

HUMANITARIAN SMUGGLING IN A TIME OF RESTRICTING AND CRIMINALIZING MOBILITY

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Introduction

If we are to win the fight against the smugglers, Europe needs to be ready to take action in order to seize the boats, destroy them and arrest the smugglers and bring them to justice.

European Commissioner for Migration, Home Affairs and Citizenship, Dimitris Avramopoulos, 23 April 2015

On 23 April 2015, the European Commissioner for Migration, Home Affairs and Citizenship, Dimitris Avramopoulos, and the EU Council expressed their determination to come to grips with people smuggling in the Mediterranean. It is nothing new to blame smugglers for the increase of unexpected arrivals of migrants, but in the current refugee ‘crisis,’ the issue of migrant smuggling has become very much the center of attention. Fighting against smuggling is most often proposed as the ‘solution’ to the refugee ‘crisis’ by politicians in the public arena.

In principle, there are two main reasons why states may be willing to counter human smuggling. The first reason has to do with the fact that smuggling is linked to irregular immigration: although it should be clear that not all smuggled migrants are irregular in the proper sense (many of them being refugees and asylum seekers), smuggling is nonetheless one of the most eye-catching ways (at least for the mass media) by which irregular immigration takes place; fighting it can thus be a way of fighting irregular immigration itself. This line of reasoning fits in the criminological framing that is linked to an increasing demand for migration in poorer parts of the world (van Liempt & Sersli 2012). Smugglers are in this frame referred to as the ‘dark side’ or the ‘underbelly’ of globalization (Moises 2005) who facilitate irregular migration. Smuggled migrants are given an unclear role under this approach: while, on the one hand, they are not necessarily to be criminalized for the mere fact of having been smuggled, on the other hand, it is clear that their rights and needs are not what states are fighting for when they adopt this perspective.

The second reason states may be concerned with human smuggling stems, instead, from the need to protect the migrants themselves from the many risks they may face if smuggled:

economic exploitation; deception; degrading treatment along the way; and even death. Under this approach, smuggled migrants are perceived as victims of the smugglers who thrive on their aspiration to go abroad. An important assumption behind this logic is that stopping smugglers will result in such pain and misery for irregular migrants that news will get back to potential migrants and they will stop coming. Smugglers are seen as having created migration possibilities for those immigrants that states have defined as unwanted. This is also the logic behind the British government's refusal to support large-scale rescue of irregular migrants in the Mediterranean (Collyer 2016).

The paradox between this 'control and care' reasoning is illustrated very well if we look at how the UN approach to human smuggling differs from the EU approach. Even though it does not formally qualify smuggled migrants as *victims*, the protection of their rights is among the UN Protocol's main concerns, as is explicitly stated, for example, in Art. 2: "The purpose of this Protocol is to prevent and combat the smuggling of migrants, as well as to promote cooperation among states Parties to that end, *while protecting the rights of smuggled migrants.*" The EU Facilitation Directive, however, describes the role of the smuggled migrant by using verbs ("assisting someone *to enter,*" "*to transit,*" "*to stay*"), thus revealing that the person is seen as someone actively contributing to the whole deed. The UN Protocol, on the contrary, uses – at least in Art. 3(a) – a noun ("procuring *the entry* of someone"), thus describing the migrant's position more as the result of another person's action than as an action itself.

Regardless of these differences in how smuggled migrants are seen, in both the UN Protocol and the Facilitation Directive the smuggler's conduct is recognized to have a wrongness of its own: a wrongness that is not a mere reflection of irregular migration, but derives directly from its being a commodification of human beings, an exploitation of the migrant's vulnerability as a source of enrichment, of money-making.

In the sideline of both the Protocol as well as the Directive it is mentioned that it excludes from the scope of the criminalisation "the activities of those who provided support to migrants for humanitarian reasons or on the basis of close family ties." In this chapter, we will focus on this broader perspective on human smuggling. Even though the assumption inherent in many of the policy initiatives around fighting human smuggling and studies around human smuggling is that organized crime is involved (van Liempt & Sersli 2012, Baird & van Liempt 2015), it is equally important to bear in mind that smuggling is not perceived as a crime everywhere, always, and by everybody. Academic literature on human smuggling points to evidence that it likely has existed as long as borders have, as there have always been people who, for all sorts of reasons, were unable to travel via ordinary legal routes (Fittko 2000, Siener 2008, Mar 2010).

This chapter puts a broader perspective on human smuggling to illustrate the various reasons migrants might need smugglers and the different ways smuggling can evolve. The category of the 'humanitarian smuggler' is put central in this chapter to challenge the purely criminological discourse around human smuggling that is dominant, and to provide a more complex, diverse picture of the practice.

What do we know about the facilitators behind human smuggling?

The earliest academic conceptualization of human smuggling comes from Salt and Stein (1997), who framed human smuggling as a 'business.' As geographers, they made important distinctions among the various types of services offered in countries of origin, in transit, and at the destination, as well as the interconnections among these places. They also differentiated between legitimate and illegitimate markets in which actors pursue profit and commercial gain around human smuggling, which has been important in understanding its embeddedness. Despite these

nuances, human smuggling was tied directly and solely into questions of organized crime, which has been central to discussions of migrant smuggling from early studies until now (Salt and Stein 1997, Chin 1999, Lazcko and Thompson 2000, Salt 2000). Defining the exact role of organised crime in human smuggling organizations generated a lasting debate in smuggling studies (Heckmann 2004, Neske 2006, Colucello and Massey 2007, Kaizen and Nonneman 2007, Kyle and Koslowski 2011, Soudijn and Kleemans 2009, UNODC 2011).

It is not surprising that when the UN Protocol against the Smuggling of Migrants by Land, Air and Sea came into being in 2000, migrant smuggling was officially included in the definition of organized crime. This event marked the framing of human smuggling as a global criminal business (Gallagher and David 2014). In 2000, the strengthening of the penal framework of smuggling was also put high on the European Council's agenda. Its delegations, however, had very different views on the various types of smuggling that exist and what constitutes 'humanitarian' grounds for the smuggling of asylum seekers.

The discussion on a continuum of types of smuggling links to a whole field of academic research that shows that the criminal discourse is helpful for understanding different actors involved in the process of human smuggling and the stages of the process, but it lacks a wider perspective. By following a narrow track dictated by a purely economic perspective, the complexity behind human smuggling is denied. It, for example, does not give any indication of the reasons smuggling begins or continues in a certain context other than making profit (Kyle 2011, van Liempt 2007, Spener 2009; Kyle and Dale 2001) and underestimates the role of personal networks in the migration process (Staring 2004, Herman, 2006).

Studies that take a wider perspectives show that it is often local people living in border regions involved in the smuggling business for whom profiting from smuggling goods and/or people is a low-profile way of making a living without necessarily being connected to international organized criminal organisations (Chin 1999, Icduygu and Toktas 2000, Mabrouk 2003, Spener 2009, Missbach 2015, Sanchez 2015). These studies also show the complexity around the fact that smuggling is sometimes organized by family members of migrants, who may profit from and exploit relatives, but who are also inclined to act out of humanitarian reasons (Koser 1997, Staring 2004, Buchen, 2014).

Smuggling through social networks

The role of personal networks has been underestimated in the human smuggling process (Herman 2006) and research on the transnational scope of familial networks has added an important theoretical dimension to the study of human smuggling (Staring 2004). One of the main findings of studies that look into the role of networks is that smuggling depends on unique network characteristics coupled with individual agency, and that trust plays a key role (Koser 2008). Herman (2006) argues for incorporating 'the social non-profit factor' into the study of human smuggling to bring the role of personal and familial ties into the foreground (Herman 2006: 217).

Stefan Buchen (2014) followed a case in Essen (Germany) where in January 2013 'an international people-smuggling gang' was identified as part of a Europe-wide operation. It was reported that suspects were arrested in 37 places across Germany and some arrests were made in Greece and Poland. The 'head of the gang' was a 58-year-old Syrian man from Essen. The authorities estimated that he had made a €300,000 profit out of smuggling activities, although they did not find any cash. Buchen discovered the 'head of the gang' was not a professional smuggler but an engineer who went to work every day and had not smuggled anything or anyone before the war broke out in Syria. He turned out to be part of a group of Syrians who came together at the beginning of the war to help Syrian refugees escape their country. None of

their ‘customers’ had felt threatened, poorly treated, or exploited, and relatively small amounts of money had been paid for the services. This example stands for many smuggling cases and shows that the smuggling market is complex, with highly differentiated services (Icduygu and Toktas 2000, Zhang and Chin 2002, Sanchez 2015). Some earn substantial amounts of money, but many individuals in the smuggling process receive little or no compensation for their services (Kyle and Dale, 2001, 50).

Smuggled migrants’ perspectives

Only few studies have centered around smuggled migrants’ perspectives (Koser 1997, Efonayi-Mader et al. 2001, Bilger et al. 2006, van Liempt 2007, Spener 2009). These studies add an interesting dimension to the debate by pointing out that there is often remarkably little stigma attached to the smuggling business from migrants’ points of view. Migrants who have used the services of smugglers rarely view them as dangerous criminals who should be imprisoned, but often describe them as ‘the people who most helped them’ (Sharma 2003, 60), as life savers, or as a necessary evil in a world with many restrictions on mobility (van Liempt 2007). The fact that there are few migrants willing to testify against their smugglers supports this view of smugglers as helpers. Nevertheless, the prices charged can be very high, and some suffer from exploitation or poor treatment. The important context of helping people escape war, poverty, and misery makes smugglers necessary.

In a quantitative survey carried out with migrants who had enlisted the services of smugglers to cross from Mexico into the USA, 75% of the 655 interviewees declared that they were satisfied with the service provided by their smuggler, and 45% would recommend their smuggler to a family member or a friend (Slack and Martínez 2018, p. 162). An additional important reason not to testify against smugglers is that friends/family members who are still back home might one day need these services too. Labeling human smugglers as evil is too simple and does not take into account the political reality that people need to cross borders to find protection.

Smuggling for humanitarian reasons under current EU Law

Activities of those who provided support to migrants for humanitarian reasons or on the basis of close family ties were previously excluded from the scope of criminalization. The EU Facilitation Directive also has an optional safeguard known as *the humanitarian clause* which provides EU Member States with the possibility to exempt cases of smuggling from criminalization. Both the UN Protocol and the EU Facilitation Directive risk suppressing genuinely humanitarian acts of assistance, as they give states discretion to criminalize a broad range of acts of assistance to irregular migrants. Carrera and Guild (2016) argue that the Facilitative Directive suffers from an implementation gap in several areas, including the threshold of what constitutes an act of smuggling and the possibility of a humanitarian defense.

