey on their way to European countries. The border lies on the eastern cities of Hakkari, Van, Ağrı and Iğdır, and the border passages are managed on two border crossing points: Esendere (Hakkari)-Sero and Gürbulak (Ağrı)-Bazargan. In the last years there have been intergovernmental negotiations between Turkey and Iran in order to

¹² UNODC (2012) *Migrant Smuggling in Asia: A Thematic Review of Literature*, Bangkok: UNODC.

¹³ Ibid.

¹⁴ This is a term used by Pakistan’s Federal Investigation Agency, meant to convey that those crossings occurring between border check posts.

¹⁵ PK/A/6, which is supported by previous research (UNODC (2013), “Recent trends of human trafficking and migrant smuggling to and from Pakistan”, Vienna: UNODC).

¹⁶ PK/A/4, PK/A/6, PK/N/7, PK/I/8, PK/A/9, PK/A/10

¹⁷ PK/A/6

open Kapıköy Border Crossing Point in the city of Van.¹⁸ An essential social and economic centre in the Eastern Anatolia region, Van is also one of the main hubs for transit migration. The organisation of irregular migrants' stay and transportation in and from Turkey is usually initiated from this particular city.

On the west, the route of Pakistan-Turkey-Greece connects the Turkish territories with the European Union through Greece, which over the last years has become a primary transit hub. Despite the stringent measures taken by Greece, Turkey and the European Union at the external borders of the EU, and the formation of the new routes shifting towards the Black Sea, the Turkish-Greek border remains crucial for irregular migration and migrant smuggling towards the EU.

In the Turkish context, two different categories fall under the field of smuggling: (a) migrant smuggling and (b) human trafficking.¹⁹ These two notions are considered different crimes, since migrant smuggling is considered a crime against the nation, whereas human trafficking is a crime against an individual.²⁰ Turkey has ratified the Palermo Protocol in 2003 and has taken subsequent measures to align its national legislation with the convention, further outlined in the Policy Responses section on Turkey. Migrant smugglers are legally defined by Article 79 in the Penal Code (No. 5237), as persons who directly or indirectly engage in: a) unlawful entry of a foreigner in the country or facilitate his stay in the country, and b) unlawful transfer of Turkish citizens or foreigners to abroad. According to an amendment made in the Code in 2010, even if the smuggling operation was at the stage of attempt, it would still be considered as a crime fully committed. Therefore at the operational level, the current system allows for border guards to consider the attempt, not only the completed operation itself as a case of migrant smuggling in Turkey.

The operations to reduce and prevent irregular border crossing and migrant smuggling are shared between the National Police and the Turkish military forces. As a specialised department within the infrastructure of the Turkish National Police, the Department of Anti-Smuggling and Organized Crime (KOM) focuses specifically on benefit-oriented criminal organisations, including migrant smuggling organisations. KOM focuses primarily on organised crime and therefore three main aspects are considered in this regard within the framework of migrant smuggling: (1) the smuggling organisation has to have more than three members, (2) the smuggling operations need to be sustained over time, indicating that the organisations repeatedly perform smuggling operations, and (3) the organisation needs to have a hierarchical structure.²¹

The apprehension of individuals is mainly undertaken by the Turkish General Staff (TGS) during an act or attempt of illegal border crossing. The control of external borders is in the competence of the TGS with the General Command of Gendarmerie and Turkish Land Forces responsible for land borders, and Coast Guard Command for sea borders. The border crossing points are administered by the Ministry of Interior Turkish National Police (EGM) and the Ministry of Customs and Trade. Before the establishment of the Directorate General of Migration Management (DGMM) in 2014, apprehended irregular migrants by the police, coastguards or gendarmerie were taken to "Foreigner Guesthouses" under the management of the National Police. Under the current protocol, irregular migrants are transferred to "Removal Centres", which are facilities used to detain foreigners for administrative purposes within the DGMM framework.

Over the last five years the Turkish state has been focusing more strongly on the issues of border management and control procedures especially in line with the EU's demands for maintaining more restricted borders. The official ties between the EU agency Frontex and Turkey became institutionalised in 2013, marking a significant shift in the management of borders and control procedures. The year 2013 was also marked by the finalisation of the Readmission Agreement negotiations between Turkey and the EU. According to the agreement, the readmission of third country nationals will enter into force three years after the signature, and if the requirements are met, this will be followed by visa liberalisation for Turkish citizens in Europe. In conformity with the ongoing readmission negotiations, Turkey is a signatory of readmission agreements with main origin countries (for more information see section on Policy Responses below).

¹⁸ 'Kapıköy Sınır Kapısı, Van'ın kaderini değiştirecek', *Radikal* 10 March 2015, http://www.radikal.com.tr/van_haber/kapikoy_sinir_kapisi_vanin_kaderini_degistirecek-1296787.

¹⁹ TR/A/18

²⁰ TR/I/19

²¹ TR/A/4

As a part of the local economy, especially in the eastern border regions of Turkey, for many decades different patterns of smuggling (goods, oil, arms and drugs), including the less lucrative and therefore less frequent act of migrant smuggling have existed. However more recently the trends in irregular migration and migrant smuggling have transformed due to a number of phenomena, including the shift of the African-European irregular migration route towards the Eastern Mediterranean regions (see also Case Study 4), the establishment of a stronger border management at the Turkish-Greek land borders, the Syrian refugee crisis and the recent emergence of an environment of insecurity in Iraq as a result of Islamic State (IS) activities. More recently migrant smuggling mainly takes place on the Iranian-Turkish borderlands for entry and on the Turkish-Greek sea borders for exit. Following the mass influx from Syria to Turkey within the framework of the open borders policy, the data illustrates that in the last few years the main nationalities of origin of apprehended migrants has shifted from Iraqis and Afghans to Syrians.

2.4.3 General Background Greece

Greece is a critical pathway of entry for migrants crossing from Asia and Africa, a transit destination for a significant number of irregular arrivals²² and thus, a critical pathway also of exit for irregular migrants. Entry points to Greece can be identified in both the maritime and land borders. From 2007-2009, the sea border was the main entry point for the majority of arrivals. According to the Ministry of Maritime Affairs, for the period of 2006 until 2009, 95% of irregular entries took place via the islands of the Eastern Aegean and mainly Lesbos and Chios.²³ It is the same maritime route currently at play for irregular entries, since late 2012.

Like interconnected vessels, the maritime and land border are intrinsically connected and flows shift from one to the other. This is evident if we look to the 2010-2012 period, where the focus of arrivals shifted from the sea to the land border of Evros.²⁴ By 2010, almost 90% of all arrests of irregular migrants entering the EU took place in Greece.²⁵ The shift from the maritime to the land border was due to a variety of factors. The Greek-Turkish land border along the Evros River used to be a heavily militarised zone that included several insufficiently charted military minefields. The Greek state de-mined the area in line with its international obligations, yet the process was completed only in 2009. Thus, until that time, the maritime border was the only entry route available with relative safety for migrants. Once the de-mining was completed, the land border became the main point of entry to Greece and it remained so until late 2012, when the Greek government instituted two additional measures; the build-up of the fence and operation 'Shield', which will be discussed in detail in the Policy Responses section below.

The measures implemented at the land border had the expected outcome of shifting the burden to the maritime border. Figure 2 depicts the maritime border flows²⁶ from 2007 until the first trimester of 2015.

²² Dimitriadi, A. (2013). *Transit migration to Greece: the case of Afghani, Bangladeshi and Pakistan immigrants*. Athens: Nissos (in greek).

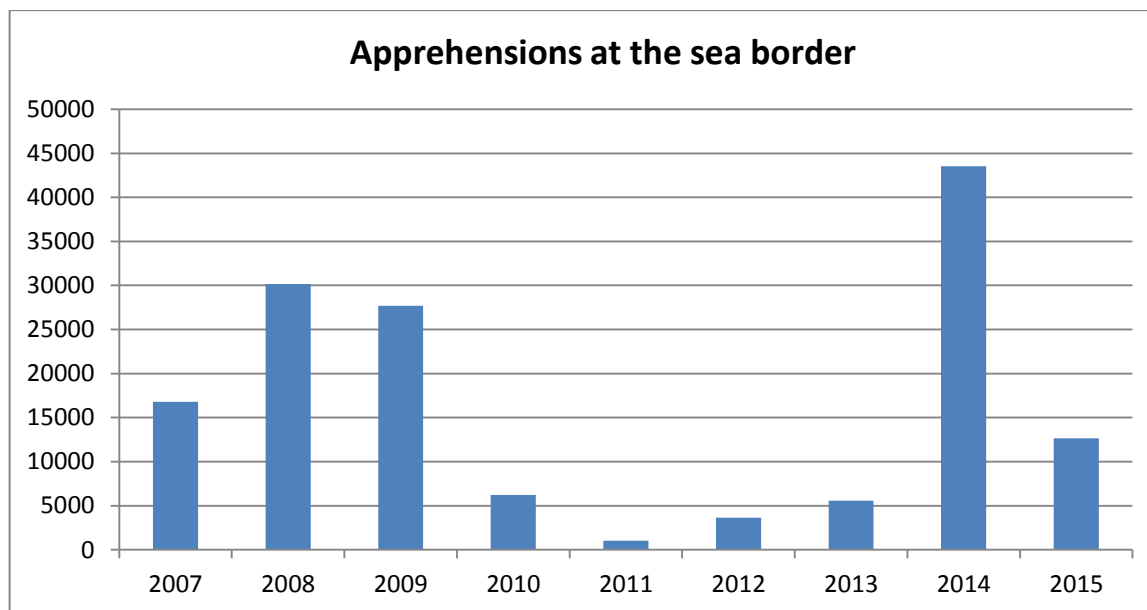
²³ See also Triandafyllidou, A., & Maroukis, T. (2012). *Migrant Smuggling: irregular migration from Asia and Africa to Europe*. London: Palgrave Macmillan.

²⁴ For the purposes of the present report 'irregular migrants' includes also asylum seekers entering/exiting in an irregular manner.

²⁵ Fundamental Rights Agency. (2011). *Coping with a fundamental rights emergency: the situation of persons crossing the Greek land border in an irregular manner*. Vienna: Fundamental Rights Agency, p.12.

²⁶ However, it should be noted that apprehensions are not necessarily accurate representations of incoming numbers, and do not only indicate a rise or drop in arrivals but also the enforcement efforts of the authorities that in the case of Greece increased since 2012.

Figure 2: Apprehensions at the Greek-Turkish maritime border



Source: Hellenic Police, 2015

Note: 2015 apprehensions include only the first trimester, until end of March 2015.

Migrant smuggling in Greece is defined and approached (legally and operationally) as a criminal activity, as regards entry, facilitation of undocumented residence and exit. Greece has transposed all three of the Palermo Protocols²⁷ in its national legislation, though it has retained the right to apply different penalties, higher than what the Protocols recommend, for convicted smugglers and traffickers. It has also transposed the EU Directive 2002/90/EC, the Council framework Decision 2002/946/JHA and the Council framework Decision 2002/584/JHA, further discussed in the Policy Responses section below.

Irregular entry to Greece takes place mainly through the use of smugglers. All interviewees acknowledged that the main reason for this is the absence of legal means of entry to the European Union, irrelevant of one's reasons for migrating, i.e. migrant smuggling is viewed as a necessity for economic migrants, asylum seekers, forced migrants alike because there are virtually no legal pathways to the EU, including for protection. The linkage between absence of legal pathways of migration and smuggling has been repeatedly stressed in the literature,²⁸ but perhaps more importantly by the relevant stakeholders in the present study as well as representatives of international organisations, with the most prominent example the case of the UN Special Rapporteur on the human rights of migrants.²⁹ In one of the few researches focusing on Greece undertaken by Antonopoulos and Winterdyk (2006)³⁰, they argue that smuggling is largely a by-product of the strict legal framework of migration in Greece, which does not leave the possibility for legal entry or exit to and from the country. In other words, the absence of legal avenues increases the demand for smugglers; especially in a country like Greece that has gradually shifted from a destination to a transit country. The findings of the present research confirm this argument.

²⁷ [Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children](#); the [Protocol against the Smuggling of Migrants by Land, Sea and Air](#) and the [Protocol against the Illicit Manufacturing and Trafficking in Firearms, Their Parts and Components and Ammunition](#)

²⁸ Triandafyllidou, A., & Maroukis, T. (2012). *Migrant Smuggling: irregular migration from Asia and Africa to Europe*. London: Palgrave Macmillan.

²⁹ GR/N/07; GR/A/09 and François Crépeau (2 October 2013), Statement by the UN Special Rapporteur on the human rights of migrants, "Migrant smuggling is over-criminalised", Workshop on smuggling and trafficking, New York available https://www.google.gr/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=0CCEQFjAAahUKewic-Z-bysvHAhUCVBoKHd_1A8E&url=http%3A%2F%2Fwww.ohchr.org%2FDocuments%2FIssues%2FSRMigrants%2FSpeech%2FStatementPGAWorkshopSmuggling.doc&ei=XjngVZzSNYKoad_rj4gM&usq=AFOjCNESQmFO6bdxY2LFIdQdsIDnkwwqoA&cad=rja

³⁰ Antonopoulos, G. A., & Winterdyk, J. (2006). The smuggling of migrants in Greece: an examination of its social organisation. *European Journal of Criminology*, 3(4), 439–461.

The main nationalities – aside from Albanians – were until early 2013 Afghans, followed by Pakistanis, Iraqi Kurds, and Somalis. Since 2013, Greece has been on the receiving end of a significant number of Syrian refugees, and also Eritreans (in comparison to previous years). Aside from a change in nationalities there is also a change in the type of migrants arriving. Specifically Afghans are increasingly moving in family units, following a similar pattern to the Syrians³¹ (though the Afghan trend has started already since 2013).

Table 1: Immigrants from Afghanistan, Iraq, Pakistan and Syria arrested for illegal entry and stay in Greece (2009-2014)

Country of Origin	2009	2010	2011	2012	2013	2014
Afghanistan	17.828	28.299	28528	16584	6412	12901
Iraq	7.662	4.968	2863	2212	700	1023
Pakistan	4.854	8.830	19975	11136	3982	3621
Syria	440	851	1522	7927	8517	32520
TOTAL	126145	132524	99.368	76878	43002	77163

Source: Data from the Hellenic Police³²

The research undertaken in the framework of this study showed that Greece is also functioning as a hub for the organisation and continuation of the journey, as well as a critical site for the setup of smuggling operations and smuggling business. Approached as an organised criminal activity, combatting migrant smuggling is mainly the focus of the Hellenic Coastguard that handles search and rescue and apprehension at the maritime borders (main entry point since 2013) and the Hellenic Police is responsible for the internal movement and exit from the land border (for more information on land exit from Greece, see Case Study 5). Frontex retains a continuous, albeit reduced, presence in Greece (particularly in terms of human resources). The system has been strengthened through the setup of the First Reception Service that is responsible for screening and early identification (and vulnerability) of new arrivals and a functioning asylum service. However, the overwhelming majority of arrivals that enter and will likely seek to transit from Greece are funnelled through Turkey; this remains also the main third country with which Greece seeks cooperation, since the journey appears to be largely organised from Turkey (pertaining to the crossing to Greece). Details on the Greek-Turkish cooperation are included in the Policies section below.

In terms of trajectory, and particularly the entire route from Pakistan to Greece, there are noticeable changes in recent years. Previous research showed that Pakistani migrants until late 2001 used to arrive to Turkey mainly through a tourist visa and pursued an almost linear migration to Turkey. From there on entry to Greece took place using irregular means.³³ Yet, following 2001, Turkey imposed stricter criteria for the issuing of student or tourist visas to Pakistani nationals. In parallel, a new wave of Afghan migration began, following events of 11 September 2001 and the US-led coalition invasion of Afghanistan, which pushed many Afghans to migrate (or re-migrate), either directly from Afghanistan or from Pakistan and Iran. Thus, Pakistan started functioning as a transit route, as well as a source country for Pakistani and Afghan nationals who utilised smugglers to conduct the journey to Europe. Transiting from Turkey, Greece was originally a destination country³⁴ for many, however as argued in recent research³⁵ new factors

³¹ Hellenic Maritime Borders Management, Presentation of the Hellenic Coast Guard/Integrated Maritime Surveillance Bureau in Samos, on 20 April 2015

³² <http://www.astynomia.gr/> Greece does not distinguish between smuggled migrants and irregular apprehensions. Once rescued or apprehended at the border areas, migrants are registered as irregular entries/stays. Greece only maintains separate data for apprehended smugglers. The usefulness of the above data is that it shows the flows and specifically for the Greek-Turkish land and sea border entry takes place at an overwhelming rate through facilitation by smugglers (the usage of the word facilitation here is purposeful; smugglers do not usually accompany the migrants except in cases where the transport means is expensive and they cannot afford to lose it. Otherwise they transport and guide migrants near the border, allow them to cross on their own and then they are either met by members of the smuggling ring or seek to find a new smuggler to continue their journey).

³³ Dimitriadi, A. (2013) *Transit migration Greece: the case of Afghan, Pakistani and Bangladeshi migrants*, Athens: Nissos Publishing (available in Greek).

³⁴ 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.

³⁵ Yusef, 2013

influenced significantly the choice of Greece as a final destination of migrants from Pakistan, including the increase of xenophobic attacks, absence of regularisation programs and mainly the economic crisis that largely impacted the decision of Pakistanis to re-migrate, either via return to Pakistan or through secondary movement to other EU MS. Thus, the reduction in the figures is part of a broader shift in how Greece is perceived by Pakistani migrants. In sharp contrast, stand the Afghans, who continue to treat Greece as a transit point and in fact, the Pakistan-Turkey-Greece route is now very relevant in relation to the Afghan migratory journey to the EU as will be seen in various sections below.

3. Migrant smuggling along the selected route

This section covers the main evidence collected in the course of this study on patterns and practices of migrant smuggling operations along this route, focusing on the specific route segments of Pakistan-Turkey and Turkey-Greece. Within each route section, the relevant information available is included in sub-sections on dynamics, scale and patterns; modus operandi; smugglers organisation and migrants' relations with smugglers. In the final section of this chapter, "Other trends", findings that have been illuminated in the course of the research but that fall outside the selected routes and route segments have been included, such as other routes from Pakistan and Turkey, secondary movement from Greece and additional aspects related to document fraud.

3.1 Route segment Pakistan – Turkey

3.1.1 Dynamics, scale and patterns

As noted above, it is important to highlight that not only Pakistanis but also Afghans leave from Pakistan along this smuggling route; this is in part because of the strong historical, cultural and ethnic ties between the countries, as well as due to the porous borders that exist between the two countries. Furthermore, the only air-route leading out of Afghanistan is from Kabul and therefore according to one interview, some migrants go via Pakistan as it offers a number of possibilities to leave the country via the air-route.³⁶ Outflows to Pakistan began after the Soviet invasion, but multiplied after Taliban attacks on major cities and US attacks on al-Qaeda and Taliban targets within Afghanistan. UNHCR currently estimates that Pakistan is host to almost 1.5 million registered Afghan refugees, in addition to a large number of those unregistered.³⁷ Most Afghan refugees have in fact been living in the country for decades, due to the protracted situation in Afghanistan.³⁸ In addition, since 2002, UNHCR has facilitated the return of 3.8 million registered Afghans from Pakistan.³⁹ Still, due to the porousness of the borders, it is unclear whether (and if so, how many) of those returned to Afghanistan may have subsequently re-entered to Pakistan. However, recent policies as well as government and media rhetoric following the Peshawar attack of December 2014 have exerted increased pressure on Afghans in Pakistan to leave.⁴⁰ The attack has also led to a discussion on how to improve border management between the two countries.⁴¹ More information on this and policies towards Afghan refugees is included in the chapter on Policy Responses below.

Only the official border posts collect data on crossings, but these are primarily rough head counts rather than systematic data collection. There have been estimates of 30-50,000 crossings every day (in both directions) at the border posts with Afghanistan, but there is no data on the scale of irregular crossings.⁴² The main routes from Afghanistan to Pakistan are either travel from Kabul across the border to Peshawar in the north, or from Kandahar across the border at Chaman and through Balochistan.⁴³ The choice of entering Iran via Pakistan is perceived as a product of necessity. Increased border controls between Iran and Afghanistan have made the direct border crossing extremely dangerous in recent years.⁴⁴ According to a journalist report of 2012: "Today migrants who come to Nimruz [in Afghanistan] must travel another 10 hours south into Pakistan, then cross from there into Iran. The journey consists of three legs. Afghan-Baluchi smugglers take you part of the way; Pakistani-Baluchi smugglers take you a

³⁶ PK/A/9

³⁷ UNHCR (2015), "UNHCR country operations profile – Pakistan" <http://www.unhcr.org/cgi-bin/texis/vtx/page?page=49e487016>. The number of unregistered Afghans in the country varies and is disputed.

³⁸ PK/I/7, PK/I/8

³⁹ UNHCR (2015), "UNHCR country operations profile – Pakistan" <http://www.unhcr.org/cgi-bin/texis/vtx/page?page=49e487016>.

⁴⁰ PK/N/7

⁴¹ PK/I/8

⁴² PK/I/8

⁴³ UNODC (2015), *Migrant Smuggling in Asia: Current Trends and Related Challenges*, Vienna: UNODC, April.

⁴⁴ Those who try to cross from the southwest edge of Afghanistan, through the town Zaranz of the province Nimruz, are faced with the newly built fence, 147 km in length. The fence was built by Iran, in an effort to cut the flow of irregular migrants. This forced migrants to fragment their journey, which now extends a further ten hours to southern Pakistan, from where they cross to Iran (Mogelson, 2012), as the Iran-Pakistan border is not surrounded by fence (Dimitriadi, 2013a)

little farther; Iranian-Baluchi smugglers finish the job. For the first stretch — a narrow dirt road through uninhabitable, lunar flatland — roughly 300 drivers share a rotating schedule, each working one day a month.⁴⁵

The highest interceptions of irregular migrants at Pakistani border posts have been at the southern port of Gwadar (624 persons in 2012, bordering Iran and the blue border Arabian Sea), followed by Quetta (136 persons in 2012, bordering Afghanistan) and Turbat (110 persons in 2012, bordering Iran).⁴⁶ Moreover, the highest number of deportees has consistently been Iran (9,865 in 2012), Turkey (566 in 2012, which was the lowest number by at least half as compared to the previous five years) and Oman (6,111 in 2012), all of which primarily serve as transit countries for migrants coming irregularly from Pakistan and only the latter of which is not located on the Eastern Mediterranean route.⁴⁷

3.1.2 Modus operandi

It is considered nearly impossible to control or regulate how many people cross and return via the Afghanistan-Pakistan border; one stakeholder estimated that, based on headcounts of border crossing entries and exits done at the border, approximately 30% of those crossing into Pakistan are “missing”, i.e. they have entered Pakistan and not yet returned to Afghanistan so it is unclear whether they are still in Pakistan or have moved onwards.⁴⁸ To travel from Afghanistan to Pakistan, one can use a range of modes based on what is affordable, for example car, bus or even walking across.⁴⁹ As it is a porous border, the mode of transport can be adapted based to the particular needs of the person.

From Pakistan, the Eastern Mediterranean route into Europe is the one used most frequently, particularly from Pakistan to Iran via Balochistan and then overland from Iran into Turkey. The most common way to migrate from Pakistan irregularly abroad is via the land routes, particularly the green borders between border posts.⁵⁰ As noted by one interview, if a person goes through the official border posts, his chances are much higher of being stopped and his papers checked whether he is authorised to travel.⁵¹

Often, there is an agreement between the migrant and the smuggler that the price should include three attempts at crossing (including also a supply of fresh documents if needed).⁵² Thus, if migrants are detected it is very unlikely that they would provide information on the smuggler, simply because a repeated attempt to cross with the same smuggler another time is foreseen.⁵³ Moreover, there also seems to be an unofficial policy on the side of the FIA not to prosecute irregular migrants in their first three attempts, but only “multiple repeaters”, i.e. repeat offenders.⁵⁴

Regarding the subsequent route section of entry to Turkey from Iran, in the eastern and south-eastern borders with harsh land conditions, migrants enter the country on foot or by carrier animals, hide in vehicles or use forged documents at the border crossing points. Most of the irregular border-crossing events occur in Van, Ağrı and Doğubeyazıt, three main hub cities for the organization of the rest of the smuggling journey in Turkey. But in fact, due to the existence of many other smuggling incidents 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, as described by a local authority:

“Here in Doğubeyazıt, smuggling of migrants is one type of smuggling but relatively less profitable, if you compare it with the smuggling of cigarettes for example. But this does not mean that here there is no migrant smuggling. In contrast, Dogubeyazit is one of the important points for migrants from Afghanistan, Iran and Pakistan who aim at reaching Europe. Doğubeyazıt is the first entrance point for the migrants. Usually an Iranian smuggler gets in contact with a Kurdish smuggler on the Turkish side. When the Iranian smuggler has

⁴⁵ New York Times. 18 October 2012. *The Scariest Little Corner of the World*. <http://www.nytimes.com/2012/10/21/magazine/the-corner-where-afghanistan-iran-and-pakistan-meet.html?pagewanted=all&r=0>

⁴⁶ UNODC (2014), *The Socio-Economic Impact of Human Trafficking and Migrant Smuggling in Pakistan*, Vienna: UNODC.

⁴⁷ See Annex 3 Table 3.

⁴⁸ PK/A/4

⁴⁹ PK/N/7, PK/I/8

⁵⁰ PK/A/10

⁵¹ PK/N/7

⁵² 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).

⁵³ Ibid. (UNODC 2014)

⁵⁴ UNODC (2013), *Recent trends of human trafficking and migrant smuggling to and from Pakistan*, Vienna: UNODC.

the necessary number of migrants, he guides the group to cross the border. They mainly prefer spring and autumn, as the weather conditions are better for crossing mountainous border region. The smugglers in the region are local people and they really know every way and every hole and every corner on the region. They are using two or three mobile phones just to connect with different smugglers and they are also using the highest technology (like smart phones) to be able to get in contact with each other in the mountainous areas. Sometimes, migrants are passing the border on mules as well... Thus, as you can understand there are two main methods to cross the border: either by foot or by mules."⁵⁵

The main entry points by foot or mule into Turkey from Iran are primarily the Small Ağrı Mountain, Tendurek Mountain and Gürbulak region. Smugglers also reportedly pay a sort of tax to the PKK, estimated at 30% of the cost of the operation, in order to cross the region.⁵⁶

After entering Turkey from Iran, migrants are taken by busses or minivans to the western cities of Turkey, mainly to Istanbul and Izmir and are accommodated by smugglers. To avoid problems during routine controls by the police or the gendarmerie, migrants are provided with forged travel documents (including temporary residence permits provided to asylum seekers), even though they had entered Turkey without any documents. More information on this section of the route is covered under the next chapter on Practice, on Turkey-Greece.

3.1.3 Document fraud

Research by Koser suggested that Afghan and Pakistani passports were easy to obtain as compared to other passport nationalities, although other passports could also be obtained either fraudulently or through forgery.⁵⁷ More recent research shows that the lack of regulation of visa consultants in Pakistan has allowed these consultants to act as fronts (i.e. pretending to be a legitimate company, but in actuality engages in criminal activity) for smuggling networks, and visa consultants often offer "full service visas", i.e. for different fees the consultant can arrange visas to specific destinations through a variety of fraudulent means.⁵⁸ One FIA official 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 then lifted visas from the passports to be used as the basis for forgeries.⁵⁹ According to Frontex, in 2013, 3.3 % of persons identified using false documents at EU borders were Pakistani.⁶⁰

Between 2005 and 2008 the detections of fraudulent documents drastically decreased, suggesting a decreased used of fake or fraudulent documents (from a total of 178 detections of document fraud to 39) during this period.⁶¹ However, according to the FIA, between January and July 2014 they identified 350 passengers traveling on forged documents, of which 65 were on false visas.⁶² The majority of these were identified in Lahore (175), followed by Islamabad (109).⁶³ No information is available on their citizenship. Moreover, the FIA estimates that more than 400 persons try to travel on manipulated (i.e. false, forged, etc.) documents per year, although they estimate that only approximately 24-30 persons are actually able to leave Pakistan on these documents.⁶⁴ The reason for the drastic increase of identified false documents between 2008 and 2014 is unclear. However, given the lack of publicly available statistics in Pakistan, the drastic increase may also have other reasons, for example reasons of counting and not necessarily refer to a de facto increase in the use of fraudulent documents. On the contrary, two interviewees noted that documents (false or valid) are actually not immediately needed simply because the land route between border posts from Pakistan to Iran is fairly easy to cross.⁶⁵ This suggests that the false documents may be either only used further on in the journey (but obtained in Pakistan), or obtained further on in their journey. Moreover, one

⁵⁵ TR/A/24

⁵⁶ TR/A/24

⁵⁷ Koser, K. (2008), "Why migrant smuggling pays", *International Migration* 46(2), pp.3-26.

