



Center for Law & Human Behavior

The University of Texas at El Paso



Migrant Smuggling: Global and Comparative Perspectives

April 5, 2017

Research in Brief

DHS SYMPOSIUM SERIES NO. 8

BTI Institute
Borders • Trade • Immigration
A Department of Homeland Security Center of Excellence



Center for Law & Human Behavior
The University of Texas at El Paso
500 West University Avenue
Prospect Hall, Room 226
El Paso, Texas 79968
Tel: (915) 747-5920
Email: clhb@utep.edu
Website: <http://clhb.utep.edu>
Follow us on Twitter @1CLHB

The views and conclusions contained in this document are those of the authors and should not be interpreted as necessarily representing the official policies, either expressed or implied, of the U.S. Department of Homeland Security.

This symposium is supported by the U.S. Department of Homeland Security, Science and Technology, Office of University Programs under Grant Award Number DHS-14-ST-061-COE-00.

This page intentionally left blank

Introduction to the Symposium

Migration flows around the world occupy a significant portion of the daily news. There is an overabundance of reports of migrants being rescued in the Mediterranean or along the US - Mexico border, of their exploitation at the hands of smugglers in their journeys across the Sahara, Arizona or South Texas, and of the overall role organized crime plays in the smuggling market. Most coverage, while visually graphic and effective at communicating the tragic side of migration, often lacks depth. The aim of this homeland security symposium series event is to provide United States homeland security enterprise practitioners and policymakers a global view of migrant smuggling with the opportunity to get an insight into the “lessons learned” from other international locations.

In this symposium, a panel of international researchers whose work focuses specifically on the operation of smuggling groups will answer questions fundamental to understanding these groups’ organization, scope and reach. Presentations on the increased sophistication of smuggling groups, their metamorphosis and growth; the role of organized crime, religion and conflict; the importance of social media and technology in the smuggling market, and the development of interactions among migrants and smuggling groups across vast distances will provide attendees with unprecedented insights into smuggling operations and their dynamics.

This page intentionally left blank

**The Changing Political Economies of Migrant Smuggling Networks
in Africa: New Challenges and New Risks**

*Prepared by Peter Tinti and Tuesday Reitano
Presented by Peter Tinti*

This page intentionally left blank

Introduction

The focus of this presentation is on the migrant smuggling networks that are facilitating migrant flows from Africa into Europe, and the ways in which these networks are shaping the political economies of certain key smuggling hubs. An overview of how these networks tend to be structured and how they function will be given, but more specifically, some insight regarding how policies that have been pursued by European and African governments have created an environment that has accelerated the development of a robust and expanding migrant smuggling industry will be offered. Furthermore, many efforts to combat migrant smuggling are counter-productive because they do not address any of the underlying issues that fuel demand for smuggler services. As a result, an increase in human insecurity throughout migrant smuggling chains has been seen, with criminal organizations being empowered along the way.

If policymakers are going to adequately address the current crisis by engaging smuggling networks, they need to better understand how these networks function, how they have evolved and their increasingly outsized role within the broader political economies of entire communities.

Before any further discussion, the following is a quick note on language. During this portion of the paper, the term migrant will be used as a catchall for the people seeking the service of smugglers. Some of these people are asylum seekers and refugees. Some are economic migrants. Some defy these neat categorizations. Please do not

construe the use of the term “migrant” as a commentary on what rights these individuals should be afforded.

According to the United Nations Transnational Organized Crime Convention, migrant smuggling is “the procurement in order to obtain directly or indirectly a financial or other material benefit of the illegal entry of a person into a state party of which the person is not a national or a permanent resident.” Put into more comprehensible English, migrant smuggling is when someone enters into a transaction with another person to help them enter a country illegally.

Human trafficking on the other hand, is the recruitment, transportation, transfer, harboring or receipt of a person by means that use coercion. It can be abduction, fraud, deception, the threat of force, and many other forms of coercion. The line between smuggling and trafficking of persons can blur and arrangements that begin as a mutual “willing buyer and willing seller arrangement” can often turn exploitative, but the vast majority of those moving irregularly are doing so because they have sought the services of a smuggler. And in fact, it is believed this is the most useful and honest way to view and analyze migrant smuggling networks. The people who populate them are service providers. They are the supply to someone else's demand.

This means that in general, the migrant-smuggler relationship is almost always governed by the laws of supply and demand. There are some exceptions to this rule, but that is something that will be discussed later in this paper.

Who is a smuggler?

For the purposes of this work, a smuggler is considered as anyone who helps a migrant overcome a boundary or barrier to enter a country through illegal or irregular channels. These barriers can be geographic and physical, in the form of a desert, or a sea, or a giant border fence, or they can be political, in the form of a policy such as a visa restriction. They can even be cultural, such as a language or religious barrier. These boundaries can change and shift, and smuggling operations change accordingly. If a new wall is built or a border policy changes, smugglers and migrants adapt accordingly.

Migrant smugglers exist because there is demand for smuggler services, and society is currently living in an era of unparalleled demand. Conflict, famine, and protracted displacement have forced tens of millions to seek refuge in countries other than their own, tens of millions of others are moving through irregular channels because they believe it is the best way to provide for themselves and their families.

Smugglers do not create markets themselves, migrant demand creates markets. That said, there are examples where smugglers seek to expand or shape the markets in ways that are to their advantage. They may seek to monopolize the market, or influence the ways in which information is shared, but in general, the migrant smuggling economy is governed by the laws of supply and demand. Prices are set by the market, and where the barrier that needs to be overcome is low, entry into the "smuggler market" is also very low, which means prices will also be low.

Higher barriers mean that only certain smugglers have the skills to provide the service in demand, and fewer migrants will be able to afford them. Prices, therefore, are set by the rules of supply and demand. Smugglers can charge more where the barrier that migrants are trying to overcome is more challenging and requires specialized skills. Furthermore, measures that aim to counter migrant smugglers but that do not address underlying drivers of demand, often have the adverse effect of driving up the prices that smugglers can charge or driving criminal opportunists out of the market leaving only organized criminal organizations left to provide smuggler services.

Many types of actors are involved in a smuggling market, and not all of them are people normally thought of as smugglers. A hotel owner on a border town who changes his prices and payment methods to cater to irregular migrants, and the shop owner who transfers money via informal financial transactions (such as *hawala*) might technically be facilitating irregular migration, and therefore in some circumstances be considered a migrant smuggler, but they probably would not be lumped in the same category as the person who provides counterfeit passports, procures fake visas, and provides plane tickets for tens of thousands of dollars. Migrant smuggling takes place along a broad spectrum of organized criminality, with low-level entrepreneurs at one end of the spectrum and sophisticated organized crime syndicates at the other.

Basic typologies of migrant smuggling from Africa into Europe

Broadly speaking, two types of typologies of migrant smuggling itineraries from Africa into Europe are seen. The first, is a pay as you go model, in which migrants carry out their journey in stages, engaging with and paying new sets of actors at each barrier they seek to overcome. The second type of scheme is a “full package” arrangement, in which migrants pay a smuggler to facilitate the entire journey, overseeing every link in the migration chain and often procuring fake or fraudulent documentation to cross borders and barriers through “legal” channels illegally. As previously mentioned, in both cases, the line between smuggling and trafficking can blur.

Within the context of pay as you go schemes, kidnapping for ransom and extortion are very common. In East Africa, for example, kidnapping for ransom, extortion, and forced labor tends to take place during the leg of the journey between Khartoum, Sudan and the Libyan Coast; between northern Sudan and the Egyptian coast; or in the case of the routes from West Africa, in southern Libya once migrants have crossed into the Libyan border from Niger.

Within the context of “full-package” schemes, the transition from smuggling into trafficking usually happens upon arrival, and is most common when the migrant has entered into an agreement in which the smuggler pays for transport and documentation in exchange for unpaid labor. The migrant then finds himself, or is

often the case in these schemes, herself, in debt bondage. Similarly, kidnap for ransom and extortion are particularly common within “leave now, pay later” schemes, which are most prominent among migrant communities from Somalia. Under these arrangements, recruiters working on behalf of smugglers encourage prospective migrants to begin their journey under the promise of being able to pay later. Somewhere during the journey, usually in Sudan, the migrants are then held captive until they are able to procure ransom payments from the migrant’s family.

