



Mixed Migration Review 2018

Highlights • Interviews • Essays • Data



Front cover photo credit: Clive Shirley / Panos (Date unspecified)

Tijuana, Mexico. A vehicle from the US Border Patrol driving along the fence which marks the border, while potential immigrants look on from the Mexican side. Although the majority of those crossing into the US are Mexican, a rising number of migrants and asylum seekers, including unaccompanied minors have joined the flows especially from the Northern Triangle states of Honduras, Guatemala and El Salvador. On average, the US deports hundreds of thousands every year.

Photo credit: Samuel Aranda / Panos (2015)

Gevgelija, Macedonia. Refugees and migrants try to get into a refugee camp run by the Macedonian government with the support of UNHCR at the Greece-Macedonia border, near the village of Gevgelija. For months, refugees arriving on the Greek islands exited the country, by passing Macedonia and onward into Serbia through the Balkans to the Hungarian and Croatian borders and from there, onwards to Austria and Germany where many hoped to claim asylum.



Photo credit: William Daniels / Panos (2017)

Cox's Bazar, Bangladesh. Rohingya refugees working as fishermen on the beach at Shaplapour. Bangladesh has hosted Rohingya refugees for three decades; as of June 2018, there were almost 920,000 staying in Cox's Bazar, most of whom had arrived since the beginning of the year. Once inside Bangladesh some Rohingya refugees join migrants leaving by boat and ship in mixed flows with the intention to reach Thailand, Indonesia, Malaysia and previously Australia.



Acknowledgements

Editors: Chris Horwood, Roberto Forin, Bram Frouws (all MMC)

Lead authors: William Powell (consultant), Yermi Brenner (consultant), Joanne van Selm (consultant), Chris Horwood (MMC), Bram Frouws (MMC)

Coordination: Chris Horwood

Data analysis: Bo Schwartz Madsen

Reviewers: Linnea Lue Kessing (MMC Asia), Nicoletta Grita (MMC North Africa), Vanessa Leigh (MMC West Africa), Helena Lassen (DRC), Peter Klansø (DRC)

Specialist interviewees: Louise Arbour, Alexander Betts, Agnes Callamard, Regina Catrambone, Michael Clemens, Kilian Kleinschmidt, Gerald Knaus, Mohammad Chaichian, Gabriella Sanchez, Mehari Taddele Maru and Mussie Zerai (interviewed by MMC staff between May and October 2018)

Copy-editing: Anthony Morland

Layout and design: Simon Pegler, Britt Karlsen (MMC style guide)

The editors are grateful to the authors of the chapters and thematic essays. We would also like to thank the specialist interviewees who contributed their time and excellent insights, which greatly enrich this report. We are grateful to all the 4Mi monitors, who are out there collecting data every single day, listening and documenting the often harrowing, but also hopeful, stories of refugees and migrants. We are of course especially grateful to all the people on the move who have taken the time to share these stories that allow us to better understand migration, advocate for their rights, and contribute to better policies and responses.

We also wish to acknowledge the support to MMC by the Danish Refugee Council (DRC) senior management, as well as the DRC offices in Amman, Dakar, Geneva, Kabul, Nairobi and Tunis for hosting the MMC teams.

Disclaimer: The information and views set out in this report are those of the Mixed Migration Centre and do not necessarily reflect the official opinion of the Danish Refugee Council or any of the donors supporting the work of MMC. Responsibility for the content of this report lies entirely with the MMC.

Suggested citation: Horwood, C., Forin, R. & Frouws, B. (Eds.). (2018). Mixed Migration Review 2018. Highlights. Interviews. Essays. Data. Geneva: Mixed Migration Centre. Available at: <http://www.mixedmigration.org/>



Contents

- 5 Acknowledgements
- 7 Foreword by the DRC Secretary General
- 8 Introduction
- 11 Introduction to the Mixed Migration Centre
- 12 The Mixed Migration Monitoring Mechanism initiative (4Mi)

Section 1: Keeping track

- 16 **Report:** Africa
- 25 **Report:** The Middle East
- 31 **Report:** Asia and the Pacific
- 41 **Report:** The Americas
- 50 **Report:** Europe

Section 2: The migrants' world

- 60 **Report:** Women on the move - Drivers, choices and risks
- 63 **Graphic:** Incidents of sexual violence reported by refugees & migrants
- 64 **Interview:** Agnes Callamard - Defending rights
- 68 **Essay:** Lethal choices - The rising death toll of mixed migration
- 73 **Graphic:** Fatal incidents reported by refugees & migrants
- 74 **Interview:** Gerard Knaus - Invasion? What invasion?
- 78 **Essay:** Drivers revisited - Why people migrate
- 84 **Interview:** Alexander Betts - A time for bold vision
- 87 **Essay:** Hidden in plain sight - Who joins mixed migration flows?
- 95 **Interview:** Regina Catrambone - Keeping hope alive
- 98 **Survey:** Voices on the move - refugees and migrants

Section 3: The smugglers' world

- 104 **Essay:** Taking root - The complex economics of the global smuggling economy
- 110 **Interview:** Gabriela Sanchez - Complexities matter
- 114 **Essay:** "Nearly impossible to stop" Can the migrant smuggling business be curtailed?
- 118 **Interview:** Mussai Zerai - Prevention failures
- 122 **Essay:** Both angels and demons? - The role and nature of migrant smugglers
- 128 **Interview:** Mehari Taddele Maru - Carpe diem
- 132 **Essay:** Agents of opportunity - Smugglers from five countries shed light on a booming business
- 138 **Interview:** A smuggler's story
- 140 **Survey:** Smugglers' voices

Section 4: The policy debate

- 146 **Report:** Managing Flow - A legal and policy overview
- 158 **Interview:** Michael Clemens - More to come, more to do
- 163 **Essay:** The free market paradox - Is migration capitalism's unfinished business?
- 166 **Interview:** Kilian Kleinschmidt - In praise of 'mixity'
- 170 **Essay:** Making the non-binding bind - A critical analysis of the Global Compact for Migration
- 174 **Interview:** Louise Arbour - Stick to the facts
- 178 **Essay:** Getting to grips - Is mixed migration the ultimate 'social mess'?
- 184 **Interview:** Mohammad Chiachian - The legacies of empire

Foreword

Mobility has defined human history since our earliest days. Ample evidence shows that migration overall is a positive force that generates prosperity and development. But unfortunately, not all forms of migration are driven by choice and not all migration experiences lead to prosperity.

In the Sahara Desert, on the Mediterranean Sea, in the Gulf of Aden, in the border zones of Europe and the US, across Latin America, Africa, and Asia human beings are on the move. Without travel documents and not out of pure choice. Some will, or could be, recognized as refugees. Others will not. But *en route*, they share a fate. A fate determined by smugglers, border authorities, criminal gangs. Too many are exposed to the most extreme forms of violence and abuse imaginable. Although they are all entitled to basic human rights, they have no effective protection from states.

The Danish Refugee Council is confronted with the reality of mixed migration every day. We meet people in Niger, Libya, Yemen, Turkey, and many other places who have taken the difficult decision to migrate to seek safety and a better life for themselves and their families. When we meet them, many are in disarray — in acute need of water, food, shelter and protection. DRC and many other actors are struggling to deliver this much-needed humanitarian assistance.

But we must remember that they are much more than victims. They are human beings who have taken a choice — a hard one — and who survive and cope as best they can. Beyond survival, what people in mixed migration situations need is a sustainable solution. A solution where they can live in safety and dignity. In a world where borders are being closed and routes are blocked these solutions are disappearing. Migration management is increasingly becoming tantamount to detention and containment. For refugees, access to asylum procedures in mixed migration settings are scarce. Local solutions are poor. Resettlement is inaccessible for most. Return often impossible. For those who will not or cannot qualify as refugees, the situation can be even more desperate.

Indeed, human beings in mixed migration situations are amongst those left furthest behind in our world today.

Listening to the stories of people on the move and witnessing the lack of protection and solutions, DRC realized years back that mixed migration needed significantly more political attention and a better response. People on the move need a voice and visibility. It started with a mixed migration knowledge centre in East

Africa in 2012 to gather information, data and evidence, and to bring mixed migration on to the agendas of policy makers, donors and humanitarian responders. Today, we have the global Mixed Migration Centre with five regional hubs. A significant achievement.

With the spontaneous arrivals of refugees and migrants to Europe in 2015, the mixed migration phenomenon gained enormous attention. It led to a vast range of political initiatives — both positive and negative. Most prominent among the positives are the two global compacts on refugees and migrants.

However, while there is no longer a need to attract political attention to mixed migration, there is an urgent need for rational, nuanced and reliable information and analysis. Facts and voices of those concerned is needed to inform and assess responses on the ground and around political high tables. It will be essential for the successful implementation of both global compacts.

I therefore strongly support the Mixed Migration Centre and I am very pleased to introduce the Mixed Migration Review. It is the first of its kind. A report that compiles and synthesizes mixed migration data and analysis. It is based on a very wide range of secondary sources and an impressive set of data, including more than 10,000 interviews with people on the move across the globe from the 4Mi dataset. It gives unique insight to the human reality behind one of the most important political agendas of the world today. It gives people on the move a voice and visibility.

I hope you will read it. And more importantly, I hope you will help us to improve protection and expand solutions for people on the move. This is what is needed.



Christian Friis Bach,
Secretary General of the
Danish Refugee Council

Introduction

The term “mixed migration” was first introduced in 2000.¹ Three years later, the UN Refugee Agency, UNHCR, noted in a report to the UN General Assembly that the attitude of many governments towards asylum seekers, refugees and migrants was changing. The report warned that with legal migration channels closed, some migrants were falling prey to smugglers and traffickers who misused the asylum channel as a viable means of entry.²

Much of what was written in that report could equally have been written in 2015, during the height of the large and often chaotic movement of refugees and migrants towards Europe, or even, for that matter, today. The numbers coming to Europe in these mixed migration flows in 2015 and 2016 were much larger than those of previous years, although, as many argued, they should have been manageable. In fact, the numbers were quite low compared to the total number of people on the move and displaced in many other regions of the world. Still, mixed migration clearly continues to generate a lot of political noise and to dominate media headlines. The large movement of refugees and migrants was the reason the UN General Assembly hosted the New York Summit in 2016, an event that marked the start of a two-year process during which two global compacts were developed and negotiated. One for **Safe, Orderly and Regular Migration** and one on **Refugees**, both of which are set to be formally adopted later in 2018. While this is a formidable achievement, it remains to be seen whether these compacts, given their non-binding nature, will make a real difference in the way the world governs the movement of refugees and migrants. This key question will be further discussed in an essay titled, *Making the non-binding bind - a critical analysis of the Global Compact for Migration*, in section 4 of this review.

Eighteen years after the term was first introduced, the Mixed Migration Centre presents this first global annual report on mixed migration: the **Mixed Migration Review**. The aim of the Mixed Migration Review is to offer an overview of evidence, research-based thinking and specialist comment on the sector. It does not attempt to offer exhaustive data or commentary on all aspects of mixed migration. Instead, through thematic essays, policy summaries, and a dozen interviews with sector experts, it aims to promote understanding and stimulate discussion on a complex and increasingly politicised

field of expertise. While effort has been made to include data and analysis from other regions, this year’s report mainly focuses on Europe and migratory routes leading to Europe. Not only is there relatively more data available concerning these routes, but the expected readership of this report is predominantly in Europe, or engaged with issues relating to refugees and migrants in the context of European policy development. Future MMM reports will shift the focus to other regions.

The term “mixed migration”, or rather the analytical lens it provides, is clearly as relevant as ever to a better understanding of contemporary human mobility. The term has value in describing those on the move *while* they are on the move, or in transit, however long their journey. The term also has value from a protection perspective, insofar as people in mixed migration flows, irrespective of status (i.e. whether they are refugees or migrants) face similar risks, and vulnerabilities to the same threats and/or perpetrators. In two essays, we focus on the extreme risks that people in mixed migration flows face while on the move: *Women on the move: drivers, choices and risks*, and *Lethal choices: the rising death toll of mixed migration*, on the tragedy of the unacceptably **high number of migrant deaths across the world**.

The term also recognises that the drivers of the movement of refugees and migrants are multiple, often intertwined, and influence each other, as will be discussed in the essay titled *Drivers revisited: why people migrate on the drivers of migration*.

Contemporary movement is best understood through the lens of mixed migration. Policies, programmes, and interventions are best framed with an appreciation of the phenomenon as a whole, instead of spuriously isolating different groups and categories within migrant flows. Though the term cannot capture all the passions, tragedies and criminality associated with the phenomenon, mixed migration does offer a critical and necessary framework to understand and respond to the complex characteristics and protection imperatives that defines contemporary human mobility.