⁵⁸ UNODC (2013), "Recent trends of human trafficking and migrant smuggling to and from Pakistan", Vienna: UNODC.

⁵⁹ UNODC (2013), "Recent trends of human trafficking and migrant smuggling to and from Pakistan", Vienna: UNODC.

⁶⁰ This meant that Pakistanis were one of the top ten nationalities of facilitators identified that year. However, they were not identified as such in 2014, so data on the percentage of Pakistanis identified as facilitators in 2014 is not available. Frontex (2013), *Annual Risk Analysis*, Warsaw: Frontex.

⁶¹ See Annex 3, Table 6. Azam 2009.

⁶² Research and Analysis Center, FIA HQ Islamabad (2015), "Human Trafficking & Migrant Smuggling Newsletter", Islamabad: FIA.

⁶³ Research and Analysis Center, FIA HQ Islamabad 2015.

⁶⁴ PK/A/9

⁶⁵ PK/A/4, PK/A/6

interviewee specifically noted that he did not believe document fraud to be an issue within Pakistan, but rather considered it to be something that is arranged for migrants outside of the country (he cited an instance of exchange of documents in Dubai airport as an example).⁶⁶

According to two interviews⁶⁷, the system of free movement for specific ethnic groups known as the Rahdari permit system, established along the Pakistan-Iran border, has certain implications with regard to document security. The 1956 agreement between Iran and Pakistan, establishing the Rahdari permit, set out the rights of tribes settled on both sides of the borders to move freely across the border, with the restriction to only enter the respective country for the purpose of visiting family/tribe members and only up to 60km within the other country. Considering the issue of corruption of government officials (see section on “Supply side: smugglers and their organisation”), the same anonymous stakeholders suggested that there is a risk in the system that officials⁶⁸ may “vouch” for individuals not authorised to receive such permits, and as the Rahdari permits are hand-written, not machine-readable, they could possibly be forged or fraudulently obtained.⁶⁹ For these reasons, the Rahdari permits are being considered to be replaced by machine-readable cards.⁷⁰ In 2014 there were a few media reports that Iranian border guards deported several families despite their possession of the Rahdari permit, suggesting that these permits may be increasingly rejected for travel across this border.⁷¹

Financial aspects: cost of operations, payment modalities and fees

The majority of migrants using smuggling services from Pakistan to the EU pay the full amount in advance of migration (either in one lump sum or in various instalments).⁷² Thus the information here is not particularly focused on the cost and payment modalities for smuggling services from Pakistan to Turkey but rather from Pakistan through Turkey and most likely to Greece (although other EU Member States are possible).

Payment is not done directly to the smuggler but rather through the *hawala* system to a third party (e.g. a money exchange office or jeweller), who would provide the migrant, his or her family and the smuggler a receipt. According to information from the FIA, they normally pay 200.000-250.000 PKR (1750-2190 Euros) before they leave to the exchange office. The money would then only be released to the smuggler once the migrant confirmed his or her safe arrival.⁷³ Recently, along the route to Greece, together with a written or verbal confirmation of the migrant’s safe arrival, there is a new trend of using photographs of the migrant in the country of arrival as proof of safe arrival. This is meant to counter practices of abuse, where migrants are attacked and forced to release the money before arriving in the agreed destination (see below section on risks and dangers for migrants).⁷⁴ In his research on the respective route Koser notes that money changers organise their own profit in different ways. Some would charge a commission for their service of keeping and administering money, while others did not but simply earned interest on the deposit.⁷⁵

The current cost of smuggling services to the EU is estimated at 1,500,000 PKR (ca.13,700€) for mainland Europe, and 1.4-1.6 million PKR (12,800€-14,600€) for the United Kingdom.⁷⁶ Previous research based on 2004 fieldwork estimated that an indirect flight would cost 6-12,000 USD (depending on the transit country), and a flight and then overland journey would cost 3-4,000 USD.⁷⁷ This amount would include the cost of travel, as well as any documents or contacts needed, and would likely also serve to finance the cost of bribery of officials if needed along the journey (see next section). For the journey from Pakistan to Iran and Turkey, payments are made in US Dollars. Table 2 shows the estimated cost of services and fees, based on information from several sources.

⁶⁶ PK/A/6

⁶⁷ PK/A/4, PK/A/6

⁶⁸ As of 2012, only Deputy Commissioners are authorised to issue Rahdari permits. Previously, Assistant Commissioners and other officials were also allowed to issue the permits. See: Baloch, S. (2014), “Iran makes Rahdari permit invalid for travel to Sistan-Baluchestan province”, *The Express Tribune*, 23 March. Available at: <http://tribune.com.pk/story/686354/iran-makes-rahdari-permit-invalid-for-travel-to-sistan-baluchestan-province/>.

⁶⁹ PK/A/6, PK/A/4

⁷⁰ PK/A/4

⁷¹ Baloch 2014; Baluch, S. (2014), “Making Rahdari invalid”, *Daily Balochistan Express Quetta*, 25 March. Available at: <http://www.bexpress.com.pk/2014/03/making-rahdari-invalid/>.

⁷² Koser 2008. Yousef, K. (2013), “The vicious circle of irregular migration from Pakistan to Greece and back to Pakistan”, Athens: ELIAMEP.

⁷³ PK/A/9

⁷⁴ PK/A/9

⁷⁵ Koser 2008.

⁷⁶ UNODC (2014), *The Socio-Economic Impact of Human Trafficking and Migrant Smuggling in Pakistan*, Vienna: UNODC.

⁷⁷ UNODC (2012) “*Migrant Smuggling in Asia: A Thematic Review of Literature*”, Bangkok: UNODC, p. 187.

Table 2: Estimated cost of smuggling services and fees.

Service	Cost
Legitimate visa to UK obtained fraudulently	1.4-1.6 million PKR (12,800€-14,700€)
Forged visa on an authentic passport	200-300,000 PKR (1,800€-2,800€)
Fake documents*	300-400,000 PKR (2,800€-3,700€)
Travel expenses*	100-200,000 PKR (920€-1,800€)
Contacts abroad*	100-200,000 PKR (920€-1,800€)

Sources: UNODC (2014), *The Socio-Economic Impact of Human Trafficking and Migrant Smuggling in Pakistan*, Vienna: UNODC. UNODC (2013), "Recent trends of human trafficking and migrant smuggling to and from Pakistan", Vienna: UNODC.

*Based on figures given by the FIA for destinations in East Asia, likely for those with the final destination of Australia.

However, there is also recent research suggesting that the cost for the route to Greece in particular has decreased significantly, due to decreased demand and increased use of social networks of those Pakistanis already living in Greece.⁷⁸

The migrant interview conducted for this study had two financial offers for travel to Japan and to Canada. The first one was for "legal migration" to Japan, which included an employment contract for a salary of 400,000 PKR (3600€) per month but the migrant would in fact only receive 200,000 PKR (1,800€) per month. The full offer for arranging the travel to Japan (and all necessary permissions) and employment was available for 3.2 million PKR (29,300€), with payment organised as follows: partial payment at the start of the process to begin with documents and medical checks (500,000 PKR), further payment before departure (1.5 to 2 million PKR), and remaining payment after arrival on a payment scale.⁷⁹

The second offer given to the migrant interviewed for this study was from a fraudulent recruiter for migration to Canada and was for 2.6 million PKR (23,800€), with 1.5 million PKR (13,700€) given up front and the rest to be paid on a payment plan.⁸⁰ Another separate fraudulent recruiter reportedly offered migration to the UAE to another migrant, with 50,000 PKR (458€) payment in advance.⁸¹ In the former case the migrant did not pay as he discovered that the recruiter was a fraud in advance; in the latter case the migrant lost the money.

⁷⁸ Yousef 2013.

⁷⁹ PK/M/PK/1

⁸⁰ PK/M/PK/1

⁸¹ ActionAid Pakistan (2009b), *The Dark side of Migration*, documentary film, ActionAid and Basic Education for Awareness Reforms and Empowerment/Basic Education for Afghan Refugees (BEFARe).

Supply side: Smugglers and their organisation

Based on information collected for the 2009 Baseline Survey, Karachi (in particular around Al-Asif Square, Banaras and Lee Market) is considered a main transit point for migrant smuggling in Pakistan, and smugglers there use tripartite networks among Afghanistan, Pakistan and Iran.⁸² There are also reportedly a high number of smugglers in Gujranwala region district of the Punjab (the latter of which is considered a major source region for smuggled Pakistan migrants), and Quetta is also considered a hub, particularly for those Afghans and Pakistanis travelling to Iran by land.⁸³ However, in order to recruit, smugglers or their sub-agents visit poorer areas of the country to persuade potential migrants to use their services.⁸⁴ Interestingly, these recruiters are often returnees or deportees.⁸⁵ According to one interview, it is quite unlikely that recruitment for smuggling services would occur in official refugee camps or “villages”⁸⁶ in Pakistan.⁸⁷ This is due to the fact that – although there are some camps where refugees are doing quite well economically – the majority are either not interested in moving onward as they are fairly well integrated into the host communities, with which they share ethnic and religious commonalities, or they would be unlikely to be able to afford the cost of smuggling services.⁸⁸

Sub-agents promise legal migration for work and that they will organise either fake or legal documents (visa, work permits, immigration papers, documents etc.) for the person to migrate and work abroad – against payment in money, jewelry, cattle etc. Others are clear about that it is an illegal way to migrate but promise the potential migrants that they will then find a job abroad. In most cases borders are not even crossed as it often is just a false promise and the recruiters disappear with the money. There are a few groups who actually take people abroad via the land-routes, this group is accompanied by smugglers en route.⁸⁹

Literature from 2008 (based on 2004 fieldwork) notes that many smugglers operating in Pakistan are Afghan nationals but move both Afghans and Pakistanis.⁹⁰ This information was confirmed in the interview with the FIA where the official stated the same information to be valid still today.⁹¹ Pakistani smugglers also operate in Pakistan, and move both Afghans and Pakistanis, although during the above period they preferred Afghans, as they would pay higher prices.⁹² For those smuggled from Afghanistan via Pakistan into Iran, they were smuggled into both Pakistan and Iran by members of the Baluchistan community (which lives in the border regions between the three countries) and then subsequently by either Kurds (those living on both sides of the Iranian-Turkish border) or Iranian Baluchi smugglers to Turkey.⁹³ Along this next portion of the route, thus Iranian smugglers are also used.⁹⁴ The same report suggests that the primary motive for Afghan smugglers is monetary gain.⁹⁵ Research conducted by Icduygu noted that of those smugglers located in Turkey with nationalities from the Indian subcontinent, Pakistan was the highest source country for arrests between 1998 and 2010, although this only represented 1.8% of the total number of smugglers identified in Turkey.⁹⁶ It is also not clear what level of smuggler (e.g. top organiser, recruiter, driver, etc) these arrests are. Although smuggling networks in Istanbul are quite active, other networks in Izmir, Edirne and Ankara are also reportedly used.⁹⁷ Smugglers in Pakistan are almost exclusively male.⁹⁸

⁸² Actionaid Pakistan 2009a; Mehdi, S.S. (2010), *Illegal Migration, Human Smuggling and Trafficking: From Bangladesh to Pakistan and Beyond*, Monograph. Yousef 2013.

⁸³ UNODC 2015.

⁸⁴ Actionaid Pakistan 2009a, PK/A/10.

⁸⁵ UNODC (2014), *The Socio-Economic Impact of Human Trafficking and Migrant Smuggling in Pakistan*, Vienna: UNODC.

⁸⁶ “Refugee villages” is the term used by UNHCR in Pakistan to denote refugee camps.

⁸⁷ PK/I/8

⁸⁸ PK/I/8

⁸⁹ PK/A/10

⁹⁰ Koser 2008.

⁹¹ PK/A/9

⁹² Koser 2008.

⁹³ UNODC (2012) “*Migrant Smuggling in Asia: A Thematic Review of Literature*”, Bangkok: UNODC, p.72; The New York Times, 18 October 2012. *The Scariest Little Corner of the World*. <http://www.nytimes.com/2012/10/21/magazine/the-corner-where-afghanistan-iran-and-pakistan-meet.html?pagewanted=all&r=0>

⁹⁴ PK/A/9

⁹⁵ Ibid.

⁹⁶ Icduygu, A., D. Sert (2012), “*Step-by-step Migration through Turkey: From the Indian Subcontinent to Europe*”, CARIM-India Research Report 2012/14, Robert Schuman Centre for Advanced Studies, San Domenico di Fiesole (FI): European University Institute.

⁹⁷ ICPMD (2015), “*Training Manual on Migration, Border Management, Irregular Migration and Return and Anti-Smuggling/Trafficking in Human Beings for the FIA*”, developed by ICPMD within the framework of the EU-funded project “Support to the Silk Routes Partnership for Migration under the Budapest Process”.

⁹⁸ UNODC (2014), *The Socio-Economic Impact of Human Trafficking and Migrant Smuggling in Pakistan*, Vienna: UNODC.

In 2012 the FIA published its most recent “Red Book of Most Wanted Human Traffickers”, which primarily focuses on those wanted for smuggling offenses.⁹⁹ Of the previous 2007 version, which included 69 wanted persons, 29 were arrested.¹⁰⁰ In 2014, according to the FIA, 8000 enquiries were registered with the FIA concerning migrant smuggling, 580 of those were converted into cases, and consequently 1100 smugglers and agents were reportedly arrested.¹⁰¹ A large proportion of the most wanted included in the 2012 version are Pakistanis involved in smuggling along the Pakistan-Iran-Turkey(-Greece) route, based in various locations along the route outside of Pakistan. One can conclude from this data that the FIA has increasingly devoted their energy to addressing migrant smugglers (and human traffickers), and in particular those operating along the Pakistan-Iran-Turkey-Greece route legs.

Of these most wanted, a number of their recent arrests have been highlighted by the FIA and the media. The FIA has noted that cooperation with other countries has been particularly instrumental in the identification and arrest of smugglers and traffickers.¹⁰² The arrest of Mr. Asghar Khan was lauded by the FIA as a particular success and evidence of the FIA’s commitment to addressing migrant smuggling (and human trafficking).¹⁰³ Arrested in 2013 in a raid, where they found seven passports with him, he was convicted in July 2014 to seven years of imprisonment and a large fine.¹⁰⁴ Other noted arrests of smugglers in 2014 included: Quetta Anti-Human Trafficking Circle (AHTC) arrested Mr. Yaseen Butt, who was wanted for six separate counts (and is included in the FIA Red Book). Two officials from NADRA¹⁰⁵ were arrested on the charge of corruption and producing Pakistani national identity cards for Afghans.¹⁰⁶ Moreover, between January and July 2014 the FIA arrested 624 smugglers (and traffickers), as well as 440 proclaimed offenders¹⁰⁷ and 65 court absconders, on migration-related offenses.¹⁰⁸ The AHTC in Quetta (Baluchistan) alone identified and arrested 52 smugglers among those deportees returned to Pakistan, and in addition 7 facilitators (including drivers and hoteliers).¹⁰⁹ It is important to note again that, due to the lack of distinction between migrant smuggling and trafficking in persons in the country, this data likely also includes those persons who were involved in trafficking activities, and not only smugglers.

There are a wide range of intermediaries that are involved the smuggling network: from the recruiters, to the third party who holds on to the migrant’s money (through the *hawala* system), to those providing stolen, fraudulent or forged passports or visas, to airline company staff and immigration officials bribed to allow passage of smuggled migrants.¹¹⁰ Research has highlighted the importance of corruption of government officials in Pakistan and other countries, in terms of both facilitating irregular movement and also providing fraudulent identity and travel documents.¹¹¹ It should be noted that several smugglers included in the FIA’s “Most Wanted” booklet include those involved in corruption of officials. Moreover, multiple media reports, a statement by the Interior Minister¹¹² and US Trafficking in Persons reports have highlighted the involvement of officials in migrant smuggling and human trafficking from Pakistan.¹¹³

Research by Koser notes that smugglers keep around half of the payment as profit, after disbursing to the others in the network. In 2004 this would have been about 7,000 USD. In order to increase their own profit, smugglers would thus prefer to move several people at once, as the bribery amount of officials at the airport for example would be the same for one person as for several, and also because moving several people increases the chances that at least one

⁹⁹ Federal Investigation Agency (2012), “Red Book of Most Wanted Human Traffickers”. Available at: <http://www.fia.gov.pk/redbooks/redbooktriff.pdf>.

¹⁰⁰ Federal Investigation Agency 2012.

¹⁰¹ PK/A/9

¹⁰² Azam 2009.

¹⁰³ Research and Analysis Center, FIA HQ Islamabad 2015.

¹⁰⁴ Research and Analysis Center, FIA HQ Islamabad 2015.

¹⁰⁵ NADRA stands for National Database and Registration Authority. NADRA is charged with issuing biometric electronic national identity cards.

¹⁰⁶ Data provided to the researcher.

¹⁰⁷ This term refers to those persons whom the Court has reason to believe are concealing themselves or have absconded in order so that a warrant cannot be executed. In this case, the Court may publish a written proclamation requiring the person to appear at a specific place and time no less than 30 days of the publication of the proclamation. If the person is accused of particularly heinous crimes (e.g. murder, kidnapping, slavery) and fails to appear, he or she may be pronounced as a “Proclaimed Offender” by the Court.

¹⁰⁸ Data provided to the researcher.

¹⁰⁹ Data provided to the researcher.

¹¹⁰ Koser 2008.

¹¹¹ Mehdi 2010; UNODC 2015.

¹¹² In 2007 Minister Aftab Sherpao stated to the National Assembly that over the previous three years 27 low and high ranking FIA officials had been dismissed or forced into early retirement on charges of being involved in migrant smuggling and human trafficking. Hassan, S. R. 2007. “Karachi: Women Smuggled to Gulf via Iran Border”. In daily Dawn dated 12 June 2007.

¹¹³ Azam 2009. Several US Trafficking in Persons reports have highlighted corruption of officials, including the most recent from 2014. US Department of State (2014), *Trafficking in Persons Report 2014*, Washington, D.C.: State Department.

person would arrive safely, thus ensuring payment of the smuggler (since payment is only transferred via the *hawala* system after the arrival of the smuggled migrant in the destination, as noted previously).

Labour recruiters

One issue was highlighted by several stakeholders as connected to the topic of migrant smuggling: the configuration of legal migration opportunities in Pakistan. Namely, that legal opportunities to migrate abroad for labour migration are fairly limited, and limited primarily to the Gulf Cooperation Countries (GCC). From 1971 to 2014, 7.82 million Pakistanis have gone abroad for employment, according to the Bureau of Emigration and Overseas Employment, 96% of which only went to Gulf countries.¹¹⁴ If a potential migrant would like to go abroad, the legal options open to him or her in terms of labour migration are almost exclusively to the GCC, through employment advertised through official labour recruiters (unless he or she is highly skilled and can organise employment independently). These official labour recruiters are either the Overseas Employment Corporation, a public sector recruitment agency directly under the Ministry of Overseas Pakistanis and Human Resource Development, considered “license number one”¹¹⁵, or through Overseas Employment Promoters (OEPs), private recruitment agencies who must be officially registered¹¹⁶ with the Bureau of Emigration and Overseas Employment.

In the 2009 Baseline Study it was noted that many First Information Reports¹¹⁷ registered with law enforcement (FIA) have been against these OEPs, particularly those in Rawalpindi.¹¹⁸ This would include in particular issues like “skimming” from contracts, where the contract states a certain salary but the migrant would actually receive a lower amount. The migrant is generally unlikely to report such issues for fear of losing their employment, or if they do go to the police the process is likely to take a lot of time, effort and money (due to corruption).¹¹⁹ This issue of “skimming” from the contracts was supported by interviews with the ILO and the Bureau of Emigration and Overseas Employment.¹²⁰ It is also noted in the National Migration Policy as a particular problem needing to be addressed; for more information see the chapter on Policy Responses below.

If the potential migrant would like to go to the EU the legal route, he/she would have to either find work him/herself through job portals/the internet, through family or friends in the EU, or by applying for a tourist or study visa and then finding work once arriving. Official labour recruiters do not advertise job recruitment for companies in the EU. For the Bureau of Emigration and Overseas Employment, it is clear that a more holistic approach is needed to address irregular migration and migrant smuggling, with less strict immigration and visa policies.¹²¹

Thus, in order to find migration opportunities in Europe, a potential migrant would have to go to unofficial labour recruiters to find out how to go, and this is where issues such as fraud, corruption, migrant smuggling and human trafficking can come in (See Annex 2). For the potential migrant, he/she cannot tell the difference between a “legitimate” offer versus “illegitimate”, as either way the recruiter would submit similar information (i.e. on the destination, potential contract and costs) to the migrant. Although official recruitment agencies post newspaper advertisements for jobs for Pakistanis, unofficial agencies would instead use informal networks (i.e. word of mouth), particularly through friends and family, in order to also establish trust relations with the potential migrant.¹²² For the migrant interviewed for this case study, he considered migrating twice, to Japan and Canada (both times deciding against it beforehand), and only realised after the fact that one of the travel agents was a fraud. The fraudulent recruiter was in fact connected with the migrant through the father of one of his closest friends. Even in the “legal” route through the more “legitimate” agency, he was offered a job contract that should have paid 400,000 PKR a month, but he would in actuality only receive 200,000 PKR a month (the rest of which he assumed would have gone to various brokers through “skimming”).¹²³

¹¹⁴ PK/A/5, statistics also available online at the Bureau of Emigration and Overseas Employment website <http://beoe.gov.pk/migrationstatistics.asp>.

¹¹⁵ PK/A/5

¹¹⁶ List of valid OEPs available on the Bureau of Emigration and Overseas Employment website: http://www.beoe.gov.pk/List_of_OEPs.asp.

¹¹⁷ This is a written report by law enforcement documenting an official complaint, officially beginning the investigation process.

¹¹⁸ Actionaid Pakistan 2009a.

¹¹⁹ PK/I/2

¹²⁰ PK/A/5, PK/I/2

¹²¹ PK/A/5

¹²² PK/I/2

¹²³ PK/M/PK/1

Although labour migration is not directly related to migrant smuggling, it is important to note in this context that, for those who would like to migrate to Europe and without family or professional networks to help them do so, they would most likely need to go to such unofficial labour recruiters. These agencies could be legitimate or illegitimate, involved in migrant smuggling, or human trafficking, or corruption of some kind – but the migrant him- or herself would merely have to decide based on trust of the agent (who has often employed several subcontractors to recruit potential migrants) and the desirability of the offer itself.

3.1.4 Migrants and their families/communities

For migrants using smuggling services from Pakistan, a number of factors have been cited as “push factors”, including: economic factors (e.g. poverty, high unemployment, low wages), access to services (e.g. health care, education), environmental factors (e.g. floods), insecurity and political factors (e.g. political instability in the region), geographic proximity and porous borders (e.g. to other transit countries, such as Iran) and cultural and historical ties (i.e. between Pakistan, Afghanistan and Iran).¹²⁴ Recent trends of rising inflation, an escalating consumer price index, increasing unemployment rates, decreasing economic growth and investment in the country, together with increased destabilisation of the government, social unrest and increases in extremism and sectarian-related violence have been quite significant push factors for migrants leaving Pakistan.¹²⁵ Particularly for this part of the route to Turkey, it has been argued that the dominance of Pakistanis (and Bangladeshis) in terms of those from the Indian subcontinent transiting through Turkey is due to their long history of irregular movements, better established networks for irregular migration, and affinity with Islam or Islamic culture.¹²⁶

In 2012, UNODC summed up the main characteristics of Pakistani nationals being smuggled, the majority of whom are single men with an average age of 30, but varying depending on destination (i.e. Gulf and Middle East, European Union, North America, Australia). They tend primarily to come from the northern Punjab region (particularly the Gujrat and Gujranwala districts).¹²⁷ For those being smuggled to Europe by land or sea, migrants are primarily middle income or land holders between the ages of 18 and 30, with strong diaspora ties, mid- to long-term intention to stay in the EU and sensitive to the cost of the travel.¹²⁸ The same reports characterized Afghan smuggled migrants towards the EU as predominantly male between the ages of 18 and 30, with strong diaspora ties and tending to be slightly better educated and more financially well off than the average Afghan person.¹²⁹ Even for those whose destination is the EU, their mode of arrival to the EU (i.e. land or sea versus air) impacts the main characteristics of the group; those travelling by air tend to be of higher income level (middle to high income), well-educated with English skills, and tend to be asylum seekers. For the complete characteristics break-down, see Annex 1.

However, it has been noted that it is very difficult to distinguish between Afghans and Pakistanis being smuggled from Pakistan for several reasons: much of the contemporary smuggling from Afghanistan goes through Pakistan, the majority of Afghans smuggled towards Europe have lived in Pakistan as refugees for decades, most Afghans (especially during the Taliban period) were smuggled out of Pakistan with Pakistani passports, and since the fall of the Taliban many Pakistanis are smuggled out of Pakistan with Afghan passports, to elicit sympathy towards Afghan refugees.¹³⁰

In order to pay for the journey, the majority of Pakistani migrant households count on their household savings, although many also had to sell possessions (e.g. property, land or jewelry) or take out loans in order to raise the money.¹³¹ The migrant interviewed for this study took the decision together with his family, and would have used family savings to pay the fees.¹³²

¹²⁴ Actionaid Pakistan 2009a; UNODC 2015; UNODC 2014.

¹²⁵ UNODC (2014), *The Socio-Economic Impact of Human Trafficking and Migrant Smuggling in Pakistan*, Vienna: UNODC.

¹²⁶ Icduygu, A., D. Sert (2012), “Step-by-step Migration through Turkey: From the Indian Subcontinent to Europe”, CARIM-India Research Report 2012/14, Robert Schuman Centre for Advanced Studies, San Domenico di Fiesole (FI): European University Institute.

¹²⁷ Azam 2009.

¹²⁸ UNODC (2012) “*Migrant Smuggling in Asia: A Thematic Review of Literature*”, Bangkok: UNODC, p.188.

¹²⁹ UNODC (2012) “*Migrant Smuggling in Asia: A Thematic Review of Literature*”, Bangkok: UNODC, p.72

¹³⁰ Koser 2008.

¹³¹ Koser 2008.

¹³² PK/M/PK/1

Risks and dangers for migrants

Among the dangers for migrants using or attempting to use smuggling services are the risks of fraud, human trafficking and human rights violations during the journey.

Both the migrant interview for this study, as well as stories of migrants provided in the ActionAid documentary “The Dark side of Migration” noted that fraudulent offers for labour recruitment are common.¹³³ In such instances the agent would offer services to a number of different destinations and require the full payment or a deposit before departure. After receiving the money, the agent would then disappear.¹³⁴ At the same time, even when using legal means to emigrate abroad, often times this still involves a certain amount of fraud or corruption. For example, the interviews with the potential migrant, the ILO and the Bureau of Emigration and Overseas Employment highlighted issues related to “skimming”, as noted above.¹³⁵

Moreover, during the journey issues related to human rights violations and human trafficking can then arise. Hussain Asghar of the FIA noted that once a migrant uses illegal means to emigrate, in particular smuggling services, other agents may then start exploiting them.¹³⁶ In one instance described in the ActionAid documentary, a family arranged for smuggling services for their nephew to Istanbul. However, the smuggling agents beat the nephew and threatened to kill him until the family transferred the money (which should only have been transferred after safe arrival through the *hawala* system). In the end, the nephew passed away, suffocating in a container during the journey.¹³⁷ There are multiple documented cases of Pakistani irregular migrants becoming seriously injured or dying in containers or refrigerator trucks from suffocation, in automobile accidents (e.g. buses or trucks full of migrants overturning), by landmines (particularly on the Turkish-Greek land border, before demining was completed in 2009) or by drowning attempting to cross the Greek Evros river, en route towards Greece via Iran and Turkey.¹³⁸ As regards the Afghans, the journey in some cases was organized from Afghanistan to Iran (via Pakistan) but information was usually acquired during the waiting stages in Iran and Turkey.¹³⁹ Thus, they began their journey largely uninformed and their awareness of potential risks and difficulties grew as the journey progressed.