Organized Crime Syndicates or Loose Networks of Freelancers?

Trying to assess the levels of organized criminality of various migrant smuggling networks is fraught with challenges. The structure and design is different for every route and every network, and different routes also have several different types of networks operating with varying degrees of organized criminality. There is also an analytical challenge, which stems from the “vantage point” from where the network is analyzed. If an individual starts at the end of the smuggling chain and work backwards, there is a tendency among analysts to impose a structure and levels of organization that might not actually be there. Everything looks more organized if an individual tries to “reverse engineer” the networks, as law enforcement and policymakers in destination countries often do.

Yet, if an individual starts at the beginning of the chain, and then tries to analyze it at each step, most networks, even those that

are organized, will resemble a loose network of freelancers that barely constitutes a network at all. Such analyses, however, often underestimate the extent to which order, structure, and systemization can be born out of volume and repetition. Certain “rules” that govern the way smugglers interact with other smugglers take shape, and suddenly, the loose assemblage of actors meets the definition of a network, even if the actors involved do not perceive themselves as part of one.

The reality is that both types of networks are almost certainly involved on any given route. There are networks that have very high degrees of organized criminality, with hierarchies, central commands, and defined roles within their structure; but these networks also exist in parallel with those that are more loose networks of freelancers. This can change over time and the shape and structure of the networks is highly influenced by both demand for smuggler services, and existing policies, as these interlinking factors change, so do the networks and the ways they operate.

What is clear is that these networks are systems, with a whole host of actors directly and indirectly involved. Furthermore, and regardless of their structure, it is important to consider the ways in which migrant smuggling activity along certain routes and at certain hubs is part of the political economies in which they operate. For the sake of time, the single example of Niger will be referenced to illustrate how understanding role of migrant smuggling within a broader political economy is an essential component of developing coherent policies

to manage irregular migration flows and to counter migrant smuggling networks.

The Niger Quagmire

Niger is one of the key areas of transit for migrants from West Africa seeking passage to Libya for onward travel to Europe. In the case of northern Niger, where the smuggling and transport of licit and illicit goods has long formed the economic basis of entire communities, migrant smuggling represents a substantial part of the local economy. In fact, the broader migrant smuggling industry, which reaches far beyond the actors that might be considered smugglers, has become thoroughly enmeshed within formal and informal political and security structures. In this context, migrant smuggling can no longer be considered an ancillary activity that takes place on the margins.

The smugglers moving migrants from northern Niger into southern Libya rely heavily on bribing law enforcement and security officials, and state security structures are in turn reliant on revenues generated through collecting rents from smugglers. According to a report by Reuters news agency, Niger’s anti-corruption agency, for example, state security forces in northern Niger are reliant on bribes collected from migrant smuggling convoys in order to afford fuel, spare parts, and provisions. Public officials in northern Niger have even gone so far as to admit that the migrant smuggling trade has been a boon for the local economy, breathing life into communities that have long struggled with the effects of globalization, climate change, political instability, and food insecurity.

Certain actors who benefit from the trade, specifically those from the ethnic Toubou community who have traditionally been shut out of formal political and economic spaces, have consolidated control over certain lucrative routes linking Niger with Libya. These actors are in turn investing smuggling proceeds into other sectors of the economy and are translating this economic clout into greater informal political and military influence in the region, and forging strategic partnerships with other actors in Niger and southern Libya.

Given the realities outlined above, any policy intervention that seeks to combat migrant smuggling networks in Niger will have an impact on the political economy of northern Niger, which in turn could have serious security repercussions. It is worth considering in what contexts the migrant smuggling industry and its broader economic benefits may actually be a force for stability. From the vantage point of government officials in northern Niger, migrant smuggling is a net benefit that at least in the short term, is holding the restive north that has been beset by rebellion and economic hardship in recent decades. A hastily planned, ill-designed policy intervention against migrant smuggling that does not adequately address the needs of communities and actors that would be negatively affected by such an intervention risks destabilizing a delicate security equilibrium in a country that represents one of the few pockets of stability in the region.

Recommendations for Policymakers

Going forward, the challenge for policymakers in developing responses to migrant smuggling networks is to understand each route, hub, and flow as its own market, each of which requires policy response tailored to each specific market. No one policy is going to be a panacea. But, there are some recommendations that policymakers should consider:

1. First, do no harm. Be sure that your intervention, whatever it is, does not make the problem worse, and be prepared for unintended consequences. It may very well be that a policy intervention intended to stem the flow of migrants has a destabilizing impact on certain communities, internal political dynamics, and even security. It is worth considering that in certain contexts, the broader migrant smuggling economy is a force for stability, and undermining it could turn a relatively stable situation in transit countries into an unstable, refugee/migrant-producing situation. Interventions and policies need to be context-based, and incorporate the competing incentives and interests of various actors involved.
2. Be specific about what problem you are trying to address. What is the goal of the intervention? It has to be much more specific than to “stem the flow of migrants,” or “better border management.” Once the goal is defined, it is important to consider how does this goal line up with the interests of source, transit, and destination countries along the route? Do all sides

perceive it as a problem? Do they all see the same solution? If not, then where are the opportunities to work together?

3. Rethinking policies towards protracted displacement regimes. Many of the irregular migrants who are moving during the current "crisis" have been displaced for years, even generations. Protracted, perennial displacement is an untenable existence, and in the wake of funding cuts and aid shortages, the displaced are taking matters into their own hands. If refugees and asylum seekers had any hope of return, or opportunities to seek dignity closer to home, we would be much less likely to see mass movements along long distances.
4. Refine and more effectively distinguish in practice and responses the distinctions between human smuggling and human trafficking. While there are apparent overlaps, in fact from a response perspective, treating them as overlapping or one and the same, is counterproductive. Not only does it make the scale of the problem overwhelming, it increases the likelihood that responses become overly punitive for human smuggling, exacerbating the criminality and risk to migrants. Instead, it is better to focus on the major distinction which is consent, the completion of the contract and the eventual freedom of the migrant. With this as the criteria, then smuggling should be addressed accordingly by maximizing the opportunities for safe and legal movement, and the cases where there is genuine trafficking, another set of

responses can come into play that focus on liberation and protection.

5. Develop a predictive capacity to monitor smuggling networks, collect information on prices being paid, how long trips are taking, why people are choosing certain routes in order to better understand the "smuggling market." This requires investing in mechanisms for collecting and analyzing information from migrants, training local law enforcement and improving their understanding of the migrant smuggling industry, and developing "indicators" that can be analyzed over time to better understand these markets.



About the author

Peter Tinti is a freelance journalist and Senior Research Fellow at the Global Initiative against Transnational Organized Crime. Tuesday Reitano is the Deputy Director of the Global Initiative against Transnational Organized Crime, and was formerly a policy specialist in the UN System. Together they are the co-authors of [Migrant, Refugee, Smuggler, Savior](#) a much heralded exposition on the political economy of migrant smuggling networks behind Europe's 'migration crisis', published by Hurst and OUP in 2016.

This page intentionally left blank

**Combating people smuggling in Indonesia:
Why religious anti-people smuggling campaigns failed
to prevent fishermen becoming involved in facilitating the transport
of asylum seekers to Australia**

Antje Missbach, Monash University, Melbourne (Australia)

This page intentionally left blank

Introduction

Between 2009 and mid-2013, more than 50,000 asylum seekers made their way to Australia by boat, with the help of Indonesian transporters. This number roughly equals the arrivals of maritime asylum seekers who are coming to Italy within 2.5 months in summer 2016. Despite the relatively low number of arrivals, the influx of maritime asylum seekers in Australia triggered hyper-politicized debates on migration, refugee protection and national security. Moreover, their arrival led to the adoption of more restrictive asylum policies and deterrence strategies by successive Australian governments that concentrated, amongst others on prosecuting the facilitators and transporters of asylum seekers journeys. Hundreds of Indonesian fishermen, who had served as transporters for asylum seekers, were arrested, sentenced and imprisoned in Australia. Due to financial constraints related to their criminal procedures and imprisonment, the Australian government urged its Indonesian counterparts to become more active and too also criminalize the smuggling of people.