The decision to include an optional ‘humanitarian clause’ was not without discussion and internal disagreements within the EU. Its wording is ultimately the product of a compromise amongst the drafters put forth by the Swedish presidency (Council of the European Union 2001). For example, Austria was entirely opposed to Article 1.2 (the optional humanitarian clause) and the UK submitted several reservations (Council of the European Union 2001). By contrast, Germany proposed that the humanitarian clause should be ‘compulsory’ (Council of the European Union 2001). Whilst the product of compromise, the optional humanitarian exemption ultimately permits the criminalization of humanitarian acts of smuggling because the

Humanitarian smuggling

Directive does not oblige EU member states to impose sanctions when humanitarian motives are involved in smuggling.

As such, countries have varied in how they have transposed this Directive into national legal frameworks. According to Art. 1 (2),

Any member state may decide not to impose sanctions with regard to the behavior defined in paragraph 1 (a) by applying its national law and practice for cases where the aim of the behavior is to provide humanitarian assistance to the person concerned.

Behind this provision lies a clue to the fact that humanitarian concerns are not a key worry for EU laws against smuggling. The meaning of Art. 1 (2) is, indeed, that member states are not obliged, but merely permitted to grant ‘facilitators’ a humanitarian defense for their conduct, which unavoidably makes helping immigrants more risky for potential helpers, thereby indirectly impinging upon the chances migrants have to be helped when they find themselves in need of humanitarian assistance. Currently, facilitating irregular entry is punished in all 28 EU member states and the EU Actions to fight against smuggling have run in parallel with an incremental use of sanctions in the EU against individuals directly or indirectly involved in helping and/or providing humanitarian assistance to irregular migrants.

A recent report by the EU Fundamental Rights Agency (Fundamental Rights Agency FRA 2014) reveals that only a quarter of member states “have national legislation that reflects, at least in some form, the safeguards in Article 1 (2), allowing states not to impose sanctions when irregular entry is facilitated for humanitarian purposes.” The optional humanitarian clause had been explicitly transposed at the national level in only eight Member States. The same FRA report similarly notes that “more than a quarter of member states fail in their national legislation to exempt non-profit acts or humanitarian assistance from the rules of facilitation of stay” (Fundamental Rights Agency FRA 2014). In the autumn of 2015, during which substantial numbers of refugees in desperate situations travelled through both EU and Schengen states, some of the EU’s measures against facilitation of irregular migration were instrumentalised by some political leaders to warn their citizens and the citizens of neighbouring states against assisting refugees on the move. EU law, of course, does not disregard completely the rights of smuggled migrants; it could not do so, since many of these rights are either recognised in the EU Charter of the Fundamental Rights or are the object of international obligations for the member states. Two examples. According to Art. 1(2),

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Examples of humanitarian smuggling

Apart from refugees involved in smuggling countrymen who are in need of help to escape war torn countries, civil society in Europe has also increasingly become involved in helping refugees with their often difficult border crossing processes. One famous recent example is that of Salam

Aldeen who helped save lives in the Aegean Sea, but was later accused of human smuggling. Aldeen, a 34-year-old man from Denmark, was never trained as a lifeguard but when he saw an overcrowded dinghy sinking off the coast of the Greek island of Lesbos in the summer of 2016 he started to rescue the people. The boat came from Turkey and was haphazardly constructed. It had lasted most of the short (10 kilometer) journey across the Aegean Sea but the motor began to dislodge only a few hundred meters off the coast of Lesbos. As the boat started to sink Salam told the people to get off, hold onto the boat and paddle to shore. He helped them push and steer the boat from the back. There were women and children on board and a picture of Salam holding a baby made it all over the news. Back in Denmark, Salam Aldeen decided to go back to Lesbos and see if he could help. He started Team Humanity in September 2015 and he became an 'island legend.' As an almost native Arabic speaker (his father is originally from Iraq) he rescued many migrants. Aldeen had responded to distress calls from more than 200 boats with an estimated total of more than 10,000 refugees on board, seeking to uphold the duty to rescue at sea.

In January 2016 Aldeen was arrested on charges of human smuggling. As the driver and owner of the boat, Aldeen faced harsher punishment than the other rescuers. Four rescuers were given a bail set at 5000 Euros, while Aldeen's bail was set at 10,000 Euros. He faced up to ten years in prison. Also, Aldeen was barred from leaving the country, whereas the others were not. He has to check into a police station every week and is not allowed to leave Greece, just like so many immigrants today who are stuck in Greece. He continued his charity work helping refugees stuck on the Greek islands despite the charges. In May 2018 he faced the Greek court with four co-volunteers and was cleared of charges of bringing migrants into Greece illegally.

Large organizations like Save the Children and Médecins Sans Frontiers (MSF) recently also have been accused of collaborating with human smugglers with their rescue operations in the Central as well as Eastern Mediterranean sea. It is important to contextualize these accusations. The Mare Nostrum Operation, which was initiated after the large shipwreck in 2014 off the coast of Lampedusa, was framed in the discourse of humanitarianism. In late 2014, because of a lack of support from the European Union the Italian state retreated from their Mare Nostrum Operation, leaving thousands to die at sea; it was criticized for a nine-fold increase in deaths between 2014 and 2015.¹ NGOs such as MSF then stepped in to fill this gap as a response to this danger to life (Pallister-Wilkins 2018). MSF launched its own SAR operations in 2015, initially by providing medical assistance on-board the MOAS' (Migrant Offshore Aid Station) boat. Soon MSF was running boats of its own: the Bourbon Argos; the Dignity 1; and lately the Prudence, while also joining forces with SOS Mediterranean on their the Aquarius (Pallister-Wilkins 2018). MSF's objective is to save human lives in full respect of its independent mandate as a medical humanitarian organization. SAR efforts produce a mobile humanitarianism that cannot be fixed easily in time or space. It occurs where rescue is needed. The types of care that can be offered and the conditions under which the care is offered depend hugely on politics.

Some politicians and officials in EU member states (for example Italy, Belgium and Austria) now claim that by providing SAR service Mare Nostrum and NGOs have made the journey safer and easier, thereby encouraging migrants and refugees to make the journey, acting thus as a pull factor for migration, or a bridge to Europe, and increasing the numbers. These are claims that are not substantiated with data. A recent assessment compared the before, during and after the Mare Nostrum period showed that the number of arrivals (and deaths) was higher before Mare Nostrum was introduced and during the period that involved NGOs.² By only focusing on *who* provides the border crossing, the important discussion of *why* people need to cross borders is left aside, and the complexities involved in migration are overlooked. Human smuggling is increasingly framed as a threat to the state rather than a reaction to restrictions imposed by states (see also Kyle and

Dale 2001, Kyle and Siracusa 2005). This narrow focus results in a narrow understanding of what human smuggling is, and has an impact on how it is ‘combated.’

Conclusion

On the European Agenda on Migration the “fight against smugglers and traffickers” has been identified as a key priority. In particular, the Agenda has called for improvements to the current EU legal framework “to tackle migrant smuggling and those who profit from it.” However, in the EU Action Plan against Migrant Smuggling adopted in May 2015, the European Commission notes that appropriate criminal sanctions should be in place while avoiding the risks of criminalising those who provide humanitarian assistance to migrants in distress, thus implicitly acknowledging the inherent tension between the criminalisation of smugglers on the one hand and of those providing humanitarian assistance on the other, through a range of behaviours that cover facilitation of not only irregular entry and transit, but also irregular residence and stay.

At present, the overall numbers of investigations and prosecutions leading to effective convictions of migrant smugglers across the entire European Union is low. Several studies have been conducted regarding EU member states’ national transposition and implementation of the Facilitators’ Package, or more generally, on policies and programmes focused on smuggling across the EU and in cooperation with third countries and the characteristics of the phenomenon. A significant gap exists, however, concerning the actual effects that these laws have on those working at the front line of providing humanitarian assistance, public services and fundamental human rights to irregular migrants, in particular, civil society organisations. What we witness at the borders is that the criminalization of smuggling has affected the willingness of small professional shipmasters to come to the rescue of migrants in distress. Moreover, court cases of convicted individuals have a wider impact on future possible helpers. Suppressing assistance of refugees very well may be the primary aim of criminalization; it is not so much about prosecuting people but much more about warning others not to do this. Criminalization of humanitarian forms of smuggling may thus impact people’s willingness to help refugees because it makes helping migrants riskier and indirectly impinges on the chances migrants have to be helped when they find themselves in need of humanitarian assistance.

For the past decade, service providers across several member states have raised concerns that the hardening stance on migrant smuggling at the political level could impact the day-to-day service provision of humanitarian actors. It has been feared that renewed efforts to combat the smuggling of migrants and refugees could affect irregular migrants’ access to their fundamental rights, including healthcare, education and housing. As such, it undermines the support for more humane solutions to the refugee crisis.

Protecting the fundamental rights of irregular migrants requires differentiating between smugglers and those providing humanitarian assistance to irregular migrants. This is particularly true as civil societies – NGOs as well as individuals – are often the ones that cover the basic needs of migrants. It is paramount to ensure that those helping migrants are given the legal certainty that they will not be prosecuted for their assistance. It must be acknowledged that family members and friends helping people escape war situations should not be criminalized. More debate is required regarding the significant differences between a citizen’s or an NGO’s perspective of facilitating irregular entry and transit, and the perspective of the state.

The plight of refugees in dreadful situations has inspired many people in the past and today to reach out and help. Many of these actions could be treated as crimes, under current national rules of the EU against irregular migration. The criminalization of humanitarian acts is evolving

without much discussion. Getting a humanitarian exemption clause put in the Facilitation Directive could be a way to solve this dilemma. The clause is currently optional and not used by most EU states. The number of states using it is, in fact, decreasing. A humanitarian exemption has proven not to be sufficient. Humanitarian acts in this context must be more narrowly defined, either by making more explicit the meaning of “humanitarian,” or defining more clearly the criminal element. A more explicit definition of what constitutes humanitarian here is needed in order not to put ‘helpers’ at risk.

Narrowing the smuggling definition to acts of facilitation where the smuggler is doing harm, or risk of harm to the individual could also be an option, as Landry (2016) suggests. In the absence of legal pathways, let us not forget that smuggling is usually essential to the ability of most refugees to claim their right under the Refugee Convention, and that criminalization of smuggling will do more harm to refugees than good. Smuggling is often the only means to enjoy fundamental rights, such as living in unity with one’s family or escaping violence. The ‘fight’ against smuggling will only be successful when it is part of a broader set of measures including more promising attempts for conflict resolution and development in regions of origin. It is difficult to challenge the dominant representation of smuggling at a time when many people die as a result of dangerous border crossings, but it is necessary to stress that criminalization of smuggling will not improve migrant’s access to protection at a time when mobility is restricted by governments.