According to the FIA, the majority of those classified as victims (see Policy Responses: Pakistan chapter) are mainly men who used smuggling services based on the promise that if they went to Greece or Turkey they could find a job there where they could earn 50-80.000 PKR (440-700 euros) per month.¹⁴⁰ However once they arrived in Turkey or Greece they were beaten and sometimes even threatened with guns to call their families under threat and say that they have arrived safely and that the family should go to the exchange office and tell them to release the money.¹⁴¹ When the money has been paid, the person is set free and told that he can go and look for a job. The persons are very vulnerable and don't even have money to buy food. Often they are then recruited to work illegally in orange or olive gardens for very little money. Sometimes they also work as herdsmen herding sheep and/or goats. After some time they often contact their families back home and ask them to send a ticket so that they can return back home. They then go to the Pakistani Embassy in Greece or Turkey and get an emergency passport issued valid for one travel back to Pakistan. The Embassy sometimes informs the authorities in Pakistan about these voluntary returns. However everyone entering Pakistan on an Emergency Passport is taken aside by the Immigration Wing at the airport and is interviewed and sent on to the Anti-Human Trafficking Circle if they exited irregularly.¹⁴²

¹³³ PK/M/PK/1, ActionAid Pakistan 2009b.

¹³⁴ PK/M/PK/1, ActionAid Pakistan 2009b.

¹³⁵ PK/M/PK/1, PK/1/2

¹³⁶ ActionAid Pakistan 2009b.

¹³⁷ ActionAid Pakistan 2009b.

¹³⁸ ActionAid Pakistan 2009b; N.A. (2014), “The Migrants Files”, Website. Available at: <https://www.detective.io/detective/the-migrants-files/>. N.A.

(2010), “noborder network”, Website. Available at: <http://www.noborder.org/dead.php>. Habib, Y. (2011), “The struggle against human trafficking”,

Pakistan Today, 15 August. Available at: <http://www.pakistantoday.com.pk/2011/08/15/city/lahore/the-struggle-against-human-trafficking/>

¹³⁹ GR/M/AF/02

¹⁴⁰ PK/A/9

¹⁴¹ PK/A/9

¹⁴² PK/A/9

3.2 Route segment Turkey – Greece

3.2.1 Dynamics, scale and patterns

The Greek-Turkish border is one of the critical pathways of entry of irregular migrants in the past decade to the EU, and perhaps more crucially a main corridor for the movement of mixed migrant flows, i.e. flows that include economic migrants, forced migrants, asylum seekers and prima facie refugees (the Syrians being the most recent case). In previous times the route was used by Afghans, Pakistanis, Bangladeshis, Iranians and Iraqis, with a steady growth in sub-Saharan Africans in recent years. As noted in the introduction, a shift took place from the maritime to the land border and back again to the sea border in 2012, a result of various policies instituted from the Greek but also Turkish side (further discussed in the Policy Responses chapter). The maritime border in particular has proven problematic to patrol, making interception and detection difficult. In fact, the disembarkation points appear to be the same in 2015 as they were as early as 2009 (see Figure 2 below).

Figure 3: Irregular migration flows and disembarkation points in the Aegean Sea



Source: Triandafyllidou and Maroukis (2012), figure 3.2, page 70.

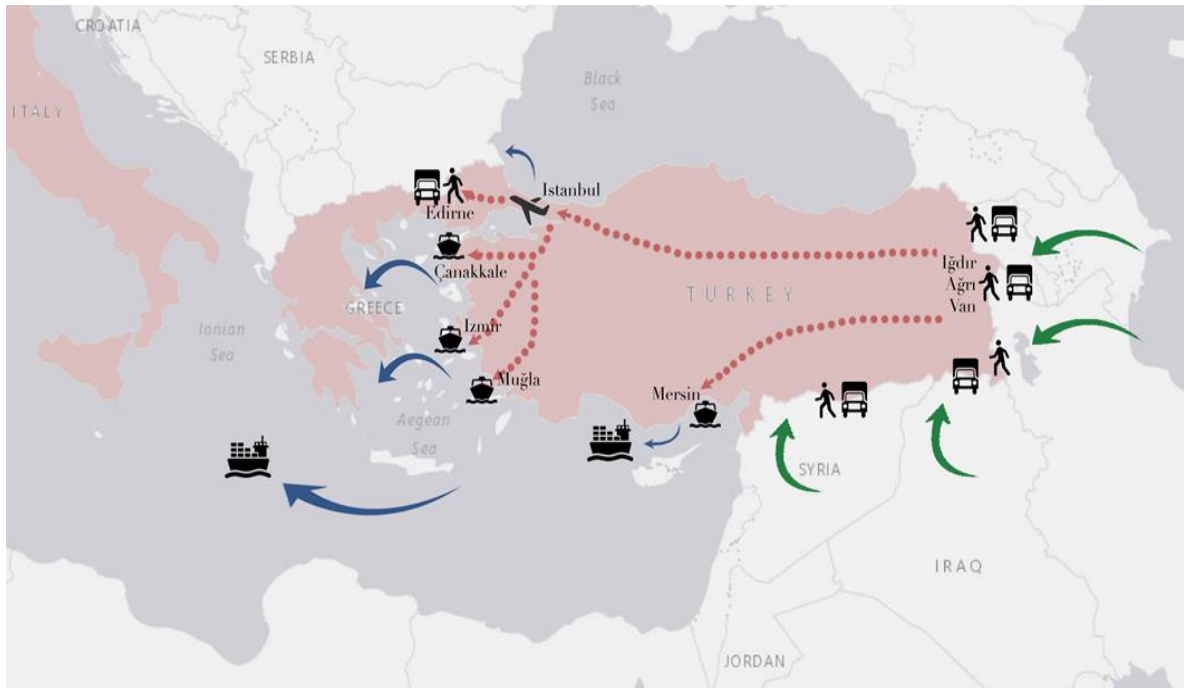
The length of the Greek islands' coasts in the Aegean and their close proximity to the Turkish coast make the policing of this part of the external EU sea border particularly demanding in terms of human resources and technical equipment.

As the longest sea border of Turkey, the Aegean coastline is over 2800 km long and harbours more than 3,000 neighbouring Greek islands and rocky islands located in close proximity to the Turkish lands. The nature and the length of the coastline make it the most attractive crossing point for irregular migrants, particularly during spring and summer periods. Bearing three border crossing points towards Greece (in Uzunköprü, İpsala and Pazarkule) Edirne is another crucial hub and exit point in the Thrace region. Along with the 12 km long land strip, recently sealed with barbed-wire fences by the Greek authorities, many irregular migrants also aim at reaching Greece via the 80 km long Evros River (See Figure 3)¹⁴³. The maritime sections of the route cross the Aegean Sea through six Greek islands: Lesbos (Midilli) in the north Aegean Sea; Chios (Sakız), Samos (Sisam), and Pharmakonisi (Bulamaç) in the middle sea; Kos (İstanköy) and Rhodos (Rodos) in the southern Aegean Sea. These islands are very close to the departure points of the Aegean coastline in Turkey: Ayvalık in Çanakkale province and Ayvalık in Balıkesir province in the northern Aegean region; Çeşme, Karaburun, Urla, Dikili and Seferihisar in İzmir province and Kuşadası, Söke, Didim

¹⁴³ İcduygu, A. & B. Karacay (2011), 'Facts, Trends and Policies on Irregular Migration Movements on the Aegean Coastline: The Case of Turkey', unpublished report for 'European Union Agency for Fundamental Rights', Istanbul.

in Aydın in the middle Aegean region and finally Bodrum, Datça and Fethiye in Muğla province in the southern part of the Aegean coastline.¹⁴⁴

Figure 4: Main Smuggling routes and patterns in Turkey



The apprehension figures provide estimations on the dynamics and scale of irregular migration in Turkey. The data provided by the General Command of Gendarmerie and EGM diverge significantly as the majority of apprehensions take place at the border areas that are within the area of responsibility of the Gendarmerie. In the last decade the number of apprehended people by General Command of Gendarmerie and EGM declined significantly, from a total of 82,855 people in 2002 to 65,737 people in 2008.¹⁴⁵ The data collected by the Migration Centre at Koc University (MiReKoc) from the Gendarmerie in the period of 2008-2012 indicated that more than 80% of the apprehensions took place during the exits from Turkish borders. The majority of these apprehensions occurred along Greek land and sea borders (nearly 40 per cent) for that period. The cities of Izmir, Aydın, Çanakkale, Muğla and Çanakkale had the highest reported number of smuggling events in 2013 and 2014.

Greek apprehension figures for the period 2008-2012 also indicate a large influx from the land and sea borders with Turkey (See Table 3 below).

¹⁴⁴ Icdygu, A. & B. Karacay (2011), 'Facts, Trends and Policies on Irregular Migration Movements on the Aegean Coastline: The Case of Turkey', unpublished report for 'European Union Agency for Fundamental Rights', Istanbul.

¹⁴⁵ Ay, Y. (2014). *Göçmen Kacakçılığıyla Mücadelede İnsan Güvenliği Yaklaşımı: Türkiye Örneği*, T.C. Kara Harp Okulu Savunma Bilimleri Enstitüsü Güvenlik Bilimleri Ana Bilim Dalı, Ankara.

Table 3: Irregular Migrant Apprehensions in Greece (2008-2012)

	2008	2009	2010	2011	2012
Land Border	14461	8787	47088	54974	30433
Sea Border	30149	27685	6204	1030	3651
Total apprehensions	44610	36472	52269	56004	34084

Source: Hellenic Police

In 2014 a total of 41,681 migrants were apprehended in the Aegean Sea by the Greek authorities, indicating an increase of nearly 285% compared to 2013. Islands closer to Turkey, especially Lesbos, Samos and Chios had the highest number of arrivals, as illustrated in the table below:

Table 4: Irregular Migrant Apprehensions in Greece (2014)

Aegean Sea Islands	Irregular Migrants Apprehended 2014
Lesvos	11073
Samos	6759
Chios	6552
Rhodes	3317
Leros	2799
Kos	2695
Symi	2584
Kalymnos	1742
Patmos	974
RU Agathonisi	833
Limnos	710

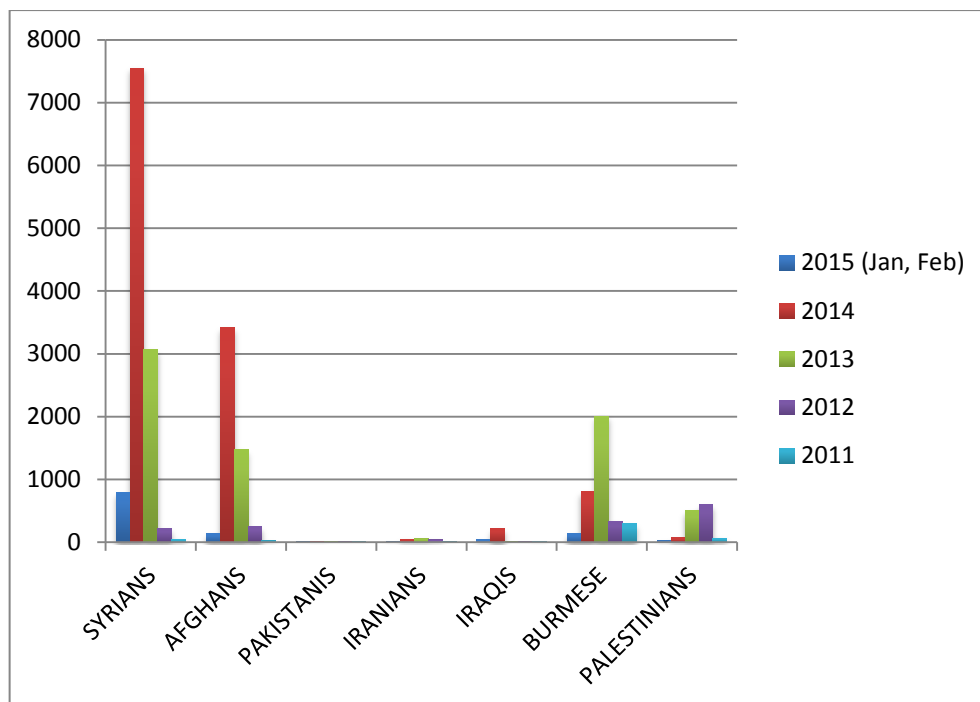
Source: Hellenic Police

Based on data obtained from Turkish national authorities, 54,770 people were apprehended in 2014 while entering and exiting Turkish borders. While Afghanistan and Iraq were the main countries of origin for migrants before 2011, the on-going civil war in Syria led to a sudden increase of Syrian migrants attempting to exit Turkey. The number of

Syrians and Afghans apprehended by the Turkish Coast Guard has seen a sharp increase in the last four years (See Figure 4). In 2014, Syria (33,091) was the main origin country of apprehended migrants. Following Syria, Afghanistan (7,530), Myanmar (7,389), Iraq (2,870), Eritrea (1,746), Turkey (1,746), Pakistan (617), Georgia (432), Palestine (297) and Iran (257) were the main countries of origin for irregular migrants in 2014. Low numbers of Pakistanis and Iranians were apprehended by the Turkish coast guard in the period of 2011-February 2015. Evaluating statistical data collected by Gendarmerie on land border passages and news sources, more than a total of 79,000 people were apprehended on all Turkish borders while entering and exiting Turkey.

The majority of these persons were apprehended on the Turkish-Syrian borders (more than 55,000), followed by Greek borders (more than 11,700 people) and Bulgarian borders (more than 5,900 people).

Figure 5: Apprehended migrants by the Turkish Coast Guard by nationality, 2011 - Feb 2015



Source: Coast Guard (2015)

According to the data provided by the Turkish Coast Guard with regard to the Aegean route from Turkey, the number of migrants apprehended in the sea borders has increased sharply in the last four years, from 572 migrants in 2011 to 1,585 migrants in 2012, 8,086 migrants in 2013 and to 13,432 migrants in 2014. In the first two months of 2015, the Coast Guard apprehended a total of 1,463 migrants.

The significant proportion of smuggling events occur through border passages within Turkey, which falls under the mandate of the Turkish National Police. In 2014, a total of 4,822 migrants were apprehended by the police forces within the country. Again, Syrians are the highest reported nationality of those apprehended (2,563), followed by Afghanistan (1,258), and fewer numbers with reported countries of origin of Myanmar, Pakistan, Eritrea and Iraq. The figures show an increase in the number of migrants apprehended, from 3,210 people in 2013. While Edirne and Istanbul had the highest number of apprehensions in 2013, Izmir, Aydın, Edirne, Mersin and Muğla had the highest number of apprehended migrants and arrested smugglers in 2014.

3.2.2 Modus Operandi

Although they do at times change their modus operandi in response to changes in circumstances at the border, a number of common practices in Turkey have been observed. As noted in the previous section, migrant smuggling

mainly takes place on the sea and land borders of Turkey, as a result of the high economic costs in the smuggling through air travel (for more information on smuggling through Turkish Airports see case study 4). Based on several reports¹⁴⁶, and the interviews for this study with national authorities¹⁴⁷, stakeholders¹⁴⁸ and migrants¹⁴⁹ there are a number of commonalities in smuggling operations from Turkey.

Two distinct patterns can be observed¹⁵⁰:

- (1) step-by-step organisation: in this case migrants use their own networks and contacts to reach smugglers, and organise their journey from the origin country to the target country by using different networks and localities. Payment for step-by-step organisation is given not as a total sum but in various stages, following the passage of each border section. A local authority¹⁵¹ indicated that this type of smuggling was widespread among migrants from Iran or Afghanistan, who were reportedly aware of smuggling networks through ethnic and religious ties, as well as kinship relations.

or

- (2) Smuggling is organised for the whole route segment: In this pattern the whole trip from Turkey is pre-planned. The transportation, accommodation and the documents are pre-arranged by smugglers, who inform the migrants about which routes they need to take. The payment of this type of smuggling is usually done by trusted middlemen (in Turkey often referred to by migrants and smugglers as “safes”) or “banks” – most usually money exchange offices or call centres. More information on the payment modalities is included below in the section “Financial aspects”.

The latter is considered less common for this case study, due to the “loose organisation” of smuggling networks along this route, which is further described in the next section “Supply side”.

In their exit from Turkey, there are two pathways to Greece, the land border and the sea border. With regard to the land border, migrants who are accommodated in Istanbul are usually taken to Edirne or Kırklareli, and smuggled into Greece through Evros River via boats, or to Bulgaria and Greece, hidden in vehicles. During land travel, migrants are often embarked on lorries, without any information about the lorry firm or the driver. As mentioned previously, the Greek land border passages have been much more common in the past, but the establishment of border fences and measures undertaken by the Greek government (see section on policies between Greece-Turkey) have now limited this route. With the construction of the 206-km long fence along the Evros River, the sea borders became more attractive again for smugglers. Passages through the Bulgarian border also exist, but are still less common, due to the harsh conditions along the border (existence of fences and the difficult terrain of forest) as well as the harsh conditions that migrants face once they enter Bulgaria (See Case Study 4 for more information on this route).¹⁵²

As regards the maritime crossing, migrants who are accommodated in Istanbul and İzmir are taken to the coastal towns of İzmir, Balıkesir, Çanakkale, Aydın and Muğla to be smuggled into Greece and Italy. The transfer from Istanbul to Aegean coastal areas is usually organised by minibuses, which are often preceded by cars in order to receive information beforehand about potential police checkpoints along the way.

The most common vehicles for sea transportation are inflatable boats and speedboats. In the majority of the events in which the Turkish Coast Guard intercepted and apprehended smuggled migrants in 2015, migrants were using small, inflatable boats; in 2014 nearly 9,700 migrants were apprehended in this form of vehicle.¹⁵³ The Greek Coast Guard

¹⁴⁶ T.C. İçişleri Bakanlığı Emniyet Genel Müdürlüğü Kaçakçılık ve Organize Suçlarla Mücadele Daire Başkanlığı (KOM). (2014), Kaçakçılık ve Organize Suçlarla Mücadele 2013 Raporu, KOM Yayınları No: 109, Ankara. Içduygu, A. & B. Karacay (2011), ‘Facts, Trends and Policies on Irregular Migration Movements on the Aegean Coastline: The Case of Turkey’, unpublished report for ‘European Union Agency for Fundamental Rights’, Istanbul.

¹⁴⁷ TR/A/4, TR/A/18

¹⁴⁸ TR/N/15, TR/I/21

¹⁴⁹ TR/M/AF/16, TR/M/AF/17, TR/M/AF/22, TR/M/AF/23

¹⁵⁰ TR/A/24

¹⁵¹ ibid

¹⁵² TR/I/21, TR/M/AF/23

¹⁵³ Turkish Coast Guard (2015). Güncel Faaliyetler. Available at: http://www.sgk.tsk.tr/baskanliklar/genel_sekreterlik/guncel_faaliyetler/2011-2012%20YILI%20G%C3%9CNCEL%20FAAL%C4%B0YETLER%20GENEL%20SAYFA.asp

has also confirmed this, estimating approximately 90% of arrivals as using rubber vessels.¹⁵⁴ This enables smugglers to deploy longer rubber boats than usual (which in turn implies larger capacity).¹⁵⁵ Smugglers also aim for cheap, old and large vessels, which can hold many more migrants and whose loss in case of appropriation by the security forces is negligible from a financial point of view. It has been noted that other practices include smuggling via cargo carriers with the help of workers in the respective cargo companies. In these cases, smugglers organise departure of smuggled migrants from the Mediterranean coastal towns in small boats and transfer migrants into bigger ships in the sea. Rather than trips to Greece, this is particularly relevant for operations starting at the city of Mersin aiming for Italy (as well as, according to one interview subject, France).¹⁵⁶ Frontex's most recent Annual Risk Analysis 2015 report confirms that these operations from Mersin to Italy have recently – as of September 2014 – become particularly relevant.¹⁵⁷

As indicated in the interviews in Greece, for migrants, going directly to Izmir on their own is an alternative option. The town is famous for its smuggling operations and migrants are aware that there are places near the port where smugglers can easily be found.¹⁵⁸ This is where Syrian smugglers operate and life jackets are on sale in the streets for migrants to buy before boarding the vessels.¹⁵⁹

In Turkey, the level of involvement of the smuggler or indeed also migrants in the transportation very much depends on the type of vessel used. For example, jet skis, which are expensive to buy and maintain, are usually driven by members of the smuggling network, rather than by migrants.¹⁶⁰ Excursion ships (termed "pleasure boats" by law enforcement interviews in Greece) that depart from Turkey directly to Italy and carry small groups of people (7-8) are also usually driven by a trained skipper or member of the smuggling network. In the cases where the smuggler himself accompanies the migrants, rather than a member of his network or potentially a migrant steering the boat, usually closer routes are preferred; for example the Greek island of Kos, which is extremely close to the Turkish coast, is the most common point of disembarkation of migrants, simply because it allows smugglers to disembark and depart fairly quickly and undetected. However, with regard to the most common type of vessel used, rubber boats (as noted above), smugglers often employ one person among the migrants as the captain of the ship, in order to avoid apprehension.

The typical smuggling operation along the sea border from Turkey focuses on arriving at the Greek islands Samos, Chios, Mytilini and Kos. As noted by a smuggler interviewed in Greece:

"They use boats and load 40-50 people on them and don't care what happens to them because they are not relatives, nor friends. They don't care. The smuggler does not come with the migrants; instead they show the lights and say go that way-that's Greece"¹⁶¹

The crossing from Turkey to Greece takes place throughout the year; however there are visible ebbs and rises in the flows, depending on the weather conditions as described above but also tourist season. For example, a smuggled migrant interviewed in Hungary who travelled via this route explained that a common time of the year for border crossings to Greece from Turkey is during the football season.

"I paid 7000 EUR (others paid 2000, but someone just 900 – depends on the smuggler) during the football championship. More than 1000 migrants were smuggled from Turkey to Greece for 900 EUR each because the policemen were watching the game."¹⁶²

A more recent example is the first trimester of 2015. The harsh winter meant that the sea border was often inaccessible to vessels to cross to Greece in large numbers. However, since the moment the weather improved, arrivals have already reached 9,000 persons. As can be seen in the previous quotation these ebbs and flows have a direct impact on the price of the crossing.

¹⁵⁴ Hellenic Maritime Borders Management, Presentation of the Hellenic Coast Guard/Integrated Maritime Surveillance Bureau in Samos, on 20 April 2015.

¹⁵⁵ *ibid*

¹⁵⁶ TR/A/4

¹⁵⁷ Frontex (2015), *Annual Risk Analysis*, Warsaw: Frontex.

¹⁵⁸ GR/M/SY/01

¹⁵⁹ GR/A/09

¹⁶⁰ GR/A/09

¹⁶¹ GR/S/AF/03

¹⁶² HU/M/SY/06

According to interviews conducted for Case Study 1 in Italy, these routes are highly professionalised. Often the drivers use ski masks to cover their faces, and they do not speak at all with migrants, so even their nationality cannot be recognised. In one case, two asylum seekers stated that, once in Turkey from Syria, they moved autonomously to Izmir. There they found contact with the intermediaries, and they negotiated with one of them: at the end they had to pay 700 USD, in advance, to reach Greece. Effectively, in a time span of 20 days they were able to leave on a 5-meter rubber dinghy to Chios, Greece. A man with a car brought them to the beach. Then they had to obey a sailor who did not speak at all. His face was covered with a black ski mask. They could not determine his nationality. It was a 2-hour crossing, and there were 32 Syrian nationals. As soon as they landed in Chios, Greece, the driver went back. They were assisted by local people and by the authorities who took their fingerprints. They stayed for a week in the island and then moved to Athens, by ferry. Here they found another intermediary and contacts with smugglers. They had to wait for a couple of weeks, and then, in approximately 3 weeks, and after having paid 3,000 US dollars each, they were moved, one night, to the western Greek shores - they do not know exactly where. They reached the place after a 5-hour trip in a closed van, with lots of people locked inside. At the end, it was night; they went to a beach where there was a rubber dinghy with a sailor. They were 34 persons, and the crossing was difficult. It took 13 hours to get the Italian coasts, they landed close to Otranto (Castro), Apulia and the sailor went back as soon as they arrived. He was a kind person, probably Greek, but they do not know. Smugglers were responsible both for the passage by car/van to the boats, and the sea crossing.¹⁶³

Financial aspects: cost of operations, payment modalities and fees

Payment is also not fixed but dependent on various factors, including (a) the distance to be travelled, (b) the target country, and (c) the difficulty of the route. One migrant reported that in the past, passages to Turkey through the eastern borders have been more challenging and therefore more expensive.¹⁶⁴ A Turkish authority interview indicated that the open door policy of the Turkish government on the Syrian borders has decreased the need for smuggling operations to cross the border, therefore smuggling fees have declined in general with regard to Turkey's eastern borders.¹⁶⁵

"In earlier times smugglers could earn more money from the refugees on this border (Turkish-Iranian border). But the open border policy for Syrians has already changed things here. As you know, since the beginning of the war in Syria, the Turkish border is open to Syrians. But not only Syrians, people from Afghanistan, Pakistan or Iran or Iraq are already aware of this policy and of course the smugglers too know these policies as well. So, refugees from these regions enter to Turkey without any problem. As the borders are open, they have enough courage to cross the border without any smuggler. This is the same for the entrance points from Dogubeyazit [bordering Iran]. Thus, refugees do not necessarily need any smugglers and this has decreased prices in the region. Before, you could ask the refugee to pay 3000-4000 Euro to cross the Turkish-Iranian border, today it is only 1000 Euro for one refugee. They do not need any smuggler in the region."¹⁶⁶

However, with regard to the prices for the sea border crossing from Turkey to Greece, they can range from 500 Euros for a simple inflatable raft to 3000 Euros for a speed boat/pleasure boat transport.¹⁶⁷ Prices can also change based on the nationality of the smuggled migrants, with Syrians as a case in point (see section Other trends for more details), as they are currently being charged more than any other nationality irrespective of route and means of transport.¹⁶⁸ There are of course different rates depending on the destination and there are different rates for families and for minors.¹⁶⁹ There have been cases where the migrants undertake the sea passage for free, however this pertains only to the Greek-Turkish maritime crossing and only in cases where the smuggler opts for a migrant to steer

¹⁶³ I/M/SY/9

¹⁶⁴ TR/M/AF/23

¹⁶⁵ TR/A/24

¹⁶⁶ TR/S/TR/25

¹⁶⁷ Interview GR/A/01, GR/A/03/

¹⁶⁸ Interview GR/A/01

¹⁶⁹ The rates for minors depends 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) this has been verified by the Swiss side. This information on each country's policies and practices is given to the migrants by the smugglers.

the ship. In those cases, the migrant acts as a skipper and in exchange is offered free passage across.¹⁷⁰ In addition, an interviewee involved in a smuggling network in Greece further explained that the cost is dependent on the level and type of border controls. Routes with ease of access and low risk of being detected are also low cost. Higher risk and border controls result in higher prices.¹⁷¹ This is confirmed also by an interview with a national authority representative in Turkey, who indicated that the worst conditions occur at the sea borders, where the prices rise to 3000-5000 Euros.

On Turkey's western land borders, the prices depended on the walking distance to the desired European destination, ranging from 5000-7000 Euros. For air travel from Turkey, migrants can pay from 10,000 up to 20,000 Euros depending on the destination in Europe.¹⁷² For more information on the air and land routes from Turkey, see Case Study 4.