Indonesia passed a new Law on Immigration (Law No 6 of 2011) in May 2011, the first law to contain special provisions to penalize people smuggling. Until then people smuggling, as mentioned, did not constitute a criminal offence in Indonesia. The new Law introduced several offences relating to people smuggling which, in most respects, follow recommendations in the UN Model Law against the Smuggling of Migrants (United Nations Office on Drugs and Crime,

2010). In passing the new law, Indonesia's intention was to meet its international and regional commitments in relation to combatting people smuggling and other transnational crimes. The new Law on Immigration makes people smuggling an offence punishable by a minimum of 5 years in prison, up to a maximum of 15 years and also incurs substantial fines. The following study provides an overview of what kind of people have been punished for people smuggling between 2011 and 2015.

Survey results on people smuggling convictions in Indonesia (2011-2015)

The dataset analyzed consists of the verdicts in 99 people-smuggling trials in Indonesian courts between May 2011 and October 2015. The study reveals the socio-economic profiles of offenders including age, gender, citizenship, origin, religion, previous employment, and role in people-smuggling operations. Moreover, the study provides also information about the criminal charges accused people smugglers have faced and the severity of penalties handed down by the courts.¹

The study showed that the average convicted Indonesian people smuggler tends to be middle-aged, male, and Muslim, from a poor province and often from an impoverished background. A disproportionately high number of sentenced offenders were fishermen and originated from Eastern Indonesia, by far

¹ The full study can be found here: http://law.unimelb.edu.au/_data/assets/pdf_file/0005/2065559/CILIS-Policy-Paper-12-Missbach_FINAL_Web.pdf

the poorest part of the country. Fishermen tend to be poor, but they possess specialized skills. Their willingness to take on high levels of risk has made them more competitive and helped them establish (sometimes unsustainable) new livelihoods. Their intimate knowledge of the local maritime environment and their navigational skills, even without modern equipment, are particularly sought after by the organizers of smuggling voyages. Many fishermen have sold their services to those who coordinate the transport of asylum seekers to Australia. In doing so they have exposed themselves to the risk of apprehension and lengthy imprisonment, but have gained little of the profits of people-smuggling operations.

Moreover, this study also found that these sentenced offenders are the easiest to replace in smuggling networks, which can then continue their business as usual. Because of the intricacies of people-smuggling operations and the complex set-up of the networks, organizers and recruiters are rarely identified, arrested and prosecuted. Organizers usually derive the greatest benefit from people-smuggling operations, while facilitators, recruiters and transporters, who are at the delivery end of operations, face the greatest risks but receive the smallest share of the profits. Imprisoning poor fishermen has done little to prevent people smuggling networks from continuing their operations. Thus, the Indonesian government in conjunction with the International Organization for Migration (IOM) and substantial Australian funding sought to implement anti-people smuggling campaigns to discourage fishermen from becoming transporters for asylum seekers.

Anti-people-smuggling information campaigns

From 2009 to 2013 public information campaigns with an anti-people-smuggling message was delivered in ports and coastal villages across the Indonesian archipelago. The campaigns targeted fishermen, boat owners and builders, coastal industry workers and port authorities, ferry operators and local law enforcement officers in key entry and exit points for asylum seekers moving between Malaysia, Indonesia and Australia. The campaign was intended to alert local fishermen, in particular, to the dangers of accepting payment to act as captains or crew on boats carrying asylum seekers.

The IOM organized poster campaigns, film screenings, radio announcements and other forms of awareness raising about people-smuggling, which reached several thousand people. T-shirts, stickers and other tokens with anti-people-smuggling messages were distributed. Videos were produced in collaboration with the Indonesian police and the immigration authorities with titles such as *Jangan Terlibat* (Don't get involved). Generally between fifteen and twenty minutes long, they carried three core messages about people-smuggling: helping illegal migrants is an offence against the law; it is destructive for the self-confidence of the offender; and it is a sin against God. Other means of reaching out to the local inhabitants included the preparation of sermon books for both Muslim and Christian audiences. The IOM invited religious leaders in the five target localities to write six sermons per village that condemned people-smuggling. It then published these sermons in a booklet and distributed copies among other target

groups. Sermons like this one have proved highly effective in raising awareness, because the religious leaders enjoy the widespread respect of the often poorly educated members of their communities. Although the organizers of these anti-people smuggling campaigns claimed that the campaigns were very successful and helped to change public towards the smuggling of asylum seekers, data both from Indonesian and Australian courts show that people smuggling activities continued during and after the campaign periods. One of the reasons why the campaigns failed to prevent fishermen from becoming involved in people smuggling networks was that they did not pay any attention to widespread poverty and precariousness amongst fishing communities in Indonesia and offered no economic alternatives at all. Thus heavily indebted fishermen are still tempted by the promises of a "fast buck" offered to them by the organizers of people smuggling journeys.²

Poverty, economic needs and environmental disasters as drivers

In order to understand why many fishermen, particularly from Eastern Indonesia, still agree to become involved as transporters in people smuggling activities, despite knowing about the consequences awaiting them in Australia or in Indonesia, it is necessary to look at their general living conditions. Compared to most other regions in Indonesia, Eastern Indonesia, with its lower incomes, higher poverty and

²For a fuller evaluation of those campaigns see: <http://insidestory.org.au/our-boats-our-people-our-knowledge>

poor social indicators (such as higher infant mortality and lower life expectancy), has symbolized the problems of development in Indonesia. Poverty in Eastern Indonesia resembles what is generally referred to as "African poverty", characterized by low population density and lack of infrastructure, rather than "Asian poverty", marked by very high population density and lack of land in the many large Asian cities. Despite vast natural resources, particularly in mining and forestry, the people of the region benefit little from the extraction of those resources. Over-exploitation has not only caused irreparable environmental degradation, but competition for resources, which, coupled with bad management and embezzlement, has often become a source of social conflict. Eastern Indonesia has suffered more from internal conflicts than other Indonesian regions. An example of a man caught up twice in people smuggling from a remote island in Eastern Indonesia to Australia will illustrate this point.

For his first trip in 2001, Amir (not his real name) was promised 20 million Indonesian rupiah, the equivalent of US\$2,000. The promised sums represented a fortune to him, compared to what he can usually earn as hired crew on a long fishing excursion over several weeks. Although he was unfamiliar with Australian laws on people smuggling, it clearly crossed his mind that there might be something wrong with the few days' work required to take the asylum seekers to Ashmore Reef, the nearest Australian outpost. Needless to say, Amir never saw the full amount of what had been promised. During his time of imprisonment in Australia, Amir was able to earn depending on the kind of work he performed and send money to his family in Indonesia. Although

being separated from them was hard, his imprisonment became a sacrifice for the well-being of the family back home. Thus, the jail sentence to Amir was not a deterrent but rather another option of generating an income for the family. Most other alternative available to him, such as becoming a construction worker in the city far away from his island, would have eagerly required long-term separation from his family. In 2009, another offer from a smuggler materialized and Amir was offered 35 million rupiah (US\$ 3,500). Amir accepted the offer and his view, the actual job was not just taking asylum seekers but also serving jail time, making it a much more time-consuming work commitment. Aware of those financial incentives, the Australia government has now removed the possibility to remit wages from jail back to Indonesia. However, little has been done to improve the lives and the income-situation of fishermen.³

Research shows two realms in which precarization of fishing communities in Eastern Indonesia, which have served the organizers of people smuggling networks as rich ground for the recruitment of transporters, has hit particularly hard in recent years. Australia's role in exacerbating that precariousness features very strongly in both. The first realm includes Australian maritime conservation efforts that prevent fishermen from working in certain areas. The second regards an offshore oil spill caused by an Australian company and its subsequent reluctance to pay compensation to fishermen and seaweed farmers, who, due

to massive environmental pollution, suffered a fall in fish and seaweed stocks. The reduced options for income generation by legal means forced the fishermen to engage in illegal(ized) fishing and smuggling activities to compensate the loss of income. In this regard, the fishermen in Indonesia are not a unique example. There are in fact striking parallels with impoverished fishermen in Morocco and Tunisia, who were drawn into people smuggling by selling their boats after their jobs in the fishing industry disappeared.