Notes

- 1 (<https://deathbyrescue.org/>).
- 2 (www.law.ox.ac.uk/research-subject-groups/centre-criminology/centreborder-criminologies/blog/2017/03/border-deaths).

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Humanitarian smuggling

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MIGRANT SMUGGLING AND THE SOCIAL ORGANISATION OF CROSS-BORDER MOBILITY

Luca Raineri

Introducing migrant smuggling: inaccurate framings, wrong approaches, self-fulfilling prophecies

Although the phenomenon of migrant smuggling has a long history (Wokeck, 1999), the lack of conceptual clarity and methodological rigour have long inhibited the emergence of a scientific field of inquiry on the subject. Since its inception, the criminological perspective has remained dominant (Van Liempt and Sersli, 2012). The theoretical assumptions and normative concerns of law enforcement have shaped the conceptualisations of, and responses to, migrant smuggling. The tendency to look at migrant smuggling more as a pathology than as a social phenomenon has thus long influenced the foundational research questions – and answers – of migrant smuggling research, including about the identities of smugglers and smuggled individuals, their modes of organisation, the drivers of their actions, and the most appropriate policy responses.

This chapter engages in a brief reconstruction of this genealogy. It contrasts early conceptualisations and related popular beliefs on migrant smuggling with recent approaches and findings, which offer a more nuanced and complex view of the phenomenon. It argues that the growing availability of rigorous and empirically-rich studies has contributed to questioning the analytical purchase of institutionalist and neo-institutionalist perspectives on migrant smuggling and crime (Kleemans, 2014), highlighting instead the explanatory value of the network theory, with its emphasis on social capital and ties. Policy approaches built on unconfirmed assumptions may have contributed to rehabilitating past views, making the criminalisation of migrant smuggling a self-fulfilling prophecy.

The predominance of law enforcement concerns and criminological lenses in the apprehension of migrant smuggling transpires from the early studies on the phenomenon commissioned by international organisations (IOM, 1994; UNODC, 2011a) to the more recent iterations of a so-called “crisis” of migrant smuggling and irregular migration in Europe (EUROPOL, 2016). Seminal studies have struggled to disentangle migrant smuggling and its distinctive features from other forms of irregular migration, including most notably human trafficking (ILO, 1975; Salt, 2000; Kyle and Koslowski, 2001; Tailby, 2001). The adoption of the Protocol against the Smuggling of Migrants by Land, Sea and Air – commonly referred to as the Smuggling of Migrants Protocol – supplementing the 2000 UN Convention against

Transnational Organized Crime (UNTOC), has supplied an authoritative and clear-cut definition of migrant smuggling, enabling the comparative analysis of a phenomenon that by its very nature straddles national borders. It has also contributed, however, to framing, from the outset, migrant smuggling as a matter of law enforcement, associated with transnational organised crime.

As a result, policy and scholarly discourses on migrant smuggling have an in-built tendency to reiterate the analytical grids and normative standpoint of criminological perspectives. This stands out clearly in at least two domains, which the chapter investigates critically: the economic analogy of migrant smuggling's drivers and modes of organisation; and the security emphasis of response strategies.

Migrant smuggling is often framed as an economic activity (a "business," "market," or "industry") where the lack of legal protection enables smugglers to resort to exploitative and predatory practices (Salt and Stein, 1997; Aronowitz, 2001; Schloenhardt, 2002). This stands in contrast with the posited passivity and victimhood of migrants. The neoliberal analogy between transnational smuggling networks and transnational corporations operating in the legal economy has reinforced the understanding that migrant smuggling is carried out by centralised organisations exercising a hierarchical command and control over a variety of profit-making criminal activities, including the trafficking of women, weapons and drugs. Studies informed by this intellectual scaffolding often strive to obtain accurate figures of the cash flows of the criminal organisations allegedly implicated in migrant smuggling, with a view to dissecting their "business model" (Salt and Stein, 1997; UNODC, 2011a; Reitano and Tinti, 2015). This endeavour somehow reproduces the ambition to attach "memorable numbers" to the estimated profits of criminal organisations, so as to catalyse media attention and political action (Andreas, 2010). Engaging in this direction, a comprehensive retrospective report by UNODC (2011a) cited – without much distancing – the figures of migrant smuggling's estimated profits put forward by early scholarship (all of them reported in Salt and Stein, 1997), ranging from \$3 billion along the China – US route, to a global annual income of \$5–7 billion. Were this economic power converted into political influence and military might, the standard argument goes, criminal organisations emboldened by smuggling profits, including those of migration, could pose an unprecedented challenge to international stability (Naim, 2012).

The sensation of the imminence of a threat has thus contributed to justifying the mobilisation of considerable resources to stem irregular migration and smuggling. With organised crime depicted as the new Evil Empire, the post-Cold war transition from a warfare to a crimefare posture by Western countries (for the US: see Andreas and Price, 2001; for the EU: see Stambol, 2019) has paved the way to the militarisation of the response to migrant smuggling. Illustrations of this are not in short supply, whether at the US–Mexico border (Nuñez-Neto, Siskin and Viña, 2005), in Australia (Schloenhardt, 2003; Weber and Grewcock, 2011), or in the EU (Lutterbeck, 2006; Akkerman, 2017). Fuelling the oft-noticed securitisation of migration and smuggling (Buzan, 1991; Galemba, 2018), declarations of a war against migrant smuggling (Raineri and Strazzari, 2021) have been accompanied by the deployment of the arsenal previously tested on the war on drugs (Horwood, 2019), with its focus on enhanced border controls, law enforcement cooperation, and supply eradication.

In the last years, however, the proliferation of critical perspectives, scientific research designs and empirically-rich studies on migrant smuggling increasingly has questioned the underlying assumptions of the criminological approach, leading to the conclusion that the alleged link between migrant smuggling and organised criminal syndicates is poorly substantiated. The subsequent sections of the chapter build on these research developments to show that the prevailing mode of organisation of irregular cross-border mobility is characterised less by

hierarchical top-down arrangements, than by loose horizontal networks, in which criminal syndicates typically play a marginal role. This leads us to interrogate the conditions that enable the coordination of migrants and smugglers, in the absence of an over-arching regulation and enforcement: mitigating the behaviouralist over-emphasis on profit-maximisation, the network theory highlights that social capital, social ties and social embeddedness help explain the trajectories and choices of the actors involved in migrant smuggling. In this framework, law enforcement measures and securitised approaches appear more effective in reshaping than in disrupting migrant smuggling: by severing cross-border social networks, they paradoxically incentivise the provision of protection by criminal organisations. This observation has led scholars to argue that the criminalisation of migrant smuggling may be seen as a iatrogenic effect of misguided militarised responses.

Emerging evidence on migrant smuggling worldwide: from centralised syndicates to horizontal networks

Focusing on a variety of geographic areas and investigating different smuggling networks, an increasing amount of literature is putting forward the idea that the organisation of migrant smuggling is, in the largest majority of the cases, less akin to a top-down hierarchical pyramid than to a horizontal network characterised by loose and opportunistic affiliations. Rather than orchestrated by a criminal mastermind pulling the strings behind the scenes, as (neo-)institutionalist criminological approaches would have it, migrant smuggling appears to be the result of the complex interactions of large numbers of smaller, flexible actors efficient at organising piecemeal and ad hoc activities while retaining a relative degree of independence and proactiveness (Baird and Van Liempt, 2016). Within this context, solidarity and trust emerge as key features of the relationship between smugglers and smuggled migrants much more often than previously imagined. An overview of the recent findings of migrant smuggling research across the world contributes to corroborating this view.

Migrant smuggling from China to the US has been associated regularly with organised crime and the traditional triad societies (Robertson, 1977). In recent years, however, the growing availability of fine-grained, multi-sited ethnography has enabled a much more granular understanding, suggesting that migrant smuggling from China to the US is largely dominated by small groups of freelance entrepreneurs who build their own networks independently, often on the basis of their previous social interactions. This has prompted the conclusion that Chinese migrant smuggling organisations “are made up of decentralized associations of criminals of diverse backgrounds, and the relationships among core members are mostly horizontal” (Zhang and Chin, 2002, p. 759), with no single organization monopolising or centralising the sector (Chin, 1999; Zhang, 2008; Zhang and Chin, 2003).

Studies looking at the smuggling of migrants into the US from the Mexican border has led to very similar conclusions. Spener (2009) has noted that local smugglers are poorly organised, with no evidence of market monopolisation by a single group. Sanchez reiterates the same observation, arguing that there is no evidence of “the existence of a single, centralised, power providing operational or logistical support in any of the smuggling groups identified” (Sanchez, 2015, p. 44). Izcara Palacios (2014) has highlighted that the resort to violence is infrequent among competing smuggling groups. This may be seen as the result of kinship ties and links of reciprocity shaping the migrant smuggling “market” (Sanchez, 2017).

The research findings about the organisation of migrant smuggling to the EU are consistent with this picture. Examining the role of Chinese organisations in the smuggling of migrants via the Netherlands, Soudijn (2006) and Kleemans (2007; see also Soudijn and Kleemans, 2009)

have found no evidence of a centralised organisation, and argue that a plurality of actors coexist, while competition among them is regulated less by the resort to violence than by reputation-building measures. Looking at Belgium, Kaizen and Nonneman (2007) have recognised the importance of kinship and ethnic ties in the articulation of migrant smuggling, arguing that smugglers operate in small groups characterised by cellular structures and opportunistic business partnerships. In Poland, Okolski (2000) has noted that migrant smuggling operations exhibit limited engagement by the Russian mafia.

Studies focusing on migrant smuggling across the Middle East, and especially Turkey, have led to similar observations. Demir, Sever and Kahya (2017) note the absence of an “international umbrella organization” with “branches in several countries,” arguing instead that migrant smuggling is based on “loosely connected” groups with limited if any internal hierarchy, that “communicate and cooperate [...] horizontally” across the different stages of the process (Demir Sever and Kahya, 2017, pp. 384–385; see also Campana, 2020). Case studies focusing on Turkey-based organisations smuggling migrants from Syria (Achilli, 2018), Iran and Iraq (Içduygu and Toktas, 2002; Içduygu, 2018) corroborate the same findings, noting that smugglers operate independently along a small part of a larger chain with no centralised organisation or oversight.