It has been reported that negotiations between the smugglers and migrants very often involve an oral or written agreement, which can indicate the number of failures of attempted border passages or deportations from countries that might take place before the smuggler reimburses the cost of travel or the agreement is ended without any payment.¹⁷³ Greek interviews noted that smuggled migrants are informed beforehand on how many times they will be allowed to try to cross the border based on the money they will pay. This is often dependent on the difficulty of the route and the price charged to the migrants. So for example, from Turkey to Greece by boat they usually receive 2-3 retries and after that the smuggler charges again for the journey.¹⁷⁴

Migrant interviews in Turkey and Greece also indicated that the payment usually occurred through trusted intermediaries (termed "safes" in the Turkish context), and operate through the *hawala*¹⁷⁵ system. Migrants deposit the money to them and then approve the transfer of the money to the smuggler once the migrant safely arrives in the destination.¹⁷⁶ *Hawala* takes place in shops, most often minimarkets, cafes and service-operated places (like internet cafes). Owners are of the same nationality as the migrants and often from the same area. According to one interviewee in Greece, most of the offices that run *hawala* also have offices in Europe and the money tend to end up in European banks. However the offices in Europe are not the headquarters; these are based usually in Qatar, Dubai and Asia. The shop owners charge percentages depending on risk. For example from Turkey to Syria the owner will request 4% for the *hawala*, whereas from Turkey to Greece its 2,5%. The difference is in the risk, since to send money from Turkey to Syria today is extremely risky.¹⁷⁷ Because the system requires proof, a code is usually issued to the migrant. Upon arrival to the agreed country or to the leg of the journey he has agreed to pay (usually long distances are paid in segments) the migrant will send a text message to the shop owner with the code and assure him of his safe arrival. The smuggler will present the same code to the shop and the money will be released. In smaller smuggling operations payment may even take place directly, but this only happens with smugglers who are working as individuals, and focus on small scale movement. Such small scale local "smuggling businesses", can be found in border areas.¹⁷⁸ Yet, one of the Greek migrant interviewees who discovered that his wife was related to a member of a smuggling network did agree to pay the amount for his and his family's transportation in advance as trust was established between the two sides and he did receive a reduced price.¹⁷⁹

Recently and because of the increase in deaths or abuse at the crossing, a new method of proof is used, where aside from the code, the migrant sends the shop owner a picture of himself near a famous monument of the country of arrival, to ensure that he is physically unharmed. The owner then releases the money. In this system, the smuggler only gains by ensuring the migrant reaches his destination, because otherwise he is not paid for services rendered.

¹⁷⁰ GR/A/01, GR/A/09

¹⁷¹ GR/S/AF/03

¹⁷² TR/N/4

¹⁷³ TR/N/4, TR/M/AF/23

¹⁷⁴ GR/S/AF/3

¹⁷⁵ The *hawala* system refers to an informal channel for transferring funds from one location to another through service providers—known as *hawaladars*—regardless of the nature of the transaction and the countries involved (further info available at <http://www.gdrc.org/icm/hawala.html>)

¹⁷⁶ TR/N/18

¹⁷⁷ According to the informant, this is due to the attempted monitoring undertaken by the Assad regime, whereby transactions are used to identify who is sending or receiving money from abroad and thus has family member or friend who has fled the country. This is however a personal opinion of the interviewee and uncorroborated. GR/M/SY/05

¹⁷⁸ Interview GR/A/01

¹⁷⁹ Interview GR/M/SY/10

The currency changes as the journey progresses and in contrast to the journey until Turkey, from Greece and onwards payments are requested in Euros.¹⁸⁰

3.2.3 Supply side: Smugglers and their organisation

Smuggling is fundamentally a business and one that resembles 'the tourist market'¹⁸¹ with its low (winter) and high (spring-summer-autumn) seasons. There have been cases of overlap between human trafficking and migrant smuggling, usually the latter can become the former, rarely does trafficking become smuggling. Traffickers may use smugglers to move the persons for part of the journey and often they tend to follow the same routes and modes of transport. Thus, links of the smuggling chain may cooperate with trafficking networks.¹⁸² In addition, smuggled migrants do constitute a group that is highly vulnerable to exploitation due to their legal status.¹⁸³

Interviews in Greece revealed a very loose level of organisation in the country, contradictory to the notion of organised criminal networks.¹⁸⁴ Thus, references to "network" do not imply that it is an organised criminal network of the same level and length as a mafia-like organization for example, but there is a level of connection and organisation. Those involved tend to have no knowledge of who comes before and who will follow; as one of the authority interviewees participating described: "They are like circles, at times they meet."¹⁸⁵ This description of a "loose network", a set of links between persons performing different tasks, has been put forward by most of the respondents in this study.¹⁸⁶ Yet at the same time this loose network appears to be extremely widespread as strains covering different parts of the journey are linked to each other.¹⁸⁷

Interviewees explained that there is no vertical or pyramidal structure with a head/top man and specific people underneath. The process, with few exceptions¹⁸⁸, is unlike that of a criminal organisation where people are tied and committed to the group, cannot leave and are often bound by oath.

Smuggling is instead described as a chain with links, small and large¹⁸⁹, with the number of participants/involved en route dependent on the route itself.

Thus there is usually a:

1. Smuggler/top man: Usually based in Turkey and Greece, they primarily provide the transport and thus retain the majority of the money. They provide the cars, trucks and boats, which often they own and at times they rent and/or steal.
2. Recruiters: They can be different nationalities and work for different smugglers or they can be the smuggler himself. Usually the nationality of the recruiter and of the migrant match, for example Syrians recruit Syrians etc.
3. Drivers: They can be many of different nationalities and work for different smugglers but within Turkey migrants described primarily Kurds (for the Iranian-Turkey leg) Afghans and Turks as drivers.¹⁹⁰ The number of drivers varies depending on the length of the journey, for example from Van to Istanbul drivers may change but from Istanbul to Izmir it is usually the same driver.
4. Skippers: The drivers of the boats, especially of inflatable rafts, are usually migrants. The standard modus operandi is to inform migrants of the change in plans at the last minute. Usually the group is taken to the vessel and the intermediary or driver asks if anyone is willing to cross for free provided they steer the boat in

¹⁸⁰ GR/S/AF/3

¹⁸¹ GR/N/02

¹⁸² GR_A_03/LEA-GR

¹⁸³ GR_A_08

¹⁸⁴ GR/A/01, GR/A/09, GR/S/AF/3

¹⁸⁵ Interview GR/A/01

¹⁸⁶ Interviews GR/A/01, GR/A/09, GR/S/AF/3, ¹⁸⁶ GR/A/03

¹⁸⁷ Interview GR/N/07

¹⁸⁸ In those exceptional cases usually the network does not provide migrant smuggling-oriented services but rather trafficking of human beings or smuggling of drugs, weapons etc.

¹⁸⁹ The interviewee drew on a piece of paper a visual of the structure, which can be seen in Figure 5. Interview GR/S/AF/03.

¹⁹⁰ GR/M/AF/07

the right direction. Usually there is at least one migrant who has either little or no money left (and knows it), or who would prefer to travel for free because he saves the money for the journey onwards. They show them how to manoeuvre the boat and stay on shore to monitor its progress. The modus operandi changes when jet skis or pleasure boats are involved. In those cases, because of the high cost of the vessel itself, usually the smuggler drives it to avoid damage.

5. Money collector (*hawala* shop): Usually covers an extended number of smugglers and also non-smugglers since *hawala* is not limited to money transfers for illegal activities. Shops that offer *hawala* services are usually legitimate small businesses, from mini markets to legitimate local money transaction shops (e.g. Western Union type). In Turkey, these have been described as “safes”.

Figure 6: Basic Smuggling ‘network’ (as described by smuggler)

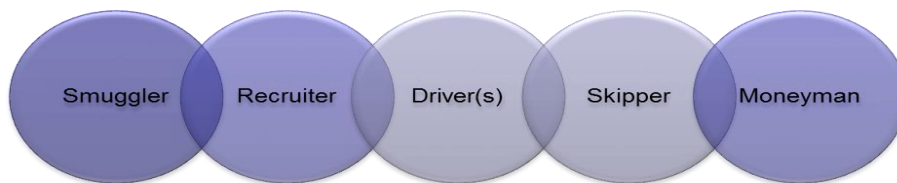


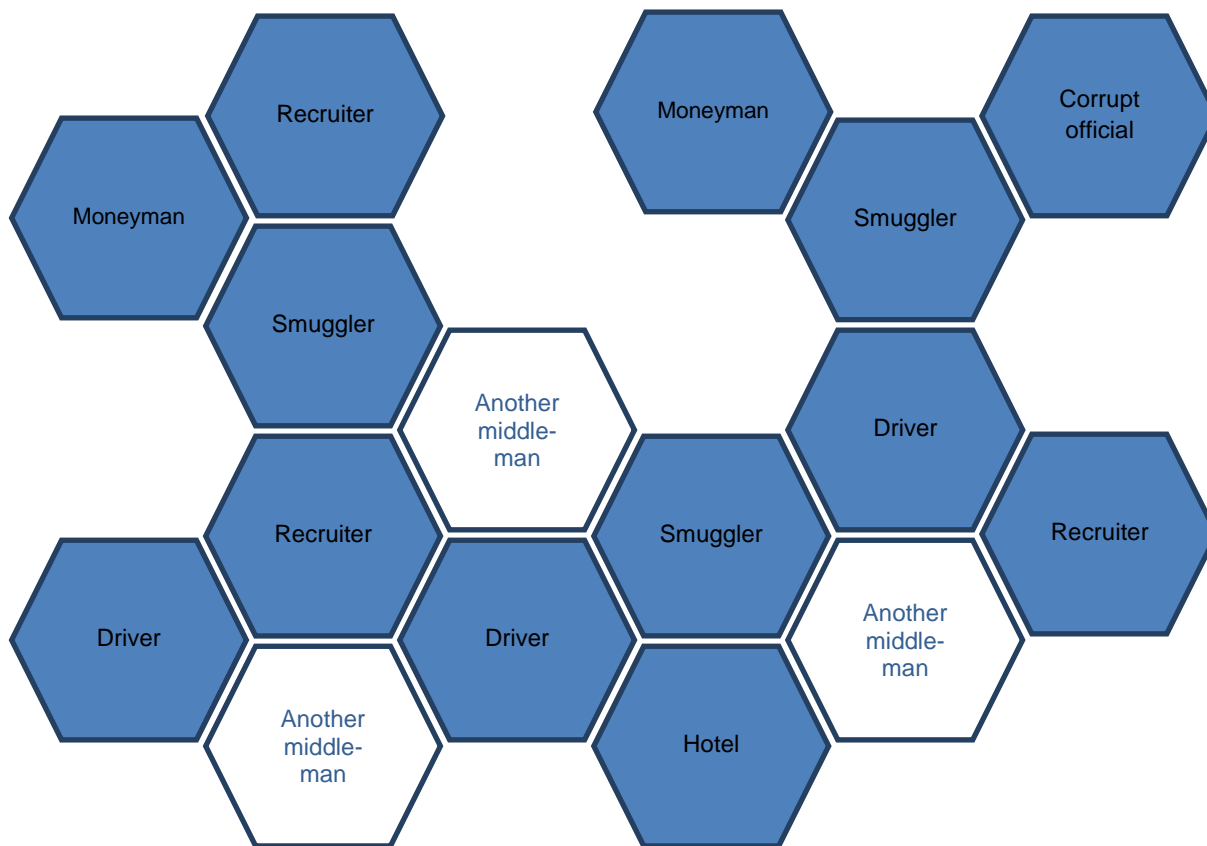
Figure 6 above depicts a very basic chain link. Depending on the type of route and operation, drivers could be as many as six, and intermediaries equally many. The constant is the moneyman, the *hawaladar* that receives the money at the beginning of the trip and releases it at the end. In that sense, the actual journey begins and concludes through this person. The in-between meeting points, i.e. the intersections of the circle are the intermediaries who can range from someone who provides mobiles, to hotels, to recommending a driver, to finding modes of transport, etc. The intermediaries do not have to reside in the countries of transit, in fact in many cases they are as far as the countries of destination and perform all activities via mobiles and internet. Other times they are legal residents, with small legal businesses like mini markets, traditional food shops, etc.¹⁹¹

The chain links connect and disconnect as the interviewees explained because a recruiter, driver, intermediary and moneyman can work for multiple routes and multiple smugglers, as shown in Figure 6 below.¹⁹²

¹⁹¹ Interview GR/A/09

¹⁹² Interviews GR/S/AF/03 and GR/S/SY/04

Figure 7: Depiction of multiple interrelations in the smuggling operation



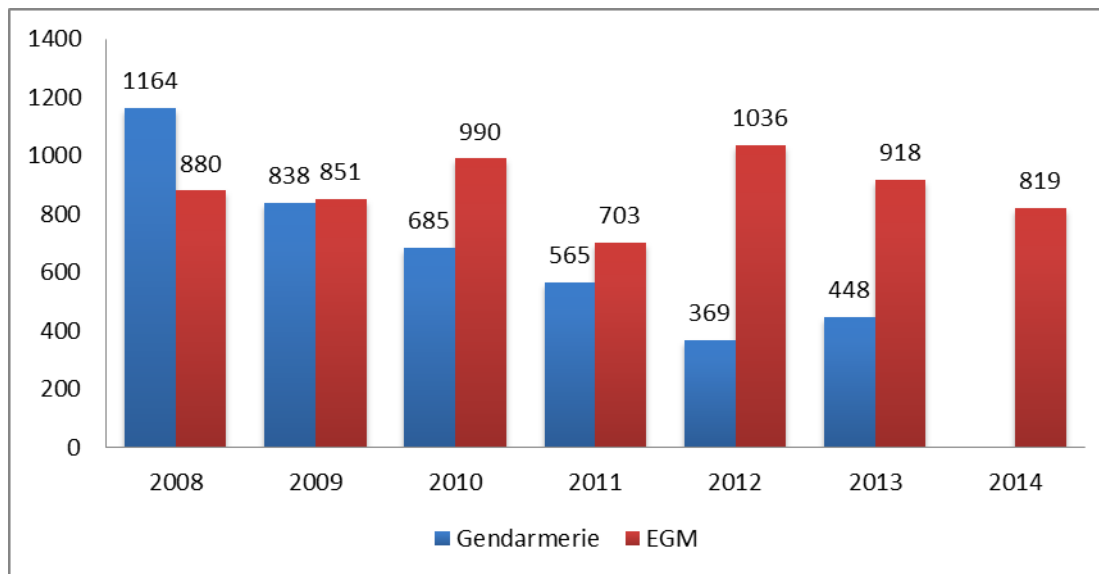
This description was confirmed by an interviewed representative of a law enforcement agency in Greece who also referred to “loose networks” whose members can change or collaborate with each other but also with other networks. He further defined the loose network as comprised of people who come together for a specific task/operation and then dissolve. They can meet again but the same people may have different roles or bring new people in to perform the tasks.¹⁹³ Because of this loose organisation, journeys are rarely organised from beginning to end and when they are, it tends to be particularly in relation to entry and exit from Greece. When they are organised from beginning to end, they also tend to be excessively paid. The overwhelming majority of migrants will split the journey into legs, pay for each leg and attempt some parts of the trip and border crossings-where possible-alone.

Since 2008, the number of smugglers arrested by the Turkish police has averaged at approximately 885 people per year (See Figure 8). The approach used by the police is through following the leads by informants over an extended period of time until the smuggling operation is enacted on Turkey’s borders. The majority of the 803 smugglers (mentioned in the national authority reports as “organisers”, the term used by the authorities to denote smugglers in Turkey) arrested in 2014 were Turkish citizens (624) and Syrians (112). Turkey was described by interviews as the main hub with the areas in Istanbul mentioned earlier as the key places to find smugglers, primarily of Syrian, Afghan, Iranian, Pakistani and Kurdish origin. Frontex has also identified Pakistanis as among the top ten nationalities of smuggling facilitators detected at the external border and within the EU in 2012, but not in 2013 or 2014.¹⁹⁴

¹⁹³ Interview GR/A/03

¹⁹⁴ Frontex (2013), *Annual Risk Analysis 2013*, Warsaw: Frontex. Frontex (2014), *Annual Risk Analysis 2014*, Warsaw: Frontex.

Figure 8: Total arrested organizers in 2008-2013.



Source: Ay 2014.

A survey by Icli et al of 174 detained migrant smugglers in Turkey in the period of 2007-2013¹⁹⁵ indicated that all detained smugglers were male, mainly in the age range of 19-39 years old (71.9 per cent), were married (72.4 per cent) and had primary school education (64.9 per cent). The same report noted that smugglers in their sample indicated mainly their motives for migrant smuggling business as an “easy way to earn money” (74.7 per cent).¹⁹⁶ According to interviews conducted in the course of this study¹⁹⁷ and the same survey, smugglers suggested migrants to indicate their own country of origin to authorities as Mauritania, Myanmar or Palestine, in order for the migrants to avoid being deported. According to the national authorities, the citizens from these countries are not deported from Turkey, as it is difficult to reach the authorities of these countries in Turkey, due to the lack of embassies or consulates.

Evidence from existing research¹⁹⁸ illustrate that migrant smuggling involves a complex network of interactions among locally operating individuals and groups. As highlighted by Icduygu and Toktas¹⁹⁹ the presence of interpersonal trust relations between smugglers and migrants, based on a sense of belonging to the same national, ethnic, kinship or friendship group is crucial for the maintenance of these networks. Shoshana Fine, researching transit migration of Afghan citizens in Turkey, noted the existence of ethnic networks, where ethnic Pashtuns or Hazaras would prefer using smugglers of the same ethnic origin as themselves. While ethnicity and language are crucial for establishing trust relations and recruitment, knowledge of the Turkish language, the Turkish legal system and society are requirements for the technical organisation of the smuggling process.²⁰⁰ Turkish nationals take the lead in the organisation of migrant smuggling in Turkey and enter into partnerships with third country nationals who have access to national, ethnic and kinship networks, as has been described above with regard to the organisation of smuggling

¹⁹⁵ 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.

¹⁹⁶ 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.

¹⁹⁷ TR/A/18; TR/N/14

¹⁹⁸ 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; Ay, Y. (2014). *Gocmen Kacakçılığıyla Mücadelede İnsan Güvenliği Yaklaşımı: Türkiye Örneği*, T.C. Kara Harp Okulu Savunma Bilimleri Enstitüsü Güvenlik Bilimleri Ana Bilim Dalı, Ankara; Uluslararası Terörizm ve Sınır Suçları Araştırma Merkezi (UTSAM). (2012), *Küresel Göç ve Fırsatçılığı: Türkiye'de Yasadışı Göçmenler ve Göçmen Kacakçıları*, UTSAM Raporları Serisi: 18, Polis Akademisi, Ankara; 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.

¹⁹⁹ 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.

²⁰⁰ TR/N/3

networks.²⁰¹ An Afghan migrant who experienced several smuggling operations from Afghanistan to Turkey and from Turkey to Greece reported that the settings related to trust and the personality of the smuggler considerably changed the conditions in which the migrants travelled:

“Many people in Afghanistan have many acquaintances that have been to Turkey and use these networks to come to Turkey. There are large families in Iran who are in this business. They ask friends, families, and the people of the same ethnic background. In Turkey, Afghan origin would suffice for building trust with the smuggler, but in Afghanistan you try to see if the person is a Pashtun or Hazara. But the issue of trust matters most by learning the previous experience of the smuggler. You ask a friend who already travelled with the smuggler before. How many people he sent before, how many were apprehended? This becomes like a brand. Good smugglers are known by people. The individual characteristics of the smuggler matter. Some take 5000 dollars and use the difficult ways. The routes that they will take depends on the person heading the operation.”²⁰²

In fact, one interviewee (part of a smuggling network in Greece) explained that

“Everything and everyone is connected. From Afghanistan they [smugglers] will give phone numbers of [recommended] people [smugglers] 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”²⁰³ [referring to the intermediaries who act as referral points].

3.2.4 Migrants and their families/communities

Migrants interviewed for this study described having incomplete information from smugglers regarding their journey, length, routes and even risks. Though migrants consider that smugglers are not to be trusted, they are considered a necessary evil. From Greece to Italy, according to some migrants interviewed for Case Study 1 in Italy, migrants had positive experiences with smugglers, stating: “their services are very expensive, they are difficult people, but they were reliable”²⁰⁴, or “the smugglers were just looking for money, and they were fine.”²⁰⁵ The three students from Syria reported “they did their job, it is an expensive service, and for this reason now we will try to reach another EU country without smugglers.”²⁰⁶

Migrants’ travel and stay in Turkey, if arranged by a smuggler, varies based on a number of issues including (1) migrants’ individual characteristics (nationality, ethnicity, class, and migration motive) and (2) the smugglers’ approach towards the migrants. In Istanbul, migrants are received by the smugglers in Istanbul, and taken to their accommodations, which is generally in Zeytinburnu or Aksaray regions in Istanbul. Zeytinburnu has a historical significance especially for Afghan migrants, as there is a sizeable community of Afghans living in this district since the 1980s. The former president of the Afghan Migrants’ Association in Turkey reported that the majority of Afghan migrants entered Turkey through irregular means due to the difficulties in obtaining visas in Afghanistan. Moreover, it should be noted that for many of the Afghans who recently entered Turkey, they had in fact already been living in Iran for many years previous, rather than only recently transiting. In 2012 and 2013 Turkey saw a significant rise in the arrivals of Afghan asylum seekers from Iran, as economic sanctions on the country led the Iranian government to informally and formally remove Afghans from the country.²⁰⁷ UNHCR suspended the processing of new arrivals (refugee status determination procedures) of Afghan nationals in May 2013, due to this huge influx: in 2012 more Afghan asylum seekers approached UNHCR than in the previous 10 years combined.²⁰⁸ UNHCR in Pakistan enquired

²⁰¹ TR/A/4

²⁰² TR/M/AF/23

²⁰³ GR/S/AF/03

²⁰⁴ I/M/SY/5; I/M/SY/7

²⁰⁵ I/M/SY/8

²⁰⁶ I/M/SY/9

²⁰⁷ Refugee Solidarity Network (2013), “Afghans in Turkey”, *Refugee Solidarity Network*. Available at: <http://www.refugeesolidaritynetwork.org/afghans-in-turkey/>; Human Rights Watch (2013), “Iran: Afghan Refugees and Migrants Face Abuse”, 20 November. Available at: <http://www.hrw.org/news/2013/11/20/iran-afghan-refugees-and-migrants-face-abuse>.

²⁰⁸ UNHCR (2013), “UNHCR’s statement on suspension of Afghan asylum procedures” www.unhcr.org/tr/uploads/root/eng_copy.doc. Information also supported by PK/1/8.

with the office in Turkey and there were no indications that these Afghan asylum seekers came from Pakistan.²⁰⁹ It is not clear how many of this group continued onwards from Turkey.

Based on the Law of Settlement, people of Turkish descent have privileged access to residence permits and citizenship compared to other migrants in Turkey. Therefore, the former president of the Afghan Migrants Association explained that many Afghans of Turkish origin – including Uzbek and Turkmen would prefer staying in Turkey after the border crossing while others who are not of ethnic Turkish descent (Tajik, Pashtun and Hazaras) would rather try to continue their journey to Europe.²¹⁰ Aside from Zeytinburnu, migrants from this route also frequent the district of Aksaray in Istanbul, as it is a significant hub of irregular migration in Turkey, where migrants of many different origins from Africa and Asia live.

The conditions in the accommodations in Istanbul are determined by the amount paid to the smugglers and the approach of the smuggler towards migrants – if the migrant has not organised this himself. For those who will be traveling through land or sea, apartments are arranged to settle 30-40 people together. For those who will continue their journeys via air travel (which costs much more), apartments for 3-4 people are arranged by organisers. The duration of migrants' stay is determined by their choice of travel and respective amount paid to the smugglers. For those attempting to use sea travel, waiting periods in such accommodations can last from several days to several months based on the arrangement of boats and the tracking of appropriate weather conditions.

Others who stay in Turkey find accommodation through individual means, through the help of kin, friendship and ethnic networks. Many migrants arriving from Afghanistan and Pakistan find work in the textile and leather industry in the Zeytinburnu area of Istanbul. However as the work remains informal, the treatment by the employers can be harsh. All migrants interviewed in Turkey reported difficulties not so much in finding work generally, but rather regarding job security and finding work with regular payment. Migrants living near Aksaray district typically find work in sweatshops.

With regard to the main characteristics of smuggled migrants identified irregularly crossing the Turkish-Greek sea border, Frontex's Annual Risk Analysis 2013 noted the importance of Pakistani migrants crossing via this border, with further clarification that along this specific border they tend to be between the ages of 21 and 29 and more recently tend to be non-skilled Urdu-speaking workers and students from the northern part of the Punjab province.²¹¹ However, in Frontex's Annual Risk Analysis 2014 it notes that along the Turkish-Greek border, in comparison to previous years, the number of Pakistanis crossing has not been as significant as other nationalities (particularly Syrians), although Afghans continued to be detected at a high rate crossing the sea border.²¹² Frontex's 2015 Annual Risk Analysis in fact does not mention Pakistanis at all with regard to this route section. This shows the important trend of decreasing number of Pakistanis traveling via this route, in comparison to other nationalities, particularly Syrians. However, deportations back to Pakistan from Greece are in fact quite high and have risen over the years.²¹³

It is important to note that in 2014 Syrians exceeded all other nationalities in apprehension figures between the Greek-Turkish maritime waters. According to Frontex's Annual Risk Report: "In 2014, 50 800 detections were reported from the area, representing 18% of the EU total. This was twice as many as in 2013, mostly due to a sharp increase in detections in the Aegean Sea (from 11 829 in 2013 to 43 377 in 2014)"²¹⁴, while Greek Coastguard figures show that over 50% of those apprehended declared to be Syrians. Specifically in 2014, the coastguard registered 10,680 Afghan nationals and 18,982 Syrian nationals (apprehension figures) for irregular entry and stay. Syrians also appear in police apprehensions (for residence and entry)²¹⁵ with 13,538 registrations. Frontex notes in the

²⁰⁹ PK/I/8

²¹⁰ TR/N/15

²¹¹ Frontex (2013), *Annual Risk Analysis 2013*, Warsaw: Frontex, p.25.

²¹² Frontex (2014), *Annual Risk Analysis 2014*, Warsaw: Frontex.

²¹³ See Annex 3, Tables 2 and 3.

²¹⁴ Frontex (2015) *Annual Risk Analysis 2015*. Warsaw: Frontex, available at http://frontex.europa.eu/assets/Publications/Risk_Analysis/Annual_Risk_Analysis_2015.pdf

²¹⁵ Apprehension figures are split between police and coastguard but do not indicate necessarily points of entry. If at sea or in harbour, apprehension and registration is undertaken by the Coast Guard. If caught either inland (including an island) or at a land border, apprehension and registration is undertaken by the police.