³ For the full version of Amir's plight see: <http://pacificaffairs.sites.olt.ubc.ca/files/2017/04/pdfhollandprizeMissbach.pdf>



About the author

Antje Missbach is a senior research fellow at the Department of Anthropology and an associate of the Centre for Indonesian Law, Islam and Society, both housed at Monash University in Melbourne, Australia. She holds a PhD from the Australian National University on the politics of the Acehnese diaspora. Her current research interests include transit migration, piracy and maritime security in Southeast Asia, the exploitation and resilience of unaccompanied minor migrants, and people-smuggling and border and mobility studies. Since 2013, she has carried out research on people-smuggling networks in Indonesia funded by the Australian Research Council.

This page intentionally left blank

**The Death of a Migrant:
The Intersections of Smuggling, Trafficking and Gender across the
Mediterranean**

Sine Plambech, PhD --Danish Institute for International Relations (DIIS)

This page intentionally left blank

Introduction

In recent months there has been an increase in the numbers of Nigerian women crossing the Mediterranean from Libya to Italy. Yet, Nigerian women undocumented migration to Europe, and their work in the sex industry, is not a new phenomenon - it has been taking place for about the past 15-20 years. Yet, currently there is an increase in the Red Light districts in Europe, for instance in Copenhagen where conduct field work took place, there were younger women who recently arrived by boat in Italy as part of this increase. What also happens, however, is the publishing of numerous sensationalized media articles reporting on this influx of Nigerian women in Europe with headings such as "Rise in Nigerian sex slavery in Italy fueled by violence and "voodoo" magic" and another heading "Trafficking of Nigerian women into prostitution in Europe is now at crisis level."

This section of the paper is a response to these sensationalized perspectives. Provided are some insights into the journeys of Nigerian women to Europe and how they often balance the fine and messy line between being understood as either victims of trafficking into the sex industry or "criminals" - undocumented migrants who purposely violate immigration laws. This report is about migration journeys and with a focus on the particular journeys of migrant women. This discussion is also an obituary for a Nigerian woman migrant, my friend, Becky. She made several journeys - and her journeys were similar to many other Nigerian women.

"Rest in Peace, Becky. You will always be in my heart", it said on a Facebook page a

couple of months ago. Often received are Facebook messages and posts, text messages and calls from the female migrants that have been interviewed during research as an anthropologist on migration and trafficking from Nigeria and Thailand to Europe. Everything from travel plans, questions about the best routes to Europe, selfies with kissy faces and sunglasses, photos of new-born babies, food pictures, to quick messages on whether they can borrow money. Death notices come up from time to time. A brother is dead in the Sahara desert on the way to Europe, a Thai woman was stabbed by a client in a brothel in Denmark, another one killed in a traffic accident in Thailand. A friend of Becky wrote the notice about Becky's death.

She had not been heard from in a few months. It wasn't unusual. She had earlier lost her telephone to armed robbers, had countless new numbers, no money for internet, or had been in her village or the Sahara without coverage.

The following is a story of Becky and her travels, described by Dr. Sine Plambech.

Last time we spoke, Becky was about to cross the border from Nigeria to Niger. This was her third attempt to reach Italy through Niger and Libya. I had been waiting to hear from her. Then came this sad R.I.P. I asked her Facebook friend what had happened. I thought she might have died on the way to Europe - in the desert or the sea. But that's not how she died. I knew Becky for five years. She died at 28 years old. The first time I met her, she was laughing when she entered a small hot living room with red painted walls in a

house on the outskirts of Benin City, Southern Nigeria. A city from which most of the Nigerian women who sell sex on the streets of Europe begin their journey.

In the living room I was interviewing Faith and her mother. Faith had just been deported from Italy after selling sex on the street for six years. She knew more women who had been deported from Europe and women who, like Becky, dreamed of going there. After the first meeting with Becky, she and I spent a lot of time together. Becky was a driven zipped lip girl – a woman who, as Becky explained it, doesn't say anything about anything to anyone, because that is the best way to protect yourself in Nigeria. But she did want to tell, vividly and with rich detail, about her life and her journeys towards Europe to a harmless anthropologist. We ended up making the documentary film Becky's Journey with a small Nigerian film crew. Because Becky had a dream of becoming someone – to be famous – a dream of being seen and heard. She was fearless and sensitive. She had many and conflicting reasons for dreaming of Europe. Poverty was just one of them. One day Becky emptied the fridge for the chocolate I brought from Denmark for late field note writings. "Yes – I ate it all", she admitted bluntly. "I love your chocolate. It's real. Everything in Nigeria is fake. I love the shoes my aunt in Italy sent me too. They are real. That's why I love Europe. Europe is real."

Becky travelled from Edo State in the Southern Nigeria. The number of asylum-seeking Nigerians who arrive in Europe has tripled in the last eight years, and even though the chances of being granted asylum are minimal for Nigerians, the

numbers continue to rise. What is unusual compared to other groups of migrants and refugees is that more than 50 percent of the Nigerian migrants are women. Edo State in Nigeria is thus one among a few places primarily in the Global South, from where women in particular travel to the Global North for marriage, the sex industry or they become involved in trafficking. From here women most often travel through so-called 'intimate migrations' – that is, the migration is linked to contact with a man or men, sex clients or husbands.

The flows of intimate migrations are growing rapidly on a global scale. The research project, Women, Sex and Borders – Seeing Migration, Sex Work and Trafficking from the Global South, looks at this phenomenon through fieldwork in two sites – Edo state in Nigeria and Isaan in the North-eastern Thailand. In these areas, female migration is an everyday condition, a strategy, and an emotional state. Children miss their mothers abroad, old parents are dependent on the money being sent home, and everyone knows someone with a daughter in Europe.

Here, information on new migration laws is received over the phone from the people who already left, read on Facebook or heard through village gossip. In these areas, both families and development depend on the money migrants send. But things are getting harder, as migration control is blocking the usual routes to Europe. Becky is not the first migrant that had been worked with, who has died as a result – direct or indirect – of migration and border control.

Becky didn't want to go to Europe just because she was poor or wanted 'real' goods. She also wanted to be free. She wanted to free herself from her family's and Nigeria's shackles. Before she attempted to get to Europe the first time she converted from Islam to Christianity. She was raised in a Muslim family in the state of Adamawa in Northern Nigeria, where Boko Haram are now raging. But "Muslim women don't travel to Europe and do what I want to do", Becky explained. So she travelled to Southern Nigeria and became a Christian. She wanted to decide for herself whom to date; her family didn't want to meet her non-Muslim boyfriends. But as she explained, "I want to live like a white woman – I want to decide for myself".

Crossing from Nigeria to Europe is expensive, in large part because increasingly strict border controls have forced more and more migrants to employ smugglers to secure their passage. The price for this service, which takes a prospective migrant through the Sahara desert to Libya before transporting her across the Mediterranean to Italy, ranged according to the Nigerian migrant women I work among, from €40,000 to €60,000 in June 2015. While the women trying their luck in Europe may not know all of the conditions and hazards of their job upon arrival, most know that they will sell sex for two to three hard years under a 'madam' to repay their debt. Rather than simply terming this smuggling or trafficking - refer to the movement characterized by this debt—and seen by the women as part of a joint migration arrangement between them, their families and their 'sponsors'—as *indentured sex work migration*. The women who are in states of indenture and who

undertake these journeys are vulnerable to violence and severe exploitation.

The first time Becky tried to reach Europe she did not borrow money. She used the money that her father had given for school to pay for her fake travel documents. But she was stopped at the airport. Nigerian border control officers are trained by European police officers to detect fake documents and in particular to prevent women who are under suspicion of travelling via a trafficking network. The women are stopped before they get on the plane – and this causes great frustration, costing them the plane ticket and the chance to reach Europe. They are often placed in counter-trafficking centers in Nigeria, paid for by donations from European countries, in an attempt to make them give up their dream of Europe.

This didn't stop Becky – for her it meant that she couldn't get on a plane, but had to choose a longer and even more dangerous and expensive journey through the Sahara desert. Becky knew that she was going to sell sex to make money if she came to Europe. "If you don't want to sell sex, then stay away from Europe". She knew someone who sold sex in Italy, and this woman told her: "We make love anywhere – as long as there is a man who will pay for it".