Studies focusing on Africa, too, have further confirmed the emerging general conclusion that small-scale coordination on a case-by-case basis, rather than central oversight by hierarchical criminal syndicates, is the prevalent mode of organisation of transnational migrant smuggling. In Libya, this was the case during the Gaddafi regime (Pastore, Monzini and Sciortino, 2006). Interestingly, the fall of the authoritarian ruler and the rise of a patchwork of armed groups and militias does not appear to have changed the picture radically (Campana, 2018; Sanchez, 2020). “The presence of kingpins who can exert monopolistic control over a certain route,” while frequently aired in media and policy discourses, remains strongly disputed and poorly corroborated by convincing evidence (Campana, 2018, p. 493). In a similar vein, researches on West Africa have noted that in this region, too, migrant smuggling is fragmented, and depends more on individual initiatives, ‘homespun’ organisational arrangements, and small-scale negotiations than on an integrated chain of professional services deployed internationally and centralised vertically (UNODC, 2011b; Benattia, Armitano and Robinson, 2015). In Niger, where migratory flows directed to Libya and Europe have soared considerably since 2014, smuggling remains dominated by “small-scale low-investment activities” featuring “rather fragmented and uncoordinated chains of actors” (Brachet, 2018, p. 29), while the dynamics of market competition – essentially non-violent in nature – witness to the absence of a consolidated criminal monopoly (Raineri, 2018).

The migratory route from the Horn of Africa may represent a possible exception to this trend. Here, studies commissioned or carried out by think tanks, international organisations and law enforcement agencies contend that hierarchically structured criminal cartels are able to coordinate the shipping of migrants from Eritrea to Europe via Libya (Sahan/IGAD, 2016; UNHCR, 2019). Recent scholarly work, however, has questioned this view. Emerging evidence from ethnographic immersion (Ayalew Mengiste, 2018) and social network analysis (Campana, 2018) suggests that the modus operandi of migrant smuggling from the Horn of Africa to Europe remains highly fragmented. The resort to sophisticated organisational arrangements, which has also been noted, coexists with a high degree of social embeddedness and permeability of smuggling networks operating along this route.

One could be tempted to argue that the over-reliance on bottom-up research designs may have contributed to distorting these findings. After all, ethnographic methods generally provide access to the perceptions of smuggled migrants and low-level smugglers who, even if

well-intentioned and transparent, may be simply unaware of the functioning of the higher, more secretive echelons of the organisations that empower and shape their activities (a similar position surfaces, for instance, in Malakooti, 2016). The reality seems to be exactly the opposite though. Data access limitations have concurred to cement the hegemony of the criminological approach to the study of migrant smuggling. As a result of the difficulties in observing, measuring, and gathering reliable data on an inherently opaque activity (Koser, 2009; McAuliffe and Laczko, 2016), studies on migrant smuggling have long been shaped by law enforcement who (claim to) have first-hand information, as UNODC has also recognized (UNODC, 2011a). Ethnographic research on migrant smuggling has contributed to eroding this informational bias. Interestingly, subsequent studies drawing on alternative, non-ethnographic methods of data collection and analysis – such as judicial sources, regression analysis of wiretapping metadata, content analysis of wiretapping records and social network analysis (SNA) – have corroborated the same conclusions (Soudijn and Kleemans, 2009; Webb and Burrows, 2009; Leman and Janssens, 2011; Demir, Sever and Kahya, 2017; Campana, 2018). This proliferation points to an emerging consensus that the involvement of hierarchically structured criminal syndicates in the organisation of migrant smuggling is tenuous at best.

Scholars have put forward a plausible explanation of this seeming anomaly. Arguably, traditional criminal organisations excel at those racketeering activities in which territorial control can be exploited, such as gambling, prostitution and protection (Paoli, 2003). Being geographically constrained in their own turf, however, they are ill-equipped to meet the fluid demands of a multi-sited, transnational market, such as migrant smuggling. This is what Zhang and Chin (2002, 2003) call the structural deficiency of traditional criminal cartels. Nevertheless, as the subsequent sections suggest, law enforcement measures to curtail (the supply side of) human smuggling can incentivise the demand for the protection of informal transactions, thereby creating a fertile ground for organised criminal groups to step back in.

Migrant smuggling and network theory

Building on the above, it is safe to conclude that research findings do not uphold the narrative of migrant smuggling as organised by tentacular crime syndicates structured hierarchically and able to generate (criminal) economies of scale by ensuring central oversight to the transnational shipping of migrants from their home village to their countries of destination. To the contrary, migrant smuggling is typically facilitated by networks organised horizontally, featuring multiple affiliations and limited geographic reach. Migrants typically negotiate their shipment through every single leg of their journey with a variety of different providers of smuggling services, who generally act as freelance entrepreneurs and do not report to a higher-level hierarchy belonging to a single, unitary, criminal organisation. This is not to imply that all social organisation and hierarchy is entirely absent from migrant smuggling. Proponents of the network theory acknowledge that smugglers do retain different levels of influence, but this is more the result of their capacity to connect a variety of networks and bridge a diversity of social environments than of any pre-given organisational hierarchy (Kleemans, 2007; Campana, 2018). In other words, it is less a matter of top-down dominance from a vertical perspective, than of central strategic positioning from a horizontal perspective.

Within this framework, the network theory opens up the questions of how migrants and smugglers establish connections, and negotiate their agreements. On the one hand, in fact, the availability of a plurality of providers of smuggling opportunities, rather than of a single violent monopolist, enables migrants to exercise a much greater degree of autonomy and agency (Van Liempt and Doornik, 2006; Sanchez, 2020). It becomes apparent that in many cases migrants

choose their own smugglers, building on the feedback collected from common acquaintances or online (Campana, 2020). While the exploitation of naivety and need make scams far from infrequent, increasing access to social media technology contributes to reducing informational asymmetry. On the other hand, trust between migrants and smugglers is of extreme importance (Kleemans, 2007; Golovko, 2018; Sanchez, 2018). This is in line with the findings of an emerging ethnographic literature on criminal networks in general (Nordstrom, 2007), and contributes to questioning the standard assumption held by an influential tradition of political science – from Hobbes to Weber – arguing that transactions taking place beyond state regulation are bound to generate anarchy, violence and ultimately social disintegration. The observation, often reported, that migrants typically trust smugglers more than the law enforcement apparatuses tasked with fighting them (see for instance Golovko, 2018) highlights that this may not be always the case. In other words, the network theory shifts the focus away from the overemphasis on economic capital – whether that spent by migrants or raised by profit-seeking criminal organisations – to the social capital as a key variable to explain the trajectories, dynamics and organisation of migrant smuggling.

From this perspective, pre-existing bonds between smugglers and migrants often provide an asset to leverage social capital and minimise uncertainty and risk. The literature offers ample illustration of how family networks account for a key enabler of migration, including irregular migration and smuggling (Staring, 2004; Bilger, Hofmann and Jandl, 2006; Zhang, 2008). Increasingly, available scholarship has highlighted that migrant smugglers frequently share the same social and ethnic background as the migrants being smuggled (Neske, 2006; Soudijn, 2006; Majidi, 2018; Stone-Cadena and Álvarez Velasco 2018). Coming from impoverished communities, smugglers choose their “career” less out of greed than lack of alternatives, with migrant smuggling often complementing other sources of income (Sanchez, 2020). As a result, smugglers often share the same milieu and concerns as the migrants, leading to a blurring of the lines between the two categories.

The focus on the motivations and the recognition of the common social and moral standpoint that often ties smugglers and migrants together has also helped debunk the myth of a normative polarisation between, respectively, ruthless predators and naïve victims. To be sure, abuses and scams are not uncommon in migrant smuggling, but their exhibition and media overemphasis – often with sensationalistic tones – has all too often led us to overlook the positive interactions that are frequent between migrants and smugglers. There is no shortage of reports highlighting the “morality” of smugglers, who can come to be seen as “saviours” by migrants left with few alternatives (Pastore, Monzini and Sciortino, 2006; Van Liempt, 2007; Tinti and Reitano, 2016; Achilli, 2018; Ayalew Mengiste, 2018). At the same time, smugglers often see themselves as honest providers of a service that meets an exogenously given social demand of mobility, which is constrained by legislations widely held as unjust and unfair (Golovko, 2018; Mannocchi, 2019). Altruistic motivations often compound profit-seeking, making the interactions between smugglers and migrants irreducible to an economic rationality calculus. As Sanchez (2020, p. 22) has observed, “[smuggling] fees are often dependent of negotiations, community obligations, moral duty and other forms of reciprocity that go beyond financial values or returns, and are hardly ever the same, even for migrants traveling together or following the same trajectory.”

These observations highlight that the research on migrant smuggling is in line with the overall conceptualisation of the ‘criminal’ world that is emerging from recent studies; i.e., that crime is not separate from, but deeply interwoven into the texture of ordinary social life and entangled in everyday intercourses, where criminal contacts intermesh with habitual social patterns (Kleemans and Van de Bunt, 1999; Hudson, 2014; Baird and Van Liempt, 2016). In

the same vein, smugglers are in most cases more accurately described as ordinary citizens partially engaging in extralegal activities, than as professional gangsters segregated in a secretive criminal underworld.

Anti-smuggling policies: the iatrogenic effects of disrupting networks

The concept of “criminal iatrogenesis” was introduced to describe cases in which anti-criminal policies ended up fuelling, rather than curbing, criminal activities and organisations, prompting the observation that the cure prescribed to fight crime proved worse than the disease (Cohen, 1988; see also Brenner, 2021, in this volume). In its early iterations, criminal iatrogenesis referred mostly to the ‘unintended consequences’ or ‘collateral damage’ produced by the US “war on drugs.” The questionable results of the latter have not prevented the revamping of some of its measures in the framework of an emerging war on migrant smuggling (Horwood, 2019), including an almost exclusive focus on (the curtailment of) the supply side of smuggling activities. Concurring with this view, scholars have highlighted the iatrogenic effects of the policies designed to fight migrant smuggling in Australia (Weber and Grewcock, 2011) and Europe (Stambol, 2019), spilling over to, respectively, south-east Asia and Africa.

Across a multiplicity of different country cases, in fact, common features emerge from the analysis of the strategies, policies and measures adopted to respond to, and fight against, migrant smuggling. These typically include: a restriction of the visa regime for unregulated border crossing; a criminalisation of migrant smuggling, including the adoption of harsh penalties for smuggling-related offences; enhanced border protection, often with the use of military assets; the externalisation of border controls to countries of origin and transit of migratory flows, including the creation of buffer zones; the use of transit camps and off-shore processing; the declaration of a war against migrant smuggling and trafficking (often conflated), framed as part of a broader fight against terrorism and transnational organised crime; and the strengthening of law enforcement cooperation with countries of transit and origin of migrants (Weber and Grewcock, 2011).