2015 Annual Risk Analysis that “Many migrants claimed to be Syrian, and were thus handed an administrative notice allowing them to stay in Greece for up to six months, even without applying for asylum.”²¹⁶

Afghans are the second highest nationality identified crossing the Eastern Mediterranean route – yet, although Afghans often transit via Pakistan, recent arrivals to Turkey had been in Iran for years, and it is not clear whether this group of Afghans has chosen to stay in Turkey or move onward.²¹⁷ The increase in Afghan detections was also noted in the Frontex 2015 Annual Risk Analysis, where detections of illegal entry via this route and the Western Balkan route more doubled from 2013 (approximately 9,500) to 2014 (more than 22,000).²¹⁸

In the period of 2007-2012, the majority of migrants apprehended by the Turkish Gendarmerie were men (86.5 percent, 145,411 people). A survey report conducted with 1334 irregular migrants staying in the detention centres in 14 cities also illustrated similar results regarding the characteristics. A significant group of irregular migrants were men (88 percent), in the age group of 19-25 (49.3 percent), single (69.5 percent) and had left their home country due to economic reasons (74 percent). Migrants stated that they mainly aimed for Greece (47 percent), Italy (12 percent), Germany (8 percent), France (5 percent) and Canada (3 percent). The majority of the irregular migrants (85 percent) were assisted during their migration process.²¹⁹ According to the interviews conducted in the course of this study, Greece and Italy are especially chosen as a transit to other Western European countries, rather than as final destinations. It has also been noted by a diplomatic mission in Istanbul that many migrants who could not continue their journey towards the EU are caught in the revolving door effect, where they make multiple attempts to enter, returning or being deported and then attempting again. Many Afghans who lived in Iran for the past decades and who were smuggled to Turkey would also return to smugglers to be able to enter back into Iran.²²⁰

Finally, along this route, Pakistani smuggled migrants tend to travel without documents, as passports are often held by facilitators in Turkey with the assurance that the documents would be sent to other facilitators in Greece.²²¹

3.3 Other relevant recent trends on the selected route sections

3.3.1 Other routes from Turkey

New and more expensive modes of transport and routes have also recently opened up from Turkey, directly transporting migrants from Turkey to Italy, crossing through the Aegean Sea and international waters, without however aiming to disembark on Greek soil.²²² The “mother ships”, as they are known, are the most expensive method of transport between Turkey and Italy, costing each smuggled migrant up to 7,000 EUR. According to Frontex’s 2015 Annual Risk Analysis report, detections on the Eastern Mediterranean route made headlines with the spectacular rescue of one cargo ship in Greece and two large fishing vessels near Cyprus. All ships had departed from Mersin area in Turkey and intended to reach Italy.²²³ These incidents, widely reported in the media, were not isolated cases, as in December 2014 a total of seven cargo vessels departing from around Turkey were intercepted, involving a total of more than 3 000 migrants. These cases, followed by other cases in January 2015, signal a radical scaling up of the means of transport acquired by smugglers to ship migrants from Turkey to the EU. The large profit associated with low risk for the main smugglers, are likely to trigger similar incidents in the future. Frontex reported that in 2014, 53 vessels were intercepted near the Italian coast travelling from Turkey, transporting some 10,353 migrants. According to Frontex, a number of reasons can be identified to explain the increase of vessels from Turkey to Italy:

²¹⁶ Frontex (2015), *Annual Risk Analysis 2015*, Warsaw: Frontex, available at http://frontex.europa.eu/assets/Publications/Risk_Analysis/Annual_Risk_Analysis_2015.pdf

²¹⁷ Frontex (2014), “*Annual Risk Analysis 2014*”, Warsaw: Frontex. Refugee Solidarity Network (2013), “*Afghans in Turkey*”, Refugee Solidarity Network. Available at: <http://www.refugeesolidaritynetwork.org/afghans-in-turkey/> ; Human Rights Watch (2013), “*Iran: Afghan Refugees and Migrants Face Abuse*”, 20 November. Available at: <http://www.hrw.org/news/2013/11/20/iran-afghan-refugees-and-migrants-face-abuse>. UNHCR (2013), “*UNHCR’s statement on suspension of Afghan asylum procedures*” www.unhcr.org/tr/uploads/root/eng_copy.doc. Information also supported by PK/I/8.

²¹⁸ Frontex (2015), *Annual Risk Analysis 2015*, Warsaw: Frontex. Available at http://frontex.europa.eu/assets/Publications/Risk_Analysis/Annual_Risk_Analysis_2015.pdf

²¹⁹ Uluslararası Terorizm ve Sınırsız Suçlar Araştırma Merkezi (UTSAM). (2012), *Küresel Göç ve Fırsatçılığı: Türkiye’de Yasadışı Göçmenler ve Göçmen Kacakçıları*, UTSAM Raporları Serisi: 18, Polis Akademisi, Ankara.

²²⁰ TR/A/2

²²¹ Frontex (2013), *Annual Risk Analysis 2013*, Warsaw: Frontex, p.25.

²²² Interview GR/I/06

²²³ Frontex (2015), *Frontex Annual Risk Analysis 2015*, Warsaw: Frontex.

- ★ The shift of migration routes from the North African-Southern Europe route because of the Algeria’s visa request from Syrians beginning with 2015 and the ongoing violent clashes in Libya creating an environment of insecurity;
- ★ Turkey remaining as the only neighbouring country to Syria that does not require Syrians to hold a visa and their open door policy towards Syrians,
- ★ The Turkey-Italy route becoming more secure and fast compared to the Libya-Italy route, allowing for migrants to travel with their families,
- ★ The port of Mersin offering an isolated environment easy to hide cargo vessels amongst the hundreds of vessels in the same area.

The route from Turkey to Bulgaria is also considered a significant one, and is described in detail in Case Study 4.

3.3.2 Secondary movements

Frontex’s Annual Risk Analysis notes that, based on official statements in interviews with apprehended migrants, the main destination countries for Pakistani smuggled migrants were Greece, Italy and Spain, although it is suggested that the UK could be the primary final destination, considering the high number of returns of Pakistanis from the EU in general (12,127 in 2013 and 9,609 in 2014) and the UK specifically (1,839 until end of July 2014 alone).²²⁴ A recent UNODC report has also noted that the main final destinations for smuggled migrants are Germany, Scandinavian countries and the UK. However, Austria, Belgium, France, Greece and Italy were also identified as popular destinations or transit countries.²²⁵ Pakistanis are consistently identified by Frontex as among the top ten nationalities in terms of illegal border crossing between land border crossing points, return decisions issued, and forced and voluntary returns across the EU.²²⁶ Afghans are also consistently identified by Frontex as among the top ten nationalities in terms of illegal border crossing between land and sea border crossing points.²²⁷

Athens can be considered a hub for further migration into Europe as there are specific locations where migrants can easily meet recruiters who can bring them in contact with smugglers who can help them complete their journey through all the available routes.²²⁸ The “standard” secondary movement is from Greece to Italy, via the ports of Patras and Igoumenitsa. Similarly, Ioannina is becoming a hub for those who wish to cross the Greek-Albanian border.²²⁹ It is a route that is primarily used by Asian (specifically Afghan) and sub-Saharan African migrants, increasingly also by Syrians. In the past, migrants attempted to hide in lorries and among cargo, while still in port. The aim was to remain hidden until the lorry disembarked to an Italian port, passed inspection and exited the harbor. Due to bilateral cooperation between Greece and Italy, undocumented migrants found in the ships/ferries or in the lorries during disembarkation at Italian ports, are deemed returnable with fast track procedure, i.e. they may be returned within the same day or the day after transported with another ferry. Smugglers also utilise lorries to transport migrants from Greece, with an average cost of 3,000 dollars. Because it is expensive, many migrants opt to try boarding the ferry alone. It was a common sight until 2012 to see Afghans and sub Saharan Africans hiding amongst the trees along the main road parallel to the port, waiting to jump onboard lorries and trucks while they were stopped in red lights. The ports did not have sufficient personnel or equipment (thermal cameras) to search thoroughly all cargo and passport controls were minimal due to Schengen. However, since 2012 controls have tightened significantly, with additional funding, personnel and equipment making the entry, hiding and successful passage to Italy extremely difficult for migrants and particularly those who attempt to cross alone. The Frontex patrols between Italian and Greek waters have also made exit more difficult, with a significant number of boats detected between the Greek-Italian waters.

Though Greece is no longer the primary destination for Pakistani nationals, it is the main transit site to other EU MS, utilised also by the Afghans. The two nationalities are increasingly identified along the Western Balkan route, which is

²²⁴ See Annex 3, Tables 2 and 4, in the latter data on effective returns.

²²⁵ UNODC 2015.

²²⁶ See Annex 3 Table 4.

²²⁷ See Annex 3 Table 5.

²²⁸ GR/S/SY/4

²²⁹ Interview GR/N/7

used for secondary movement to the other EU MS (For more information on this route, see Case Study 5). Pakistanis and Afghans were the second and third highest nationality identified crossing the Western Balkan route in 2013.²³⁰ The land border route to FYRoM is fairly recent and most of the interviewees noted that migrants tend to first attempt the border crossing alone, without assistance from a smuggler. This was also confirmed in an interview with a representative of a Greek law enforcement agency who explained that migrants tend to attempt the land border crossing at least once on their own, using their mobiles and GPS signals with Google maps. Once they cross the border and make it to Skopje, there arrangements have been made to be picked up by smugglers and driven towards the Serbia-Hungary border.²³¹ This reduces the cost of the journey for the migrants.

For those using the air route from Greece to another EU Member State, the most usual method is to attempt to fly during the peak of the tourist season from small airports in the islands, although attempts are made throughout the year from the airport in Athens. A recent case was of a Greek man and woman escorting a child, Syrian national. Upon passport control, the couple was charged with migrant smuggling and endangering a minor. Interviewees explained that some present a business profile, arrive in suits and carry laptops to evade controls.²³²

An additional new modus operandi is that couples split upon arrival. The husband stays in Greece and applies for asylum, while the wife continues with a smuggler for Germany or Austria. Usually the country of destination for the wife is unknown until she gets there. The reason for the division is to decrease the cost, as it is cheaper to send only one person to another EU Member State who will then apply for asylum and, if granted, will seek family reunification.²³³

Since 2012, however, new trends are evident not only in secondary routes from Greece but also in nationalities of those making such secondary movements. The exacerbation of the conflict in Syria but also the protracted stay of Syrian refugees in camps in neighbouring countries including Turkey, has resulted in an increasing flow of Syrians to Greece, which has also been noted above in the section on practices between Turkey and Greece. The large influx of a refugee population to Greece meant the asylum and first reception systems had to respond (often with great difficulty) to an unravelling situation that spiked in the first trimester of 2015 in which 8,256 Syrians were apprehended in the Greek-Turkish maritime border.

In parallel, according to many of the interviewees, Syrians have increased the smuggling prices for secondary movement from Greece:

“Part of it is from the smugglers because they know the Syrians want to leave in any way possible and will pay the money but part is from the Syrians. Many Syrians who arrived here especially in the last year [2014], they stayed in Kurdish areas or in Turkey, gathered money and arrived here [Greece] with lots of money. What happens is that the smuggler suggests a price, for example 5000 euros to go through the airport and the Syrians will instead suggest 7000 euro provided they leave immediately. So they hike up the price.”²³⁴

3.3.3 Document fraud

In 2011, German authorities reported that a full one third of arrivals from Turkey, Iran, Syria, Iraq and Afghanistan had travelled from Turkish airports using false EU or own nationality documents, approximately three quarters of whom were asylum seekers.²³⁵ More information on document fraud and the use of Turkish airports is included in Case Study 4.

There is also a market in Athens for fraudulent documents, particularly for the purpose of secondary movement (primarily either by land or by air).²³⁶ Thessaloniki is slowly also becoming a smuggling hub because the Skopje-Serbia-Hungary route (more information on this route is included in Case Study 5).²³⁷ Airport smuggling has become

²³⁰ Frontex (2014), “Annual Risk Analysis 2014”, Warsaw: Frontex.

²³¹ Interview GR_A_03

²³² GR/A/03

²³³ GR/A/04. That was also the intention of the interviewee GR/M/SY/10 and his wife who had made three attempts to leave the country by air using false documents at the price of 3,000 to 4,000 Euros

²³⁴ Interview GR/M/SY/05

²³⁵ UNODC (2013), “Recent trends of human trafficking and migrant smuggling to and from Pakistan”, Vienna: UNODC.

²³⁶ GR/N/02

²³⁷ GR/S/SY/4

very expensive due to intense controls; good quality fake passports have become very costly (up to 7,000 EUR), with certain passports (for example Swedish) known for being impossible to duplicate; in fact, in the words of one migrant:

“Swedish and German passports are the hardest because of the watermarks and smugglers do not try to alter them [*the genuine ones*].”²³⁸

Another form of fraud related to document fraud, identified by UNODC, has been marriages of convenience as one means for Pakistanis to fraudulently obtain legitimate visas to the EU. UNODC noted a trend of Czech and Slovak women paid by smugglers to marry Pakistani males and to assist in organising the relevant documents.²³⁹

²³⁸ GR/M/SY/05

²³⁹ UNODC (2013), “Recent trends of human trafficking and migrant smuggling to and from Pakistan”, Vienna: UNODC; UNODC 2015.

4 Policy Responses to migrant smuggling among and in the countries selected

This section covers the main policy responses of national authorities of Pakistan, Turkey and Greece in addressing migrant smuggling, including not only national legislation but also relevant international and regional cooperation, bilateral and multilateral agreements, projects and initiatives, and governmental and civil society actors involved.

The section proceeds first with those policies and structures in place which are relevant for migrant smuggling in particular or irregular migration in general along a specific route segment. Following this, the national context will be presented for each country in turn.

4.1 Policies directed towards the selected routes

4.1.1 Route segment Pakistan – Turkey

Turkey and Pakistan signed a Readmission Agreement in December 2010 as a result of a 10-year negotiation process, which began in January 2001.²⁴⁰ According to a parliamentary report presented to the Turkish Grand National Assembly in April 2011, the number of Pakistani citizens apprehended in Turkey in the period of 1995-2010 were more than 80 thousand, including some 9,186 Pakistanis apprehended in 2008, 2,774 in 2009 and 1,526 in 2010. The report indicated that the agreement would mainly determine the conditions of the readmission of own citizens of the respective countries, third country nationals and stateless persons. However the report also indicated that there was lack of information presented by the Pakistani authorities to the Turkish Republic regarding the third country citizens who had migrated irregularly to Turkey from Pakistan.²⁴¹ Despite the signed agreement and its approval at the Turkish Parliament, according to an authority interview in Turkey the readmission protocol is implemented only in a limited fashion, due to the ongoing negotiations between Turkey and Pakistan regarding the conditions of migrants and prisoners.²⁴²

Furthermore, the Turkish National Police and senior law enforcement officials from both Turkey and Pakistan participate in regional initiatives focused on the topic, including the UNODC Regional meeting on human trafficking and migrant smuggling routes in Islamabad in August 2014, which they attended together with officials from Bahrain, Iran, Afghanistan and Pakistan.²⁴³

Pakistan and Turkey are also active participants in the Budapest Process Silk Routes project. This project often brings together Pakistan, Iran and Turkey, along with other participants, to discuss irregular migration, which can be viewed as relevant in this case as facilitating dialogue on the topic among the key countries along this route. In 2011-2013 the members of the Process have coordinated a project entitled "Fostering Cooperation in the Area of Migration in the Silk Routes Region" in order to improve cooperation regarding migration flows especially from Afghanistan, Bangladesh, Iran, Iraq and Pakistan. Turkey has been among the donors of this project along with the Netherlands, Norway, Sweden and Switzerland.²⁴⁴ More information on Pakistan and Turkey's roles and involvement in the Budapest Process Silk Routes initiative is included in the section below on Turkish policy responses.

Also relevant particularly for this route is the tripartite regional cooperation between Pakistan-Iran-Afghanistan specifically on the issues of Afghan refugees and irregular migrants, as well as the Tripartite Commission between Pakistan, Afghanistan and UNHCR, also specifically on the issue of Afghan refugees. This has been noted by Pakistani stakeholders as having a positive impact on discussions related to cooperation between the three countries on the issue of Afghan refugees and irregular migrants, who also represent an important group in terms of smuggled migrants along this route.

²⁴⁰ <https://www.tbmm.gov.tr/sirasayi/donem24/yil01/ss86.pdf>.

²⁴¹ <https://www.tbmm.gov.tr/sirasayi/donem24/yil01/ss86.pdf>

²⁴² TR/A/1

²⁴³ TR/A/4

²⁴⁴ <https://www.budapestprocess.org/projects/silk-routes-project>

Finally, as noted in the introduction and relevant for this route segment, there have recently been intergovernmental negotiations between Turkey and Iran with a view to open Kapıköy Border Crossing Point in the city of Van, a key hub for transit migration and smuggling operations from Iran to Turkey.²⁴⁵

4.1.2 Route segment Turkey – Greece

As noted previously, routes of smuggling operations between Turkey and Greece have shifted from the maritime route, to the land route and then subsequently back to the maritime route. This is considered particularly a result of Greek and Turkish border control policy responses along the maritime and land border regions.

In 2010, irregular migration across the Aegean Sea was diverted to the Greek-Turkish land border, which can be attributed in part to the cooperation between the Greek and Turkish Coast Guards and the deployment of Frontex in the area, as well as the completion of the demining operations on the Greek side of the border.

The Greek-Turkish land border is approximately 200 kilometres long, and with the exception of a 10.5 kilometre long stretch, it follows the Evros River. A fence covering those 10.5 kilometres was completed by Greek authorities by the end of 2012, thus preventing migrants from crossing the border on land. Crossing the river is also increasingly difficult due to enhanced surveillance on the Greek side, including the use of a helicopter and thermal cameras. In parallel, Greek authorities strengthened border controls through Operation Shield (“Aspida”) which included the deployment of 1,800 additional border guards. Contrary to the Evros fence, which covered only 5% of the overall land border between Greece and Turkey, Operation Shield was spread along the 206 km river line.²⁴⁶ The aim of the new policy was to identify in advance migrants who were attempting to cross from the Turkish side of the river.

Through close cooperation between Greek and Turkish authorities, largely assisted by Frontex, Greek police notify their Turkish counterparts who then proceed to apprehend the individuals. According to the report of the UN Special Rapporteur, “If Turkish authorities are unable to apprehend the migrants Greek boats patrolling the river make their presence known in order to prevent migrants from crossing”.²⁴⁷ The significant reduction of migrants crossing the Evros border was evident quickly in the apprehension figures, effectively resulting in an almost ‘sealed’ land border in terms of entry. In response, the maritime border has become once again a significant route from Turkey to Greece, as has been described in the Practice section on Turkey-Greece.

Frontex is currently undertaking two Joint Operations in Greece, JOP Poseidon Sea (for the maritime border) and JOP Poseidon Land. JOP Poseidon Sea first deployed at the maritime border between Greece and Turkey. It was extended in 2012 to also cover the west coast of Greece, where migrants trying to reach Italy by small boats operated by smugglers are intercepted and returned to Greece. However, Frontex’s operational role is limited. The Agency can perform intelligence analysis, risk analysis, data collection and participate in search and rescue operations, yet it does not have capability to store personal data, thus all information from the debriefings are passed on to the national authorities and EU authorities.

Greece also participates in the Joint Operational Team Mare (JOT Mare), initiated by EUROPOL on March 2015 that focuses exclusively on combatting smuggling. It is an intelligence-led, European response to the development of organised criminal groups facilitating the transport of irregular migrants across the Mediterranean, hosted at Europol headquarters in The Hague.

Readmission Agreement

Cooperation between Greece and Turkey needs to be contextualised in the broader framework of Turkey’s candidacy process in the EU.

²⁴⁵ ‘Kapıköy Sınır Kapısı, Van’ın kaderini değiştirecek’, *Radikal* 10 March 2015,

http://www.radikal.com.tr/van_haber/kapikoy_sinir_kapisi_vanin_kaderini_degistirecek-1296787.

²⁴⁶ Angeli, D., Dimitriadi, A., & Triandafyllidou, A. (2014). *MIDAS Policy Paper: Assessing the Cost-Effectiveness of Irregular Migration Control Policies in Greece* Athens: ELIAMEP.

²⁴⁷ Human Rights Council (General Assembly), *Report of the Special Rapporteur on the human rights of migrants*, François Crépeau,, A/HRC/23/46/Add.4, Mission to Greece, April 2013.

The Turkish state signed a readmission agreement with Greece in 2002.²⁴⁸ The agreement with Greece was of major significance for both countries as well as the EU, which at the time did not have a Readmission Agreement with Turkey. According to the Readmission Protocol, both countries would accept the readmission of their citizens, as well as third country nationals. However, the agreement only started being fully implemented in 2010 and, as can be seen in Table 5 below, the number of readmitted third country nationals is significantly lower than the submitted number from the Greek side.

Nonetheless, Table 5 also confirms that progress has been made in the last couple of years particularly in relation to cross-border cooperation (as described in the section above). Border Officers have been exchanged between the two countries and an operational cooperation began at local level between Greece and Turkey, which is now institutionalised. Interviewees²⁴⁹ referred to a better level of collaboration as well as cases where this exchange has resulted in apprehension of smugglers, yet Turkey remains of critical interest to Greece, as the primary point of exit for migrants and the organisational base of smugglers for the “Turkey-Greece” leg of the journey.

Table 5: Greek Readmission Requests.

Year	Submitted Requests*	Number of Irregular Migrants*	Accepted	Readmitted
2006	239	2.251	456	127
2007	491	7.728	1.452	423
2008	1.527	26.516	3.020	230
2009	879	16.123	974	283
2010	295	10.198	1.457	501
2011	276	18.758	1.552	730
2012	292	20.464	823	113
2013	24	436	78	8
Total	5.686	122.437	12.326	3.805

* The total number of annual submitted requests corresponds to the number of irregular migrants in the adjacent column.

Source: Hellenic Police (reply on 23/3/2013).

Although the membership negotiations between the EU and Turkey have slowed down in the last couple of years, the issues of “management of migration and asylum flows” have continued to be an area of concern for the EU, as it has been regularly addressed in the European Commission’s annual progress reports on Turkey. The EU harmonisation process has triggered a plethora of changes that have manifested in legislation and implementation of strategies regarding asylum and migration in Turkey that will be further discussed in the Turkey section of Policy Responses.²⁵⁰ The year 2013 was marked by the finalisation of the Readmission Agreement negotiations between Turkey and the EU, which started in 2003. According to the agreement, the readmission of third country nationals will enter into force

²⁴⁸ Ministry of Foreign Affairs (2013), *Türkiye’nin Yasadışı Göçle Mücadelesi*, http://www.mfa.gov.tr/turkiye_nin-yasadisi-gocle-mucadelesi-tr.mfa, Accessed 20 February 2013.

²⁴⁹ GR/A/03, GR/A/09

²⁵⁰ İçduygu, A. (2011), ‘Europe, Turkey, and International Migration: An Uneasy Negotiation’, Migration Working Group Conference, EUI, Florence.

three years after the signature, and if the requirements are met, this will be followed by visa liberalisation for Turkish citizens in Europe.

4.1.3 Route segment Pakistan – Greece

Greece has concluded a Police Cooperation Agreement with Pakistan, signed on 12 May 2015 and integrated in the Greek law L.3571/2007 by the Hellenic Parliament that provides an institutionalised setting for exchange of information between enforcement agencies. No information, however, were provided on the implementation of that agreement.

In 2010, Pakistan and the EU (except Denmark and Ireland, and including the UK, which opted in despite its own bilateral agreement) finalised their readmission agreement facilitating the return of irregular migrants (including not only Pakistanis but also others who transited through Pakistan before arriving in the EU) to Pakistan. This agreement was also strongly debated with respect to its impact on human rights, particularly Afghan refugees and Pakistanis displaced by instability in the region.²⁵¹ There is no Readmission Agreement between Greece and Pakistan, but returns take place in the framework of the Readmission Agreement between Pakistan and the EU. However, cooperation on the issue of returns has been problematic, particularly in relation to the issuing of documents from the Pakistani Embassy to facilitate return of its nationals. There are three types of return mechanisms currently in place in Greece:

1. Forced return/expulsion, which refers to rejected asylum seekers or irregular migrants who can be returned to their countries of origin. In Greece, forced returns fall under the operation Attica, which was initially coordinated by Frontex and is currently operated by the Hellenic Police in conjunction when needed with Frontex (through joint return flights);
2. Assisted voluntary return under compulsion for those in detention, implemented by IOM;
3. Assisted voluntary return, implemented in a coordinated effort between IOM and the Greek Police. In Greece, voluntary return is not solely managed by IOM. Instead, the Hellenic Police is increasingly active also in voluntary returns in cooperation with IOM or through charter flights.

As Table 6 below shows, returns are significantly lower than arrivals and it should be noted that those returned are not necessarily new arrivals. In fact, some are migrants who lost their legal status (failure to renew permit), rejected asylum seekers (from the backlog cases of the previous asylum system) and irregular migrants who had until recently been employed but who, due to the current economic crisis, decided to return to Pakistan.

²⁵¹ Peter, L. (2010) "EU-Pakistan deal sharpens debate on migrants", 16 July <http://www.bbc.co.uk/news/world-europe-10645082>

Table 6: Returns of Pakistani nationals from Greece.

Year	Number of Deportees to Pakistan as reported by Greece	Number of Deportees received from Greece as reported by Pakistan	Number of Deportees from the EU as reported by Frontex
2009	245	576	N.A.
2010	405	725	N.A.
2011	1293	1519	6253
2012	5153	5397	10488
2013	4833	N.A.	12127
2014	3563	2028 (until end of July)	9609

Sources: Hellenic Police, 2014; UNODC (2014), *The Socio-Economic Impact of Human Trafficking and Migrant Smuggling in Pakistan*, Vienna: UNODC; Research and Analysis Center, FIA HQ Islamabad (2015), "Human Trafficking & Migrant Smuggling Newsletter", Islamabad: FIA. Frontex (2015), *Annual Risk Analysis 2015*, Warsaw: Frontex.

Note: includes both forced & voluntary under compulsion returnees via police and IOM programs.

The issue of returns of Pakistani migrants has been at the forefront of the migration management plans of the previous Greek government but also of IOM, according to the Greek research. IOM runs various information campaigns in countries of origin including Pakistan, which focus on presenting the reality of the journey. The prevention campaigns include TV spots, visits to schools and utilisation of social media.²⁵² However, these were not noted by Pakistani interviews; the only awareness-raising campaigns noted by Pakistani interviews were those launched by the Australian government, meant to deter sea arrivals.²⁵³

The UK has strongly supported the return programs in Greece, through the launch of a 2 million GBP "Assistance for the Voluntary and Reintegration of Returnees" project. The project had an estimated target of 1,500 migrants to return voluntarily to their countries of origin, such as Pakistan, Afghanistan, Iran and Bangladesh amongst others.

4.2 National policy framework: Pakistan

As noted in the introduction, the Emigration Ordinance of 1979 is the primary legislation in terms of regulating and prosecuting irregular migration. This is clear when one examines the number of cases registered and convictions across the various relevant national legislation (See Annex 3, Tables 7 and 8); in 2011 and 2012, respectively 75% and 86% of the first information reports registered with six Anti-Human Trafficking Circles (AHTC) across Pakistan were on relevant sections of the Emigration Ordinance, and respectively 78% and 85% of the convictions.²⁵⁴ This is considered the case particularly as this law is easily understood by all stakeholders involved (i.e. judges, prosecutors, defence) and also because judges have time to deliberate the cases, as they are tried in "Special Courts" by session judges.²⁵⁵

²⁵² Interview GR/I/06

²⁵³ PK/N/7

²⁵⁴ See Annex 3, Tables 7 and 8.

²⁵⁵ PK/A/6. Azam 2009. In Pakistan there are several levels of courts (from lowest to highest): district, session, high, federal, supreme courts. Violations are dealt with by session courts as the maximum punishment is higher than what can be dealt with by district courts.

The Emigration Ordinance applies only to Pakistani citizens and establishes the legal means for emigration, through the various control and regulation mechanisms for emigration movements, as well as protection mechanisms for Pakistani emigrants. The lawful emigration of a Pakistani citizen as outlined in this Ordinance includes: 1) the migrant is in possession of a letter of appointment or work permit from a foreign employer, an employment visa or an emigration visa from a foreign government; 2) the migrant has been selected for emigration by the official Pakistani institutions or through an official agreement between the Pakistani government and a foreign government.²⁵⁶ Those Pakistani irregular migrants identified having left Pakistan without going through the official legal means are usually tried under this Ordinance.²⁵⁷ The punishment for unlawful emigration can extend to five years (first offense) or seven years (multiple offenses), with a fine. However, offenders tend to be fined fairly low amounts (particularly compared to the profitability of services offered), typically between 15-25,000 PKR (138-230€), with fraudulent overseas employment promoters or those found guilty of overcharging typically fined the larger amount.²⁵⁸ Of the convictions under the Emigration Ordinance in six AHTCs in 2011 and 2012, more than 70% only received a fine, and for those who received prison sentences, 83% of these were for less than six months.²⁵⁹

The low sentencing rate is considered a key reason for the high number of offenders in general and repeat offenders in particular.²⁶⁰ Moreover, as noted previously, smugglers often have a three attempts policy for migrants, which increase the chances for re-offending. The penalties under the Emigration Ordinance that apply to document forgery, smugglers, traffickers and fraudulent or overcharging by overseas employment promoters²⁶¹, however, is much stricter: up to 14 years of imprisonment or a fine, or both.