Becky believed that migration and selling sex was the best option she had to improve her life. "The people I have met, who have sold sex, they have looked beautiful when they came back to Nigeria". She said. Thus, in 2011 she began her second journey towards Europe. She borrowed the money. A so-called 'madam', who was already in Italy, paid for the travel costs.

With 36 other migrants Becky travelled through the Sahara desert to Libya. From Libya they would cross the Mediterranean Sea to Italy. After 10 days in the desert there was no more food and water. A young man, sitting right next to Becky on the back of the truck, died. When they finally arrived in Libya, civil war broke loose, and it was no longer possible to cross the sea. After hiding in Libya for two months she had to go back to Nigeria. On the way back her friend died. The friend was nine months pregnant with a Libyan man's baby, a sex client she had met while they were waiting to cross the ocean. She went in labor in the desert, but the placenta was stuck. A fellow travelling woman told them that the placenta could be pushed out, if the woman giving birth bit hard on a spoon. The little group of women and men stood by helplessly and watched as she died. Now Becky had a dead friend and a new-born baby in her arms. She delivered the baby to its grandmother in Benin City with a message that her daughter would call soon.

Since then the film that has been made about Becky did well and sometimes it was possible to get money from screenings around the world. All the money would be sent to Becky. But the small amount of money and two failed attempts did not make her give up her dream of Europe, and towards the end of 2015 she tried again. She had heard that many Nigerian women arrived in Italy these years and she wanted to be part of that. Becky's third attempt was also through the desert. Before that she asked, just to be sure, if whether boats were still arriving in Italy from Libya. "Yes, they do", I said. "But Becky, it's very dangerous. Don't travel that way. Have you heard about all the boats that sink in the

Mediterranean?" "Yes, of course I know", Becky replied, "I watch every day on CNN. But I'm not afraid. If I die, I don't care. If I get the opportunity to cross the sea, I will do it. I won't stop before I reach Italy. I'll do it for me and my family. But I hope, of course, that my madam can take me on a plane to Italy".

Becky's madam wanted €60,000 to get Becky to Italy by sea. But then something happened – Becky negotiated the amount down to €30,000. In return, she would travel around Edo state and find five other women to bring along. Becky became a recruiter and a smuggler herself.

Typically, the images seen of trafficking or smuggling are dominated by tragedy, exploitation and death – and all are perpetuated by men. Often seen are the images of the trafficker – a man in handcuffs – and what arises, and is reproduced, are thoughts of the criminal, deviant man from the Global South. Women, on the other hand, are portrayed as victims who are transported passively. But women are not just passive in this process. They may not be the captains of any ship, but research shows that women also take part in this and other parts of the 'migration industry'. Women recruit, negotiate prices, installment plans, and collect wire transfers, clean the temporary housing where migrants sleep before they can be smuggled, cook the food, and some are drivers. Research on human trafficking and smuggling also shows that there are three typical ways into the world of smuggling: 1) via social networks or "the entrepreneurship of coincidence"; 2) the person seeks out or is at the place where the demand for smuggling exists; 3) the

smuggling act is part of the migrants own migratory journey – as it was for Becky.

One of the last photos she sent was a selfie of her with four other woman – all of them all dressed up with make-up. These were the women who were going with her to Europe, and they were drinking beer at a bar on plastic chairs in Benin City to celebrate that they would begin their journey to Europe the next day. A farewell party.

As Becky's route into smuggling and recruiting testifies - Identifying and separating the 'victims of trafficking' from those considered "criminals", the smugglers, traffickers or the undocumented migrants considered guilty of violating immigration laws—are complex endeavors. Who is worthy of anti-trafficking humanitarian assistance upon arrival to Europe and who should be imprisoned or deported? From the women narratives it is often complicated to decipher why some women are designated 'victims' while others ended up 'criminals'. Their journeys to and experiences in Europe are remarkably similar. What becomes apparent when listening to the womens stories is that their labels upon arrival to Europe were shaped by arbitrary encounters and chance, and the unsystematic consequences of meeting a particular immigration official or social worker who might or might not take an interest in their case.

Becky's life is a portrait of the political and economic reality. A kind of microcosm of the world situation. Her life provides important insights into the many conditions that determine the journeys of migrants, of small, lived and dreaming

human life that is complicated and made impossible by conditions that are out of their control. Becky's trajectories were entangled with everything from Islam (which she converted from); Boko Haram (who up until now have killed six of her family members); the fall of Gaddafi in Libya (which thwarted her second attempt to reach Europe); the EU's migration controls (which forced her to indebt herself to get to Italy); and corruption in Nigeria (a rich country where wealth is not distributed fairly).

As Becky shows us violence, exploitation and victimhood are not exclusively connected to trafficking but are part of everyday life as the women make their journeys. But what is recieved are sensationalized reports on sex slavery. Everyday violence too often remains hidden because the focus on the perceived violence of trafficking "renders other forms of violence invisible or normal", in the words of Baye and Heumann. Moreover, this focus obscures the violence perpetrated by actors other than the smugglers or traffickers who facilitated or caused their migration. When asked, during field work in Nigeria, the women to compare Europe to Nigeria, many said that, because of different types of everyday violence, it was safer to sell sex on the streets of Rome or Hamburg than to run a food stall in Benin City, even though many experienced intense violence in Europe as well.

The focus on sex slavery and rhetorics of trafficking results in a hierarchical structure of sexualized violence, in which the presumed violence of selling sex is imagined to be much worse than the everyday violence experienced prior,

during, and after migration journeys. An exceptionalist focus on sexual slavery does not account for the continuum of violence and struggles experienced by both 'victimized' and 'criminalized' women. Yet, the everyday violence and vulnerability does not grant women any additional rights to protection—in contrast to 'trafficking—because everyday violence is, apparently, not a morally legitimate way of suffering. As Becky poignantly asked, "What do I say Sine when I get to Italy, if the police take me? Do I say that I'm a victim of trafficking or that I escaped Boko Haram?" The line between migrant, refugee and victim of trafficking is rarely clear.

Becky's third attempt to reach Europe did not succeed – she had to turn around, and was stopped in Niger. On the way back to Benin City she got pregnant. The baby died inside her, and she died, because the doctor's attempts to get the baby out in a worn down clinic failed. Becky died of something as common as pregnancy - as thousands of other women do in Nigeria every year. Just like her friend in the desert



About the author

Sine Plambech is a social anthropologist and filmmaker. Currently a post-doctoral research fellow at the Danish Institute for International Studies in Denmark, she was previously a research fellow at Columbia University in New York. She has professional experience in international migration, human trafficking, sex work research, socio-cultural and gender analysis. She has worked as researcher, lecturer and consultant at various institutes of higher learning, an UN agency and other public institutions in Denmark and abroad. She conducts fieldwork in Nigeria on the topic of irregular migration, trafficking, smuggling and deportation of Nigerian sex workers from the EU. She is the creator of four award-winning feature documentaries and short films on the topics of international migration, sex work and human trafficking in Africa and Thailand.

This page intentionally left blank

**Saviors or murderers?
Human Smuggling in the Eastern Mediterranean Route⁴**

Luigi Achilli – European University Institute

⁴ A previous version of this article was published in <https://pomeps.org/2017/03/29/the-nexus-human-smuggling-and-syrian-refugees-trajectories-across-the-middle-east-and-the-balkans/>

This page intentionally left blank

Introduction

Over the past few years, millions of people have reached Europe irregularly (UNHCR 2016). This tragedy has generated a real state of emergency in Europe during the last few years, with public opinion confused and terrified by pathetic photos of corpses lying on the shores and aggressive strangers trying to push through Europe's security walls. These images accompany journalistic accounts that tell stories of poor and desperate individuals who are deceived by organized crime cartels. In these accounts, the ultimate responsible of this tragedy are the human smuggling networks – mafia-like cartels of hardened and greedy criminals dedicated to the systematic deceiving and conning of migrants. However, while successful at activating public opinion and policy makers, this series of representations has however consistently failed to address the inner dynamics of human smuggling and provide an adequate understanding of the relationship between smugglers and migrants.