By applying the mixed migration lens, MMC aims to contribute to more rational and evidence-based analysis and debate around migration. Little of the current

1 Van Hear, N., Brubaker, R. & Bessa, T. (2009). ‘Managing mobility for human development: the growing salience of mixed migration’ Munich Personal RePEc Archive. Available at: https://mpra.ub.uni-muenchen.de/19202/1/MPRA_paper_19202.pdf

2 UNGA (2003) ‘Report of the United Nations High Commissioner for Refugees on Strengthening the capacity of the Office of the United Nations High Commissioner for Refugees to carry out its mandate’ Available at: <http://www.unhcr.org/excom/unhcrannual/3fb33cbe7/strengthening-capacity-office-united-nations-high-commissioner-refugees.html>

migration debate is about regular labour migration, international student exchanges, or the more than ten million people who board a flight every day. To a large extent, the often highly emotional, politicised and polarised debate on migration is, in fact, referring to those in mixed migration flows.

MMC's understanding of mixed migration

"Mixed migration" refers to cross-border movements of people, including refugees fleeing persecution and conflict, victims of trafficking, and people seeking better lives and opportunities. Motivated to move by a multiplicity of factors, people in mixed flows have a range of legal statuses as well as a variety of vulnerabilities. Although entitled to protection under international human rights law, they are exposed to multiple rights violations along their journey. Those in mixed migration flows travel along similar routes, using similar means of travel — often travelling irregularly, and wholly, or partially, assisted by migrant smugglers.

Even though mixed migration only constitutes a relatively small part of global human mobility it is a highly visible phenomenon, much more visible and vivid, paradoxically, than the millions of people migrating through regular means. It is mixed migration which to a large extent shapes the perception people in destination countries have of migration: out of control and mismanaged by their leaders.

However inaccurate, such perceptions should not be ignored: we should not close our eyes to those who have concerns about migration. Most people in the world, including in rich, Western, immigration-receiving countries, live remarkably close — often within a 100-kilometre radius — of where they were born. Despite ideas that globalisation and capitalism have created a "global village", geographical and cultural distances still matter³, particularly when it comes to the free movement of people. This is further discussed in *The free market paradox: is migration capitalism's unfinished business*. Given most people's propensity not to migrate, is it surprising that so many people are worried about those who do?

For many of the worriers, it would be reassuring to know that their governments have migration, including mixed migration, under control. That their governments present sound policies on what kind of migration they want, and how they are going to organise it. Governments that

clearly express that migration can be beneficial but that it needs to be well-managed. That there is a humanitarian imperative to care for those uprooted. That there is demand for migrant labour, but that this should — and can — be organised better, to avoid this perception of uncontrolled migration and the exploitation of millions of migrant workers across the world, working in irregular situations, often in precarious conditions. For all stakeholders in the migration debate, these questions on how to deal with mixed migration raise tensions and challenges. Is mixed migration such a complex phenomenon that it can be described as a **social mess**? How to strike a balance between **idealism and realism**, or between **pragmatism and principles**, are issues discussed in *Getting to grips: is mixed migration the ultimate 'social mess'?* and in various interviews throughout this report.

It is imperative to move this debate from emotionality to rationality. Not by taking sides, letting biases prevail, and closing our eyes and ears to genuine concerns about migration. Not by accepting false narratives around migration that are manipulated for political ends. But, for example, by challenging unhelpful binary thinking so as to render the debate more nuanced and rational.

Examples of binary thinking this report challenges include:

Smugglers as benign travel agents or malignant criminals. As will be further discussed in section three in *Both angels and demons? The role and nature of migrant smugglers*, this is too simplistic a dichotomy. Many smugglers are indeed only helping migrants to cross a border for a fee. Many also beat migrants, or kidnap them for ransom, or put their lives at risk on dangerous boats or vehicles, activities that hardly resemble the business of a legitimate travel agent. Given the crucial role that smugglers play in the facilitation of mixed migration, three further essays in section three⁴ using unique primary data drawn from a large number of **interviews with the smugglers** themselves to add further light on how **lucrative, robust and resistant to suppression the migrant smuggling business** has become.

Refugee or economic migrant. Clearly, legal categories matter, and MMC fully recognises the importance of the specific rights set out in the 1951 Refugee Convention and its 1967 Protocol. However, refugees have economic motives for moving as well, especially for onward movement, and there is nothing wrong with that. At the same time, migrants initially moving primarily for economic reasons might later become caught up in insecurity — as we see in Libya — from which they need to flee. This raises questions about **who exactly travels in these mixed migration flows and why**, a topic that is

3 Scheffer, P. (2018) 'In een grenzeloze wereld verongelukt de vrijheid' ('In a boundless world, freedom is lost') NRC. Available (in Dutch) at: <https://www.nrc.nl/nieuws/2018/09/21/in-een-grenzeloze-wereld-verongelukt-de-vrijheid-a1626095>

4 These are (1) Taking root: the complex economics of the global smuggling economy; (2) "Nearly impossible to stop": can the migrant smuggling business be curtailed? and (3) Agents of opportunity: smugglers from five countries shed light on a booming business.

further explored in *Hidden in plain sight: who joins mixed migration flows?*

Migration is out of control or very manageable, consistently comprising a relatively stable percentage of the global population. The latter is true, and most migration is regular and well-managed. But there are also instances where things become chaotic, and numbers overwhelming, or where the situation is not well managed. The current situation in and around Venezuela, or that in Greece and the Balkans in 2015, are cases in point. Section one *Keeping Track: regional overviews*, presents regional **overviews of key trends and developments** in mixed migration across the globe, while *Managing Flow* in Section 4 presents an **overview of selected policy and legislative developments** responding to mixed migration in different regions.

Development increases or decreases migration. The EU Trust Fund is a good example of how policy-makers increasingly focus on investing in development and addressing root causes in an effort to reduce migration. Yet there is ample evidence of economic development leading to more migration. Again, nuance is key here: does it always do so? What kind of development? Targeted at which sectors and segments of society? One recent study found that *rural* development aid deters emigration from beneficiary countries, but that *urban* aid does not.⁵ Another recent study found an inverse correlation between total aid received and emigration, mainly because aid affects migration through improved public services in countries of origin.⁶

There are no easy answers to any of these questions. Which makes it even more important to offer a platform for, and to listen to, different voices in the migration debate. To allow space for new thinking, even if we do not always agree. **Through a series of interviews with migration experts, policy makers, and academics,** this report does just that. Finally, and most importantly, we should always provide room for the voices of those we ultimately talk about and work for: people on the move in mixed migration flows. Through a selection of quotations, their experience and voices are included and will be heard, as they should.



Bram Frouws, Geneva
Head of the Mixed Migration Centre

5 Gamso, J. & Yuldashev, F. (2018) 'Does rural development aid reduce international migration?' World Development. Available at: <https://www.sciencedirect.com/science/article/pii/S0305750X1830189X>.

6 Lanati, M. & Thiele, R. (2018) 'The impact of foreign aid on migration revisited' World Development. Available: <https://www.sciencedirect.com/science/article/pii/S0305750X18302134>

Introduction to the Mixed Migration Centre

What is MMC?

The Mixed Migration Centre (MMC) was established in February 2018. It brings together various regional initiatives hosted or led by the Danish Refugee Council (DRC) engaged in data collection, research, analysis, and policy development on mixed migration issues into a new global network of mixed migration expertise.¹

What is MMC's vision?

The MMC is a leading source of independent, high-quality data, information, research and analysis on mixed migration. Through the provision of credible evidence and expertise on mixed migration, the MMC aims to support agencies, policy makers and practitioners to make well-informed decisions, positively impact global and regional migration policies, contribute to protection and assistance responses for people on the move, and stimulate forward thinking in the sector responding to mixed migration. The MMC's overarching focus is on human rights, protection and assistance.

What is MMC's relationship with the Danish Refugee Council?

The MMC is part of, and governed by, DRC. While its institutional link to DRC ensures MMC's work is grounded in operational reality, it acts as an independent source of data, research, analysis, and policy development on mixed migration for policy makers, practitioners, journalists, and the broader humanitarian sector. The position of the MMC does not necessarily reflect that of DRC.

Where does MMC work and who supports it?

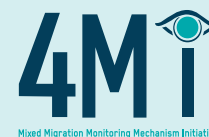
The Mixed Migration Review 2018 builds upon the work by the various MMC regional hubs and 4Mi data collection projects, supported by a wide range of donors, including: DANIDA, the Danish Ministry of Foreign Affairs, the European Commission, the German Federal Foreign Office, GIZ, IGAD, the Netherlands Ministry of Foreign Affairs, the Norwegian Ministry of Foreign Affairs, the Swiss Federal Department of Foreign Affairs, the Swiss Agency for Development Cooperation, the UK Department for International Development, the UK Foreign and Commonwealth Office, UNHCR, and UNICEF.

The MMC focuses on five core regions: Eastern Africa & Yemen, North Africa, West Africa, the Middle East & Eastern Mediterranean, and Asia. The 30+ staff members of MMC are based in Geneva, Copenhagen, and in its regional hubs in Amman, Dakar, Nairobi, Tunis and Kabul, where it works in close cooperation with regional partners, stakeholders and donors. Through the Mixed Migration Monitoring Mechanism Initiative (4Mi) 140 monitors collect data on mixed migration in over 24 countries across different migration routes globally, conducting over 10,000 in-depth interviews with refugees and migrants on the move annually.

For more information on MMC visit our website (<http://www.mixedmigration.org/>) and/or write to us at info@mixedmigration.org

¹ This includes the Regional Mixed Migration Secretariat (RMMS) East Africa & Yemen, RMMS West Africa, the Mixed Migration Platform (MMP) in the Middle East, the Global Mixed Migration Secretariat (GMMS) in Geneva, and different programmes of the Mixed Migration Monitoring Mechanism Initiative (4Mi).

The Mixed Migration Monitoring Mechanism initiative (4Mi)



4Mi is MMC's flagship data collection project. It was developed in 2014 to collect and analyse data and other information on mixed migration flows and to produce insight about drivers, the means and conditions of movement, protection issues, the smuggler economy, and profiles of those involved, including their aspirations, choices of destination, and experiences *en route*. As of the end of 2018, 4Mi consists of a network of approximately 140 monitors in 24 countries who, on a continuous basis, conduct in-depth structured interviews with people in mixed migration flows, primarily those on the move. Monitors are stationed in known migration "nodes" and "hotspots", urban centres, border areas, and along transit routes. 4Mi uses purposive sampling, rather than delivering representative samples that quantify migration flows or violations along migration routes.

4Mi benefits from the technical oversight afforded by EXERT - the external ethics and methodological review team dedicated to 4Mi. More information about 4Mi, including a detailed description of the methodology, is available on the MMC website: <http://www.mixedmigration.org/4mi/>.

The data and analysis presented throughout this report is based on a sample of **10,060 interviews with refugees and migrants** on the move. The interviews were conducted between May 2017 and September 2018 in all countries where 4Mi is operational. While 4Mi interviews a wide range of nationalities, this report primarily presents the data according to the route on which the respondents were interviewed and therefore does not attempt to offer global analysis with 4Mi data. The following seven routes are given prominence:

- Afghanistan to Europe (based on interviews with Afghans in Denmark, Germany and Greece)
- Afghanistan to South/South East Asia (interviews with Afghans in India and Indonesia)
- Horn of Africa to North Africa/Europe (interviews with Somalis, Eritreans and Ethiopians in North Africa and various European countries)
- Horn of Africa to South Africa (interviews with Somalis, Eritreans and Ethiopians in Kenya, various Southern African countries and South Africa)
- Horn of Africa to Yemen/Saudi Arabia (interviews with Somalis, Eritreans and Ethiopians in Djibouti and Somalia)
- West Africa to North Africa (interviews with nationals from a wide range of West African countries in Libya)
- West Africa to West and Central Africa (interviews with nationals from a wide range of West African countries in Burkina Faso, Mali and Niger).

Sample sizes vary considerably between routes and, because not all respondents were surveyed in exactly the same way, between questions. Sample sizes are indicated in the graphs or in the text wherever 4Mi data and analysis is presented.

Important caveats when presenting the data by route

The presentation of findings by route is designed to allow for a broad comparison of different profiles, drivers and experiences along various mixed migration routes globally. However, there are several important caveats.

First, this kind of presentation necessarily entails a degree of simplification. Migration is not always a predictable, linear, "A-to-B" undertaking. Some respondents interviewed on a certain route may later decide to migrate back to their country of origin, or change their intended destination and stay in what this route-based lens portrays as a transit country.

Second, how far along a given route respondents are interviewed has an impact on their responses. For example, most respondents on the Horn of Africa to Yemen/Saudi Arabia route are Ethiopians and Somalis on their way to Yemen and onwards to Saudi Arabia. Such interviews take place early in their journeys, in Djibouti and various places in Somalia, at a point where they have crossed only one border. The distance a respondent has travelled, and has yet to travel, at the time of their interview affects their total payments and the extent of their reliance on smugglers, among other key factors. By contrast, those on the Horn of Africa to South Africa route were interviewed in Kenya and South Africa, thousands of kilometres into their journeys.