Pakistan is a signatory to the UN Convention Against Transnational Organized Crime, and ratified it in 2010, but has not signed nor ratified the additional Protocol against the Smuggling of Migrants by Land, Sea and Air (nor has it signed the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children).

The other main policies and legislation related to the topic of migrant smuggling include the Passport Act of 1974, various sections of the Pakistan Penal Code, the Foreigners Act of 1946, the Exit from Pakistan (Control) Ordinance 1981 and the Prevention and Control of Human Trafficking Ordinance (PACHTO) of 2002.

The Passport Act of 1974 (relevant provisions 3, 4, 6) regulates departure from and entry into Pakistan. Prosecution under this Act varies widely across the AHTCs, but for the six that reported for 2011 and 2012, most cases registered and convictions were under provision 6 on document fraud, on fraudulently obtaining or using a valid passport or using a forged or tampered passport.²⁶²

Various Sections of the Pakistan Penal Code cover offenses related to migrant smuggling, with Sections 359 to 374 covering offenses related to kidnapping, abduction, slavery and forced labour. Those sections that are used to prosecute migrant smuggling (or human trafficking, considering the conflation of the terms) are primarily: Section 419, covering cheating by impersonation; Section 420, covering cheating and dishonestly inducing someone to deliver any property to someone; Section 468, covering forgery for the purpose of cheating; and Section 471, covering knowing use of a forged document. In comparison to the Emigration Ordinance where cases are tried in special courts, the lower rate of cases registered and convictions received under the penal code may be related to the time pressure in criminal courts, where there is usually a large backlog of other criminal cases.²⁶³ Moreover, it has reportedly been difficult for judges to differentiate and disentangle the concepts included in the Pakistan Penal code and the Prevention and Control of Human Trafficking Ordinance.²⁶⁴

The Foreigners Act of 1946 regulates the entry, departure, stay, removal, residence, movement, arrest and detainment of foreigners in Pakistan, as well as the information required of them to provide to the government. The Foreigners Order of 1951 sets out the operational instructions for this Act. The Registration of Foreigners Act 1939

²⁵⁶ Azam 2009.

²⁵⁷ PK/A/4, PK/A/5, PK/A/6; UNODC (2013), "Recent trends of human trafficking and migrant smuggling to and from Pakistan", Vienna: UNODC. See also Annex 3, Tables 7 and 8.

²⁵⁸ UNODC (2013), "Recent trends of human trafficking and migrant smuggling to and from Pakistan", Vienna: UNODC, p. 59.

²⁵⁹ UNODC (2013), "Recent trends of human trafficking and migrant smuggling to and from Pakistan", Vienna: UNODC, p. 57.

²⁶⁰ PK/A/6

²⁶¹ The formulation is for the penalties to be imposed on a person who fraudulently causes or induces a person to migrate, those promising or receiving money for arranging employment abroad without being a licensed recruiting agent or those overcharging for these services.

²⁶² See Annex 3, Tables 7 and 8.

²⁶³ Azam 2009.

²⁶⁴ Azam 2009.

clarifies the registration of foreigners entering, present in and departing from Pakistan. Much of this act is echoed in the Foreigners Act of 1946, and so thus the two are read in conjunction with each other.

The Exit from Pakistan (Control) Ordinance of 1981 authorises the government to prohibit the exit of any person from Pakistan, regardless of whether they have valid documentation for exit.

The Prevention and Control of Human Trafficking Ordinance (PACHTO) of 2002 sets out the definitions of and punishment for human trafficking in Pakistan (not including internal trafficking). As the concepts of trafficking in persons and migrant smuggling are often conflated by national actors²⁶⁵ and the ordinance is also used to prosecute cases of migrant smuggling, it is also considered relevant. It defines human trafficking as:

“Obtaining, securing, selling, purchasing, recruiting, detaining, harbouring or receiving a person, notwithstanding his implicit or explicit consent, by the use of coercion, kidnapping, abduction, or by giving or receiving any payment or benefit, or sharing or receiving a share for such person’s subsequent transportation out of or into Pakistan by any means whatsoever for any of the purposes mentioned in section 3 [i.e. attaining any benefit, or for exploitative entertainment, slavery or forced labour or adoption, or to prevent or restrict a person’s liberty to travel, etc).”

A “victim” of trafficking is defined as a “person who is the subject of or against whom any offence under this Ordinance has been committed.” This definition differs significantly from those put forward under the Palermo Protocols, where giving or receiving any payment or benefit for smuggling with the consent of a migrant would fall under the concept of migrant smuggling, rather than human trafficking.

Prosecutions and convictions under the PACHTO widely vary among the six AHTCs that reported for 2011 and 2012, but are generally quite low (with the exception of Gujranwala AHTC) and always much lower than prosecutions and convictions under the Emigration Ordinance.²⁶⁶ In addition to the difficulties in disentangling the definitions of similar offenses under the Pakistan Penal Code, it is also reportedly difficult for prosecutors to establish their cases under the PACHTO: it is difficult to prove the involvement of a criminal group as defined under the PACHTO, the definition of a victim of trafficking is reportedly unclear.²⁶⁷ This is supported by the large gap between the number of cases registered under PACHTO and the actual convictions.²⁶⁸ The low conviction rate could also reflect the low involvement of testifying migrants, considering the three attempts system used by smugglers (as the PACHTO is also used to prosecute migrant smuggling). Finally, similar to the Emigration Ordinance, there is a general pattern of fairly light sentencing: in 2012, 85% of convictions under the PACHTO received only fines (53 out of 62 convictions).²⁶⁹ Of the nine prison sentences, five received sentences of less than six months, and the rest received sentences of between six months and two years.²⁷⁰

According to the FIA, most smuggled migrants are classified as offenders (80%), while approximately 20% are declared as victims.²⁷¹ This is supported by the prosecution and conviction rates under the Emigration Ordinance and the PACHTO, as discussed above. Due to the fact that the terms “trafficking” and “smuggling” are used interchangeably it is however not clear if these persons are victims of trafficking or smuggled migrants. Based on the interview with the FIA, however, most of the persons classified as victims would according to the Palermo Protocol not be victims of trafficking but rather smuggled migrants facing exploitative situations or breach of agreements. However some would indeed be victims of trafficking according to the Palermo protocol definition.²⁷²

In addition to the above-mentioned policies, there are also two key draft policies, both of which are meant to address key gaps noted in the policies and legislation above: the Draft National Migration Policy and Pakistan’s National Action Plan to Combat Human Trafficking and Migrant Smuggling (2015-2020).

²⁶⁵ This is something supported by all interviews.

²⁶⁶ See Annex 3, Tables 7 and 8.

²⁶⁷ Azam 2009.

²⁶⁸ See Annex 3, Tables 7 and 8.

²⁶⁹ This data is separate from that provided in Annex 3, Table 8. UNODC (2013), “Recent trends of human trafficking and migrant smuggling to and from Pakistan”, Vienna: UNODC.

²⁷⁰ UNODC (2013), “Recent trends of human trafficking and migrant smuggling to and from Pakistan”, Vienna: UNODC.

²⁷¹ PK/A/9

²⁷² PK/A/9

The Draft National Migration Policy focuses primarily on promoting and expanding Pakistani labour migration. It also specifically addresses the issue of protecting the rights of migrant workers abroad, as well as the issues noted previously with regard to recruiting agencies (fraudulent overseas employment promoters, overcharging by official overseas employment promoters, and those selling fake visas). The policy recommends that the official service charges of the recruiting agents to the overseas employers should be increased and overcharging should be more severely punished, as a means to address this issue. However, in practice, it is more likely that this may lead to increases of the overcharging rate, as the increased rate could be an excuse for agents to demand more from migrants.²⁷³ The ILO is also currently developing a Code of Ethical Conduct for Licensed Overseas Employment Promoters, also meant to address these practices.²⁷⁴ It should promote professionalism, trust, fair practices and self-accountability of registered overseas employment promoters, as well as regulate their conduct to the ethical standards set out in the various relevant ordinances (particularly the Emigration Ordinance).²⁷⁵

Pakistan's National Action Plan to Combat Human Trafficking and Migrant Smuggling (2015-2020) is in the process of being approved by the FIA. Elaborated with the support of UNODC Pakistan and input of key stakeholders in the field, it aims at addressing current gaps in the implementation of anti-human trafficking and anti-migrant smuggling efforts in the country.²⁷⁶ This includes in particular on inter-agency cooperation, public-private partnerships (for example with NGOs in relation to assistance to victims and/or deportees), standardised data collection and addressing corruption. The Action Plan also includes a section on the UN Protocol against the Smuggling of Migrants by Land, Sea and Air and the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, clarifying the difference between human trafficking and migrant smuggling. Although these Protocols have not been signed or ratified, the Action Plan intends to help improve distinctions between the two concepts in future government actions.

The "Afghan issue" is considered a key contributing factor in terms of migration issues in the country, and related to migrant smuggling operations. At regular intervals, when Afghan Proof of Registration cards²⁷⁷ are up for renewal or when there are debates on policies involving the right of Afghan refugees in Pakistan to work and to stay, there is a strong increase in negative media and government statements on Afghan refugees, which stress the burden on Pakistan in hosting such a large community.²⁷⁸ These cards expire again at the end of 2015.

Since the Peshawar attack of December 2014, however, this negative rhetoric and actions against Afghans in the country has strongly increased, with more discussion of expulsion of Afghans from the country as well increased border management and security along the Afghanistan-Pakistan border. There have also been a number of Pakistani security sweeps targeting irregular Afghan migrants for arrest and expulsion. Two stakeholders highlighted that this increased pressure has had an impact on the movement of Afghans, where many are choosing to return to Afghanistan, but others may look for other options, including potentially using smuggling operations.²⁷⁹ As an indication of the pressure placed on Afghans in Pakistan, in the first 10 weeks of 2015 more Afghans returned to Afghanistan than during the entire year of 2014.²⁸⁰ Many of those who voluntarily returned also highlighted that they felt they did not have a choice, considering the current situation.²⁸¹ Although it is not clear how many have chosen to look to smuggling operations, it is clear that the situation of Afghans in Pakistan may lead them to look to other means to move onward.

However, in March 2015 there have been some indications that the situation may be calming down again.²⁸² There have been tripartite talks between Afghanistan, Pakistan and UNHCR on the refugee situation, and Afghanistan and

²⁷³ Azam 2009.

²⁷⁴ PK/1/2

²⁷⁵ PK/1/2

²⁷⁶ PK/1/3

²⁷⁷ Official registration card recognising the bearer as an Afghan citizen temporarily living in Pakistan.

²⁷⁸ PK/1/8

²⁷⁹ PK/N/7, PK/1/8

²⁸⁰ A total of approximately 52,000 persons. Roehrs, C. (2015), "The Refugee Dilemma: Afghans in Pakistan between expulsion and failing aid schemes", 9 March, Afghanistan Analysts Network. <https://www.afghanistan-analysts.org/the-refugee-dilemma-afghans-in-pakistan-between-expulsion-and-failing-aid-schemes/> However, this number should also be put in the context that 2014 returns were particularly low, considering the NATO withdrawal and the elections, which meant that the future seemed much more uncertain at that time.

²⁸¹ PK/1/8

²⁸² See UNHCR (2015), "Afghanistan, Pakistan and UNHCR agree on adopting new approaches to assist the voluntary return of Afghans from Pakistan", Press Release, 11 March. Available at <http://unhcrpk.org/?p=2433>.

Pakistan have also met directly to discuss how to deal with the situation of unregistered and irregular Afghans in Pakistan. Both talks have also been reported widely in the media, so Afghans may now feel in a better situation than at the start of the year.²⁸³

As noted previously, the Federal Investigation Agency (FIA) under the Ministry of the Interior is the main Pakistani stakeholder mandated to address the issue of irregular migration, including migrant smuggling. Personnel from the FIA's Immigration Wing are present at all official Pakistani ports and also keep statistical data regarding deportations of Pakistanis back to Pakistan and all persons entering and leaving Pakistan through the ports.²⁸⁴ The FIA operates at 26 immigration border posts across the country.²⁸⁵ Moreover, all cases of suspected or detected irregular migrants identified are handed over to the Wing's Anti Human Trafficking Circles (AHTCs), for investigation and possible prosecution. To clarify, the AHTC do not only deal with trafficking, but also smuggling and other cases involving aspects of irregular migration; all irregular migration cases identified by the FIA are transferred to the AHTCs for further investigation and action. They have been established in the cities of: Lahore, Karachi, Peshawar, Quetta, Multa, Faisalabad, Hyderabad, Gujranwala, Rawalpindi, Chaman, Turbat and Taftan.²⁸⁶

Each Anti-Human Trafficking Circle has to send a progress report on a daily basis to the FIA Headquarters in Islamabad including information and progress on each specific inquiry and case. The data collected on the irregular migrant and sent on to the Headquarters contains specific information such as personal data (name, age, date of birth, nationality, etc.) and it also contains information on the means used to migrate and any information collected in this regard, for example routes, smugglers used, etc.²⁸⁷ The FIA Headquarters then collects and analyses the data, and checka on the progress of each case with each of the field offices, i.e. how many persons have been convicted, cases dropped, judicial actions taken etc.²⁸⁸ The information collected and analysed is not however publically available, except for the information provided in the Red Book of Most Wanted Human Traffickers.²⁸⁹

Furthermore the FIA interviews every person that is returned no matter if it is a voluntary or forced return.²⁹⁰ The process starts with the Immigration Wing at the airport, which produces a short written complaint against a person who has been detected using forged or falsified documents, who is being returned, or who is entering Pakistan on an emergency passport or laissez passé. The Immigration Officer from the Immigration Wing then attaches the documents used (if available) and the passport number of the person is registered. The person is then sent to the AHTC where they would be interviewed. Data on the person's name, place of birth, address and nationality is collected and verified, as well as information on from which country they were returned and which means they used to get to that country. If a smuggling agent has been involved the FIA collects information, if available, on:

- ★ where and how the person met or got in contact with the agent,
- ★ mobile number or other means to contact the agent,
- ★ amount of payment given for the obtained services,
- ★ means of payment (cash/transfer etc.),
- ★ whether the person received any receipt of the amounts paid,
- ★ whether there were any written agreements or witnesses to the transaction,
- ★ the reason for their illegal status in the country of destination (i.e. illegal entry, overstay, entering on forged or falsified documents, etc.),
- ★ who facilitated the procurement of illegal documents, and

²⁸³ PK/I/8

²⁸⁴ ICMPD 2015.

²⁸⁵ Air borders: Islamabad, Lahore, Karachi, Peshawar, Quetta, Pasni, Turbat, Faisalabad, Multan, Sialkot, Gawadar, DG Khan, RY Khan, DI Khan. Land borders: Wagha, Wagha railway station, Khokaropar railway station, Taftan, Chaman, Sust, Torkham, Border Post 250. Sea borders: Karachi seaport, Ghass Bandar, Port M. Bin Qasim, Gawadar. Federal Investigation Agency (2015), "Anti Human Trafficking Circles", Available at: http://www.fia.gov.pk/dep_immigration.htm

²⁸⁶ Federal Investigation Agency (2015), "Anti Human Trafficking Circles", Available at: http://www.fia.gov.pk/dep_immigration.htm

²⁸⁷ PK/A/10

²⁸⁸ PK/A/10

²⁸⁹ PK/A/10

²⁹⁰ PK/A/9, PK/A/10

★ other information deemed necessary in the course of the interview.²⁹¹

Exact and segregated data is collected, kept and analysed but is not publically available or shared with external actors. In addition there is specific classification “forged documents group B” covering those persons who left Pakistan on genuine documents but then procured illegal documents in another country (for example in Dubai, UAE) on their way onward to another country.²⁹² Based on the information collected, the official then decides if the person is a victim or not. A person can also be classified as a victim if s/he has been smuggled, as this terminology is not only applicable for trafficked persons. However, according to the FIA, victims of trafficking are always classified as victims.²⁹³ If the person is classified as a victim, s/he is taken to Court (before a judicial magistrate) where s/he has to make a statement to the police, resulting in an admissible piece of evidence against the accused. The person is then released but s/he needs two persons as guarantors; if the victim disappears these two guarantors will be charged instead of the actual person who is involved in the case – they can be fined or even be imprisoned instead of the other person in accordance with the penal code.²⁹⁴

If the person is not classified as a victim and they are Pakistani, they are considered as having committed the crime of having crossed a border illegally according to the Emigration Ordinance (see above). In this case, the person is taken into custody where, according to an interviewee²⁹⁵, the migrants are often very afraid and disclose information quickly. The same interview noted that the sole motivation of the official is to identify the agent or smuggler involved (i.e. the one facilitating the illegal crossing, stay or work).²⁹⁶

Operationally, for irregular migrants²⁹⁷ identified at any Pakistani border post by the FIA, they are processed by the relevant AHTC²⁹⁸ of the respective district in which they have been identified, for investigation and possible further prosecution.²⁹⁹ For those identified by the other Pakistani institutions relevant at the border (i.e. Frontier Corps, Balochistan Levies, Coast Guard), they are taken to the nearest Pakistani border post for further action and investigation by the AHTCs. All Pakistanis identified irregularly present by Iranian authorities on the Iranian side of the border are taken to Taftan official border post for processing by Pakistani authorities (primarily against provisions in the Emigration Ordinance), as it is the only official border post between the two countries. Then their offenses are investigated and processed by the Pakistani AHTC at Taftan.³⁰⁰ From April 2014 to January 2015, the FIA intercepted 2159 irregular migrants at the Pakistan-Iran border, and 3164 in 2013 along all borders.³⁰¹ Moreover, along the Pakistan-Afghan border, 46% of interceptions were conducted by the FIA, and 44% by the Frontier Corps, see Figures 8 and 9 below.

²⁹¹ PK/A/9, PK/A/10

²⁹² PK/A/9, PK/A/10

²⁹³ PK/A/9

²⁹⁴ PK/A/10

²⁹⁵ PK/A/10

²⁹⁶ PK/A/10

²⁹⁷ This could be non-citizens, but also citizens if they do not have the proper permissions for emigration.

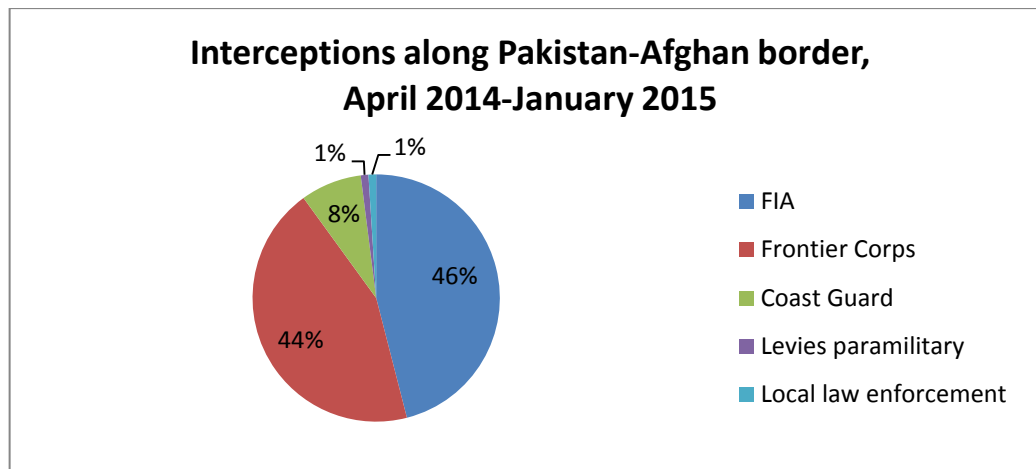
²⁹⁸ These are under the FIA and process trafficking in persons and migrant smuggling cases, PK/A/9, PK/A/10

²⁹⁹ PK/A/6, PK/A/9, PK/A/10

³⁰⁰ PK/A/6, PK/A/10

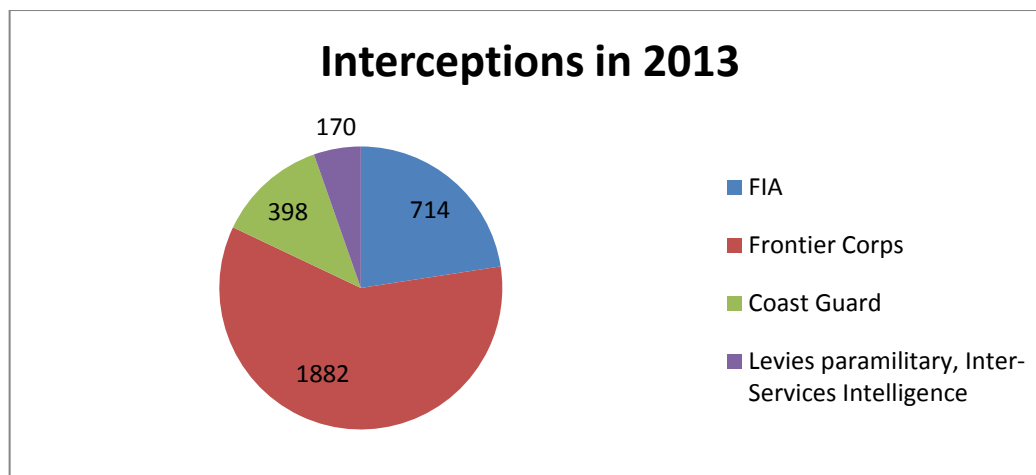
³⁰¹ Statistical data provided to the researcher. UNODC (2014), *The Socio-Economic Impact of Human Trafficking and Migrant Smuggling in Pakistan*, Vienna: UNODC.

Figure 9: Interceptions along the Pakistan-Afghan border.



Source: Statistical data provided to the researcher

Figure 10: Interceptions in 2013.



Source: UNODC (2014), *The Socio-Economic Impact of Human Trafficking and Migrant Smuggling in Pakistan*, Vienna: UNODC.

Note: The large number of interceptions in 2013 by the Frontier Corps can be attributed to the increased security in the frontier regions in relation to violence and militancy at the time.³⁰²

The AHTCs, under the FIA's Immigration Wing, investigate and prosecute migrant smuggling offenses. In addition, there are a number of mechanisms identified by the FIA as addressing migrant smuggling, including: the Integrated Border Management System (IBMS) (implemented at the border posts), the Case Management System, interception activities at border posts, the Exit Control List, black lists of lost or stolen passports, Interpol warrants, forgery detection machines at the international airports, offloading based on screening and information, the 24/7 FIA Helpline for complaints and support, the Oman liaison office and human intelligence.³⁰³

³⁰² Source: UNODC (2014), *The Socio-Economic Impact of Human Trafficking and Migrant Smuggling in Pakistan*, Vienna: UNODC.

³⁰³ UNODC (2014), *The Socio-Economic Impact of Human Trafficking and Migrant Smuggling in Pakistan*, Vienna: UNODC, p. 5. Supported also by PK/A/6.

In order to fight document fraud but also as a policy against irregular migration, the FIA has a policy of zero tolerance against corruption of Immigration Officers.³⁰⁴ If a person manages to leave on false or forged documents, a case will be opened against the Immigration Officer who cleared the exit, then the Immigration Officer will be arrested and departmental action will be taken. The case will be brought to Court, however in most cases it is reportedly difficult to prove the case as the judges will ask for the original “fake” documents as well as the person that migrated; in most cases, neither the documents nor the migrant will be available and therefore the Immigration Officer normally is released on bail.³⁰⁵ Nonetheless, the Immigration Officer will be removed by the FIA from his/her position.³⁰⁶ However, in most cases the officer appeals and, as neither the original false documents nor the migrant can be provided to support the case, the Immigration Officer will normally win the case and return to his/her duty. The FIA however keeps a “black list” of Immigration Officers who have been charged with such cases of corruption and they can no longer work with exit and entry control.³⁰⁷ This is considered a heavy burden on officials conducting border control and, even if they reportedly earn 60% more salary than other FIA staff, according to one interviewee, it is difficult to find persons that want to do this job as they are afraid of facing this situation due to merely human error. As a migration policy directed towards corruption, even the FIA interview noted that it fails in purpose due to the fact that: a) those who actually are corrupt do not have anything to fear as it is difficult for the state to prove the case in court, and b) subsequently immigration staff does not want to work at the border control checking documents due to the potential repercussions of a human mistake.³⁰⁸

The Frontier Corps and Balochistan Levies are paramilitary forces that patrol the “green” land border between border posts. The Frontier Corps are traditionally used to guard the border and address smuggling (not only human, but also of arms and drugs) and are a federal agency.³⁰⁹ The Balochistan Levies are tasked specifically with maintaining law and order in Balochistan (the province bordering Afghanistan, Iran and the Arabian Sea) and are a provincial agency. Some areas of Balochistan are only under the administration of the Balochistan Levies, and not the Balochistan police.³¹⁰ The Coast Guard patrols the “blue” maritime borders of the Arabian Sea, along the coast line of the Sindh and Balochistan provinces and are more commonly relevant for migrant smuggling activities towards Arabian Gulf countries. Local police forces for each province are also considered important stakeholders, as they are charged with investigating crimes within their jurisdiction.

Accordingly, all these stakeholders participate in the Inter-Agency Task Force, established in 2005, to coordinate responses to irregular migration identified outside of the border posts (as irregular migration is under the responsibility of the FIA, but the FIA only operates at the official border posts). Although the impact of the Inter-Agency Task Force has been debated, due to infrequent meetings in the past,³¹¹ it now reportedly meets on a quarterly basis, and has reported an increase in manpower devoted to this issue on the part of all stakeholders involved.³¹²

As noted in the Introduction, the Ministry of Overseas Pakistanis and Human Resource Development is the main stakeholder with regard to the regulation of legal migration from the country. This Ministry, in particular its Bureau of Emigration and Overseas Employment (BEOE), establishes clear steps for labour emigration (including previous registration and pre-departure training) and provides approval for Overseas Employment Promoters (OEPs)³¹³ (i.e. labour recruiters). Most Pakistani labour migrants go abroad for work organised by either the public recruitment agency Overseas Employment Corporation or private OEP agencies, who have registered with the BEOE. Through this process, they must register with one of the seven³¹⁴ Protectorate of Emigrants regional offices of the BEOE. These offices provide pre-departure orientations for departing migrants, on health and safety risks and emergency contacts

³⁰⁴ PK/A/9

³⁰⁵ PK/A/9

³⁰⁶ PK/A/9

³⁰⁷ PK/A/9

³⁰⁸ PK/A/9

³⁰⁹ Miller, G. (2007), “US Military Aid to Pakistan Misses its al-Qaeda Target”, *Los Angeles Times*, 5 November.

³¹⁰ N.A. (2012), “Levies force restored in Balochistan”, *Dawn*, 15 April. Available at: <http://www.dawn.com/news/852270/levies-force-restored-in-balochistan>.

³¹¹ Interview PK/N/7

³¹² Statistical data provided to the researcher; Interview PK/A/10.

³¹³ Full list of Overseas Employment Promoters available on the Bureau of Emigration and Overseas Employment website, Available at: http://www.beoe.gov.pk/List_of_OEPs.asp.

³¹⁴ Located in Rawalpindi, Lahore, Karachi, Peshawar, Quetta, Multan and Malakand (KPK).

in the country.³¹⁵ The ILO has been working with the Ministry to strengthen these pre-departure orientations, establish a Migrant Resource Centre and raise awareness of potential migrants of the process, what to ask and potential issues (both regarding risks of fraud or overcharging by agents before departure and risks of exploitation and trafficking after departure).³¹⁶

There is also a strong civil society involvement with regard to providing assistance to victims of trafficking, abuse and exploitation. However, there are no civil society organisations that focus specifically on providing assistance to irregular migrants, smuggled migrants or deportees. Nonetheless, UNODC works with the FIA on trafficking victim assistance and were involved in the establishment of the Facilitation Centre at the Taftan Border Post (at the Iran-Pakistan border), where initial investigation of irregular migration cases can take place and which includes a victim reception centre and a referral system for victims.³¹⁷

Pakistan also actively participates in a number of relevant regional processes, including the Colombo Process, the Asia-EU Dialogue on Labour Migration, the Abu Dhabi Dialogue, the South Asian Association for Regional Cooperation (SAARC)³¹⁸, the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime (Bali Process) and the Budapest Process.