Smugglers often constitute the only available option for those individuals who flee a situation of immediate danger and distress. However, migrants and asylum seekers' desperate need of finding a refuge and their difficulty to access legal channels of mobility alone are not sufficient to explain the resilience and strength of the bonds between them and the smugglers. To understand this complexity we need to shift the attention away from the categorization of smugglers as reckless businessman toward an exploration of

smuggling moral economy.⁵ What I argue here is that the relationship of trust between the smugglers and the migrants – as I encountered it during my fieldwork – does not only build on refugees' desperate need for safety, but it is also embedded within patterns of solidarity and reciprocity and grounded on local notions of moral personhood. Far from their depiction of reckless criminal driven only by profit, smugglers sought and often found moral legitimation by negotiating long-held notions of morality and religious duties with the realities of being involved into what is popularly perceived as a criminal activity.

At the time of my fieldwork, Syrian refugees had ideally two options to reach Europe: one was legal, through resettlement programs, family reunification, university fellowships and scholarships, training programs, private sponsorships, etc. The other option was – for the large part of them – the Balkan route: an exhausting and perilous journey that took them across two continents and several countries (i.e. Turkey, Greece, Macedonia, Serbia, Croatia, and Slovenia).⁶ The former was by far the safest and quickest route. Yet, the transfer of refugees from an asylum country to EU member states remained for the very large majority

⁵ My research is largely based on interviews and participant observation with Syrian refugees and smugglers held in Turkey and to a lesser extent in Lebanon, Jordan, Italy and the so-called "Balkan route" (Greece, Macedonia, and Serbia) intermittently throughout 2015 and 2016.

⁶ The situation has changed since early 2016. The EU-Turkey agreement on March 20 and the decision of Macedonia (FYROM) to seal its border with Greece in February seem to have considerably stemmed the flow of people along the Balkan route.

of them a chimera (Achilli 2016).

Virtually all the people that I interviewed crossed Turkey. Over the past years, the country has become a gathering point for Syrian refugees travelling from Syria and its neighboring countries to Europe. However, while the country was and still is an obligatory step for the majority of Syrian refugees, displacement patterns to Turkey largely depended on the possession of valid documentation. Syrians with a valid passport travelled regularly to Turkey either by plane from Amman, Beirut, or Erbil or by boat from Tripoli in Lebanon. On the other hand, the large majority of Syrian Internally Displaced Persons (IDPs), Palestinian refugees from Syria, and those without a valid passport embarked on a longer and more dangerous journey to Turkey – often inland – that exposed them to greater risks of exploitation.

Smugglers operated almost exclusively in Turkey. The vast majority of those interviewed indicated that they had reached Greece from the isolated areas near the Turkish port of Izmir and Bodrum. Here, smugglers arranged transportation, for around 1200 USD per person to Lesbos or the numerous Greek islands near the border with Turkey. The proximity of the departure point with the Greek islands often meant a one-hour journey with a tenmetre rubber dinghy. Time and price, however, were likely to change according to a number of factors that ranged from the type of boat and number of people aboard to the weather condition and the relationship with the smugglers. The material and affective politics of these connections reveals the unhelpfulness of describing smugglers only in terms of cruel

and reckless criminal driven exclusively by profits.

Accounts about the callousness of smugglers are also often dismissed by those very people who risk their lives crossing the Mediterranean. The large majority of migrants I spoke with did not perceive their relationship as exploitative. On the other hand, they were quite vocal in their criticism of EU failure to live up to the moral and humanitarian ideals it claims to champion. Smugglers offered a way to bypass the inherent shortcomings of a blocked system. The words of Mohammed – a young man in his early mid-twenties from Syria, now an interpreter and social worker in Italy – are indicative of this awareness: “smugglers are neither good nor evil. You pay for a service and you get what you pay for”. Mohammed turned to smugglers when his family was refused a family reunification visa. He paid around 8000 euro to have his brother smuggled from Syria to Germany. It was a long and tiring journey and Mohammed’s brother crossed several states, via land and via sea. Yet, it was the only available way to Europe, the only bridge to overcome the gap between the EU rhetoric of human rights and free mobility and its restrictive border policies. In his and many others’ stories, human smuggling was perceived as part of a system of protection within the context of asymmetric distributions of power where people in certain countries have overarching incentives to move but few legal avenues to do so.

Of course, stories and rumors about migrants and their families deceived, exploited, and mistreated by smugglers were relatively common among my informants. Even some of the smugglers

that I interviewed conceded as much: “smugglers are not all good”, I was told by a few of them. Nonetheless, recent studies based on empirical evidence challenge the image of a few criminal masterminds who control a network of hardened crooks devoted to the systematic enslavement of vulnerable migrants (see, for example, Sanchez 2015, Zhang and Chin 2002). Against this backdrop, the question arise spontaneously: what does smuggling human beings in an honest and ethical manner entail? An answer of this kind should take into account local notions of morality and the broader socio-political context in which the act of smuggling takes place.

Syrians use the Arabic term *muharrib* to indicate the “smuggler”. The word does not have necessarily a negative connotation (even though it often does). The term can simply refer to someone who sneaks something or someone in undetected for either positive or negative intents. Among my informants, for example, smuggling was not only about profiting as the *muharrib* was not necessarily driven by material gain. It entailed a range of practices encompassing honesty and moral conduct. It involved for the smugglers restricting their margin of profit, using good-quality boats, and displaying civilized and refined manners with their customers. Along this line, they regarded as immoral any misconduct relating to the smugglers’ quality of services or treatment of customers and, in general, the intention to profit of migrants’ situation in order to, shamelessly, get rich. This is the story of Abu Hamza.

Abu Hamza was quite known among Syrian refugees for being a respectable person

(muhtaram). The first time I met him was in Elgar, in the courtyard of a four-star hotel near the city center. The man was sitting around a table and sipping a cup of tea while juggling three mobile phones. He was arranging the arrival to the city of a new batch of people wishing to cross the narrow stretch of water that separates Western Turkey from Greek shores. With him, a bunch of boys and young men sit: Abu Hamza introduced them to me as his crew. As I came to discover soon after, it was a mixed group that comprised both migrants and smugglers. However, it was difficult to tell them apart. No distinguishing marks, no details of moral conduct could indicate “smugglers” and “their clients” as belonging to two distinct social types. They were all Syrians; all stuck along the route to Europe. Even Abu Hamza was seeking asylum to Europe. As many others like him, he left Syria in 2012, taking the route to Italy, via Libya. However, his journey abruptly stopped in Egypt, where local authorities detained him for a few months before sending him back to Lebanon. He tried again. The second time he took the Balkan route: Turkey, Greece, Macedonia, Serbia and Hungary. Yet again, he did not make it. While waiting on the western shores of Turkey to be smuggled into Europe, Abu Hamza changed his mind: “I could not any longer watch my fellow country mates suffering in Syria or being exploited by smugglers and locals in Turkey. I decided to do something for them.”

A smuggled migrant himself, Abu Hamza knew the basics of the job. Owning a jewelry back in his village in Syria, he also had some financial liquidity to expedite the setting up of his venture. He found a Turkish associate for minimizing risks – the

man's personal contacts and knowledge of the country were crucial to set up the activity. This is how Abu Hamza became a smuggler, a good one, as he put it. At the time of my research, around 30 people worked more or less steadily for the organization, helping fellow country-mates to reach whatever was their destination in Europe.

In this sense, more than anything else, it is the outcome of the smuggling process that conjures up the "ethical scene" (Cohen, 2011) through which migrants and smugglers constitute themselves as a moral community against an immoral "Europe". With few notable exceptions, all interviewed refugees who applied for resettlement had their application either rejected or left pending for an indefinite lapse of time. On the other hand, successfully smuggled migrants who I interviewed relied upon smugglers to reunite with their families left back in Syria, Jordan, Lebanon, or Iraq. Ahmad was one such person. The man was in his late teens when he left Syria for Sweden in 2012. It took this adolescent and his sixteen-year brother around four months to reach their destination. I met Ahmad in Turkey. He flew from Sweden to meet his mother, sisters, and bride who he entrusted to the same smugglers that helped him and his little brother to reach Europe years earlier. He spent the few days prior their departure with them, instructing his family on the different legs of the journey. When his family finally departed, Ahmad tracked on the smugglers' GPS his family's journey to Greece. He left Turkey only when he received confirmation from his bride that they had reached Greek shores.