An important difference between the Horn of Africa to North Africa/Europe and the West Africa to North Africa samples is that the former include interviews with Ethiopians, Somalis and Eritreans in several European countries, while the West African sample only includes interviews with West Africans in Libya. This means that these two groups cannot be easily compared, since the experiences of respondents in the Horn of Africa sample include crossing the Mediterranean and travelling on within Europe.

Finally, there are important contextual differences between routes that have to be understood when interpreting the data. Respondents on the Afghanistan to South/South East Asia route are Afghans interviewed in India and Indonesia. They primarily travel to these two countries by plane, a very different kind of journey to overland irregular travel.

Photo credit: Sven Torfinn / Panos (2017)

Assamaka, Niger, 2017. Exhausted members of a group of migrants who were left in the desert between Arlit and Assamaka on the Algerian border by smugglers after the group was robbed twice by local bandits and two of the women among them raped. They left from Agadez six days before this photo was taken, heading across the Sahara in an attempt to make it to Europe. The Nigerien border police found the group and reported them to the IOM (International Organization for Migration) and after giving them food and water sought to persuade them to return to the IOM transit centre in Agadez.



Photo credit: Patrick Brown / UNICEF / Panos (2017)

Cox's Bazar, Bangladesh. After 16 - 20 days waiting on the Myanmar border, a group of Rohingya refugees cross the Naf River, after a journey of around 5-7 hours, into Bangladesh using eight make-shift rafts made out of bamboo and empty palm oil jerry cans.



Section 1

Keeping track

Regional Overviews

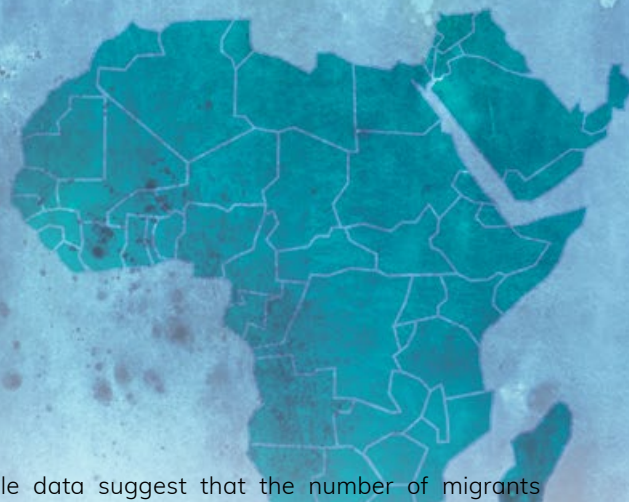
A detailed overview of regional and national mixed migration trends around the world in 2018

This section offers an overview of mixed migration across the world, broken down by region — Africa, the Middle East, Asia and the Pacific, the Americas and Europe — and by sub-region. Where appropriate, trends in several specific countries are explored individually. While it is not an exhaustive account of all current global mixed migrations flows, as a whole, this section presents a representative picture of the major current trends.

For more details on laws and policies mentioned in this section, see the essay “Managing flow” in Section 4.

While mainly focusing on trends in 2018, this section also occasionally draws upon data from 2017 and before. This is done either where more recent data was unavailable, or to give further depth to the analysis when needed.

Africa



Migration is an integral part of the socio-economic landscape of Africa. It helps enhance integration and prosperity across the continent, is an important livelihood strategy for poorer households, as well as a perquisite of wealth. However, migratory movements also take place within a context of ongoing and protracted conflicts, widespread corruption, uneven development, severe economic inequality and poverty, as well as environmental stress leading to wide-scale displacement. Much overland migration in Africa is therefore composed of mixed movements, with refugees travelling alongside other categories of migrants, often forced by geography or restrictive migration policies to cross borders irregularly and with the assistance of smugglers.

Available data in 2017 show a broad reduction in the number of people recorded traveling along mixed migratory routes from East and West Africa toward North Africa and the EU. Transit countries along this route, including **Egypt, Libya, Niger, and Sudan**, took increasingly restrictive actions, often supported by the EU, to prevent refugees and migrants moving irregularly or with the assistance of smugglers through their territories. These actions have raised concerns about shrinking asylum space, as well as about the shifting south of protection gaps amid the emergence of more covert and dangerous routes and the increased involvement of organised crime groups in the smuggling and trafficking of refugees and migrants in countries of transit.

More evidence of the horrendous conditions for refugees and migrants in Libya has continued to emerge. Media footage of migrants in Libya being sold for forced labour in November 2017 prompted a strong reaction from countries of origin in Africa who announced their intention to evacuate their citizens from Libya. While the sale of refugees and migrants into forced labour in Libya had been reported by the UN at the end of 2016, the more recent media footage seems to have created a tipping point, with the UN's International Organization for Migration (IOM) and the UN Refugee Agency, UNHCR, also mobilising to evacuate refugees and migrants detained in Libya.

Available data suggest that the number of migrants traveling from East Africa towards Yemen and from West Africa toward Algeria remained largely consistent throughout 2017 when compared with 2016. This is despite the mass arrests and deportations of irregular migrants by Saudi Arabia to East Africa, and the mass arrests and deportations of refugees and irregular migrants by Algeria to West Africa.

Mixed migration flows and regional migration

Mixed migration routes connect many of the regions within Africa, with major routes originating in West and East Africa and running towards North Africa, and from East Africa south and east towards South Africa and the Gulf States. While each respond to a variety of specific factors, these mixed migration routes emerge as points of passage between countries and are restricted due to geography, conflict, a lack of infrastructure, or restrictive migration policies. Many of the routes across Africa feature a combination of these factors, necessitating the use of smugglers and increasing the risk for those on the move.

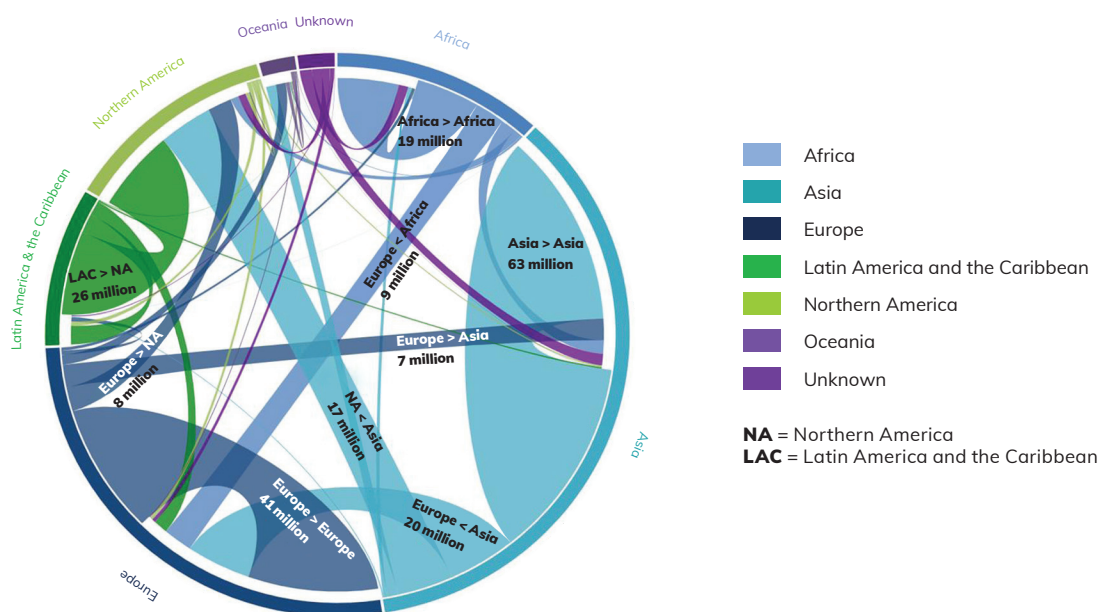
Most African migration occurs *within* the continent, usually to neighbouring countries. In 2017, the largest migration flows in Central, East, and West Africa were to other countries within these regions¹. According to the UN Conference on Trade and Development's *Economic Development in Africa Report 2018*, migration in West and Southern Africa is mostly economically driven as it connects migrants to jobs in farming and informal trade. Migration in East Africa is predominantly driven by conflict or political instability in countries such as South Sudan and Somalia. This said, according to the report, also in East Africa a small number of people are moving for economic reasons, taking advantage of the relaxed labour laws for migrants from East African Community (EAC) countries.²

1 Gandhi, D. (2018), 'Figures of the week: Internal migration in Africa' Brookings. Available at <https://www.brookings.edu/blog/africa-in-focus/2018/06/07/figures-of-the-week-internal-migration-in-africa/>

2 UNCTAD (2018) 'Economic Development in Africa Report 2018' Available at <https://unctad.org/en/pages/PublicationWebflyer.aspx?publicationid=2118>

Number of international migrants

classified by region of origin and destination, 2017



Source: adapted from United Nations (2017). "2017 International Migration Report Highlights" Department of Economic and Social Affairs DESA. http://www.un.org/en/development/desa/population/migration/publications/migrationreport/docs/MigrationReport2017_Highlights.pdf

More people fleeing conflict and persecution

2017 saw a significant increase in the numbers of displaced people in sub-Saharan Africa. By the end of the year, the region hosted 6.3 million refugees, almost one third of the world's total refugee population.³ During the year more than one million people fled **South Sudan** to neighbouring **Sudan** and **Uganda** in response to persistent insecurity, violence and famine,⁴ and there are now 2.4 million South Sudanese refugees in the region.⁵ Escalating and re-emerging conflicts in the **Central African Republic** (CAR), the **Republic of Congo** (Congo) and the **Democratic Republic of the Congo** (DRC) caused new displacements, with the number of internally displaced persons (IDPs) in CAR increasing by 50 percent throughout the year to the highest levels since 2014.⁶ Much circular cross border displacement also took place,

with some 100,000 refugees from CAR and South Sudan seeking protection in DRC throughout the year, despite the new displacement of 2.2 million people in DRC in 2017.⁷ This circular displacement, where people move back and forth across borders between countries in crisis to seek protection, is likely to deplete limited resources and exacerbate existing vulnerabilities.⁸

In West Africa, the security situation deteriorated in **Mali**, where the state withdrew its presence from northern and central regions. UNHCR registered 9,100 new Malian refugees in neighbouring countries in 2017. As of August 2018 there were some 140,000 Malian refugees in neighbouring countries and some 70,000 IDPs in Mali.⁹ In **Nigeria**, the humanitarian situation deteriorated in the first half of 2018, with the Internal Displacement Monitoring Centre (IDMC) recording 417,000 new internal displacements, including 217,000 people displaced by conflict between the Boko Haram

3 UNHCR (2018) 'Global Trends – Forced Displacement in 2017' Available at: <http://www.unhcr.org/5b27be547.pdf>

4 ACAPS (2017) 'Humanitarian Overview: An Analysis of Key Crisis into 2018' Available at: https://www.acaps.org/sites/acaps/files/products/files/acaps_humanitarian_overview_analysis_of_key_crises_into_2018.pdf

5 UNHCR (2018) 'Global Trends – Forced Displacement in 2017' Available at: <http://www.unhcr.org/5b27be547.pdf>

6 ACAPS (2017) 'Humanitarian Overview: An Analysis of Key Crisis into 2018'. Available at: https://www.acaps.org/sites/acaps/files/products/files/acaps_humanitarian_overview_analysis_of_key_crises_into_2018.pdf

7 UNHCR (2018) 'Global Trends – Forced Displacement in 2017' Available at: <http://www.unhcr.org/5b27be547.pdf>; IDMC (2018) '2018 Global Report on Internal Displacement' Available at: https://reliefweb.int/sites/reliefweb.int/files/resources/201805-final-GRID-2018-embar-goed_0.pdf

8 IDMC (2018) '2017 Global Report on Internal Displacement' Available at: <https://reliefweb.int/sites/reliefweb.int/files/resources/2017-GRID.pdf>

9 UNHCR (2018) 'Global Trends – Forced Displacement in 2017' Available at: <http://www.unhcr.org/5b27be547.pdf>; ACAPS (2017) 'Humanitarian Overview: An Analysis of Key Crisis into 2018' Available at: https://www.acaps.org/sites/acaps/files/products/files/acaps_humanitarian_overview_analysis_of_key_crises_into_2018.pdf; for latest available figures see: <https://data2.unhcr.org/en/situations/malisituation>

Report

insurgency and government forces, and a large number displaced by conflict between herders and farmers in the Middle Belt region, including 38,000 people in June 2018 alone.¹⁰ As of August 2018, the total number of IDPs in the six north-eastern states of Nigeria was 1,926,748.¹¹

Despite the scale of new displacement, the crises across Africa are among the world's most neglected. In 2017, the Norwegian Refugee Council (NRC) measured political

will, media attention, and economic commitments in ten crisis countries; it identified DRC, South Sudan and CAR as the world's three most neglected displacement crises. Burundi, Ethiopia, and Nigeria were also on the list.¹²

Focus on Sub-Saharan Africa

2017 saw significant increases in refugee population:

Refugee population by UNHCR regions 2017

UNHCR regions	Refugees (including persons in a refugee-like situation)		Change		% of total end 2017
	Start 2017	End 2017	Absolute	%	
Central Africa and Great Lakes	1,381,900	1,475,700	93,800	6.8	7
East and Horn of Africa	3,290,400	4,307,800	1,017,400	30.9	22
Southern Africa	162,100	197,700	35,600	22.0	1
West Africa	300,600	286,900	-13,700	-4.6	1
Total Africa*	5,135,100	6,268,200	1,133,100	22.1	31
Americas	682,700	644,200	-38,500	-5.6	3
Asia and Pacific	3,477,800	4,209,700	731,900	21.0	21
Europe	5,200,200	6,114,300	914,100	17.6	31
thereof: Turkey	2,869,400	3,480,300	610,900	21.3	17
Middle East and North Africa	2,679,500	2,704,900	25,400	0.9	14
Total	17,175,300	19,941,300	2,766,000	16.1	100

*Excluding North Africa

Source: Reproduced from UNHCR Global Trends FORCED DISPLACEMENT IN 2017. <http://www.unhcr.org/5b27be547.pdf>

10 IDMC (2018) 'Mid-Year Figures: Internal Displacement in 2018' Available at: <http://www.internal-displacement.org/sites/default/files/publications/documents/201809-mid-year-figures.pdf>

11 IOM (August 2018) 'Nigeria Displacement Tracking Matrix, Round 24' Available at: https://displacement.iom.int/system/tdf/reports/Nigeria%20-%20DTM%20Round%2024%20Report%20%28August%202018%29_1.pdf?file=1&type=node&id=4190

12 NRC (2018) 'The World's most neglected displacement crises'. Available at: <https://www.nrc.no/globalassets/images/fr-2018/neglisjert/eng/the-worlds-most-neglected-displacement-crises>

Refugees returning home

Throughout 2018, large numbers of displaced people in **Nigeria** returned to their communities of origin and by August there were 1,580,093 returnees in northern Nigeria.¹³ Following the signing of a Tripartite Return Agreement for the voluntary repatriation of Nigerian refugees living in **Cameroon** in March 2017,¹⁴ UNHCR raised concerns about several incidents of forced return by Nigerian and Cameroonian authorities.¹⁵ The durability of returns in Nigeria is uncertain as returnees face numerous challenges, while humanitarian needs amongst displaced, returned and host communities remain extremely high.¹⁶

In East Africa, the return of refugees from **Kenya to Somalia** continued despite a Kenyan High Court ruling halting the planned closure of Dadaab refugee camp. Since 2014, under a tripartite agreement between UNHCR, Kenya and Somalia, UNHCR has facilitated the return of more than 70,000 Somali refugees from Kenya to Somalia, and assisted 33,398 to return in 2017.¹⁷ Amnesty International warned that conditions in Somalia, including widespread and ongoing conflict and insecurity, serious risks of famine, and an ongoing internal displacement crisis, were unsuitable for sustainable returns. Amnesty questioned the extent to which these

returns have been truly voluntary.¹⁸ Human Rights Watch noted that many of the returnees have become internally displaced in Somalia,¹⁹ and the Mixed Migration Centre has argued that in this context, the safety, security and dignity of returnees cannot be guaranteed.²⁰

East Africa

While the total number of refugees and migrants arriving in **Italy** decreased by 34 percent in 2017, the number of those arriving from East Africa via the Central Mediterranean route decreased by 64 percent.²¹ In particular, the number of Eritreans continued to decline, from 39,162²² in 2015, to 20,718 in 2016,²³ to 7,052 in 2017,²⁴ and to 2,600 in the first half of 2018²⁵ (see table on page 21). Several factors may be contributing to this decline, such as increased interception, detention and deportation of refugees and migrants by Sudanese border forces;²⁶ reinforced action against irregular migration in Egypt,²⁷ combined with a possible slowing down of emigration from Eritrea,²⁸ and an increase in the number of people settling along migration routes and in key transit cities rather than continuing to the EU.²⁹

- 13 IOM (August 2018) 'Nigeria Displacement Tracking Matrix, Round 24' Available at https://displacement.iom.int/system/tdf/reports/Nigeria%20-%20DTM%20Round%2024%20Report%20%28August%202018%29_1.pdf?file=1&type=node&id=4190
- 14 UNHCR (2017) 'Tripartite agreement for the voluntary repatriation of Nigerian refugees living in Cameroon between the Government of the Republic of Cameroon, the Government of the Federal Republic of Nigeria and the UN High Commissioner for Refugees, 2 March 2017'. Available at: <https://www.humanitarianresponse.info/sites/www.humanitarianresponse.info/files/documents/files/tripartite20agreement20cmr20nig20unhcr20eng20signed.pdf>
- 15 UNHCR (2017) 'UN agency 'alarmed' by forced refugee returns to Nigeria from Cameroon' Press release. Available at: <https://refugeesmigrants.un.org/fr/node/100043707>
- 16 OCHA (2017) 'Nigeria Humanitarian Response Plan – January-December 2018' Available at: https://reliefweb.int/sites/reliefweb.int/files/resources/2018_hrp_v5.4.pdf
- 17 Amnesty International (2017) 'Not time to go home: Unsustainable returns of refugees to Somalia' Available at: <https://www.amnesty.org/download/Documents/AFR5276092017ENGLISH.PDF>; UNHCR (2018) '2017 Global Strategic Priorities Progress Report'
- 18 Amnesty International (2017) 'Not time to go home: Unsustainable returns of refugees to Somalia' Available at: <https://www.amnesty.org/download/Documents/AFR5276092017ENGLISH.PDF>; see also: Amnesty International (2016) 'Nowhere else to go: forced returns of Somali refugees from Dadaab refugee camp, Kenya, November 2016' Available at: <http://www.refworld.org/docid/582b17bf4.html>
- 19 Human Rights Watch (2017) 'Somalia: Events of 2017' Available at: <https://www.hrw.org/world-report/2018/country-chapters/somalia>; Amnesty International (2017) 'Not time to go home: Unsustainable returns of refugees to Somalia' Available at: <https://www.amnesty.org/download/Documents/AFR5276092017ENGLISH.PDF>
- 20 Mwangi, E. (2018) 'Return migration – a regional perspective' Mixed Migration Centre. Available at: <http://www.mixedmigration.org/articles/return-migration-a-regional-perspective/>
- 21 Calculated from the top ten nationalities of refugees and migrants reported by UNHCR arriving in Italy January to December 2016 and January to December 2017. In 2016 this included Somalia, Sudan and Eritrea, in 2017, only Sudan and Eritrea.
- 22 UNHCR (2016) 'Monthly Sea Arrivals to Italy, Malta and Spain Jan 2016' Available at <https://data2.unhcr.org/en/documents/details/47041>
- 23 UNHCR (2016) 'Refugees and Migrants Sea Arrival in Europe Monthly Data Update: December 2017' Available at: <https://data2.unhcr.org/ar/documents/download/53447>
- 24 UNHCR (2017) 'Italy Sea Arrivals Dashboard - January to December 2017' Available at: <https://data2.unhcr.org/en/documents/download/61547>
- 25 UNHCR (2018) 'Refugees and Migrants Arrivals to Europe in 2018: Jan-June 2018'. Available at: <https://data2.unhcr.org/en/documents/download/64891>
- 26 Frouws, B. (2017) 'The Eritrean Exodus: What happened in 2016?' Available at: <http://www.mixedmigration.org/articles/the-eritrean-exodus-what-happened-in-2016/>
- 27 Reuters (2017) 'Egypt says it prevented 12,000 people from illegally migrating in 2016'. Available at: <https://www.reuters.com/article/us-europe-migrants-egypt/egypt-says-it-prevented-12000-people-from-illegally-migrating-in-2016-idUSKBN14V27L>; Kingsley, P. (2018) 'By Stifling Migration, Sudan's Feared Secret Police Aid Europe' The New York Times. Available at: <https://www.nytimes.com/2018/04/22/world/africa/migration-european-union-sudan.html>; Human Rights Watch (2017) 'Sudan: Events of 2017' Available at: <https://www.hrw.org/world-report/2018/country-chapters/sudan>
- 28 Any such slowdown, at least to Ethiopia, saw a major reverse following the sudden thawing of relations between Asmara and Addis Ababa in 2018. See: Gardner, T. (2018) "'I was euphoric': Eritrea's joy becomes Ethiopia's burden amid huge exodus' The Guardian. Available at: <https://www.theguardian.com/global-development/2018/oct/12/eritrea-joy-becomes-ethiopia-burden-huge-exodus-refugees>
- 29 Frouws, B. (2017) 'The Eritrean Exodus: What happened in 2016?'. Available at: <http://www.mixedmigration.org/articles/the-eritrean-exodus-what-happened-in-2016/>

There is evidence that the northern route from East Africa through **Sudan** is increasingly dangerous for refugees and migrants. Until recently these dangers were mostly related to smuggling, trafficking and abduction on routes to countries such as Libya and Egypt, eastern Sudan is now increasingly witnessing torture, ransom demands and the sale of people and their organs.³⁰ It has been reported that, in spite of improvements in anti-smuggling and anti-trafficking laws, the number of “victims of these crimes is on the rise”.³¹ This aligns with data collected by 4Mi³² on the situation in Sudan, with refugees and migrants reporting a range of severe abuses at the hands of smugglers.³³

Reduced flows

In 2017, the number of people in mixed migration movements traveling from the Horn of Africa towards **Yemen** also decreased, from an estimated 117,107 in 2016 to 99,516.³⁴ While this decline may be due to reduced migration monitoring in Yemen,³⁵ the announcement by **Saudi Arabia** in March 2017 of an amnesty period before irregular migrant workers would be arrested and deported may have affected these movements. At the end of the amnesty period in November 2017, IOM reported that an average of 2,800 irregular migrants were being deported to **Ethiopia** each week, raising concerns about the capacity of the Ethiopian government to respond, particularly in the context of the ongoing drought.³⁶ Despite the increase in the number of deportations, the Ethiopian government estimates that as many as 500,000 Ethiopians reside in Saudi

Arabia, including an unknown number thought to be in detention awaiting deportation.³⁷ Saudi Arabia has also deported large numbers of Yemeni and Somali nationals, prompting disquiet about the pressure that returns will have on already dire humanitarian situations³⁸ in countries of origin. Human Rights Watch has expressed serious concerns for the human rights situation in Saudi Arabia, and called for an end to the deportations.³⁹

Severe **drought** across East Africa has been raised as another factor contributing to the decrease in the number of migrants traveling in mixed routes from East Africa. While drought may increase short-distance displacement within countries and across immediate borders, by depleting resources needed for longer distance movement, these adverse conditions may decrease people's ability to move, lowering their resilience to further stress, and prompting concerns about “trapped” populations.⁴⁰

Despite a rise in the number of routes between East Africa and **South Africa**, and although the overall number of migrants traveling south from the Horn of Africa is possibly increasing, the number of refugees and migrants arriving overland in South Africa from the Horn of Africa has also declined in recent years. This may reflect the growing attractiveness of what were previously countries of transit, such as Zambia, Malawi, Mozambique and Botswana, as destinations for migrants. An increasingly restrictive policy context and intolerance to foreigners by the administration and general public in South Africa could also be a factor in this

30 Abdel Ati, H. (2017) 'Human Smuggling and Trafficking in Easter Sudan' Sudan Report. Available at: <https://reliefweb.int/sites/reliefweb.int/files/resources/6325-human-smuggling-and-trafficking-in-eastern-sudan.pdf>

31 Ibid, pg. 54

32 4Mi is the MMC/DRC data gathering mechanism as described on page 12 of this review.