Pakistan has actively participated in particular in the Budapest Process Silk Routes project³¹⁹, in the framework of which several meetings and trainings have been conducted with national stakeholders (including the FIA) on the topic of irregular migration, including on migrant smuggling issues, and hosted by Pakistan. In April 2015 a training of trainers of the Pakistani FIA took place based on a training manual developed for the FIA covering four modules, one of which focused on irregular migration and migrant smuggling.³²⁰ On 8-9 June 2015 a large-scale regional meeting and training was held in Islamabad with higher-level authorities. This meeting included a Budapest Process Silk Routes Working Group meeting focused on strengthening regional and intergovernmental policy dialogue, facilitating exchange of information, experience, best practices and know-how on migration, providing a forum to both report on developments and progress in their countries and also to get support and proposals for further actions from participating countries, as well as maintaining the network of focal points between the Budapest Process countries. Moreover, this Working Group meeting specifically discussed the issue of differentiation of the terms migrant smuggling and human trafficking, the role of criminal networks in irregular migration and the major routes of migrant smuggling in the region.³²¹

Immediately following the Working Group meeting, Pakistan also hosted the regional training on irregular migration including return, smuggling of migrants and trafficking in human beings. In general, such regional trainings aim at:

- ★ Encouraging cooperation and experience exchange between the Silk Routes countries and other participating states;
- ★ Increasing the level of knowledge on migration issues and to further the common understanding of migration challenges in the region;
- ★ Contributing to improving the training structure in the Silk Routes countries in a sustainable manner by developing inter-disciplinary training programmes in the area of migration.

The regional trainings are also followed up at the national level in each country, including in Pakistan. All trainings (including the one in June) seek to also involve participants from Bangladesh and Iran in order to promote regional cooperation. Such regional trainings and dialogues were highlighted as an important resource for authorities in the region to engage and discuss cooperation on the topic of irregular migration in general and migrant smuggling in particular.

³¹⁵ PK/A/5. The Overseas Employment Corporation agency conducts this orientation itself.

³¹⁶ PK/1/2.

³¹⁷ PK/1/3

³¹⁸ In the framework of the SAARC, Pakistan also signed the SAARC Convention on Preventing and Combating of Trafficking in Women and Children for Prostitution in 2002.

³¹⁹ The Silk Routes project includes the following countries: Afghanistan, Iraq and Pakistan. The Budapest Process at large includes: Albania, Armenia, Austria, Azerbaijan, Belarus, Belgium, Bosnia-Herzegovina, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Ireland, Italy, Kazakhstan, Kyrgyzstan, Latvia, Liechtenstein, Lithuania, Luxembourg, the former Yugoslav Republic of Macedonia, Malta, Moldova, Montenegro, Netherlands, Norway, Poland, Portugal, Romania, Russian Federation, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, Tajikistan, Turkey, Turkmenistan, Ukraine, United Kingdom and Uzbekistan.

³²⁰ ICMPPD 2015.

³²¹ See <https://www.budapestprocess.org/105-6th-silk-routes-working-group-meeting-in-islamabad-addresses-irregular-migration>.

One interviewee also noted the role of UNODC in providing training for Immigration Officers in Pakistan.³²² As one example, UNODC in collaboration with the Australian Department of Immigration and Border Protection has recently implemented a training on travel documents with front line Immigration Officers from the Multan, Sialkot and Lahore airports, aimed at enhancing the knowledge and skills of immigration officers in identifying document forgeries.³²³ UNODC has also supported Pakistan's FIA in opening a Research and Analysis Center at FIA Headquarters, which will "contribute towards building the capacity of FIA officials by enhancing and standardizing data collection and their reporting capabilities."³²⁴ The Research and Analysis Center has already and plans to continue publishing regular newsletters with data on migrant smuggling.

In terms of cooperative activities with other countries, Pakistan has signed several Memoranda of Understanding (MoUs) and bilateral agreements on irregular migration, relevant for migrant smuggling. Pakistan and the UK signed an MoU on readmission on 25 July 2005, renewed in November 2010 but set to expire in 2015. This MoU was strongly debated in Pakistan and in the UK.³²⁵ Cooperative agreements with the other countries or regions relevant for this route (Turkey, Greece, EU) are noted above in the section "Policies directed towards the selected routes".

4.3 National policy framework: Turkey

Turkey is a signatory of the United Nations Convention against Transnational Organized Crime and its Additional Protocol (Palermo Protocol) against the Smuggling of Migrants by Land, Sea and Air, which entered into force in 2004. The agreement and its addition were accepted in Turkish Grand National Assembly on 18 March 2003.³²⁶ The new Penal Code (No. 5237) adopted in 2005 introduced a provision (Article 79) stipulating penalties of three to eight years of imprisonment and significant judicial fines to migrant smugglers. Article 79 also provided for coercive measures on legal entities involved in the smuggling of migrants.³²⁷ The article indicated that:

- (1) Persons who directly or indirectly involve in;
 - a) Unlawful entry of a foreigner in the country or facilitate his stay in the country, and,
 - b) Unlawful transfer of Turkish citizens or foreigners to abroad, are sentenced to imprisonment from three years to eight years and punished with a punitive fine up to ten thousand Turkish days [units of daily personal income as appointed by the court].
- (2) In case of commission of this offense by an organized group, the punishment to be imposed is increased by one half.
- (3) In case of commission of this offense within the frame of activities of a legal entity, the court may decide on imposition of security measures specific to the legal entities.

According to an amendment made in the Article 79 of the Penal Code in 2010, even if the migrant smuggling operation was at the stage of attempt, it would still be considered as a crime fully committed, and consequently the smuggler would still be charged with the highest penalty possible of three to eight years imprisonment. According to the interviewed lawyer in Izmir³²⁸, this amendment is an important turning point for arresting and charging penalties to smugglers. What he underlines is that before this amendment, during the court cases against smugglers, the

³²² PK/I/3

³²³ UNODC Pakistan (2015), "Travel Documents Training for the Immigration Officers", 13 April. Available at: <http://www.unodc.org/pakistan/en/travel-documents-training-for-the-immigration-officers.html>.

³²⁴ FIA HQ Islamabad (2015), "Human Trafficking & Migrant Smuggling Newsletter", Islamabad: FIA.

³²⁵ Raza, S.I. (2010) "Exchange of illegal immigrants: Renewal of MoU annoys FO, Senate body", Dawn News, 4 November 2010 <http://www.dawn.com/news/948144/exchange-of-illegal-immigrants-renewal-of-mou-annoys-fo-senate-body> ; Ani (2010), "Reports of UK discriminating against Pakistanis 'completely false': Adam Thomson", 6 November 2010 <https://in.news.yahoo.com/reports-uk-discriminating-against-pakistanis-completely-false-adam.html>

³²⁶ Ministry of Foreign Affairs (2015), *Turkey's Fight Against Illegal Migration*, <http://www.mfa.gov.tr/turkey-s-fight-against-illegal-migration.en.mfa>, Accessed on 10 March 2015.

³²⁷ ABGS (2015), *Illegal Migration*, http://www.abgs.gov.tr/tarama/tarama_files/24/SC24DET_ILLEGAL%20MIGRATION%20.pdf, Accessed on 10 March 2015.

³²⁸ TR/I/8

defence lawyers would declare that an act of smuggling could not be considered as such, unless it is successfully completed.³²⁹ In terms of completion, defence lawyers put forward that the smuggler must reach the previously decided upon point of arrival. Accordingly, a smuggler who departed from Izmir, for instance, would have had to arrive to the agreed upon Greek island in order to be prosecuted. The interview with the lawyer in Izmir shows that smugglers' defences with these arguments were often successful, until the amendment of 2010 which made them invalid. However, smugglers' strategy then adapted in response to this amendment, they then either employed children or irregular migrants to aid in crossing the sea.³³⁰ As confirmed by the lawyer in Izmir, in some cases, (Afghan or Kurdish) smugglers claimed that they were also one of the migrants or asylum seekers on the way to Europe, thus avoiding prosecution.³³¹

With regard to court cases in relation to migrant smuggling, it seems that detention remains the predominant policy response by the Turkish authorities to the irregular entry and stay of migrants. Particularly worrying are the conditions in the various detention centres and police stations where irregular migrants and asylum seekers are held, and which have frequently been criticised. Like in the recent cases of *Ghorbanov and Others v. Turkey* (2014) or *Asalya v. Turkey* (2013), The European Court of Human Rights has found Turkey to be in violation of the right to freedom from inhuman, degrading treatment or poor conditions in these centres.³³²

As indicated previously, the current control of border passages and responsibility in addressing migrant smuggling are shared between several authorities. In Turkey, the operations to reduce and prevent irregular border crossings (including migrant smuggling operations) are shared between the National Police and the Turkish military forces. The National Police is in direct contact with the foreign missions in Turkey regarding the monitoring of smuggling networks, providing background checks on suspected persons and the repatriation of migrants. Apprehended migrants by the National Police are transferred to the consulates of their countries of origin that file travel documents and advise them to repatriate.³³³ The apprehension of individuals is mainly undertaken during the act or the attempt of illegal border crossing (both facilitated by migrant smuggling and not facilitated) by the Turkish General Staff (TGS). The control of external borders is in the competence of the TGS with the General Command of Gendarmerie and Turkish Land Forces responsible for land borders, and Coast Guard Command for sea borders. As can be seen in the statistics included in the previous chapter on Practice, the Coast Guard is a particularly relevant stakeholder involved in identifying smuggling operations and apprehending irregular migrants along the route from Turkey to Greece, and also in cooperating with Greek stakeholders in this regard. While the TGS mainly focuses on the individual border crossing, the Department of Anti-Smuggling and Organized Crime (KOM), which is a specialised department within the infrastructure of the National Police, focuses specifically on benefit-oriented criminal organisations, including migrant smuggling organisations. Therefore very often KOM units monitor smuggling organisations that are apprehended by the TGS during the act or the attempt of border crossing at Turkey's western borders.

The management of Turkey's borders, in terms of technical infrastructures and the management of public personnel is a shared task between the Ministry of Interior and the Ministry of Defence. According to the Article 11 of the Law No 5412, the governors have the coordinator role for the management of the indicated measures. The Integrated Border Management policy was hence adopted in order to establish a civilian border management on all borders, following the establishment of the Directorate for Project Implementation on Integrated Border Management in 2004 and the adoption of National Action Plan for the Implementation of Turkey's Integrated Border Management Strategy in 2006. Nevertheless, the ongoing conflicts in countries neighbouring Turkey which affect the border regions and the political encounters between the government and the Turkish security forces has resulted in the continuation of the military border control regime, especially in the eastern and southern borders. Keeping the above difficulties in mind, IBM is expected to take place within a 15 year time framework (without an end date yet indicated), beginning with the harmonisation of (1) land borders at Thrace, (2) western sea borders, (3) southern borders, (4) borders with Georgia

³²⁹ TR/I/8

³³⁰ TR/I/8

³³¹ TR/I/8

³³² For more information visit the link: http://www.echr.coe.int/Documents/FS_Migrants_detention_ENG.pdf

³³³ TR/A/1 and TR/A/2

and finally (5) at the south eastern borders.³³⁴ In addition, the Directorate General of Migration Management (DGMM), established in 2014, should again be noted, as it is central to policy making on the issue of irregular migration in Turkey in general, and on migrant smuggling in particular.

The International Organization for Migration in Turkey has been collaborating with the Ministry of Interior since 2011, for the creation of an action plan on irregular migration in Turkey.³³⁵ The Turkey Strategy Document and National Action Plan on Irregular Migration was published in Spring 2015 as a roadmap for the coordination council in addressing irregular migration, among whose priorities is decreasing the volume of irregular migration and the prevention of organised crime. The National Action Plan includes fundamental policy recommendations under six strategic headings:

1. Preventing Irregular Migration and Strengthening Measures Related to Fighting against Organized Crimes Related to Migration;
2. Reducing Irregular Labour Migration through Comprehensive Policies;
3. Strengthening the Return (Removal) System for Irregular Migrants within the Framework of Human Rights Standards;
4. Developing Systematic Data Collection, Analysis and Sharing as well as Conducting Evidence Based Research to Contribute to Policies Regarding Irregular Migration;
5. Respecting Human Rights of Irregular Migrants and Taking Measures to Protect Vulnerable Irregular Migrants; and
6. Strengthening Development focused Regional and International Cooperation to Contribute to Prevention of Irregular Migration.

The Strategic Priority 1 in this document is devoted to the prevention of irregular migration and especially focuses on combating migrant smuggling. The Action Plan put forward three areas of need regarding this particular issue:

Need 1. Border Control: Strengthening pre-entry measures and entry controls for preventing irregular migration. The goals for this area are structured within the framework of implementing a stricter border control through strengthening technical infrastructure and administrative capacity.

Need 2. Combat Against Organized Crime: Combating migrant smuggling and other related organised crimes effectively. The goals for this area are centred around the specialisation and collaboration among law enforcement and judicial authorities on migrant smuggling.

Need 3. Multilevel Governance: Improve inter-institutional coordination at the national level and develop cooperation at the international level to maximise prevention of irregular migration and to effectively implement measures to combat organised crimes related to migration.³³⁶

Turkey continues to face some institutional difficulties in terms of addressing migrant smuggling, for which this Action Plan and detailed strategic needs are considered useful as guiding documents. Such difficulties are not in terms of identifying smuggled migrants, but rather at times the bureaucratic issues and budgetary limitations that border control officials in particular must face. In the words of one interviewee:

As a police, it is difficult to deal with the apprehended migrants. It is not only because we do not know the language or culture of them. It is also because there are lots of administrative things to do. Even though there are lots of developments on the administrative part, lots of regulations and directive are on the rule, still

³³⁴ TR/I/21

³³⁵ TR/I/20

³³⁶ Republic of Turkey Ministry of Interior Directorate General of Migration Management, Turkey Strategy Document and National Action Plan on Irregular Migration, 2015.

the limited capacity and time and budget are among the main concerns in dealing with the apprehended migrants. The detention and deportation for example are really very difficult parts of these apprehensions. Sometime I hear from my friends that they saw migrants but do not apprehend them, as they are really fed up with the bureaucracy... there are some improvements but for the cooperation among the institutions, we still need much more practice. This open border policy is good for the Syrians and it is really very humanitarian but as a police controlling the border is really difficult, as there are not only Syrians there.³³⁷

In addition to the governmental institutions and actors involved in addressing migrant smuggling outlined above, there are a number of civil society organisations in Turkey that are increasingly engaged on this issue. Various international organisations and an increasing number of civil society organisations have become more concerned about the situation of irregular migrants in Turkey and tend work towards building up public awareness on issues concerning irregular migrants' social, cultural and economic rights. Although the media has had a special focus on the misfortunes of those irregular migrants who attempt to cross the Aegean Sea Mediterranean Sea, as well as on the presence of growing numbers of Syrians in Turkey, irregular movements and migrant smuggling recently receives relatively more attention in the public arena in the country. In recent years there is a rising involvement of civil society organisations (NGOs especially) on irregular migration issues in Turkey in general and to the human rights in specific. In this regard, for instance, an Izmir-based non-governmental organization, Association of Solidarity with Refugees (*Mülteci-Der*) has become active not only through its works in the country, but also in terms of its collaborations with other NGOs outside Turkey, including those in Greece. Apart from *Mülteci-Der*, the activities of other NGOs, such as Association for Solidarity and Asylum Seekers (ASAM), which focuses on researching and working on policy issues related to refugees and asylum seekers in Turkey, and Helsinki Citizens' Assembly (HYD-HCA), which focuses on human rights issues for irregular migrants and refugees, should also be noted.

In terms of international cooperation and agreements, Turkey has concluded several cooperative agreements and actively participates in a number of intergovernmental migration dialogues. Turkey has signed bilateral agreements with countries of origin and destination including Syria (signed in 2001), Kyrgyzstan (2003), Pakistan (2010), Russia (2011), Nigeria (2011), Yemen (2012), the EU countries including Greece (2001), Romania (2004) and also non-EU European countries, including Ukraine (2005), Bosnia and Herzegovina (2012), Moldova (2012), Belarus (2013) and Montenegro (2013).

Turkey has also had important cooperation with European bodies on issues relevant for irregular migration and migrant smuggling. Turkey signed a Readmission Agreement with the European Union in 2013 and, following the signature of an Action Plan for Implementing Integrated Border Management Strategy in 2006, implemented a joint Turkey-EU Twinning Project on Integrated Border Management with the cooperation of France and England. The official ties between the EU's border agency (Frontex) and Turkey became institutionalised in 2013, marking a significant shift in the management of borders and control procedures.

The Turkish state cooperates with a number of EU member states and third countries regarding migrant smuggling. To that end, Turkey signed a Joint Statement of Cooperation on Migration with United Kingdom and provided training on migrant smuggling in Sudan in 2011.³³⁸ In 2013, KOM Offices in the Turkish cities of Istanbul, Yalova and Izmir cooperated with officials from Germany, France, Sweden, Romania, Greece, Austria, Hungary, Bulgaria, Italy and the Russian Federation in order to investigate international networks and contacts of migrant smuggling organisations with international links.³³⁹ The issue of migrant smuggling is strongly related to the areas of irregular migration and border controls, and there have been on-going changes related to these two areas since the mid-2000s in Turkey, mainly as a result of the EU accession process. A requirement in the Turkish-EU candidacy negotiations, the harmonisation of border management has become an issue of concern for the Turkish authorities, especially since 2004.

³³⁷ TR/A/26

³³⁸ T.C. İçişleri Bakanlığı Emniyet Genel Müdürlüğü Kacakçılık ve Organize Suçlarla Mücadele Daire Başkanlığı (KOM). (2011), 2011 Raporu, KOM Yayınları No: 78, Ankara.

³³⁹ T.C. İçişleri Bakanlığı Emniyet Genel Müdürlüğü Kacakçılık ve Organize Suçlarla Mücadele Daire Başkanlığı (KOM). (2014), Kacakçılık ve Organize Suçlarla Mücadele 2013 Raporu, KOM Yayınları No: 109, Ankara.

Additionally, Turkey participates in the intergovernmental dialogue initiatives to manage migration on a number of routes, including: The Hague Process on Refugees and Migration; the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime; the Prague Process; the Almati Process; the Rabat Process and the Mediterranean Transit Migration Dialogue. The Budapest Process, currently chaired by Turkey, has been developed as an arena for sharing information between EU and non-EU countries in an attempt to improve the management of migration. Turkey has been the co-chair of the Process since September 2003, and became the chair in 2006, thus is an active participant in the Process. During the 5th Ministerial Conference in Istanbul held in 2013, the Istanbul Ministerial Declaration on a Silk Routes Partnership for Migration was adopted. Among the priority areas of the partnership is combating criminal networks involved in the smuggling of migrants.

Among these various dialogue processes and protocols, Readmission Agreements and Integrated Border Management were the only processes referred to directly by the expert stakeholders and national authorities interviewed during the research. Although these two processes were mentioned as potentially effective mechanisms, Readmission Agreements received criticism by human rights NGOs that were cautious about humanitarian aspects during the implementation of the agreements.

4.4 National policy framework: Greece

The European Union's *acquis* on migration and asylum is applicable to Greece as a European Union member state, and Greece has transposed relevant EU directives into national legislation. Greece is also a part of the Schengen area, which provided for the strengthening of external border controls and eliminated internal border controls. Furthermore, as a member state of the European Union, Greece has an obligation to respect the Charter of Fundamental Rights of the European Union when implementing EU law.³⁴⁰

Greece has transposed all three of the Palermo Protocols³⁴¹ in its national legislation, though it has retained the right to apply different penalties, higher than what the Protocols recommend, for convicted smugglers and human traffickers. Irregular entry and/or exit are considered administrative felonies in Greece, which means that the migrant is penalised for both unauthorised entry to the country and attempted exit. It has also transposed to national legislation the

- ★ Directive 2002/90/EC defining the facilitation of unauthorised entry, transit and residence;
- ★ Council framework Decision 2002/946/JHA on the strengthening of the penal framework to prevent the facilitation of unauthorised entry, transit and residence (especially arts 3,4 &5); and
- ★ Council Framework Decision 2002/584/JHA on the European arrest warrant and the surrender procedures between Member States.

In Greece, the main law enforcement agencies responsible for managing, responding and combatting smuggling are the Hellenic Police and the Hellenic Coastguard. The former has a division dedicated to irregular migration (Aliens Division) that is responsible for the intelligence gathering of information regarding smuggling operations and organised crime for irregular migrants. Smuggling falls under the scope of organised crime because it fulfils many of the criteria of organised crime:

"Smuggling is conducted by groups of at least 3 persons, they have continuous activity and usually - though not always - there is some semblance of allocated roles."³⁴²

Smuggling, i.e. the activity of transporting, aiding and abetting, falls under criminal charges and penalties. Thus, smuggling and facilitation are indistinguishable in the Greek law and are treated as criminal violations and without distinguishing between facilitator and smuggler. However, the lack of distinction between facilitator and smuggler is a

³⁴⁰ Human Rights Council (General Assembly), *Report of the Special Rapporteur on the human rights of migrants*, François Crépeau,, A/HRC/23/46/Add.4, Mission to Greece, April 2013.

³⁴¹ [Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children](#); the [Protocol against the Smuggling of Migrants by Land, Sea and Air](#) and the [Protocol against the Illicit Manufacturing and Trafficking in Firearms, Their Parts and Components and Ammunition](#)

³⁴² Interview GR_A_02

problem for enforcement agencies because in practice there is a huge difference³⁴³ but the law does not enable them to prosecute differently.³⁴⁴

The distinction exists between one-time and repeated offenders. One-time offenders, or persons apprehended for smuggling of small groups (e.g. 3-4 persons), will be charged but the public prosecutor may recommend a medium length of sentence. For repeat offenders (i.e. previously apprehended) and for those caught smuggling large groups, public prosecution tends to recommend the maximum penalty which is at least 10 years and monetary payment 50,000 per smuggled person (see below L4251).³⁴⁵

Recently, L.4251/2014 codified all legal instruments including penalties relating to smuggling. Law 4251/2014 represents the first codified version in matters of immigration and social inclusion, organising all previous amendments made to pre-existing legislation under one single text. It incorporates all relevant sections, terminologies, penalties and prosecution procedures of the previous laws and codifications (namely L3251/2004, L3386/2005, L3536/2007, L3907/2011 and L4052/2012).

The vast majority of provisions relative to this assessment have remained intact and has been recast in the body of the new law with different references. The relevant provisions covering the purpose of the Directive are located under Chapter H of Law 4251/2014 titled 'Obligations of services, public officers and individuals. Article 29(5) and (6) and Article 30³⁴⁶ thereof describe the crime of unauthorised entry, transit and facilitation and impose the relevant sanctions. The definition of "victim of migrant smuggling"³⁴⁷ is located under Article 1(1)(i) of Law 4251/2014. The law distinguishes between a "victim of trafficking" and a "victim of smuggling", with the latter defined as the individual, for whom there are reasonable grounds for believing that he/she is a subject of smuggling/facilitation. The act itself is defined as "any assistance/facilitation offered to third country nationals who do not have proper authorisation, pertaining to their unlawful entry or exit from Greek soil."

Article 87(5) of Law 3386/2005 which is incorporated under Law 4251/2014 punishes a person for assisting a third-country national to enter or exit the Greek territory, in breach of Article 5 of the same law as an aggravating circumstance where committed for financial gain or professionally or habitually or where the crime is committed by two (2) or more persons acting in concert.

Article 85(6) of Law 3386/2005, which is incorporated under Law 4251/2014, Articles 29(5) and (6), and Art.30 punishes a person who assists a third-country national to reside or who hinders the police authorities' investigations for the location, arrest and expulsion thereof, as an aggravating circumstance committed for financial gain. Given that the European Directive provision punishes only the assistance provided with the purpose of residence, the national legislation can be considered stricter than the Directive. More specifically, the national legislation has also an aggravated form of the assistance to enter or exit the Greek territory and of the disruption of police investigations for the location, arrest and expulsion of the third-country national. Additionally, apart from the element of "financial gain", the Greek legislation refers to other factors constituting an aggravating version of the crime under Article 87(5) of Law 3386/2005 and which cover the cases where the crime is committed professionally or habitually or by two or more persons acting in concert. Again, the national legislation proves to be stricter than the Directive in defining aggravated forms of smuggling.

Sanctions are covered under Law 4251/2014, Articles 29(5) and (6), Art.30 and the Criminal Code, Arts 46, 47 ad 42. If one is apprehended to facilitate either entry or exit he/ she are liable to a 20,000 euro fine and ten years imprisonment. If one is considered to be performing such activities for profit, i.e. is a professional and thereby is considered a smuggler, that individual is liable to ten years imprisonment and 50,000 euro fine. Thus the law indirectly distinguishes between facilitator and smuggler, though in practice it is unclear how they are identified. The

³⁴³ Representatives of law enforcement agencies explained that if the law distinguished between facilitator and smuggler, it would enable potential "cooperation" with facilitators (who would be given milder sentences) in order to apprehend eventually the top smugglers. Right now, there are no incentives to cooperate because the law treats both as one.

³⁴⁴ GR/A/09

³⁴⁵ See L.4251/2014, Article 30, Paragraph 1.

³⁴⁶ In July 2015, the Greece Parliament amended Article 30 (par.1-2) of Law 4251/2-14, specifically stating that penalties will not be incurred for the transport of persons in need of humanitarian assistance in the country or the facilitation of their transport in the country (for example by transporting them to the nearest town or village, offering food, etc). In line with the fact that assistance and rescue at sea are not criminalised (see below description of Law 4251/2014, Art. 30(6)), now assistance on land is similarly decriminalised. The law also reportedly brings Greece more in line with the 2002/90/EC Directive regarding humanitarian assistance. See Greek Council for Refugees (2015).

³⁴⁷ This term is specifically used in the Greek legal context.

migrant who is apprehended while accompanied by facilitator/smuggler entering or exiting unauthorised is also penalised but still considered a 'victim of smuggling'.

The maritime smuggling route carries an added dimension in relation to penalties, as maritime border crossing entails an element of physical danger. The skipper of the boat, by law, has to have some level of training and knowledge to steer the boat correctly, otherwise passengers are in direct risk. Since the majority of skippers are either migrants (who are offered free passage in exchange for manoeuvring the boat) or smugglers who have no prior (or very little) knowledge of steering boats, along with the charge of facilitating illegal entry to the country and the charge of illegal entry (for the migrants and the skipper), an added charge is that of exposing individual lives at risk. If, during the crossing, the passenger(s) come to harm and/or incur injury, the charge of exposing lives at risk carries additional weight in court and, if loss of life occurs, the charge is increased to manslaughter. Furthermore the penalty for endangering a life incurs 15 years imprisonment and 200,000 euro fine per smuggled individual and loss of life results with life in prison and 700,000 euro fine per deceased person.

As regards the "smuggling of migrants", a combination of an imprisonment penalty and a financial penalty is imposed. Regarding the specific crime of smuggling of migrants introduced under Article 88 of Law 3386/2005, which envisages specific categories of natural and legal persons that facilitate the transportation of third-country nationals to and within Greece or give them shelter for hiding, it can be observed that the level of the imposable fine varies according to the number of illegally transported persons. Given that the crime under Article 88 of Law 3386/2005 is considered a felony, it entails the respective minimum limit of 5 years of imprisonment. In general, this crime is punished by a maximum penalty of ten years of imprisonment and a fine of 10,000 up to 30,000 euros for every transported person. Aggravated forms of this crime are also foreseen by national legislation. In particular, if the crime was committed for financial gain, or professionally or habitually or in recidivism or by a public officer or a tourist/shipping/travel agent or if by two or more acting in concert, a penalty of at least ten years of imprisonment and a fine of 30,000 to 60,000 euros for every transported person shall be imposed. Higher penalties are foreseen if danger occurred for human lives, at least fifteen years of imprisonment and a fine of at least 200,000 euros for every transported person, and if death actually occurred, life sentence and a fine of at least 700,000 euros for every transported person.