However, Ahmad's decision to entrust their family members to a smuggler was not only based on cost-benefit calculations but also on the idea of belonging to the same ethnic and moral community in exile. The time migrants spend with smuggler was functional for strengthening this social bonds. For smugglers, indeed, many of the migrants were not only customers but friends, fellow nationals or simply individuals who carry a personal story. The time prior the departure provided migrants and smugglers with complex opportunities to mingle, interactions that went beyond simple working relationships. In Elgar, a coastal town in western Turkey, smugglers and migrants slept in the same hotels, ate at the same restaurants and fast-foods, and hanged around in the same bars. Mahmud, a young Syrian man in early 20s, was among them. His story highlights everyday practice of coexistence among smugglers and migrants and the strong bond that can arise out of the time spent together. The young man spent over a month in Elgar with Abu Hamza and his *shabab*. He first waited for his brother to send him the money for paying his journey to Greece; he then waited for the sea to be calm enough to allow his departure. When finally the time came, Mahmud did not want to leave anymore: after a month spent living together with the same people who were supposed to smuggle him to Greece, he established a solid friendship with many of them. When I asked him the reason for his reticence to leave, Mahmud replied: "I left my family in Syria; I found a new one here. Now, I don't want to lose again my family". Mahmud eventually left, but with the promise to his new friends that he would have come back as soon as he obtained the refugee status in Germany.

Undoubtedly, the pattern of human smuggling that I encountered should not distract from other crueler forms (cf. for example with İçli, Sever and Sever, 2015). Media reports constantly accounts of the brutality of smugglers and the plight of migrants. However, the visibility of these accounts risks to overshadow the brutality of states and neglect the ability of smugglers to help people navigating the unequal geographies of mobility. The resilience of smuggling networks, amid numerous attempts by nation states and border control agencies to crack them down, serves as constant reminders not only of migrants' determination to flee their countries, but also of the strong bond between smugglers and their customers. This bond, I argued, feed into shared frameworks of morality and piety.



About the author

Luigi Achilli is research associate at the Migration Policy Centre at the European University Institute. He holds an M.A. and a Ph.D. in political anthropology from the School of Oriental and African Studies (SOAS). He taught at Cambridge, SOAS, and various universities in the Middle East and Europe. His research and writing focus on irregular migration and smuggling networks, refugee studies, political engagement and nationalism in the Middle East, and the Palestinian issue. Ethnographic in approach, his work is based on extensive field research in the Middle East and Eastern Mediterranean countries. He is now working on a comparative study of the Eastern Mediterranean and the Central American smuggling corridors. He is a recipient of a [Marie Curie Global Fellowship](#) for his project “MAPS - Migrants and People Smugglers.” His most recent publications include a special issue on smuggling with the *Annals of the American Academy of Political Science* (forthcoming 2018), co-edited with S. Zhang and G. Sanchez and “Smuggling and trafficking in human beings at the time of the Syrian conflict”, in Gebrewold et al. (eds) *Human Trafficking and Exploitation: Lessons from Europe*, (Routledge, forthcoming 2017).

**Minors in the Migrant Smuggling Market along the US Mexico
Border: The case of Texas**

Gabriella Sanchez – University of Texas at El Paso

This page intentionally left blank

Introduction

Over the last five years, irregular migration patterns along the U.S.- Mexico border have changed significantly. For most of the 2000s, the U.S. Border Patrol sectors in Arizona had the highest numbers of apprehensions on the border. U.S. Customs and Border Protection (CBP) statistics show that starting in 2010, South Texas began to register a significant increase in the number of apprehensions, primarily as a result of growing numbers of Central American migrants arriving at the U.S. - Mexico border. By fiscal year 2015 south Texas had the largest number of apprehensions of all U.S. Border Patrol sectors. The region has since consolidated its position as a hub in the U.S. migrant smuggling market.

The precariousness of towns and cities on both sides of the U.S.- Mexico border has also increased over the last decade. On the Mexican side, conflict among drug trafficking organizations and the government's response have led to violent clashes and to thousands of deaths. The unprecedented levels of violence and conflict have on many cases led to the exodus of entire communities to other parts of Mexico or even to the United States. Coincidentally, these border communities are the locations to where thousands of irregular migrants travel in their attempts to cross the U.S. - Mexico border irregularly. Many are in fact included in the U.S. State Department of travel warnings, and identified as locations posing significant safety risks, including the potential for homicide, kidnapping, extortion and sexual assault. On the U.S. side, border communities also experience high levels of marginalization, lack of

health and education services and unemployment, and often rank among the poorest in the country.

Migrant Smuggling

The term smuggling is defined in the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime as "...the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a state party of which the person is not a national". In the present brief, migrant smuggling is defined as the series of efforts that lead to the entrance of an individual into a country different from his or her own, relying on facilitators or brokers who provide mechanisms to avoid detection or inspection from government authorities. While most reporting on the security conditions on the U.S. - Mexico border has focused on drug trafficking, the migrant smuggling market also constitutes an important activity in the region, having emerged as a viable, less-stigmatized if also illicit income generating alternative for marginalized communities on both sides of the border. While this region has historically been the site of all forms of smuggling activity, immigration enforcement, demographic changes in the makeup of irregular migration, and security conditions involving the presence of criminal groups, among other factors, have generated changes in the makeup and even on the emergence of local migrant smuggling. Evidence shows local residents along the border, members of migrant communities in places of origin and destination, as well as migrants in transit may join the local smuggling market selling

goods or services for those seeking to cross the border, ranging from the sale of clothing, backpacks and canned food to the actual facilitation of border crossing services.

On most occasions, the development of these informal markets takes place in the context of extreme social inequality and restrictions to migration and mobility. Historically, most cities on the US side of the border have had a tendency to present high levels of unemployment, below-average academic retention rates, high indexes of poverty, and low or insufficient levels of urbanization evidenced by limited access to basic services like water and electricity. Furthermore, the very location of these settlements in the proximity of the border make them strategic spots in the facilitation of multiple forms of illicit trade. These factors combined play a role in the involvement of those in the lowest socio-economic levels of both Mexican as well as U.S. border communities in activities like human smuggling.

Contrary to popular belief which claims smuggling operations are orchestrated by transnationally-organized criminal networks that operate underground, most often the facilitation of human smuggling tends to be the domain of loosely connected individuals known to each other by kinship and friendship ties. In other words, migrant smuggling is the result of extended collaborations among friends, family members and acquaintances residing in close proximity. Invitations to become part of smuggling circles are often welcomed, as they create the opportunity to supplement the low wages that prevail in the local economy, and in some cases to generate significant financial returns. Most

importantly, while smuggling constitutes a state and federal crime, it does not carry the same stigma –nor penalties-- as drug trafficking. Furthermore, the perception that the likelihood of detection and prosecution is low makes smuggling appear as a virtually risk-free proposition to its participants.

Working in close proximity with relatives and acquaintances does not always translate into friendly interactions. While collaborations among human smuggler facilitators are the key to the business' success, competition, rivalry and the very vulnerability of the communities where they operate create tensions that on many occasions escalate into violence. Violence in smuggling impacts not only the safety of migrants and refugees who travel with the support of smugglers, but also that of the most vulnerable participants of the smuggling economy, which include women, migrants in transit and minors, who work as guides, drivers and lookouts.

In the course of my research, I have witnessed how disagreements among smuggling facilitators can quickly escalate into acts of physical violence, especially when they involve migrants or refugees working off their smuggling fees or supporting their families, which is most often the case of minors, women or stranded migrants in transit. My work to the inside of smuggling organizations has documented acts of intimidation, forced labor, physical and emotional abuse, food and water deprivation, kidnapping and sexual assault against women and children working in the facilitation of border crossing. I have also documented among smugglers the incidence of severe trauma,

physical injury, loss of mobility and miscarriages.

Minors as human smuggling as facilitators: conditions leading to participation

The scholarship on human smuggling is scant, and so the fact that data on the involvement of minors in the facilitation of smuggling journeys is minimal should not come as a surprise. While the participation of minors or young adults working in smuggling activities has at times generated interest, there has been to this date no empirical research conducted on their dynamics.

The available data suggests children in the ages of 9 to 17, residing along border communities on both sides of the U.S. - Mexico border, have been systematically detained by CBP in the commission of acts related to the facilitation of border crossings. These minors perform roles as lookouts, guides, or messengers for migrant smuggling organizations, and are compensated financially for their activities. The vast majority of those who participate in smuggling as minors are male.