33 Laczko, F. & Singleton, A. Black, J. (2017) 'Fatal Journeys Vol. 3: Improving Data on Missing Migrants' IOM. Available at: <https://publications.iom.int/books/fatal-journeys-volume-3-part-2-improving-data-missing-migrants>

34 IOM (2018) 'Mixed Migration in the Horn of Africa and in the Arab Peninsula: June-December 2017'. Available at: <https://www.iom.int/africa-mixed-migration-horn-africa-and-arab-peninsula-june-december-2017>

35 Ibid.

36 IOM (2018) 'A Region on the Move: Migration Trends in the East & Horn of Africa, 2017'. Available at: <https://reliefweb.int/sites/reliefweb.int/files/resources/A%20REGION%20ON%20THE%20MOVEweb.pdf>. See also: Frouws, B. (2017) 'Mass Deportations Looming: Saudi Arabia gears up to expel millions of migrants... again' Mixed Migration Centre East Africa. Available at: <http://www.mixedmigration.org/articles/mass-deportations-looming-saudi-arabia-gears-up-to-expel-millions-of-migrantsagain/>

37 IOM (2018) 'A Region on the Move: Migration Trends in the East & Horn of Africa, 2017' Available at: <https://reliefweb.int/sites/reliefweb.int/files/resources/A%20REGION%20ON%20THE%20MOVEweb.pdf>; Regional Mixed Migration Secretariat (2014) 'The Letter of the Law: regular and irregular migration in Saudi Arabia in a context of rapid change' Available at: <http://www.mixedmigration.org/resource/the-letter-of-the-law/>

38 IOM (2018) 'Mixed Migration in the Horn of Africa and in the Arab Peninsula: June-December 2017' Available at: <https://www.iom.int/africa-mixed-migration-horn-africa-and-arab-peninsula-june-december-2017>; Nebehay, S. (2018) 'U.N. urges Saudi Arabia not to deport Yemeni migrants to war zone' Reuters. Available at: <https://www.reuters.com/article/us-yemen-security-saudi-migrants/u-n-urges-saudi-arabia-not-to-deport-yemeni-migrants-to-war-zone-idUSKBN1A1F7>; Global Detention Project and Migrant Rights.org (2018) 'Joint Submission to the UN Committee on the Elimination of Discrimination against Women (CEDAW) : Saudi Arabia' Available at: <https://www.globaldetentionproject.org/submission-to-the-un-committee-on-the-elimination-of-discrimination-against-women-cedaw-saudi-arabia>; Frouws, B. (2017) 'Mass Deportations Looming: Saudi Arabia gears up to expel millions of migrants... again' Mixed Migration Centre East Africa. Available at: <http://www.mixedmigration.org/articles/mass-deportations-looming-saudi-arabia-gears-up-to-expel-millions-of-migrantsagain/>

39 Horne, F. (2017) 'Why Saudi Arabia Must Halt the Deportation of Half a Million Ethiopians' Human Rights Watch. Available at: <https://www.hrw.org/news/2017/08/24/why-saudi-arabia-must-halt-deportation-half-million-ethiopians>

40 Akumu, O. & Frouws, B. (2017) 'Drought: A contributing or limited factor in migration?' Mixed Migration Centre. Available at: <http://www.mixedmigration.org/articles/drought-a-contributing-or-limiting-factor-in-migration/>; Research and Evidence Facility (2017) 'Migration between the Horn of Africa and Yemen: A Study of Puntland, Djibouti and Yemen,' EU Trust Fund for Africa (Horn of Africa Window). Available at: <https://www.soas.ac.uk/ref-hornresearch/research-papers/file122639.pdf>

decline.⁴¹ There is also evidence that, although human trafficking is uncommon, migrant smuggling has become more violent and exploitative on the southern route, with kidnappings for ransom of migrants by smugglers becoming more frequent, making the journey further south more complicated.⁴²

Declining numbers of Eritreans arriving in Europe through the Central Mediterranean Route

Year	Number of Eritreans
2015	36,192
2016	20,718
2017	7,052
2018	2,600

Source: UNHCR

Eritrea: what next?

In June 2018, the government of Ethiopia announced that it would abide by the Algiers Agreement and the 2002 Eritrea-Ethiopian Boundary Commission decision that defined the disputed border between the two countries and attributed the border town of Badme to Eritrea. Over the past 20 years, Badme has been central to the tense “no peace, no war” relations between the neighbours. The recent détente raises the key question of whether Eritrean nationals in Sudan, Ethiopia and other neighbouring countries will feel encouraged or even compelled to return to Eritrea at some point. To defend its border areas with Ethiopia, in 1994 the Eritrean government introduced mandatory military service for all adults over 18 and forced conscription is often cited by Eritreans as the main reason for seeking international protection. Eritreans applying for asylum have relatively high approval rates, particularly in Europe. If the Government of Eritrea enacts positive policy changes regarding conscription, how this would affect those asylum seekers already in the system? ⁴³ On September

the 11th 2018 the border between Eritrea and Ethiopia opened for the first time since 1998. In the first month, at least 15,000 Eritreans reportedly crossed into Ethiopia, according to local authorities.⁴⁴ Most dramatic, though, has been the increase of refugees. According to UNHCR reports, the number registering each day has multiplied sevenfold. In the first two weeks nearly 10,000 Eritreans arrived seeking asylum, mostly women and children hoping to reunite with family members who left illegally before the border opened. Ethiopia now hosts more than Eritrean 175,000 refugees.⁴⁵

West Africa

In West Africa, there are significant intra-regional migration movements supported by the Economic Community of West African States (ECOWAS) protocols on free movement.⁴⁶ The two main mixed migration routes connecting West and North Africa pass through **Mali and Niger** and build on a long history of circular trade and migration across the Sahara Desert. While these routes have traditionally been host to mainly circular labour movements between North and West Africa — with migration being an important livelihood strategy for those living in the Sahara and providing labour to the expanding economies of the North African countries — more recently the route through Niger to **Libya** in particular has been used by refugees and migrants transiting through Libya towards the EU.⁴⁷ In 2016, IOM recorded almost 300,000 refugees and migrants traveling to Libya through northern Niger, including some 65,000 Nigerians.⁴⁸

However, in 2017 and 2018 there has been a clear decline in the number of non-Nigerien migrants recorded by IOM transiting through northern Niger towards Libya. IOM has mainly recorded the passage of Nigerien migrants within long-established circular migration movements between Niger and Libya. In June 2018, Nigeriens accounted for 69 percent of recorded movements through Séguédine in northern Niger.⁴⁹ The recorded movements to and from

41 Frouws, B. & Horwood, C. (2017) 'Smuggled South: Mixed Migration from the Horn of Africa to southern Africa' Mixed Migration Centre. Available at: http://www.mixedmigration.org/wp-content/uploads/2018/05/016_smuggled_south.pdf

42 Ibid.

43 Mwang, E. (2018) 'Out of Eritrea: What happens after Badme?' Mixed Migration Centre. Available at <http://www.mixedmigration.org/articles/out-of-eritrea/>

44 Gardner, T. (2018) 'I was euphoric': Eritrea's joy becomes Ethiopia's burden amid huge exodus The Guardian. Available at: <https://www.theguardian.com/global-development/2018/oct/12/eritrea-joy-becomes-ethiopia-burden-huge-exodus-refugees>

45 Ibid.

46 ECOWAS – 'Life in the Community – Travel' Available at: <http://www.ecowas.int/life-in-the-community/education-and-youth/>

47 Bergmann, J. et al. (2017) 'Protection Fallout: How Increasing Capacity for Border Management Affects Migrants' Vulnerabilities in Niger and Mali' Global Public Policy Institute/Regional Mixed Migration Secretariat West Africa. Available at: <http://www.mixedmigration.org/resource/protection-fallout/>

48 IOM (2016) 'Statistical Report Overview: Niger Flow Monitoring Points (FMP) – December 2016' Available at: <https://www.globaldtm.info/dtm-niger-flow-monitoring-statistical-report-1-december-30-december-2016/>

49 See IOM DTM Niger: <http://www.globaldtm.info/niger/>

Algeria remained relatively consistent throughout 2017 as compared with 2016, highlighting the largely circular nature of these movements.⁵⁰

Niger's new law

The number of refugees and migrants from West Africa arriving in Italy has declined sharply since 2016, particularly in the case of those from Nigeria: only 1,229 Nigerians arrived in Italy in the first six months of 2018, down from 14,118 in the first six months of 2017.⁵¹ The major factor contributing to the decline in the numbers recorded by IOM in northern Niger since late 2016 has been the Nigerian government's enforcement of the 2015 Law Against the Illicit Smuggling of Migrants, and the corresponding diversification in routes around data collection points.⁵² Indeed, 2017 saw large-scale arrests of smugglers and the confiscation of their vehicles.⁵³

The EU, whose political and financial support played a key role in the development and implementation of the anti-smuggling law,⁵⁴ commented in June 2017 that the new routes taken by migrants were "more difficult to use and riskier, leading to higher prices demanded by the smugglers for transport, and higher risks for the migrants".⁵⁵ Given the frequent accusations by migrants of abuse by authorities, supporting the authorities in Mali and Niger has also been raised as a cause for concern.⁵⁶

Given the challenges already inherent in crossing the **Sahara Desert**, increased controls can lead to dramatic

consequences for refugees and migrants on the move, including abandonment by smugglers fearing arrest, and riskier routes through more dangerous terrain, including at night, leading to breakdowns and people falling from vehicles.⁵⁷ While accurate figures are not available, deaths during this crossing into the Sahara are believed to be very high, and an increasing number of fatalities have been reported, including in several cases where large number of bodies were found after having been abandoned in the desert by their smugglers.⁵⁸

Agadez under strain

There are concerns about the long-term consequences of undermining the migration industry in Niger's historically volatile region of **Agadez**.⁵⁹ Although Niger has remained one of the more stable states of the conflict-afflicted Sahel region, the economic strains produced by weakening the migration industry in Agadez could drive people to join extremists groups.⁶⁰ The costs of the deterrence and enforcement measures against smugglers are substantial given the reliance of the Agadez community on migration.⁶¹ The sequencing of the EU interventions in Niger has consequently been criticised as too focused on enforcement while failing to provide viable alternative forms of income for affected communities.⁶² Some analysts have directly linked the EU's efforts to the deterioration of local economies and to increased security concerns for residents and people on the move.⁶³ Several recommendations have been put forward for more sustainable migration management in northern Niger, with an emphasis on the need to situate migration management within the wider development

50 See IOM DTM Niger: <http://www.globaldtm.info/niger/>.

51 See 'UNHCR Arrivals Dashboard June 2017' Available at: <https://data2.unhcr.org/ar/documents/download/58489> and 'UNHCR Arrivals Dashboard June 2018': <https://data2.unhcr.org/ar/documents/download/58489>

52 See for instance IOM (2017) 'Population Flow Monitoring: Niger Overview – December 2017' Available at: <http://www.globaldtm.info/niger/>; Bergmann, J. et al. (2017) 'Protection Fallout: How Increasing Capacity for Border Management Affects Migrants' Vulnerabilities in Niger and Mali' Global Public Policy Institute/RMMS West Africa. Available at: <http://www.mixedmigration.org/resource/protection-fallout/>

53 EU Commission (2017) 'Fifth Progress Report on the Partnership Framework with third countries under the European Agenda on Migration' Available at: https://eeas.europa.eu/headquarters/headquarters-homepage/31673/fifth-progress-report-partnership-framework-third-countries-under-european-agenda-migration_en; see also Clingendael (2017) 'Sustainable migration management Agadez, story map' Available at: https://www.clingendael.org/sustainable_migration_management_Agadez/#storymap

54 EU Commission (2017) 'Fifth Progress Report on the Partnership Framework with third countries under the European Agenda on Migration'. Available at: https://eeas.europa.eu/headquarters/headquarters-homepage/31673/fifth-progress-report-partnership-framework-third-countries-under-european-agenda-migration_en; Molenaar, F. & Kamouni-Janssen, F. (2017) 'Turning the tide: The politics of irregular migration in the Sahel and Libya' Clingendael, CRU Report. Available at: https://www.clingendael.org/sites/default/files/pdfs/turning_the_tide.pdf; Bergmann, J. et al. (2017) 'Protection Fallout: How Increasing Capacity for Border Management Affects Migrants' Vulnerabilities in Niger and Mali' Global Public Policy Institute/RMMS West Africa. Available at: <http://www.mixedmigration.org/resource/protection-fallout/>

55 EU Commission (2017) 'Fourth Progress Report on the Partnership Framework with third countries under the European Agenda on Migration'. Available at: https://eeas.europa.eu/sites/eeas/files/4th_progress_report_partnership_framework_with_third_countries_under_european_agenda_on_migration.pdf

56 Bergmann, J. et al. (2017) 'Protection Fallout: How Increasing Capacity for Border Management Affects Migrants' Vulnerabilities in Niger and Mali' Global Public Policy Institute/RMMS West Africa. Available at: <http://www.mixedmigration.org/resource/protection-fallout/>

57 Ibid; Laczo, F. Singleton, A. & Black, J. (2017) 'Fatal Journeys Vol. 3: Improving Data on Missing Migrants' IOM. Available at: <https://publications.iom.int/books/fatal-journeys-volume-3-part-2-improving-data-missing-migrants>

58 Ibid.

59 DIIS (2017) 'The EU's desert front against migration: European anti-migration agenda could challenge stability in Niger' Policy brief. Available at: <https://www.diis.dk/en/research/european-anti-migration-agenda-could-challenge-stability-in-niger>

60 Bergmann, J. et al. (2017) 'Protection Fallout: How Increasing Capacity for Border Management Affects Migrants' Vulnerabilities in Niger and Mali' Global Public Policy Institute/RMMS West Africa. Available at: <http://www.mixedmigration.org/resource/protection-fallout/>

61 Samuel Hall (2016) 'Selling Sand in the Desert, The Economic Impact of Migration in Agadez, a study commissioned by IOM Niger' Available at: <http://samuelhall.org/wp-content/uploads/2017/08/IOM-The-economic-impact-of-migration-in-Agadez.pdf>