Article 1(2) of Directive 2002/90/EC sets out an option which Greece chose to apply. Law 4251/2014, Art. 30(6) (ex Law 3386/2005, Art. 88(6)) specifies that: "6. The above sanctions shall not be imposed in case of rescue of persons at sea as well as of the transportation of persons in need of international protection according to the international law of the sea." If the assistance is provided in view of rescuing a person at sea or of transporting a person under the need of international protection pursuant to the international law of the sea, the act of assistance shall not be punished. On one hand, the Greek legislation justifies the impunity of the act for reasons of protection of human life and, on the other hand, by invoking the international law of the sea.

Article 46(1) and Article 47(1) of the Criminal Code transpose Article 2(b) of Directive 2002/90/EC. With regard to the notion of the "accomplice", the national legislation distinguishes between a "direct" accomplice, punished by the penalty of the principal perpetrator, and a "simple" accomplice, who is punished by a reduced penalty. More specifically, Article 46(1)(b) of the Criminal Code defines a direct accomplice as the person intentionally providing direct assistance to the perpetrator during the act and to the commission of the main act. On the other hand, Article 47 defines a simple accomplice as the person who intentionally provided any assistance to another person before or during the commission of the infringement.

Equally liable is the individual who rents a house, room, etc., to undocumented migrants or who hampers police investigation in search of unauthorised residents. Again the law distinguishes between those who perform this one time or for other reasons and those who rent establishments to undocumented migrants for profit. The former are penalised with 5000 euro and latter with two years' imprisonment and 10000 euro fine. The same fines apply to those who withhold passports or other travel documents against the will of the individual. Travel agencies are liable with one year imprisonment and 10000 euro fine if they submit travel documents that do not match the person traveling. The traveller is also similarly fined.

The drivers, pilots or other transport carriers who enable illegal entry or who pick up irregular migrants from pre-agreed points for transit to other EU member states or third countries or who assist them with housing aiming at concealment - can be charged with up to 10 years imprisonment, 30,000 euros per transported individual and in

cases whether the person is deemed a professional smuggler, ten years imprisonment and 60,000 euro for every transported person. In this category the law includes also public officials, tourist agency employers, travel agents and shipmasters.

Migrants are also penalised, however the penalty is a monetary fine that the public prosecutor usually waives in recognition of their inability to meet the financial demand. Migrants, until recently, if detected upon entry and or exit, were detained and, depending on the existing capacity of detention facilities, were placed in detention for an indeterminate period of time (detention ranged in the last 5 years from a few hours to months, depending on institutional capacity, as well as the migrant's nationality and vulnerability). Women and children usually were not placed in detention.

Though penalties are high, apprehension and identification of smugglers is neither easy nor always feasible, especially in the maritime border. Smugglers often appear as migrants, however the majority of the times they tend to not escort the vessels across to Greece. In fact

“Smugglers prefer the sea border because they rarely have to escort the migrants. Usually they place a migrant as a skipper in exchange for free passage.”³⁴⁸

Nonetheless, anti-smuggling operations appear to be a priority for both the Hellenic Police and the Hellenic Coast Guard and there is close cooperation between the two enforcement agencies as well as with the Hellenic Intelligence Service, Europol and Interpol and of course Frontex.

The International Police Cooperation Division³⁴⁹ is an institutionalised body established for the communication with the Police and State Authorities of all countries as well as with international and European organisations concerning cooperation issues falling under the competence of the Hellenic Police. It constitutes the national contact point for cooperation with Europol as well as for exchange of information between national enforcement agencies and Europol but also in relation to the Schengen Information System (SIS), the European Arrest Warrant, and Interpol. Cooperation with Europol especially, is continuous and has proven effective based on recent press articles announcing the apprehension of organised criminal groups involved in migrant smuggling and/or trafficking of human beings.³⁵⁰

Interpol and Europol cooperate extensively with the Hellenic Police and Coastguard in the exchange of information, risk analysis, operational measures and in Joint Operations usually, however, under the leadership and organisation of either Interpol or Europol.

Additionally, the Hellenic Coast Guard has signed a Memorandum of Understanding with the United Nations High Commissioner for Refugees in Greece (5 September 2014). According to the MoU, the aim “is to reinforce the management capacity of the Government of Greece to respond to third country nationals (refugees and migrants) who enter the country irregularly by sea. Priority will be given to the protection of human life, respect for human rights and compliance with the regulations of international, European and national law governing the protection of refugees.”³⁵¹ Essentially UNHCR undertakes the provision of direct assistance to vulnerable groups, including non-food material and training to Hellenic Coast Guard staff.

Although Greece participates in a number of intergovernmental processes and dialogues (for example, the Budapest Process, the Mediterranean Transit Migration Dialogue), these processes and dialogues were not mentioned by any of the authority or expert interviews as being particularly relevant with regard to addressing migrant smuggling. Rather, border control and prosecutorial activities were considered of high importance, as highlighted in this section.

³⁴⁸ GR/A/03

³⁴⁹ It has four separate sections underneath. For further details see http://www.astynomia.gr/index.php?option=ozo_content&perform=view&id=50&Itemid=41&lang=EN

³⁵⁰ For example see recent arrests made, http://www.ekathimerini.com/4dcgi/_w_articles_ws1e1_1_17/03/2015_548312

³⁵¹ <http://www.unhcr.gr/nea/deltia-typoy/artikel/2f182fa7b13087dd543d825a830d9b12/hellenic-coastguard-and-unhcr-greece.html>.

5 Conclusions

The present report focused on the route Pakistan-Turkey-Greece. Pakistan is identified as both a major source country but also a transit country for irregular migrants to Europe, with both Pakistanis and other nationalities – particularly Afghans – leaving from Pakistan towards Iran. Those departing from Pakistan with a destination in Europe primarily travel via the Eastern Mediterranean route, leaving from Pakistan to Turkey via Iran (overland) and then to Greece (by land or sea). The majority of migrants from Pakistan using smuggling services pay the full amount in advance of migration (either in one lump sum or in various instalments). In terms of policies, a key issue with regard to Pakistani anti-smuggling efforts continues to be the conflation of trafficking and smuggling by key law enforcement authorities. Moreover, the low punishments given out by Pakistani courts was highlighted as a limiting factor in terms of enforcement, and corruption of Pakistani officials also continues to be an issue, particularly with regard to document fraud.

Turkey is, in fact, the critical stage of the journey, and a critical country in relation to the management of irregular migration and human smuggling. It is the last country prior to entry to the EU, either to Greece or increasingly Bulgaria (see Case Study 4). Turkey itself has transformed from a source country to a destination and transit site, where migrants converge, re-evaluate their migratory journey (depending on available capital usually), find smugglers and transit to Greece. The Turkish state and society are lately experiencing the dissemination of knowledge and rhetoric on the concepts of irregular migration and border controls within the framework migrant smuggling. While the classical route of Pakistan-Turkey-Greece endures to attract migrants from the Asian source countries, especially from Afghanistan, new routes are emerging connecting Turkey's south eastern borders with Europe – mainly on east Mediterranean shores, such as in Mersin. The EU harmonisation process has since the early 2000s created a significant impetus for reformation especially in the area of border controls, nevertheless focusing mainly on non-permeability rather than the humanitarian aspects of migration and refugee movements. As harsher conditions are established at the external borders of Europe and significant new push factors develop in the Middle East, new and more insecure patterns of migration have arisen, assisting the role of smugglers who aim at benefiting from the vulnerability of migrant populations.

Further, border control policies in particular have resulted in a displacement of flows. The readmission agreement between Turkey and Greece (2002) and the increasing cooperation with Frontex along maritime borders displaced flows towards the Evros region and the Turkish-Bulgarian border, while the fences on the Greek border and tighter controls on the Bulgarian side has re-shifted the smuggling routes towards the Aegean Sea.

Greece is the first country of arrival to the EU, though not necessarily the final leg of the journey. From a source country, to a destination and now increasingly a transit country for the majority of irregular arrivals, Greece receives irregular migrants from both its land and sea borders, and functions as an exit site also through the land and maritime borders for the continuation of the journey to Italy or via the Former Yugoslav Republic of Macedonia-Serbia-Hungary (for more on the latter case, see Case Study 5). The country is on the receiving end mainly of Syrians, however in the past decade Afghans and Pakistanis comprised the main nationalities (aside from Albanians) incoming from the land and sea border with Turkey. The overwhelming majority arrive with the assistance of smugglers, having organised the journey from Turkey. Greece functions also as a hub for smuggling operations, focusing on transit from Greece to other countries. Thus, in relation to smuggling operations, for Greece the focus, policy-wise, was and remains Turkey, as regards combatting smuggling and irregular migration. The two countries signed a Readmission Agreement in 2002, yet it took until 2010 for it to be fully implemented and even then with limited success since the number of accepted migrants for Readmission is significantly lower than that submitted by the Greek side. Nonetheless in the recent years, exchange of Border Guards and information has begun particularly focusing on smuggling between the Turkish and Greek maritime sea border.

The rise of migrant smuggling as an alternative to the absence of legal pathways of entry was highlighted throughout this report, whereby smuggling is essentially a business, structured around profit, and minimisation of risk (for the smuggler). Like all successful businesses, it meets a particular demand and the service is offered throughout the various stages of the journey, from Pakistan, to Iran, Turkey and onwards to Greece.

It is striking that as the report follows migrants through the route, again and again the notion of smuggling operations as loose networks is encountered, in one form or another. In fact, the “organisational” part of smuggling appears to be in knowing people in different countries who can provide specific services. Smuggling along this route is not organised like mafia-type organisations, which enables its flexibility and makes it harder to identify and respond to. Though undoubtedly a criminal activity since it is based on illegal profit and exploitation, it increasingly seems that enforcement alone cannot tackle the problem.

6 Interviews and consultations

Information included here is based on the level of consent given by each interviewee. Interview codes have been produced by combining the place of interview(ee), with the type of interview (w.g. migrant, NGO, authority), with the nationality of the interviewee (only for interviews with migrants and smugglers) and the number of the interview.

	Code	Organisation	Type
1	PK/M/PK/1		Migrant
2	PK/I/2	International Labour Organisation	International Organisation
3	PK/I/3	United Nations Office on Drugs and Crime	International Organisation
4	PK/A/4		Authority
5	PK/A/5	Bureau of Emigration and Overseas Employment, Ministry of Overseas Pakistanis and Human Resource Department	Authority
6	PK/A/6		Authority
7	PK/N/7	Praxis Labs	Non-governmental
8	PK/I/8	UNHCR	International Organisation
9	PK/A/9	Federal Investigation Agency, Ministry of Interior of Pakistan	Authority
10	PK/A/10		Authority
11	TR/A/1		Authority
12	TR/A/2		Authority
13	TR/N/3	IEP de Paris	Stakeholder
14	TR/A/4		Authority
15	TR/N/5	International Refugee Rights Association	NGO

16	TR/N/6	Association d'Entraide et de Solidarité aux Migrants (ASEM)	NGO
17	TR/M/GN/7		Migrant
18	TR/N/8	Amnesty International	International organization
19	TR/N/9	Association for Solidarity with Refugees (Multeci-Der)	NGO
20	TR/A/10	Coast Guard	Authority
21	TR/S/TR/11		Smuggler
22	TR/N/12	United Nations High Commissioner for Refugees (UNHCR)	International organization
23	TR/N/13	Human Resource Development Foundation (HRDF)	NGO
24	TR/N/14	Association of Solidarity with Asylum Seekers and Refugees	NGO
25	TR/N/15	Afghan Migrants Association	NGO
26	TR/M/16		Migrant
	TR/M/17		Migrant
27	TR/A/18		Authority
28	TR/I/19		International organization
29	TR/I/20	International Organization for Migration	International organization
30	TR/I/21	International Organization for Migration	International organization
31	TR/M/22		Migrant
32	TR/M/23		Migrant
33	TR/A/24	Security Directorate	Authority
34	TR/S/TR/25		Smuggler
35	TR/A/26	Border Police	Authority
36	TR/A/27	Security Directorate	Authority
37	TR/M/GH/28		Migrant

38	TR/M/BI/29		Migrant
39	TR/M/GN/30		Migrant
40	GR/A/1	Frontex	Authority
41	GR/N/2	French Media	Stakeholder
42	GR/A/3	Law Enforcement Agency (GR)	Authority
43	GR/A/4	Asylum Service	Authority
44	GR/A/5	Asylum Service	Authority
45	GR/I/06	IOM	International Organisation
46	GR/N/07	MSF (GR)	NGO
47	GR/A/08	Ministry of Foreign Affairs	Authority
48	GR/A/09	Law Enforcement Agency (GR)	Authority
49	GR/A/10	Public Prosecutors Office	Authority
50	GR/M/SY/01		Migrant
51	GR/M/AF/02		Migrant
52	GR/S/AF/03		Smuggler
53	GR/S/SY/04		Smuggler
54	GR/M/SY/05		Migrant
55	GR/M/AF/06		Migrant
56	GR/M/AF/07		Migrant
57	GR/M/SY/08		Migrant
58	GR/M/SY/09		Migrant
59	GR/S/M/10		Migrant
60	I/M/SY/5		Migrant

61	I/M/SY/7		Migrant
62	I/M/SY/8		Migrant
63	I/M/SY/9		Migrant

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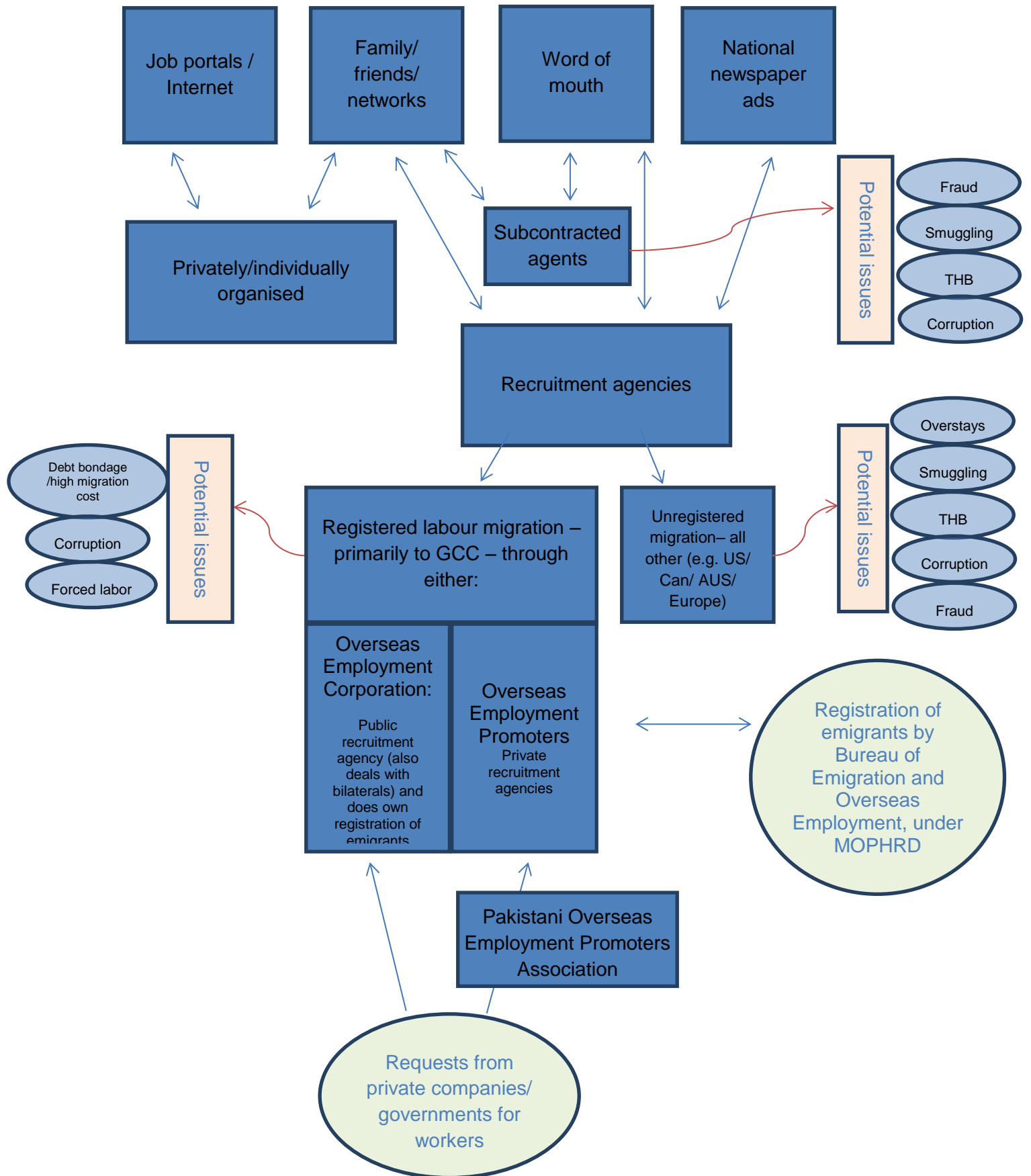
8 Annexes

Annex 1: Characteristics of Pakistani and Afghan smuggled migrants

Characteristics of smuggled migrants by country of origin and region of destination *Source: UNODC (2012), "Migrant Smuggling in Asia: A Thematic Review of Literature", Vienna: UNODC.*

Country of Origin	Destination	Characteristics
Pakistan	European Union, by land or sea	Middle income or land holders Strong diaspora ties 18-30 years of age Mid- to long- term intention to stay Somewhat price sensitive
	European Union, by air	Middle- to high-income Well-educated English skills Asylum seeking Reputation sensitive
	European Union and North America by air	Liquidated assets Asylum seeking/claim to be Afghan Strong diaspora ties Overstay intentions Reputation sensitive
Afghanistan	European Union, by land or sea	Middle income or land holders Strong diaspora ties 18-30 years of age Male (some cases of family accompaniment) Somewhat price sensitive Reputation sensitive
	European Union by air	Middle and high income Well educated English language skills Asylum seeking Reputation sensitive
	European Union and North America by air	Liquidated assets Entire families Asylum seeking Reputation sensitive

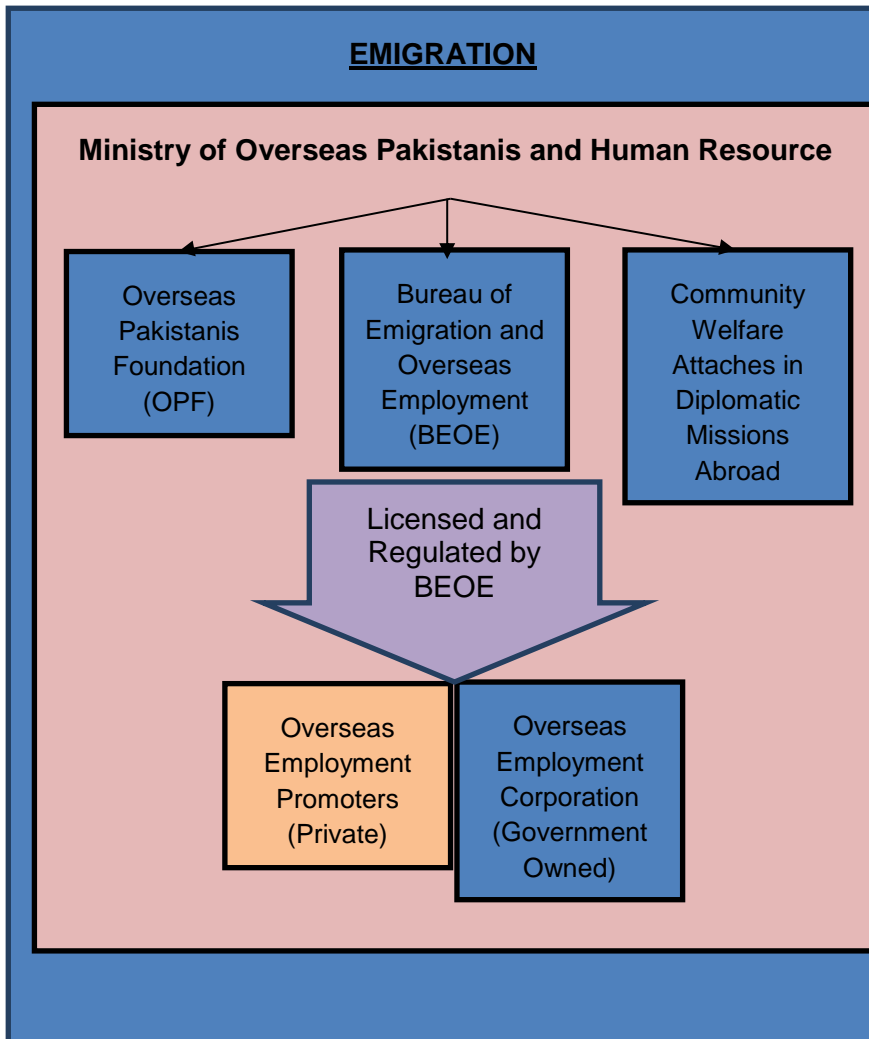
Annex 2: Migration process – legal and irregular



Legal Emigration

Legal emigration process through the Ministry of Overseas Pakistanis and Human Resource Development.

Source: ICMPD (2015), "Training Manual on Migration, Border Management, Irregular Migration and Return and Anti-Smuggling/Trafficking in Human Beings for the FIA", developed by ICMPD within the framework of the EU-funded project "Support to the Silk Routes Partnership for Migration under the Budapest Process".



Annex 3: Statistical annex

Table 1: Deportees received in Pakistan, FIA data, 2007-2013. Source: UNODC (2014), *The Socio-Economic Impact of Human Trafficking and Migrant Smuggling in Pakistan*, Vienna: UNODC.

Year	2007	2008	2009	2010	2011	2012	2013
Deportees	57,145	61,364	52,005	46,032	53,868	54,257	66,427

Table 2: Deportations to Pakistan from Greece and the UK, 2014. Source: Research and Analysis Center, FIA HQ Islamabad (2015), "Human Trafficking & Migrant Smuggling Newsletter", Islamabad: FIA.

2014 deportations	Jan	Feb	March	April	May	June	July	Total
Greece	366	310	314	221	299	282	236	2028
UK	274	297	279	237	255	234	263	1839

Table 3: Deportations by country of deportation, 2007-2012. Source: UNODC (2014), *The Socio-Economic Impact of Human Trafficking and Migrant Smuggling in Pakistan*, Vienna: UNODC.

Country	2007	2008	2009	2010	2011	2012
Iran	6,075	7,838	4,690	8,752	1,328	9,865
Turkey	3,825	6,220	1,785	1,275	1,795	566
Greece	81	135	576	725	1,519	5,397
Oman	2,028	3,692	7,017	5,978	6,506	6,111
Spain	334	189	81	74	94	55
Total	12,343	18,074	14,149	16,804	23,196	21,994

Table 4: Frontex data on Pakistanis, 2013-2014. Source: Frontex (2015), "FRAN Quarterly. Quarter 4: October-December 2014", Warsaw: Frontex. Frontex (2014), "FRAN Quarterly. Quarter 2: April-June 2014", Warsaw: Frontex.

Pakistanis	2013				2014			
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
Illegal border crossing between BCPs Land	403	1512	1057	239	71	89	107	288
Return decisions issued	4723	4034	3973	3837	3919	3449	3239	3108
Effective Returns	3180	2996	2829	3122	2798	2427	2132	2252
Forced returns	2298	2075	1763	2233	689	801	711	741
Voluntary returns	862	892	1057	852	1145	890	788	684

Table 5: Frontex data on Afghans, 2013-2014. Sources: Frontex (2015), "FRAN Quarterly. Quarter 4: October-December 2014", Warsaw: Frontex. Frontex (2014), "FRAN Quarterly. Quarter 2: April-June 2014", Warsaw: Frontex.

Afghans	2013				2014				
	Border	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
Illegal border crossing between BCPs	All	1082	1892	2675	3845	2054	2946	7854	9308
	Land	473	498	708	2713	1362	1062	2181	4840
	Sea	609	1394	1967	1132	692	1854	5673	4468

Table 6: Document Fraud detections, by international departure point, 2005-2008. Source: Azam, F. (2009), *Human Trafficking, Human Smuggling and Illegal Migration to and from Pakistan: Review of Government Policies and Programmes, Peshawar: Actionaid Pakistan and the European Union.*

International departure point	2005	2006	2007	2008
Islamabad	36	34	31	12
Karachi	83	20	17	14
Lahore	44	10	1	6
Peshawar	15	19	11	7
Quetta	-	1	-	-
Total	178	84	60	39

Table 7: FIA data on prosecution of offenses by 7 AHTCs against relevant provisions of the Emigration Ordinance, Passport Act, Pakistani Penal Code and the PACHTO, 2011. Source: UNODC (2013), *Recent trends of human trafficking and migrant smuggling to and from Pakistan*, Vienna: UNODC.

2011		Emigration Ordinance (17/18/22)	Passport Act (3/4)	Passport Act (6)	Pakistan Penal Code (419/420/468/ 471)	PACHTO	Total
Peshawar	FIRs	55	36	56	31	10	188
	Convictions	55	58	45	36	2	196
Quetta	FIRs Registered	575	31	35	57	1	699
	Convictions	581	118			1	700
Lahore	FIRs Registered	820	0	52	24	84	980
	Convictions	430	0	21	10	10	471
Gujranwala	FIRs Registered	789	0	39	24	216	1068
	Convictions	311		23		86	420
Faisalabad	FIRs Registered	195	0	15	8	6	224
	Convictions	75				0	75
Multan	FIRs Registered	95	0	2	0	46	143
	Convictions	35				13	48
Gwadar	FIRs Registered	0	91			1	92
	Convictions						0

Note 1: This dataset is not comprehensive. Nonetheless, it provides an indicative picture considering the representation of AHTCs from the Punjab region (considered a source area for irregular migration) and three AHTCs from the border areas with Iran (Peshawar, Quetta, Gwadar).

Note 2: The data does not indicate whether the FIR or conviction was against a prospective migrant, a smuggling or trafficking agent or facilitator, or any other type of participant. It also does not clarify whether multiple individuals were charged within a particular case, nor whether one individual was charged with multiple offenses.

* FIR stands for First Information Report. This is a written report by law enforcement documenting an official complaint, officially beginning the investigation process.

Table 8: FIA data on prosecution of offenses by 7 AHTCs against relevant provisions of the Emigration Ordinance, Passport Act, Pakistani Penal Code and the PACHTO, 2012. Source: UNODC (2013), *Recent trends of human trafficking and migrant smuggling to and from Pakistan, Vienna: UNODC.*

2012		Emigration Ordinance (17/18/22)	Passport Act (3/4)	Passport Act (6)	Pakistan Penal Code (419/420/468/ 471)	PACHTO	Total
Peshawar	FIRs	166	0	11	9	2	188
	Convictions	77	1	12	6	1	97
Quetta	FIRs Registered	518	6	40	46	0	610
	Convictions	508	97			0	605
Lahore	FIRs Registered	856		33	27	15	931
	Convictions	132		18	6	0	156
Gujranwala	FIRs Registered	947	1	42	4	94	1088
	Convictions	139		17		7	163
Faisalabad	FIRs Registered	193		13		0	206
	Convictions	63		2		0	65
Multan	FIRs Registered	169				1	170
	Convictions	14				1	15
Gwadar	FIRs Registered	0	112			2	114
	Convictions						0

Note 1: This dataset is not comprehensive. Nonetheless, it provides an indicative picture considering the representation of AHTCs from the Punjab region (considered a source area for irregular migration) and three AHTCs from the border areas with Iran (Peshawar, Quetta, Gwadar).

Note 2: The data does not indicate whether the FIR or conviction was against a prospective migrant, a smuggling or trafficking agent or facilitator, or any other type of participant. It also does not clarify whether multiple individuals were charged within a particular case, nor whether one individual was charged with multiple offenses.

* FIR stands for First Information Report. This is a written report by law enforcement documenting an official complaint, officially beginning the investigation process.