The extent to which these measures have proved successful in curbing migrant smuggling worldwide remains highly questionable. At the same time, evidence from different regions is piling up to suggest that such anti-smuggling policies have often resulted in the organisational restructuring of migrant smuggling, prompting a progressive replacement of small-scale, ‘homespun’ networks with larger, more sophisticated criminal organisations (UNODC 2011a, 2018). The latter are in fact better equipped for circumventing stricter border controls and forging the high-level partnerships required to condone illicit activities, owing to their greater economic resources and skilful use of organised violence. The rising entry barrier in the illegal(-ised) market of migrant smuggling is therefore credited for pushing towards greater criminal professionalisation while at the same time driving smaller operators out of the market. Furthermore, the disruption of small-scale migrant smuggling networks that is prompted by anti-smuggling law enforcement measures contributes to severing the “chain of trust” and personalised ties that make the infrastructure of cross-border mobility (Van Liempt, 2007). This can fuel a demand for the protection and enforcement (armed, if need be) of risky but profitable extralegal transactions, which mafia-like organisations present in the territory may be eager to meet with a view to expanding their protection rackets. Key brokers of transnational smuggling networks are thus absorbed, more or less willingly, within organised criminal structures consolidating beyond borders and confined localities (Morselli, 2009).

There is no shortage of reports documenting these dynamics. The rising stakes of well-structured criminal and armed groups in the organisation and protection of migrant smuggling

has been noted in a variety of contexts, including the Caribbean (Kyle and Scarcelli, 2009), Libya (Stocker, 2017; Campana, 2018), and Sudan (Tubiana, Warin and Saeneen 2018), to name but a few. As this phenomenon appears correlated to the strengthening of transnational law enforcement efforts against migrant smuggling, critical observers have argued that anti-smuggling policies have counterintuitively contributed to “manufacturing smugglers” (Brachet, 2018).

These observations, however, should not lead one to overlook the important analytical distinction between smuggling and protection providers. Drawing on the ideal-types introduced by Tilly’s (1985) historical sociology, smugglers refer to the actors that facilitate the cross-border clandestine shipment of people and goods to make profit. Protection providers, instead, are seldom involved in the actual delivery of smuggling services, and limit themselves to controlling the territory where migrant smuggling takes place. In exchange, they extract (or extort) a cut of the revenues from smugglers operating in ‘their’ territory – which may be substantial, as Sanchez (2020) suggests. The relationships between smugglers and criminal organisations engaged in the protection of criminal activities can range from cooperation to rivalry. Smugglers can benefit from the weak territorial control that criminal organisations contribute to, but they can also resent a situation of unpredictability and unwanted attention. In some cases, “organised crime groups involved in protection might recruit former smugglers to help them levy the protection tax because of their knowledge of the routes, and their ability to detect other smugglers” (Campana, 2020). In other cases, criminal protectors can coerce smugglers into partnerships through extortion, for instance, by kidnapping migrants in transit and asking a ransom to the smugglers for their liberation, as observed in Libya, Mali and Mexico (Spener, 2009; Izcara Palacios, 2014; Malakooti, 2019).

The entrance of armed criminal organisations into the migrant smuggling “business” frequently leads to an escalation of exploitation and abusive practices vis-à-vis migrants. Numerous reports by UN agencies and NGOs provide ample illustration of this (UNSMIL and OHCHR, 2016; Testa, 2019; UNHCR, 2019). The borders between migrant smuggling and trafficking are thus subject to erosion (Reitano et al. 2018). On the one hand, this further highlights the iatrogenesis of policies that are often designed, at least on paper, to serve humanitarian purposes such as “saving lives”: this was, for instance, the stated priority number one of the EU Agenda on Migration issued in the aftermath of the shipwreck off the shore of the island of Lampedusa that killed more than 800 people. On the other hand, there is a surprising – and somewhat disturbing – lack of evidence that safety and risk concerns, even if backed by reliable information, significantly can influence the preferences of migrants and prospective migrants resorting to smuggling. Recent reports (Raineri and Golovko, 2019) note that migrants often leave their countries of origin in spite of being reportedly aware of the risks that await them on the road, suggesting that, with the disruption of smuggling networks and “chains of trust,” accessibility, affordability and (poor) law enforcement have become the key determinants of irregular migration’s routes, modalities and destinations.

Conclusion

The criminalisation of migrant smuggling may be seen as a self-fulfilling prophecy. The concept of migrant smuggling was immediately incorporated in the semantic field of organised crime when it was originally disentangled from the cognate notions of human trafficking and irregular migration. The growing availability of scholarly works and empirically-informed studies, however, has contributed to dispelling the early image of migrant smuggling as organised by tentacular crime syndicates structured vertically and stretched transnationally. A different theory

has progressively made its way, one that investigates migrant smuggling by stressing the significance of ad-hoc partnerships over rigid affiliations, of social capital over economic capital, of agency over coercion, of social embeddedness over seclusion, of normality over exceptionality, and most importantly, of horizontal networks over top-down hierarchies.

However, the transnational diffusion of measures to combat migrant smuggling has contributed to prompting a transformation of the phenomenon. By disrupting of the “chain of trust” that typically provides the infrastructure of migrant smuggling, unscrupulous law enforcement measures have in many cases paved the way to the entrance of criminal syndicates in a sector where they used to be marginal. The iatrogenic effect of anti-smuggling policies thus turns the arrow of causality between “threat” and response on its head, making organised crime infiltration less the cause of anti-smuggling law enforcement measures, than the consequence. This should not lead one to underwrite the conflation of migrant smuggling and organised crime, that media and policy discourses tend to depict. Criminal and armed cartels are only infrequently involved in the actual organisation of migrants’ cross-border journeys. More often, they prey on smugglers and migrants alike by upholding a protection racket of migrant smuggling unfolding in ‘their’ territories.

For all these reasons, it seems fair to conclude that – in the field of migration – the very notion of “smuggler” is problematic and calls for some degree of critical distancing. Its connotation has become too politically charged to claim a degree of neutrality suitable for scientific investigation. At the same time, its denotation runs the risk of being empirically empty. Ethnographic research has demonstrated that one can hardly encounter “smugglers” on the ground, as both migrants and the facilitators of migrant smuggling use a variety of different concepts, such as “*passseurs*” in francophone West Africa (Brachet, 2018), “connection men” in anglophone Africa (Lucht, 2012), “snakeheads” in China (Chin, 1999; Zhang, 2008), “*coyotes*” in Latin America (Spener, 2009; Stone-Cadena and Álvarez Velasco, 2018), as well as other terms depending on the context. This proliferation points to a research agenda that, aware of its own positioning in a field of struggle, avoids oversimplifying the reality with conceptual shortcuts that are potentially misleading, and engages instead in a careful, detailed, fine-grained mapping of a social phenomenon characterised by a huge degree of variation that it would be unscrupulous to gloss over.

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Migrant smuggling

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HUMAN SMUGGLING, GENDER AND LABOUR CIRCULATION IN THE GLOBAL SOUTH

Priya Deshingkar

Introduction

Irregular¹ migration² facilitation, or human smuggling, has been made hyper-visible in the context of tightening border controls in Europe, North America and other prosperous parts of the world. The focus of this discourse is predominantly on South-North clandestine journeys, especially from Africa in the case of Europe (ENACT 2020), based on data on interceptions in the Mediterranean. This narrative has eclipsed South-South human smuggling, which is equally if not more significant in terms of the numbers it involves; however, research on it remains thin (see for example Ayalew et al. (2018), Lindquist (2012), Lindquist et al. (2012) and Afsar (2009)). South-South smuggling may involve being smuggled across a border between two neighbouring countries or to a distant country. Every day, millions of irregular border crossings take place between countries in the Global South that share borders, such as Myanmar and Thailand or Bangladesh and India.

There are also clear “corridors” of smuggling among non-contiguous countries, some separated by considerable distances and on separate continents, such as Bangladesh and South Africa (Momen unpublished), Myanmar and Malaysia (Deshingkar et al., 2019), and Ethiopia and Saudi Arabia (Adugna et al., 2021). These corridors have evolved with the emergence of relatively lucrative work options in manufacturing and processing, care work and a variety of jobs in cities. Corridors are strengthened as transnational networks of migration are established, leading to further migration to particular destinations where migrants can draw on the support of their networks in integrating and making a life for themselves.

Irregularity in migration encompasses a range of scenarios – overstaying visas (Momen and Deshingkar et al., 2019), delinking from tied work permits (Deshingkar et al., 2019; Jureidini, 2017), irregular border crossings (Ayalew et al., 2018; Triandafyllidou 2020; Triandafyllidou and Bartolini, 2020), rejected asylum seekers and the children of undocumented parents (Triandafyllidou and Bartolini, 2020). Here we are concerned mainly with the actors and processes involved in irregular border crossings which involve entering a country without complying with the necessary requirements for legal entry, such as possessing a valid visa, work permit or health certificate, or entering at points not designated as ports of entry.

Smuggling processes in West Africa are deeply connected to the geopolitics of migration management, as many of the policies that shape it are driven by interests in the North. In South

and South East Asia, they are shaped by the immigration regimes and labour circulation policies in receiving countries, but in different ways, as discussed in the following pages.

In order to provide a thick account of smuggling operations on the ground, only three contrasting countries are discussed in detail below, namely Ghana, Bangladesh and Myanmar.³ They share similarities – all have more than 70% of the population depending on agriculture and between 68% and 77% living in rural areas.⁴ They also have key differences which provide fertile opportunities for exploring how the intersection between culture, the geopolitics of migration control, globalised patterns of labour circulation, and the state, shape human smuggling patterns.

In the three countries under consideration, migration for low-paid and informal work is most common and as such, the focus of this chapter is on smuggling as it relates to the broad category of labour migration. While labour circulation from poor countries towards rich countries has now become an established part of key sectors including care work and construction work, restrictions on mobility are also mounting at the same time. For many, being smuggled across borders is often the only realistic option to access remunerative work opportunities. Even this, though, has become difficult and expensive since the act of human smuggling itself was criminalised with the launch of the UN Convention against Transnational Organized Crime in 2000 and its Protocol against the Smuggling of Migrants by Land, Sea and Air, which came into force in 2004. Its sister Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children was introduced at the same time. Smuggling always involves crossing a border and may be voluntary, whereas trafficking can occur in the same country and always involves the exploitation of a person for profit.⁵

Southern countries in irregular migration “hot spots” have taken a range of steps to implement the Protocol and limit human smuggling, often with the aid of rich countries in the North that seek to contain migrants before they reach their shores. These measures include imprisoning and fining smugglers, awareness creation campaigns about the costs and risks of irregular migration and smuggling, and physical policing along known routes (Ayalew Mengiste, 2018; Ayalew et al., 2018; Carling, 2016; Sanchez, 2017). The justification for the increased policing of smuggling activities is to protect migrants, who are characterised as gullible and vulnerable, against smugglers, who are constructed as unscrupulous criminals and traders in human beings (Adugna et al., 2019; Sanchez, 2018). The process of smuggling is constructed in this imagination as beginning with an unsuspecting migrant entering the process voluntarily, only to be subjected to physical torture, execution and extortion further along the journey (Aronowitz, 2001). These messages are repeatedly reinforced through international media agencies such as AFP and Reuters (Adugna et al., 2021). While such outcomes are seen in a few cases, growing empirical evidence shows they are not representative of the experience of all migrants who use the services of smugglers.