62 Bergmann, J. et al. (2017) 'Protection Fallout: How Increasing Capacity for Border Management Affects Migrants' Vulnerabilities in Niger and Mali' Global Public Policy Institute/RMMS West Africa. Available at: <http://www.mixedmigration.org/resource/protection-fallout/>

63 Penney, J. (2018), 'Europe Benefits by Bankrolling an Anti-Migrant Effort. Niger Pays a Price' The New York Times. Available at <https://www.nytimes.com/2018/08/25/world/africa/niger-migration-crisis.html>

and security context of the region, and to ensure that livelihoods based on mobility and trade across borders are not undermined.⁶⁴

North Africa

In the second half of 2017 and continuing in 2018, Algeria stepped up the deportation of sub-Saharan Africans to Mali and Niger. These deportations have continued to gather pace in 2018, with some 16,400 people deported from Algeria to Niger between January and August, including some 8,695 Nigeriens.⁶⁵ Human Rights Watch has raised concerns about the arbitrary nature of the returns — which include refugees and children — and

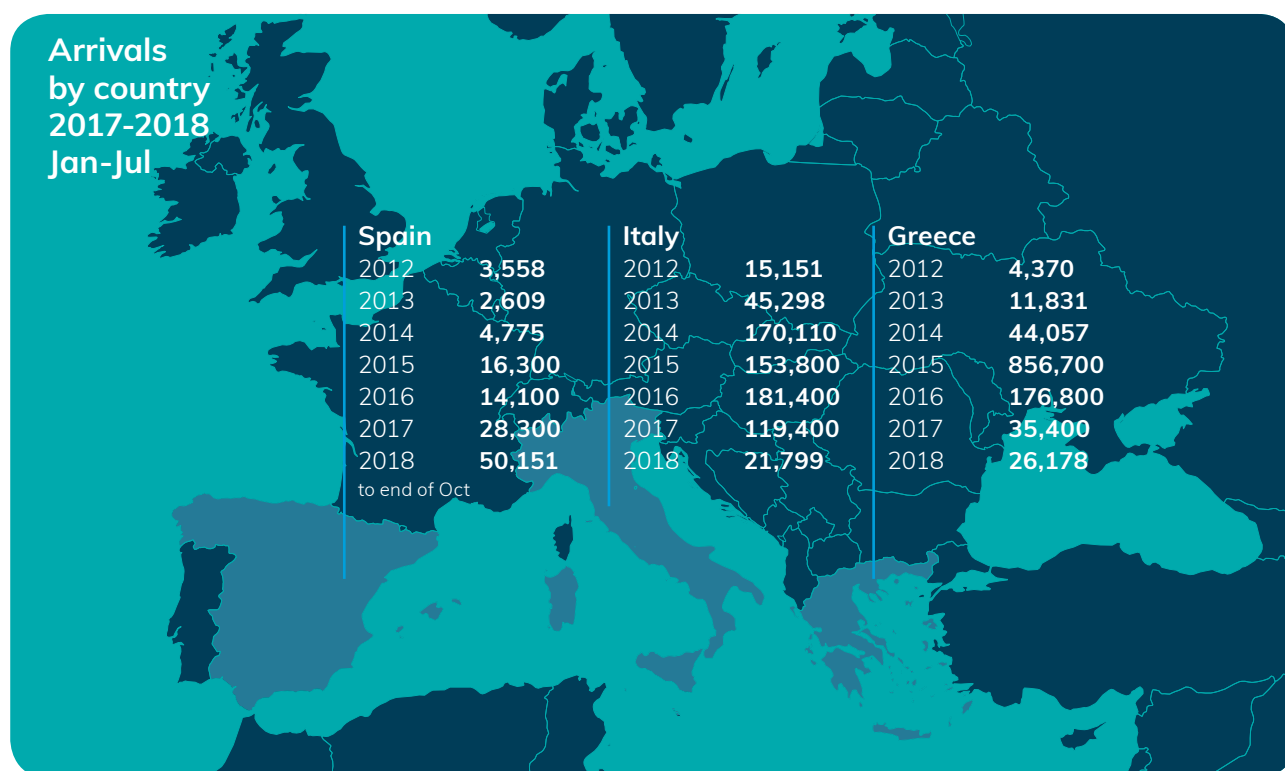
about the inhumane conditions under which the returns are carried out.⁶⁶ According to Human Rights Watch, migrants are often abandoned in the desert on the Niger/Mali/Algeria borders, where they are either rescued by IOM, or forced to make their own way through the desert, often with no food and little water.⁶⁷ The UN has called on the government of Algeria to cease the mass expulsions.⁶⁸

Libya's rights crisis

In Libya, new evidence has continued to emerge of the horrendous conditions and abuse being carried out against migrants. In 2016, the United Nations Support Mission in Libya and the UN Office of the High Commissioner for Human Rights jointly detailed a human

Mixed migration flows into Europe

from North Africa & Eastern Mediterranean 2012-2018



Source: map adapted from UNHCR "Desperate journeys - refugees and migrants arriving in Europe and at Europe's borders." <https://data2.unhcr.org/en/documents/download/65373> and data from the portal <https://data2.unhcr.org/en/situations/mediterranean>

- 64 Clingendael (2017) 'Roadmap for sustainable migration management in Agadez' available at: <https://www.clingendael.org/publication/roadmap-sustainable-migration-management-agadez>; Bergmann, J. et al. (2017) 'Protection Fallout: How Increasing Capacity for Border Management Affects Migrants' Vulnerabilities in Niger and Mali' Global Public Policy Institute/RMMS West Africa. Available at: <http://www.mixedmigration.org/resource/protection-fallout/>
- 65 UNHCR (2018) 'Country Operation Update, August 2018 - Niger' Available at: <https://reliefweb.int/sites/reliefweb.int/files/resources/65686.pdf>
- 66 Human Rights Watch (2018) 'Algeria: Inhumane Treatment of Migrants' Available at: <https://www.hrw.org/news/2018/06/28/algeria-inhumane-treatment-migrants>; Human Rights Watch (2017) 'Algeria: Surge in Deportation of Migrants'. Available at: <https://www.hrw.org/news/2017/10/30/algeria-surge-deportations-migrants>; Human Rights Watch (2018) 'Algeria: New Wave of Deportation'. Available at: <https://www.hrw.org/news/2018/02/27/algeria-new-wave-deportations>
- 67 Human Rights Watch (2018) 'Algeria: Inhumane Treatment of Migrants'. Available at: <https://www.hrw.org/news/2018/06/28/algeria-inhumane-treatment-migrants>; See also IOM (2018) 'UN Migration Agency in Mali Assists Over 1,100 Sub-Saharan Migrants at Algerian Border' Press Release. Available at: <https://www.iom.int/news/un-migration-agency-mali-assists-over-1100-sub-saharan-migrants-algerian-border>
- 68 UNHCR (2018) 'Press briefing note on Algeria and Libya' Available at: <https://www.unhcr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23114&LangID=E>; Miles, T. & Chikhi, L. (2018) 'U.N. criticizes Algeria for mass deportations migrants' Reuters. Available at: <https://www.reuters.com/article/us-algeria-un-migrants/un-criticizes-algeria-for-mass-deportations-of-migrants-idUSKCN1N2FZ>

rights crisis for migrants in Libya, with criminal gangs, armed groups, smugglers, traffickers, and state authorities subjecting migrants to arbitrary detention, torture and other ill-treatment, unlawful killings, sexual exploitation, and a host of other human rights abuses.⁶⁹ Women were reported to face the greatest risk, with numerous and consistent reports of rape and other forms of sexual violence.⁷⁰

Evidence has also emerged of a consolidation of the migrant smuggling and trafficking networks in Libya towards fewer, and better organised criminal networks, and a related trend towards more integrated, more organised militarised networks, particularly from East Africa, with a much higher capacity for longer transnational operations.⁷¹ Multiple reports — including by the UN in 2016, IOM in mid-2017 and CNN in late 2017 — have emerged of migrants being sold into forced labour.⁷²

In response to media footage in November 2017, the African Union Commission released a statement condemning the practices of slavery in Libya, while governments in countries of origin announced their intention to assist their nationals detained there to return home.⁷³ A joint AU/EU/UN task force was formed following the EU/AU summit in Côte d'Ivoire in November 2017 to coordinate return projects, and IOM and UNHCR began evacuating vulnerable refugees and migrants from Libya to Niger.⁷⁴ UNHCR's evacuations slowed in early 2018, as planned resettlement places for evacuated refugees did not materialise.⁷⁵ Amnesty International released a report detailing the engagement of the EU and Italy in particular with the Libyan authorities in order to prevent refugees and migrants reaching Europe.⁷⁶

69 UNSML, UNOHCHR (2016) "'Detained and Dehumanized" Report on the human rights abuses against migrants in Libya'. Available at: https://www.ohchr.org/Documents/Countries/LY/DetainedAndDehumanised_en.pdf

70 Ibid.

71 Micallef, M. (2017) 'The Human Conveyor Belt: Trends in human trafficking and smuggling in post-revolution Libya' Global Initiative against Transnational Organized Crime. Available at: <http://globalinitiative.net/wp-content/uploads/2017/03/global-initiative-human-conveyor-belt-human-smuggling-in-libya-march-2017.pdf>

72 UNSMIL and UNOHCHR (2016) 'Detained and Dehumanized: Report on Human Rights Abuses Against Migrants in Libya'. Available at: https://www.ohchr.org/Documents/Countries/LY/DetainedAndDehumanised_en.pdf; IOM (2017) 'IOM Learns of "Slave Market" Conditions endangering Migrants in North Africa' Available at: <https://www.iom.int/news/iom-learns-slave-market-conditions-endangering-migrants-north-africa>; CNN (2017) 'People for sale: Where lives are auctioned for \$400'. Available at: <https://edition.cnn.com/2017/11/14/africa/libya-migrant-auctions/index.html>

73 AU (2018) 'Statement of the Chairperson of the African Union Commission on the Plight of Africa Migrants in Libya' available at: <https://au.int/en/pressreleases/20171118/statement-chairperson-african-union-commission-plight-african-migrants-libya>; 'Joint Statement on the Migrant Situation in Libya' Available at: <https://au.int/en/pressreleases/20171130/joint%20statement-%20migrant%20situation-libya>; Amara, H. (2018) 'Nigeria starts large scale evacuation of its citizens from Libya' Reuters. Available at: <https://uk.reuters.com/article/uk-libya-migrants-nigeria/nigeria-starts-large-scale-evacuation-of-its-citizens-from-libya-idUKKBN1EV0P0>

74 AU/EU/UN (2017) 'Joint Press Release – Meeting of the Joint AU-EU-UN Taskforce to Address the Migrants Situation in Libya' Available at: https://eeas.europa.eu/headquarters/headquarters-homepage/37401/meeting-joint-au-eu-un-taskforce-address-migrant-situation-libya_en

75 European Council on Refugees and Exiles (2018) 'Libya: return operations running but slow resettlement is jeopardising the evacuation scheme' Available at: <https://www.ecre.org/libya-return-operations-running-but-slow-resettlement-is-jeopardizing-the-evacuation-scheme/>

76 Amnesty International (2017) 'Libya's Dark web of collusion: abuse against Europe bound refugees and migrants' Available at: <https://www.amnesty.org/en/documents/mde19/7561/2017/en/>

The Middle East

The number of people on the move in the Middle East has grown rapidly over the last decade, largely because of people fleeing conflicts in **Syria**, **Iraq** and **Yemen** after 2011, but also because of the millions of refugees and migrants traveling from around the world to work in the **Gulf States**.¹ These movements have had a profound impact on the region: in the **United Arab Emirates**, **Qatar** and **Kuwait**, migrants make up more than 75 percent of the population, while in **Jordan** and **Lebanon** one in every three-to-four persons is a refugee.² The scale of the displacement of Syrian people is unprecedented in recent history and has had a major impact on neighbouring countries. **Turkey** hosts the largest number of refugees in the world, some 3.5 million at the end of 2017.³ As the conflicts continue in Syria and Yemen, and as refugees look outside the region for protection and asylum, the movement of refugees across borders has become increasingly restricted, with Europe and Jordan closing their borders to refugees, and Turkey restricting their passage. The restriction of points of passage between countries has led to more dangerous border crossings, a greater reliance on smugglers, an increased risk for those seeking asylum, and a growth in the numbers of people trapped in situations of internal displacement.

Despite the large-scale of conflict-related displacement in the region, formal legal protection is the exception rather than the rule, with many displaced people living irregularly, or under various forms of negotiated international protection. In 2017 and 2018, refugees and migrants continued to face a range of challenges, not only while on the move, but also in places of destination, where governments often framed their refuge as temporary, despite its protracted nature.

In 2017 and 2018, the number of asylum seekers from the Middle East arriving in Europe reduced dramatically

compared to the previous two years, largely as a consequence of the closure of borders and increased preventions of departures by the Turkish authorities in line with the agreement between the EU and Turkey. The need for protection has not diminished at the same rate as the decline in the arrivals to the EU, however, with significant levels of displacement recorded *within* Syria throughout the year, and many newly displaced people entering Turkey to apply for asylum.