There are also indications that adult smuggling facilitators rely on minors as these are unlikely to be charged with the commission of human smuggling by U.S. authorities even if found *in flagrante*. After being questioned or temporarily detained, the minor most often returns to the adult smuggling facilitator who initially entrusted him or her with work, to re-enter the smuggling cycle. The recurring nature of their experience has led to the minors

involved in smuggling activities as “circuit minors.”

The lack of data obscures the nuanced and most often dangerous circumstances faced by circuit minors and their personal experiences. Current work being conducted through a community partnership between anthropologists, social workers and educators in the El Paso-Ciudad Juarez area and funded in part by UTEP indicate that circuit minors most often have a history of domestic violence, neglect, or abuse. They are also likely to come from or reside in marginalized areas and neighborhoods on the Mexican side of the border, where employment, education and recreational options are limited. Harassment, assault, arrest, death of family members, acquaintances, neighbors or local law enforcement or criminal groups are often seen or described by the minors as a common occurrence. The ability to secure and receive protection, or of having to a welcoming familial space in the midst of violence and displacement is often limited. These conditions often lead minors to search for survival strategies. Many are able to earn a living by entering the informal economy. Yet in addition, given their young age, lack of education, absence of a stable home or protective environment, minors find themselves in activities related to the smuggling of drugs and migrants, invited by their own peers, family members or other members of their immediate communities.

Participation in illicit activities like smuggling often provides benefits of a kind no other institution in the context minors live does. In fact, most circuit minors report feeling valued, respected and recognized by their older peers by virtue of their

involvement in smuggling, and the fact that many contribute to their family's sustenance also provides them with increased social status within their households.

While some minors may at least initially participate willingly in illicit activities, boredom, fear, and an overall feeling of unease soon emerge. Most minors are unable to foresee at the time of their participation in smuggling the potential consequences of their involvement on their personal safety. They lack an exit strategy or the support of other friends or family members. Most families are also unable or unwilling to discipline a minor due to his or her involvement in these activities, or to relocate to another community. On multiple occasions families depend on the income generated by the child in order to survive. To cope with the stresses involved in their participation, some circuit minors report relying on drugs and alcohol as coping mechanisms.

Attempts to leave smuggling may initially be met by warnings on the part of adult facilitators, but interactions can easily escalate into threats, systematic intimidation, physical and emotional abuse, surveillance, sexual humiliation or assault, kidnapping and in extreme cases loss of life. The conditions where the minors operate also constitute a highly risky terrain, as they venture across desolate regions, across bodies of water, and territories under the control of a range of criminal organizations. The risk faced by the minors may be even greater they have no friends or family members within that same community able to report his or her mistreatment, captivity or even disappearance.

Fear of law enforcement often leads minors to be uncooperative or reluctant to speak on their own behalf in the event of an arrest. It is unlikely for a child who was been immersed in conditions of high vulnerability to be able to immediately and/or effectively articulate or identify his or her situation as one of abuse or exploitation or the need for help or relief.

For minors involved in criminal activity, the ability to develop or maintain a family structure that provides protection and wellbeing, or of attending school or working in stable settings is unlikely at best. Conditions of marginalization often lead minors to search for and pursue survival strategies that often compromise their personal safety.

Participation in criminal activity not only provides minors with substantial financial returns. Minors acquire and develop skills which are in demand by their adult counterparts. Minors perceive the labor they perform as a source of viable growth and financial advancement amid the precariousness that surrounds them. In fact, our ongoing work indicates many of these minors feel valued, respected and recognized by their older peers, and become empowered through their actions.

Fear of collusion between criminal organizations and law enforcement often leads minors to act defensively and uncooperatively in the presence of or when questioned by the authorities. It is unlikely for a child who was been immersed in conditions of high vulnerability to be able to immediately articulate or identify his or her situation as one of abuse or exploitation or the need for help or relief. Rather, minors may make false claims of

membership to criminal organizations or of having participated in violent acts in an attempt to reduce their real and perceived vulnerability vis-à-vis law enforcement or other state actors.

Institutional Challenges

Multiple reports by academics and policy advocates, have expressed concerns over the ability of immigration authorities on both sides of the U.S. - Mexico border to identify and properly triage cases involving circuit minors. This failure is reflective of governmental structures, which have often assign screening duties to law enforcement. On the American side of the Border, U.S. Customs and Border Protection (US CBP), is one of the agencies most likely to be in contact with circuit minors. CBP's mission, according to its website is "To safeguard America's borders thereby protecting the public from dangerous people and materials while enhancing the Nation's global economic competitiveness by enabling legitimate trade and travel." These aspirations do not include the identification of patterns of victimization or the protection of minors who may be the target of crime. Academics and policy makers have recognized the challenges CBP faces in handling the cases of circuit minors. There is widespread concern regarding the implications of this limitation upon the lives of the many who may be vulnerable to or in situations of trafficking and other forms of exploitation at the hands of criminal groups, and who are not being screened according to US and international protection conventions, their rights remaining unmaterialized.

The conditions under which minors are interviewed by CBP following their

detention have also raised significant concerns among advocates. CBP facilities are secure buildings, guarded and staffed by uniformed and armed agents. The adversarial situation between minors and law enforcement as a result of an arrest often gives room for minors not to feel safe or secure, or for them to be uncooperative, defiant and even physically or verbally aggressive; the perception of law enforcement as operating in collusion with smuggling facilitators or other criminal groups further limits the ability of minors not only to report perceived abuses or victimization, but to interact in a non-defensive way with law enforcement officials, who are often perceived as part of the cycle that will return them to victimization. It is not uncommon for minors to articulate threats against agents, provide false statements concerning their involvement in criminal activity, or refusing to talk.

Advocates and academic researchers have also reported the series of challenges faced by CBP when it comes to interviewing unaccompanied minors involved in these kinds of activities, and on the limitations of CBP's agents to identify their vulnerabilities. Two of these concerns include the formats and questionnaires used not being in Spanish and the questioning process not being explained to minors in a child-friendly way that informs them of the legal options they have available. Most minors are unable to make an informed decision, thinking their only alternative is to return to their country of origin, most often to the same conditions they faced prior to their arrest. This raises questions over the degree and clarity of information minors actually have in regard

to their options and potential access to protection and relief.

On the Mexican side, the focus on the part of the Mexican authorities concerning migrant minors is to reunify them with their family. There is little attention paid to the threats posed to minors by their home settings or by criminal organizations if returned. Advocates have consistently voiced concerns over the lack of coordination that exists between U.S. and Mexican officials to identify and address the challenges faced by minors fleeing from situations of abuse, whose return to Mexico often translates into escalated violence, further victimization, coercion and physical retaliation, conditions that a marginalized minor lacking structure and support is unlikely to overcome on his or her own. While efforts to highlight the challenges faced by the minors are being made, and actions are being taken to document the experiences of circuit minors, at this time Mexican as well as U.S. authorities remain unable to provide protection and prevention mechanisms against the escalating levels of violence many circuit minors face.



About the author

Gabriella Sanchez is an assistant professor and associate director for research at the National Security Studies Institute at the University of Texas at El Paso. A socio-cultural anthropologist, she holds a PhD from the School of Social Inquiry at Arizona State University in Tempe, Arizona. Her work explores the social organization of transnational organized crime with a focus on people smuggling groups and their interactions with other illicit and/or criminal markets in a comparative, global fashion. She has conducted research on the U.S. - Mexico Border, Latin America, North Africa, the Middle East and Australia living among smuggling facilitators and their clients. She is the author of "Human Smuggling and Border Crossings" (Routledge, 2015). Currently she is part of a binational team documenting the experiences of youth and children in drug and migrant smuggling markets along the US Mexico border. Along with Luigi Achilli and Sheldon Zhang she is co-editing a special issue for the Annals of the American Academy of Political and Social Sciences on migrant smuggling, which will be published in early 2018.


This page intentionally left blank

BTI Institute

Borders • Trade • Immigration

A Department of Homeland Security Center of Excellence

 <http://www.uh.edu/bti>

 Twitter: @CBTIR_UH



 <http://clhb.utep.edu>

 Twitter: @1CLHB