Smuggling and gendered circuits of labour circulation

The extant literature indicates that there are often diverse infrastructures of human smuggling in the same geographical location for different kinds of destinations, occupations, and often quite separate infrastructures for men and women. For example, there are separate smuggling networks for feminised occupations and for those that are typically the reserve of men: in Ghana (Awumbila et al., 2019b, 2019a); Bangladesh (Abrar et al., 2017; Afsar, 2009; Rahman, 2020); Indonesia (Lindquist, 2012); and Myanmar (Franck et al., 2018).

Gender plays out in other ways in landscapes of smuggling. Women in patriarchal societies are subjected to additional barriers to mobility as they are seen as the weaker sex in need of

protection, especially if they choose to migrate with the help of a smuggler. Here the UN Protocol on Human Trafficking with its explicit emphasis on ‘women and children’ is often invoked, ostensibly to protect women who are regarded as more vulnerable to abuse. Developing country governments are under intense pressure to comply with this international agenda through the influential US government’s Trafficking in Persons (TIP) report (Palmary and de Gruchy, 2016).

There are also moral anxieties in many cultures about the sexual encounters that female migrants may have which pose a threat to their purity and the honour of the family. Traditional notions of masculinity in many societies construct the risks and dangers of migration experienced by men as strengthening of their character and making them into brave adult men. The opposite is true in these discourses on female migration, as women are seen as inherently more vulnerable and in need of constant surveillance, accompaniment and protection by men or the state (Deshingkar, 2021; Huijsmans, 2014; Platt et al., 2018) Consequently, female migrants have been subjected to migration bans in several countries – Ethiopia, Ghana, Nigeria, Myanmar, Bangladesh and Indonesia. This includes bans on certain kinds of feminised migration and low-paid work or bans on migration to certain destinations or both, some of which are discussed under the case studies below.

A deeper look at the intersections between human smuggling, global restrictions on mobility, immigration regimes and particular gendered occupations, yields important insights into how the state, smuggling networks, and employers in destination countries relate to each other. The analysis in the remainder of the chapter unpicks the dynamics of smuggling related to construction work and domestic work that are two of the most accessible occupations for migrants all over the world. Both are highly gendered occupations due to cultural notions and gendered stereotypes in both sending and receiving countries about the inherent capabilities of men and women and the work that is appropriate for them (Deshingkar and Zeitlyn, 2015; Zeitlyn et al., 2014). Domestic work is feminised and employs mainly women along certain migration corridors such as Ethiopia to Saudi Arabia and Sri Lanka to the Middle East (Fernandez, 2019; Gamburd, 2000). Additionally, domestic work is also racialised, wherein women from certain nationalities and ethnic groups are constructed as suited to servitude in the home based on their appearance and skin colour (Anderson and Anderson, 2000). Domestic and care work is important for female migrants with few formal qualifications. ILO estimates suggest that there are roughly 67 million domestic workers over the age of 15 worldwide, 80% of whom are women. Migrants are heavily represented in “global care chains,” of domestic and care work with workers drawn mainly from poorer countries in the Global South (Parreñas, 2015; Yeates, 2012), into rich countries where more women are entering the workforce and the social reproduction of the family is passed on to domestic workers (Fong et al., 2020). Construction work is an accessible source of employment for male migrants (BWI, 2006), employing nearly 110 million people worldwide (ILO, 2001). Globally, the construction sector is heavily dependent on migrant labour (Buckley et al., 2016) and it is also a sector where irregular migrants are concentrated.

While the demand for migrant construction and domestic workers has grown, immigration regimes in receiving countries have become more exclusionary with complicated bureaucratic processes that are difficult for those who are located in remote locations away from government offices and the numerous agencies that provide health certificates and identity documents. Smugglers have become more important in migration for both occupations, for example, for the migration of domestic workers from Ethiopia to the Middle East (Fernandez, 2013) which is an important destination for migrants smuggled in for domestic work (Mahdavi, 2013). Similarly, Large numbers of Rohingya and other impoverished or persecuted people are

smuggled into Malaysia for work in a range of informal labouring jobs, including construction (Wahab, 2018).

There are important differences in the way that smuggling for construction work and domestic work are organised; this depends on the policy context in both sending and receiving countries, the economic circumstances of the family, gendered policies, and norms within the family and wider society. Entangled with these structural factors are processes related to the financing of smuggling and the materialities of travel such as documents and transport vehicles.

Not just at the border

A key observation of this chapter is that human smuggling cannot be seen as a process that happens only at the border. Rather, it is shaped by a variety of spatially dispersed actors who fulfil different but complementary functions. This is especially characteristic of brokerage and smuggling, which are linked to placement at destination. In such instances, there is usually a continuum from the first point of contact between a migrant and a local broker to the end destination which is facilitated by interconnected intermediaries, including the actual border smugglers (Awumbila et al., 2019b; Deshingkar et al., 2019). Village level brokers in the migrant's own community may have established relations with recruitment agents in towns and cities who in turn are linked to travel operators, passport authorities, passport photo units, health testing centres, immigration officials and border police, and smugglers at the border, then finally placement agencies in the destination country. However, this is not the case for all forms of human smuggling and in some corridors where policing is intense, there is no discernible chain or network. Here smugglers and other intermediaries may come together more opportunistically as they have to navigate new controls and chart different pathways to overcome those. An example of this is human smuggling through Niger, where new and different smuggling routes around Agadez, an important hub for irregular migration in West Africa (Molenaar, 2017), are in a constant state of flux (Bredeloup and Plieze, 2011). A similar situation is seen in clandestine journeys between Ethiopia and Saudi Arabia, where smugglers are exploring new routes and linking up with new intermediaries all the time (Adugna et al., 2021).

In both kinds of scenarios, the village-level broker is often a key figure in remote and poorly connected societies, as they are critical for brokering contacts with the outside world and providing up-to-date intelligence on the best destination, modes of transport, official procedures and the required documentation. Brokers are either ex-migrants belonging to the same community or people with connections, knowledge of the outside world and the ability to communicate across different worlds and social rules (Abrar et al., 2017; Lindquist, 2012). Such is the cultural and linguistic divide between migrants and city-based officials and bureaucrats, that a broker is needed to interpret and communicate between the two parties. Brokers are also well connected beyond the villages that they operate in and are able to access key personnel and negotiate on behalf of the migrant to obtain documents and permissions.

Therefore, in order to understand the workings of human smuggling and the ways in which it shapes migration and labour markets, it is important to consider it in its entirety, and not just at the border. Smugglers can be conceptualised as one part of the broader infrastructure that facilitates irregular migration. Xiang and Lindquist's (2012) concept of the "infrastructures of migration" that emerged from their research on low-skilled migration from China and Indonesia examines the interconnected actors, technologies and institutions that together facilitate mobility, offers a useful framework of analysis. They argue that all of these components must be considered together with intersectionality as an operational logic to understand how they work together to make migration happen. The concept of migration infrastructures lends

itself well to analysing human smuggling and irregular migration for low-paid occupations as it dwells on both the social aspects of human smuggling as well as its materialities, including documents, physical barriers at border crossings, makeshift accommodation structures, boats, desert vehicles and mobile phones. It provides the tools to interrogate how gender, immigration regimes, transport networks and the structure of employment intersect in different ways. I use it below to reveal the everyday manifestations of globalised labour circulation that depend on cheap foreign labour and the range of actors, and institutions that mediate it.

A socially embedded process

While considering the breadth of different actors and institutions involved in smuggling, it is also important to note that smuggling processes are deeply rooted within communities at points of origin and transit. These communities are comprised of actors with diverse interests whose search for work and business and social relations with migrants and smugglers continuously shapes and constitutes the spaces of brokerage and smuggling (Adugna et al., 2019; Bredeloup and Pliez, 2011; Deshingkar, 2021; Huijsmans, 2014). In poor communities with few sources of paid work, smuggling offers a critical source of income, albeit a modest one. These kickbacks from smuggling and the visible improvement in the standard of living of migrants' families has earned smugglers a reputation akin to that of heroes (Adugna et al., 2019). In fact, smugglers are able to operate precisely because local communities endorse their operations and perceive them as bringing benefits to everyone and not just the migrants and their families. In southern Ethiopia, where irregular migration to South Africa is widespread, those who facilitate it are called *Berri Kefach* or door openers (Adugna et al., 2019). These findings are corroborated in the wider literature; extended immersive research by Osella (Osella, 2014) among migrant communities in Kerala travelling to the Gulf, as well as research by Åkesson and Alpes in Cape Verde and Cameroon (Åkesson and Alpes, 2019; Alpes, 2017) juxtapose the perceptions of local communities of brokers as critical to realising their migration project, notwithstanding their criminalisation by the state. Such narratives of smugglers being benefactors should not detract from the extremely high risk faced by migrants embarking on long and dangerous clandestine journeys, such as over-land crossings through the Sahara. The likelihood of coming to serious harm is very real; whether and to what extent they are able to escape and overcome adverse experiences to achieve their ultimate goal depends on a host of factors that are unpicked through empirical evidence of smuggling in the three countries under consideration.

Against this backdrop, the chapter draws attention to two implications of human smuggling. First, it shows how human smuggling and irregular migrants are critical to sustaining circuits of labour circulation of cheap and disposable workers. Heavily restricted immigration regimes such as the *Kafala* system in the Middle East⁶ create ideal conditions for human smuggling and irregularity. In turn, the irregular status of migrants allows employers and placement agencies to exploit them, with fewer obligations to protect their rights. Migrant construction workers and domestic workers are thus placed in a hyperprecarious situation (Lewis et al., 2015) that governments in receiving countries are complicit in producing. Second, the examples discussed below illustrate that human smuggling can open up opportunities for people from poor and marginalised backgrounds by enabling them to access work that holds the potential for making life-changing investments back home. The objective of the chapter is to draw attention to the complexity of the phenomenon and provide a nuanced understanding of South-South human smuggling. The three country cases are presented next to highlight these differences.