In **Yemen**, the movement of refugees and migrants attempting to reach **Saudi Arabia** continued at a high level in 2017 and the first half of 2018. Despite the humanitarian crisis in Yemen, non-Yemini nationals made up many of these movements. The Saudi crackdown on irregular workers from a wide range of countries raised serious concerns about the interception, detention and return of refugees and migrants in Saudi Arabia to Yemen.

Syria: no end in sight

In 2017 and 2018, violent conflict continued to cause massive internal displacements and civilian casualties in Syria, despite the negotiation in May 2017 by Russia, Turkey and Iran of “de-escalation zones” in some, mainly opposition-held, parts of the country.⁴ Although there has been a downward trend in civilian casualties since 2015, 4,800 civilians were killed in the first half of 2018.⁵ In the same period, conflict caused the internal displacement of 920,000 Syrians, the highest number in such a short period since the start of the conflict.⁶ At the end of 2017, UNHCR reported that Syrians continued to be the largest forcibly displaced population in the world, with 12.6 million Syrians displaced, including 6.3 million refugees hosted in 125 countries throughout the world.⁷ The overwhelming majority of Syrian refugees are hosted in neighbouring countries, with 3.4 million in Turkey, almost one million in

1 Connor, P. (2016) ‘Middle East’s Migrant Population More Than Doubles Since 2005’ Pew Research Centre: Global Attitudes and Trends.

Available at: <http://www.pewglobal.org/2016/10/18/middle-east-s-migrant-population-more-than-doubles-since-2005/>

2 UNHCR (2018) ‘Global Trends: Forced Displacement in 2017’ Available at: <http://www.unhcr.org/5b27be547.pdf>; Mixed Migration Centre (2018) ‘Monthly Trend Analysis: Middle East and Eastern Mediterranean. February 2018’. Available at: http://mixedmigrationplatform.org/wp-content/uploads/2018/05/MMC_February-Monthly-Trends-Analysis_online.pdf

3 Ibid; UNHCR (2018) ‘Global Trends: Forced Displacement in 2017’ Available at: <http://www.unhcr.org/5b27be547.pdf>

4 ACAPS (2018) ‘Syria Crisis Analysis: Politics and Security, September 2018’ Available at: <https://www.acaps.org/country/syria>

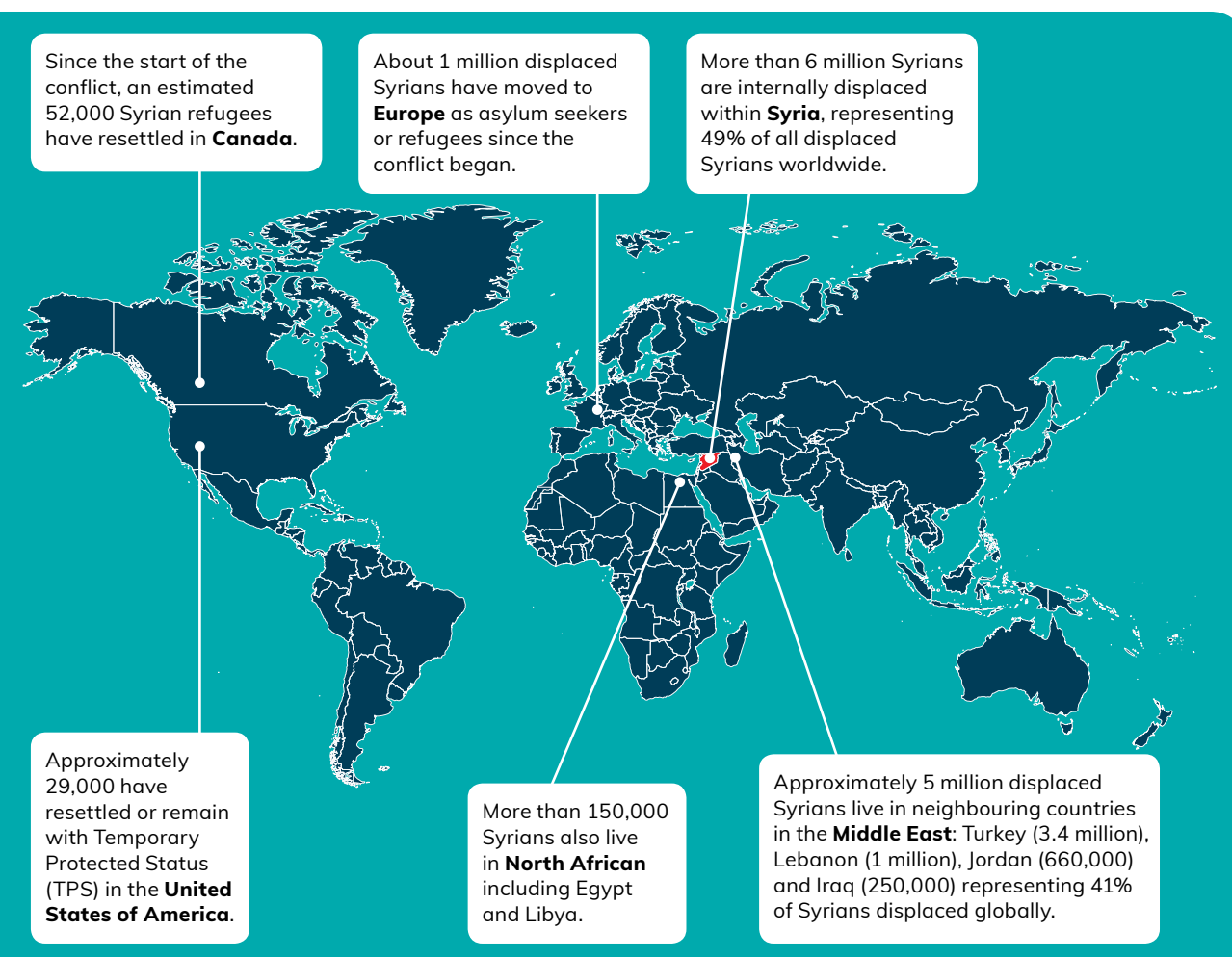
5 Ibid.

6 France24 (2018) ‘Over 920,000 displaced in Syria in 2018, highest level since conflict began’ Available at: <https://www.france24.com/en/20180611-over-920000-displaced-syria-2018-highest-level-conflict-began-un>; Norwegian Refugee Council (2018) ‘Intense fighting in southern Syria creates largest displacement since start of war’ Available at: <https://www.nrc.no/news/2018/july/intense-fighting-in-southern-syria-creates-largest-displacement-since-start-of-war-new-page/>

7 UNHCR (2018) ‘UNHCR Global: Forced Displacement in 2017’ Available at: <http://www.unhcr.org/5b27be547.pdf>

How almost 13 million Syrians are displaced after seven years of conflict

a total that amounts to approx. 60% of Syria's pre-conflict population



Data Source: Adapted from Pew Research Centre information based on data from UNHCR, IDMC, Eurostat and government sources.

Lebanon and 653,000 in Jordan.⁸

Refugees return...

Despite conflict and new displacements taking place throughout the first half of 2018, UNHCR recorded the return of almost 13,000 refugees from neighbouring countries into the southwest and northeast Syria. This follows the return of 66,000 refugees from neighbouring countries in 2017.⁹ In July 2018, Russian and Syrian

authorities set up the Centre for the Reception, Allocation and Accommodation of Refugees to “monitor the return of all temporarily-displaced people and Syrian refugees from foreign countries to their places of permanent residence”.¹⁰ According to Russian officials, a preliminary assessment indicated that 890,000 refugees could return to Syria from Lebanon in the near future — 300,000 from Turkey and 200,000 from the EU — something that Lebanon welcomed in a presidential statement.¹¹ Indeed,

8 UNHCR (2018) 'UNHCR Global: Forced Displacement in 2017' Available at: <http://www.unhcr.org/5b27be547.pdf>

9 UNHCR (2018) 'UNHCR Appeals for safe passage for civilians in southern Syria, says international standards on refugee returns essential' Available at: <http://www.unhcr.org/ph/14123-unhcr-appeals-safe-passage-southern-syria.html>; Norwegian Refugee Council (2018) 'A Warning against mass returns to Syria' Available at: <https://www.nrc.no/news/2018/march/a-warning-against-mass-returns-to-syria/>

10 Siegfried, K. (2018) 'The Refugee Brief – 20' UNHCR Refugee Brief. Available at: <http://www.unhcr.org/refugeebrief/refugee-brief-20-july-2018/>

11 Reuters (2018) 'Russian envoy urges Syrian refugee return' Available at: <https://www.reuters.com/article/us-mideast-crisis-russia-syria-refugees/russian-envoy-urges-syrian-refugee-return-idUSKBN1KG2C8>

since April 2018, politicians in Lebanon have stepped up calls for the return of Syrian refugees.¹² In July 2018, 850 Syrian refugees left Lebanon to return to Syria under the coordination of the Lebanese General Security agency and the security services in Syria. It was largest return of Syrian refugees from Lebanon since the beginning of the conflict in 2011.¹³

Concerns have been raised about the safety, dignity and sustainability of returns to Syria in the light of continuing conflict and high levels of displacement.¹⁴ Participants at an April 2018 donors' conference in Brussels — held under the theme of “Supporting the future of Syria and the region” — concluded that “...present conditions are not conducive for voluntary repatriation in safety and dignity”.¹⁵ A recent joint report from an NGO consortium active in the Middle East found that for every Syrian IDP and refugee who returned in 2017, three others were newly displaced.¹⁶ Within Syria, people face systematic human rights violations, including arbitrary arrest, torture, and forced conscription. Violence against women is widespread, many homes and much infrastructure has been destroyed, while many public services are unavailable.¹⁷ Although little in-depth research has been conducted into why people choose to return to Syria from neighbouring countries, preliminary studies suggest that decisions hinge upon economic pressures, feelings of alienation and discrimination in places of displacement, along with the assumed improvement in the security

situation and a desire to reunite with families.¹⁸

...with mixed motives

As with other decisions to move, aspirations to return are shaped by concerns over the situation in displacement, such as issues of security, employment, services, and long-term prospects, including of integration.¹⁹ In **Lebanon, Jordan and Turkey**, the three countries hosting the largest number of Syrian refugees, authorities often frame their refuge as temporary, despite its protracted nature.

In Lebanon, which hosts the highest number of refugees per capita of any country in the world, refugees face evictions, raids, arrests, detentions and restrictions of movement. In the absence of a domestic legal framework, there is considerable ambiguity in the designation and application of the concept of “refugee” in Lebanon.²⁰ In early 2018, UNHCR reported that more than half of Syrian refugees in Lebanon were living in extreme poverty, five percent more than a year earlier.²¹ Some 74 percent of Syrian refugees over the age of 15 surveyed in Lebanon did not have legal residency.²²

Vulnerable in Jordan

In Jordan, refugee households remain highly vulnerable, with most having expenditures that exceed their reported incomes. Access to healthcare remains challenging, 85 percent of registered Syrian refugee children are living below the poverty line, and many children remain out of