Ghana

Ghana has a long history of migration within the country and internationally (Akyeampong, 2000) and is now an important source country for irregular migrants in the Libyan construction industry (Kandilige and Hamidou, 2011). Migration to Libya began in the 1990s when Gaddafi actively wooed sub-Saharan migrants (Bredeloup and Pliez, 2011). In recent years the country has been less welcoming to migrants both because of growing anti-migration sentiment in the context of a deteriorating economy and also introduction of the EU-Libya Migration treaty which sought to limit migration into Europe and targeted West African migrants in particular (Tonah and Codjoe, 2020).

Libya is the chosen destination here, not because migrants are unable to travel to Europe but because the Libyan labour market offers relatively high earning opportunities, albeit full of risk and uncertainty. In the current geopolitical context of ever-increasing controls on mobility and shrinking opportunities for legal migration, being smuggled across several countries northwards towards Libya has become the norm (Awumbila et al., 2019b; Kandilige and Hamidou, 2019). Nkoranza in the Brong Ahafo region and the border towns of Bawku and Tamale in Northern Ghana and are key points of origin and crossing the border out of Ghana. Policy barriers to movement within West Africa combined with differences in currency and language among the countries make the assistance of smugglers critical, especially for organising long and treacherous journeys through the Sahara Desert, traversing several international borders.

This kind of high risk and dangerous migration is male dominated due to cultural norms and the place of migration in men's strategies to achieve wealth and prove their manhood. Male migration in Ghanaian society is embedded in traditional notions of masculinity; among young men it is inextricably linked to establishing themselves as 'independent, respectable and marriageable adults' (Kleist, 2017), while older men migrate to provide for their families and invest in land, housing and business (Awumbila et al., 2019b). International migrants or "Borgas" as they are known locally, are admired for their material wealth, lifestyle, and ability to support their family members (Kleist, 2017). Women's migration from this area for low-paid work to Libya is rare, as there are fewer manual jobs for women there, so it is assumed that any woman who migrates, for sex work; this stigmatisation impacts on her marriage chances back home (Darkwah et al., 2019). However, migration for domestic work to the Gulf states is on the rise from the capital city and its adjacent areas, as discussed below.

Nkoranza in Brong Ahafo is well known for its "connection men" who facilitate journeys to Libya as well as European destinations. They have connections in the transit towns of Bawku, Niamey, and Agadez whom they can recommend to the migrant or communicate with themselves if they deem it necessary. Connection men are preferred over legal channels because they are more accessible, deals with them can be struck up immediately without paperwork, and they offer the promise of delivering the migrant to Libya, as they have successfully organised numerous irregular crossings before. They offer a package at one service point: organising the trip through the desert; and obtaining passports and other documents without the need for official documents (Awumbila et al., 2019b; Lucht, 2013).

Returned and deported migrants recount harrowing details of journeys by road in a variety of overcrowded trucks, buses and pick up vans through Togo, Benin and Niger all the way up to Libya with the constant threat of being robbed, beaten and imprisoned or deported (Awumbila et al., 2019b).

A majority of male migrants who have been smuggled into Libya are employed in construction as well as other artisanal jobs, such as electricians and tailors (Tonah and Codjoe, 2020). Irregular migrants are preferred by small construction companies as they are cheaper to

employ and more exploitable. Propelling this stream of irregular migration from rural Ghana was the desire to earn better among those who wanted more than agriculture could offer. The average cost of being smuggled into Libya in 2017 was around \$6000, and only those who could sell assets or borrow to finance the journey were able to migrate (Awumbila and Torvikeh, 2018; Teye et al., 2015). The high cost did not guarantee a smooth journey and most migrants recounted horrific accounts being robbed at gunpoint, seeing other migrants die on the way, and being beaten. The suffering did not end after entering Libya either; migrants recalled being randomly robbed by militias, and being kept in overcrowded illegal detention without clean drinking water or washing facilities until they were bailed out by a relative. Deportations were common where migrants lost everything, including their money and their reputation as successful men back home.

Libya, nonetheless, continued to be seen as a place where money could be made, and lives could be transformed. Returned migrants mentioned that if they managed to stay in Libya without being deported for two years, the earnings from construction work there would be more than they would earn back home in a decade and this allowed them to buy land, pay off debts and invest in small businesses. This was one reason for deported and returned migrants planning to remigrate to Libya once again. Another reason for men's remigration was to rescue their masculine identity of being family providers (Kleist, 2017).

For women, the routes to international migration and finding work in achieving such transformations are more complex. Ghana passed the 2005 Human Trafficking Act, amended in 2009, which criminalized sex and labour trafficking. Well-known brokers, trusted by communities, were arrested and imprisoned, leaving smuggling to less accountable fly by night operators (Deshingkar, 2018). Women aspiring to leave the country for low paid work in the Gulf must negotiate social structures at home to depart culturally ascribed life trajectories and structural factors at destination. These propel them towards certain feminised niches in the job market. Domestic work is an important avenue of employment for women and girls from poor backgrounds within Ghana; some may attempt international migration after gaining experience and saving enough to pay brokers.

Ghana is a relatively new entrant to the globalised circuits of labour that supply domestic and care workers to the Gulf countries. Ghanaians are now found in significant numbers in the UAE, Kuwait and Saudi Arabia together with workers from Ethiopia, Eritrea, Uganda, Kenya and Nigeria (Bisong, 2021). The number of Ghanaians seems to be on the rise and Saudi Arabia is the most popular destination (GAATW, undated) despite a ban on migration to the Gulf countries for domestic work in 2017. The ban was introduced to safeguard women against abuse after there were reports of abuse at the hands of brokers and employers (GAATW, undated).

While the ban halted the operations of licensed recruitment agencies, informal brokers and smugglers continued to operate and facilitated the migration of Ghanaians to the Gulf States through neighbouring countries (Deshingkar, 2018). The Accra-Tema area has become a hub for the recruitment and irregular migration of women to the Gulf and is known for connection men who have "successfully" sent women abroad. Prior to the ban the Ghanaian Labour Department arranged exit permits, pre-departure preparation and monitoring of workers after they had reached their destination. During the ban, none of these processes was followed, as most of the migration for domestic work to the Gulf was irregular (GAATW, undated).

Awumbila's (Awumbila et al., 2019b) study was able to reach a very small number of female returnees from the Gulf who had all come back before expected, as they found the work too demanding and the behaviour of the employers unacceptable. Both in this study and the research reported in the GAATW report, it was mainly women who were not married or

supported by a husband who decided to migrate. It is not clear how many of the women who migrate from Ghana are remaining in the Gulf for extended periods of time as research is scarce, but the numbers quoted by GAATW suggest that more and more women are deciding to migrate there: smugglers are key to enabling them to fulfil their aspirations.

Myanmar

Myanmar is now the largest exporter of low-skilled labour in Southeast Asia (Testaverde et al., 2017). Decades of chronic underdevelopment and conflict, as well as the long border with Thailand, have created opportunities for human smuggling and irregular migration. There are an estimated five million Myanmar migrants in Thailand, with many entering through migrant smugglers (Carden, 2014). In fact, irregular migrants are a critical component of the profit model of Thai firms that is based on cheap and exploitable labour (Pearson and Kusakabe, 2012).

A significant proportion of this cheap labour is from the bordering states of Mon and Kayin (Deshingkar et al., 2019). For young men and women, migration to Thailand has become an important way of repaying family debts and supporting younger siblings.

Notwithstanding the proximity of Mon and Kayin to Thailand, the journey is nearly always undertaken with the help of transport providers known as “Carry” who smuggle them across the border. There are several reasons for this, including high costs and complicated and time-consuming migrant registration processes in Thailand (Buckley et al., 2016). In addition, migrants prefer to remain irregular, as this gives them more options for staying in the country longer and switching employers (Deshingkar et al., 2019). Another reason is that migrants say they feel better protected by a smuggler, who handles all the bribes and complicated transport arrangements along the way (Deshingkar et al., 2019). It is seen that even highly experienced migrants who have been migrating to Thailand for several years use the services of Carry to enter Thailand either through the dedicated ports of the Three Pagoda pass or along other points in the porous border. On average, migrants from Mon paid 30,000 kyat in 2018 (1 USD = 1000 kyat) to village-level brokers who linked with their Carry to cross the border to Thailand and then another 1,200 baht (1 USD = 30 Thai baht) for onward journeys that were paid to local transporters and informal placement agencies. These costs were usually financed through borrowing from relatives and paid off gradually after finding work. Nearly all crossed the border illegally without any documents, but then regularised their status after a period of time. In fact, despite a series of measures introduced by the Thai government to control irregular migration and the bilateral Memorandum of Understanding, nearly all migration from Myanmar to Thailand is irregular (Balcaite, 2019; Thu and Ko, 2015).

The cultural context of irregular migration and human smuggling for construction work is altogether different in Myanmar compared with Bangladesh and Ghana. Those migrating from Mon and Kayin are young, often in their early 20s, with low levels of education and belonging to very poor families (Deshingkar et al., 2019). Masculinities and femininities play out in this smuggling landscape too, but in a less polarised way, perhaps because the migration is over a shorter distance and involves fewer risks compared to trans-Saharan migration in West Africa. While women are still socially constructed as the weaker sex and in need of protection and their identities constructed as daughters, wives and mothers, changing attitudes to migration have meant there are now options for them to travel abroad and work in a sector that is male dominated in other parts of the world. Female migrant construction workers were mainly from the poorest families without older male siblings who could migrate to support the family. Many women in the study by (Deshingkar et al., 2019) provided culturally accepted reasons for their

migration and justified it as a way of fulfilling their duty to provide for their parents in their old age, their younger sibling's education, or monk ceremonies.

Kayin is known for the migration of domestic workers to Thailand, and this pattern has resulted from social networks and established migration streams. As was seen in the case of Mon construction workers, the prevalence of informal brokers and Carry was widespread in this kind of migration. The journeys of female domestic workers were much longer and far more hazardous than those of male construction workers because most of them were being delivered all the way to the homes of informal brokers in the heart of Bangkok. One respondent in Deshingkar et al. (2019) study said the 500 km journey from her home to Bangkok took ten days with several stops in hideouts along the way. Although none of the women reported sexual harassment or abuse by the brokers, deception and physical confinement was common.

While the exploitation and deceit experienced by migrants travelling with the assistance of a Carry have been documented by Meyer et al. (2015), there is insufficient discussion in the literature on the other aspects of the relationship between migrants and smugglers. Those travelling to construction sites just across the border in Thailand were unequivocal in saying that migrating with Carry was the easiest and surest way of reaching their destination, if a bit expensive. Many said they felt protected by the brokers and Carry, in contrast to the policy discourse on smugglers, which portrays them as ruthless criminals (Deshingkar et al., 2019). Women migrating for domestic work also felt it was best to migrate with the help of known smugglers, in spite of the difficulties they experienced, as they understood that the steps they took were necessary to evade detection at the border. They preferred the Carry to handle everything, paying border officials and other brokers, instead of negotiating their passage with unknown people all by themselves.

The poorest families, who were not able to finance the migration of their daughters, entered debt-migration, which is widespread in domestic work across Asia (Deshingkar, 2021; Platt et al., 2017). In Myanmar it was encountered more frequently in the poorest families where aspiring migrants could not mobilise capital to finance the migration (Griffiths and Ito, 2016). The costs of migration (transport, obtaining papers, permits and visas) and job placement are borne by the broker and/or employer, and the migrant repays through salary deductions over a period ranging from four months to a year. The interviews carried out by (Deshingkar et al., 2019) suggested that migrants were remitting substantial amounts of money back to their families; this corroborates the findings of (Kusakabe and Pearson, 2015).

Bangladesh

There are multiple circuits of transnational irregular migration originating in Bangladesh, with smuggling networks extending across the globe all the way to Libya in the West (Siddiqui and Bhuiyan, 2013) and Malaysia in the east (Rahman, 2020). Bangladesh has emerged as an important source country for irregular migrants who are employed in construction labour in the Gulf countries, as well as rich countries in Southeast Asia. Such workers are critical to the success of construction projects such as the FIFA stadium in Qatar, and smuggling and brokerage is intertwined with entering the country and finding work under the *Kafala* system (Renkiewicz, 2016). The infrastructure of smuggling stretches all the way from the villages of migrants right up to companies in the destination country. It encompasses a range of formal and informal institutions and individuals, including village-level brokers, recruitment agencies, travel agents, medical testing centres, training centres, border officials and airline staff (Abrar et al., 2017; Deshingkar et al., 2019).

Village-level brokers fulfil several functions; they may act as a guarantor for money lenders so that migrants can obtain loans to finance their migration (Rahman, 2012), which are offered at usurious interest rates of between 30–60% (Jureidini, 2014). Others borrow from relatives or sell family assets. Brokers may also help the migrant choose an appropriate destination based on their market intelligence. Abrar et al.'s (2017) research shows that brokers also select and channel migrants into particular jobs and help them choose a “bhalo” or good visa which could be an irregular “*azad*” or free visa. An *Azad* visa is one that is bought from a legally registered *kafeel*, or sponsor, by a broker to sell on to a migrant, their family, or another intermediary. Such a visa allows a migrant to enter the country as a worker tied to this particular *kafeel*, but in practice they can work for anybody. Such *kafeels* can include companies in Qatar that have unused visas which they sell to agents. There are an estimated 400,000 irregular Bangladeshi migrants in Qatar, and most have entered the country on these so called *azad* or free visas (Momen and Deshingkar, 2020; Jureidini, 2014: 87).

The free visa system is widespread in the Qatari construction industry. The process of recruiting workers starts with the village-level *dalal* or broker who takes a large lump sum from the migrant and offers them a “package.” This consists of help with obtaining a passport, checking the authenticity of the visa, helping them to mobilise any other documents that are needed, and linking them up to their chosen registered recruitment agency (RA) in a major city like Dhaka. Brokers play a role in both official migration as well as irregular migration. In the former, they help the migrant to complete the formalities, and in the latter they manage the process with an *azad* visa, which involves linking up known RAs who have bribed contacts in key institutions like medical testing centres and passport offices as well as aviation personnel and border officials. The average price of a free visa in 2017 was QAR 25,000 (about USD 6867).

The context of female irregular migration in Bangladesh is similar to Ghana and Myanmar: the country had introduced a series of restrictions on women's migration, but these were progressively relaxed, resulting in an increase in the number of female migrants. However, women's ability to migrate internationally continues to be shaped by numerous religious, cultural and political barriers that they must negotiate, and this can explain why their numbers have remained low (Belanger and Rahman, 2013). Afsar's study among Gulf returnees in Bangladesh noted that there were no female migrants from the conservative Noakhali and Sylhet areas. Like Ghana, international migration among women is higher in the capital city of Dhaka and its surrounding areas where gender norms are more relaxed (Afsar, 2009; Siddiqui, 2002). Migration to the Gulf is an important route out of a socially constrained situation for divorced, separated and widowed women. In Afsar's sample, half the women were divorced, abandoned or widowed. Others belonged to extremely poor families with no cultivable land and were migrating to escape debt and domestic abuse.

Even there are no restrictions on women's migration, there is evidence of irregular border crossings and the prevalence of the *azad* visa system in this kind of migration too. Up to 45,000 Bangladeshi women had migrated to the Gulf countries between 1998 and 2011 (Rahman, 2012). Nasra Shah and Lubna Al-Kazi's research on irregular migration in Kuwait shows that relatives can buy *azad* visas from *Kafeels* and send them directly to women in Bangladesh (Shah and Al-Kazi, 2017). Another route was fake or “*gala kata*” visas (Afsar, 2009). In Afsar's study of brokerage in Bangladesh, a majority of women used the services of brokers to complete travel formalities (e.g., medical check-up, visa processing and flight arrangements). The broker would procure “*gala kata*” visas and forged passports with the help of local government officials and printing machine operators. Passage for the migrant in possession of the fake documents would be assured through the broker's network with airline staff both in Bangladesh and the destination country (Afsar, 2009).

There is no doubt that the Kafala system was important in creating the conditions for smuggling and irregularity to flourish. However, there is also evidence of irregularity being mobilised by migrants for their own ends. Some of the women in Shah and Al-Kazi's study did not renew their work permits and remained irregularly in Kuwait for years, even decades. During their stay, they remitted significant sums back to dependents in Bangladesh, and some succeeded in paying for the higher education of their children (Shah and Al-Kazi, 2017).

Conclusion

The research synthesised in this chapter shows that smuggling arrangements are far more complex than policy narratives suggest. A multitude of arrangements can exist even in the same geographical region: often there are separate infrastructures of smuggling for men and women because they are heading to different destinations and occupations. Human smugglers offer a wide range of services for migrants including advice on routes and destinations, protection during the journey, documentation and transportation across borders.

The hardship that migrants experience while being smuggled needs to be understood with an appreciation of their goals for the advancement of their families and themselves. Smuggled migrants can and do remit significant amounts of money which is critical for improving the family's standard of living, educating siblings, investing in durable assets and repaying family debts.

In today's globalised world, interconnected by new technologies and modes of travel, the demand for cheap labour in rich countries has drawn migrants from poor countries with limited opportunities. These globalised labour regimes intersect with infrastructures of smuggling which perpetuate power asymmetries and gender inequalities by channeling particular ethnicities and nationalities into certain kinds of work. These processes contribute to the production of highly gendered and racialised patterns of migration and labour circulation.

Conversely, the infrastructures of smuggling help to expand migrant agency by giving people more choices. However, the process remains arbitrary, as there is an unpredictable mix of how "good" the smuggler is, how bribeable the border officials and police are, how much money the migrant can mobilise and, crucially, luck and chance. As human smuggling is by definition outside the purview of the law, there is no way of enforcing standards related to the treatment of migrants, costs, modes of transport, housing of migrants along the way and their reception in destination countries. In such a lawless and arbitrary process where migrants are away from their usual support networks, the smuggler has a great degree of power over migrants.

The experiences described here show that migrants' relationship with smugglers is complex. Smugglers play an ambiguous role as they are embedded in processes that reproduce structural inequalities such as the employment of undocumented migrants in highly exploitative work; at the same time, they are instrumental in opening up opportunities for marginalised communities who would otherwise have no access to international labour markets and higher wages that can be transformative for the individuals involved and the families left behind. It must be borne in mind, however, that common to all scenarios was the prevalence of informal employment arrangements without official contracts. Furthermore, the combination of state policies to combat human smuggling, trafficking and irregular migration with the constant threat of criminalisation and deportation creates insecure working and living conditions where migrant workers must accept exploitative work in order to survive, save and remit money.

In sum, this chapter provides a much-needed nuanced picture of what migration actually involves for millions of people who have been denied the right to legal and free mobility within

the developing world. Smugglers transcend political borders and provide a critical link that connects those who have been excluded by global development with some of its gains, albeit in a highly unequal fashion. These studies on South-South smuggling are important for gaining an understanding of the relationship between poverty and the ability to migrate. Smugglers can make migration a possibility even for the very poor and those without formal educational qualifications, and help them to access international migration which is usually the preserve of the rich.

Notes

- 1 Migration becomes “undocumented” or “irregular” in policy parlance, when it occurs outside the legal and regulatory frameworks of the sending, transit, and destination countries. Irregular migration includes other possibilities such as remaining in the country without a visa; working in contravention of work restrictions and remaining in the country after the visa expires. Human smuggling facilitates one form of irregular migration which is crossing a border illegally with the use of falsified documents or without documents or entering a country at points other than officially sanctioned ports of entry. The term smuggling as it is used here encompasses processes that enable the illegal crossing of borders including the use of clandestine routes, bribing border officials and the falsification of travel and identity documents.
- 2 I use the term “migration” as an all-encompassing term to indicate mixed migration flows including economic migrants, refugees and other categories of forced migrants as their journeys may change from one form to another over the course of the journey.
- 3 The material is drawn heavily from research carried out under the DFID funded Migrating out of Poverty Consortium (MOOP), a ten-year programme of multidisciplinary research across Asia, Africa and the Middle East with a focus on the migration industry in the Global South.
- 4 <http://documents1.worldbank.org/curated/en/336541505459269020/pdf/119753-PN-P133833-PUBLIC-Ghana-Policy-Note-Ag-Sector-Review.pdf>
<http://documents1.worldbank.org/curated/en/829581512375610375/pdf/121822-REVISED-PovertyReportPartEng.pdf>
<https://www.worldbank.org/en/results/2016/10/07/bangladesh-growing-economy-through-advances-in-agriculture#:~:text=More%20than%2070%20percent%20of,least%20part%20of%20their%20income>
- 5 For other differences please refer to <https://www.unodc.org/e4j/en/tip-and-som/module-11/key-issues/differences-and-commonalities.html>.
- 6 The Kafala system is now being reformed but the effects of that were not evident at the time of data collection.

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