-
- 12 Human Rights Watch (2018) 'Refugee Rights in Lebanon Not Up for Debate' Available at: <https://www.hrw.org/news/2018/07/04/refugee-rights-lebanon-not-debate>; see also Obeid, M. (2018) 'Lebanese divided over efforts to repatriate Syrian refugees' Al Monitor. Available at: <https://www.al-monitor.com/pulse/originals/2018/07/divide-over-return-syrian-displaced-from-lebanon-hezbollah.html>; Janmyr, M. (2018) 'Why Lebanon Objects to Calls for Voluntary Return of Syrians' Refugees Deeply. Available at: <https://www.newsdeeply.com/refugees/community/2018/05/04/why-lebanon-objects-to-calls-for-voluntary-return-of-syrians>
- 13 Obeid, M. (2018) 'Lebanese divided over efforts to repatriate Syrian refugees' Al Monitor. Available at: <https://www.al-monitor.com/pulse/originals/2018/07/divide-over-return-syrian-displaced-from-lebanon-hezbollah.html>
- 14 UNHCR (2018) 'UNHCR Appeals for safe passage for civilians in southern Syria, says international standards on refugee returns essential' Available at: <http://www.unhcr.org/uk/news/briefing/2018/7/5b51a4f34/unhcr-appeals-safe-passage-civilians-southern-syria-says-international.html>
- 15 European Council (2018) 'Brussels II Conference on “Supporting the future of Syria and the region”: co-chairs declaration' available at: <http://www.consilium.europa.eu/en/press/press-releases/2018/04/25/brussels-ii-conference-on-supporting-the-future-of-syria-and-the-region-co-chairs-declaration/>
- 16 Norwegian Refugee Council, Save the Children, Action Against Hunger, CARE International, The International Rescue Committee, Danish Refugee Council (2018) 'Dangerous Ground: Syrian Refugees Face an Uncertain Future' Available at: <https://www.nrc.no/globalassets/pdf/reports/dangerous-ground---syrias-refugees-face-an-uncertain-future/dangerous-ground---syrian-refugees-face-an-uncertain-future.pdf>
- 17 Ibid.
- 18 Samuel Hall (2018) 'Syria's Spontaneous Returns' Available at: <https://reliefweb.int/sites/reliefweb.int/files/resources/SH1-Syria%E2%80%99s-Spontaneous>Returns-online.pdf>; Baas, S. (2018) 'The Real Reasons Why Syrians Return to Syria' News Deeply. Available at: <https://www.newsdeeply.com/refugees/community/2018/03/06/the-real-reasons-why-syrians-return-to-syria>; IDMC (2017) 'Returnees in Syria: Sustainable reintegration and durable solutions or return to displacement' Available at: <http://blogs.lse.ac.uk/mec/2018/02/15/returnees-in-syria-sustainable-reintegration-and-durable-solutions-or-a-return-to-displacement/>
- 19 Passey, M. (2018) 'Displaced and on the Move Again: Decision-making among IDPs who migrant to Europe' London School of Economics; Middle East Centre Blog. Available at: <http://blogs.lse.ac.uk/mec/2018/02/18/displaced-and-on-the-move-again-decision-making-among-idps-who-migrate-to-europe/> and Mixed Migration Centre (2017) 'Decent work for whom? Economic integration of refugees and other foreign national in the Middle East' Available at: http://www.mixedmigration.org/wp-content/uploads/2018/08/049_decent-work.pdf
- 20 Janmyr, M. (2018) 'The Fragile Legal Order Facing Syrian Refugees in Lebanon' EU Immigration and Asylum Law and Policy.
- 21 UNHCR, UNICEF, WFP (2018) 'Vulnerability Assessment of Syrian Refugees in Lebanon 2017' Available at: <https://reliefweb.int/sites/reliefweb.int/files/resources/VASyR%202017.compressed.pdf>
- 22 Ibid.

school.²³ Prior to the regularisation campaign in March 2018, Syrians outside of Jordan's camps unlawfully were liable to arrest, and some were reportedly summarily deported to Syria.²⁴

Deportations of Syrian refugees from Jordan peaked in early 2017, and there were reports that some Syrians were returning voluntarily after the deportation of the head of their household.²⁵ In both Lebanon and Jordan, refugees have reported experiencing an acute sense of discrimination, with various restrictions on residency, employment and freedom of movement increasing their feelings of vulnerability.²⁶

Turkey's mixed welcome

In Turkey, civil society and local governments have been very active in accommodating refugees and working to foster integration.²⁷ At the national level, the government has worked closely with international organisations and partners to extend access to labour markets to Syrian refugees, develop vocational training, and expand access to education for Syrian children.²⁸ However, many challenges remain, as national authorities reinforce the temporary nature of asylum, and there are consistent reports of tension between refugees and host communities.²⁹ Access to formal schooling and livelihoods remains problematic, with only 20,000 work permits issued to Syrian refugees as of February 2018,³⁰

while a large number of refugees work in the informal economy.³¹

Closed borders

Throughout 2017 and into 2018, Syrians continued to face difficulties in crossing the borders of neighbouring countries. Turkey has built a 911-kilometre wall on its border with Syria, and is building another along its borders with Iran and Iraq.³² In February 2018, Human Rights Watch reported that Turkish authorities had shot at and killed a number of Syrian refugees attempting to cross the border, and that since December 2017 had routinely intercepted hundreds, and at times thousands, of asylum seekers and deported them back to Syria.³³ The Turkish authorities deny these claims, stating that while they prioritise their own security and that of the EU, the border remains open in select places,³⁴ and that they do allow Syrians in need to cross into Turkey to claim temporary protection.³⁵ Between January until March 2018, 91,866 Syrians were taken under such temporary protection, according to Turkey's Interior Ministry.³⁶

Jordan has officially closed its border with Syria since 2016, trapping refugees on the Syrian side in difficult conditions with very limited humanitarian assistance.³⁷ In June 2018, the Jordanian government said that it would not accept any more refugees despite a significant increase in the number of displaced people on the border

- 23 Hamad, B. et al. (2017) 'A promise of tomorrow: The effects of UNHCR and UNICEF cash assistance on Syrian refugees in Jordan' Overseas Development Institute. Available at: <https://www.odi.org/sites/odi.org.uk/files/resource-documents/11877.pdf>; UNICEF (2018) 'UNICEF assessment shows 85% of Syrian refugee children in host communities live in poverty' Available at: https://www.unicef.org/jordan/media_12451.html; UNHCR (2017) 'Health Access and Utilization Survey: Access to health services in Jordan among Syrian refugees' Available at: <https://reliefweb.int/sites/reliefweb.int/files/resources/UNHCR-PresentationDecksummary.pdf>; Human Rights Watch (2018) 'Jordan: Step Forward, Step Back for Urban Refugees' Available at: <https://www.hrw.org/news/2018/03/25/jordan-step-forward-step-back-urban-refugees>
- 24 Human Rights Watch (2018) 'Jordan: Step Forward, Step Back for Urban Refugees'. Available at: <https://www.hrw.org/news/2018/03/25/jordan-step-forward-step-back-urban-refugees>; Human Rights Watch (2017) "'I have no idea why they sent us back': Jordanian Deportation and Expulsions of Syrian Refugees' Available at: <https://www.hrw.org/report/2017/10/02/i-have-no-idea-why-they-sent-us-back/jordanian-deportations-and-expulsions-syrian>
- 25 Ibid.
- 26 Yahya, M. et al. (2018) 'Unheard Voices: What Syrian Refugees Need to Return Home' Carnegie Middle East Centre. Available at: <https://carnegie-mec.org/2018/04/16/unheard-voices-what-syrian-refugees-need-to-return-home-pub-76050>
- 27 Kirisci, K. et al. (2018) 'Syrian refugees in Turkey: Beyond the numbers' Brookings: Order from Chaos. Available at: <https://www.brookings.edu/blog/order-from-chaos/2018/06/19/syrian-refugees-in-turkey-beyond-the-numbers/>
- 28 Ibid.
- 29 Ibid.
- 30 See Muteciler (2018) Türkiye'de Çalışma İzni Verilen Suriyeli Sayısı' available at: <https://muteciler.org.tr/turkiyede-calisma-izni-verilen-suriyeli-sayisi/>
- 31 Kirisci, K. et al. (2018) 'Syrian refugees in Turkey: Beyond the numbers' Brookings: Order from Chaos. Available at: <https://www.brookings.edu/blog/order-from-chaos/2018/06/19/syrian-refugees-in-turkey-beyond-the-numbers/>
- 32 DIIS (2017) 'The EU-Turkey deal on migration: Refugees in Turkey Struggle as Border Walls Grow Higher' DIIS Policy Brief December 2017. Available at: <https://www.diis.dk/en/research/refugees-in-turkey-struggle-as-border-walls-grow-higher>; Coskun, O. & Gumrukcu, T. (2018) 'Turkey to complete wall on Iranian border by Spring 2019' Reuters. Available at: <https://uk.reuters.com/article/uk-turkey-construction-to-ki-interview/turkey-to-complete-wall-on-iranian-border-by-spring-2019-idUKKBN1EZ179>
- 33 Human Rights Watch (2018) 'Turkey/Syria: Border Guards Shoot, Block Fleeing Syrians' Available at: <https://www.hrw.org/news/2018/02/03/turkey/syria-border-guards-shoot-block-fleeing-syrians>; Human Rights Watch (2018) 'Turkey: Mass Deportations of Syrians' Available at: <https://www.hrw.org/news/2018/03/22/turkey-mass-deportations-syrians>
- 34 OCHA (2018) 'Turkey Syria Border Crossing Status – 15 August 2018' Infographic. Available at: https://reliefweb.int/sites/reliefweb.int/files/resources/turkey_syria_border_crossing_status_update_20180815_en.pdf
- 35 Human Rights Watch (2018) 'Turkish Ministry of the Interior Response to allegations from Human Rights Watch' Available at: https://www.hrw.org/sites/default/files/supporting_resources/03212018_turkish_moi_response.pdf
- 36 Ibid.
- 37 Norwegian Refugee Council, Save the Children, Action Against Hunger, CARE International, The International Rescue Committee, Danish Refugee Council (2018) 'Dangerous Ground: Syrian Refugees Face an Uncertain Future' Available at: <https://www.nrc.no/globalassets/pdf/reports/dangerous-ground---syrias-refugees-face-an-uncertain-future/dangerous-ground---syrian-refugees-face-an-uncertain-future.pdf>

and a national donation campaign to provide aid to those trapped in Syria.³⁸

Given that mobility is often an important strategy for protection and livelihoods, such policies, which prevent the onward movement of refugees to other regions, and that of IDPs across borders, trap people in situations of involuntary immobility,³⁹ increasing their vulnerability to proximate conflict, and limiting their ability to manage their situation of displacement.

Iraq: time to head back?

The Iraqi government declared it had regained full control of its territory in December 2017, and more than one million IDPs returned to their places of origin throughout the year.⁴⁰ The toll of four years of intense conflict is widely felt in Iraq, and in 2018 an estimated 8.7 million people are in need of humanitarian assistance.⁴¹

In July 2018, IOM reported that the population displacement in Iraq “is now mainly one of return”, with the number of IDPs in Iraq falling below two million, the lowest figure since November 2014.⁴² However, the Iraqi state faces many challenges in rebuilding the country. Following elections in May 2018 and at a time when citizens have become increasingly alienated from the political system that has largely failed to offer protection or services for 14 years, protests broke out in July 2018 in southern Iraq. The unrest spread quickly, prompting a heavy-handed response: 15 protesters were killed and many wounded by police bullets, and the government shut down the internet and other kinds of telecommunications.⁴³ In August, Human Rights Watch raised concerns about ill-treatment, torture and death in facilities run by the Iraqi Interior Ministry.⁴⁴

Yemen: moving further into crisis

Throughout 2017 and 2018, conflict continued in Yemen, with UN- and other internationally-led peace initiatives largely failing.⁴⁵ With alliances between parties shifting and fracturing throughout the year, the complexity of the conflict has deepened.⁴⁶ All parties to the conflict in Yemen have repeatedly violated humanitarian law, and the war has led to severe food shortages and an unprecedented cholera outbreak. In 2018, 22.2 million people, 75 percent of Yemen’s population, are in need of humanitarian assistance.⁴⁷ Population movements in Yemen are extremely complex, with IDPs, refugees and a significant number of labour-seeking, smuggled, and transiting migrants mixing with returned refugees, deportees and trapped migrants from neighbouring countries. There are more than two million people internally displaced in Yemen, and 279,000 refugees, the vast majority from Somalia and Ethiopia.⁴⁸ By mid-October 2018 the United Nations announced that Yemen could be facing the worst famine in the last 100 years - affecting 12-13 million people, if airstrikes by the Saudi-led coalition were not halted.⁴⁹

Yet still they come

Despite the scale of the conflict, many refugees and migrants from the Horn of Africa continue to travel to Yemen to work or transit towards the **Gulf States**. While overall numbers are not known, MMC East Africa estimates that some 7,000 African refugees and migrants arrive in Yemen every month, many of whom use the services of smugglers for onward journeys, putting them at risk of exploitation and abuse.⁵⁰ IOM estimated that

- 38 Amnesty International (2018) 'Jordan: Syrian Refugees Must Not be Abandoned' Available at: <https://www.amnesty.org/en/latest/news/2018/06/jordan-syrian-refugees-must-not-be-abandoned/>; Mixed Migration Centre (July 2018) 'Monthly Trend Analysis: July 2018, Middle East and Mediterranean' Available at: <http://www.mixedmigration.org/wp-content/uploads/2018/08/MTA-me-1807.pdf>
- 39 Passey, M. (2018) 'Displaced and on the Move Again: Decision-making among IDPs who migrant to Europe' London School of Economics Middle East Centre blog. Available at: <http://blogs.lse.ac.uk/mec/2018/02/18/displaced-and-on-the-move-again-decision-making-among-idps-who-migrate-to-europe/>
- 40 ACAPS (2018) 'Humanitarian Overview: An Analysis of Key Crisis into 2018' Available at: https://www.acaps.org/sites/acaps/files/products/files/acaps_humanitarian_overview_analysis_of_key_crises_into_2018.pdf
- 41 UNHCR (2018) 'Iraq: Fact sheet July 2018' Available at: <https://reliefweb.int/sites/reliefweb.int/files/resources/UNHCR%20Iraq%20Fact-sheet%20July%202018.pdf>; OCHA (2018) '2018 Humanitarian Response Plan Iraq: Advance Executive Summary' Available at: https://reliefweb.int/sites/reliefweb.int/files/resources/English_2018_HRP_ExecutiveSummary_IRQ_Final.pdf
- 42 IOM (2018) 'Displacement Tracking Matrix, DTM Round 100'. Available at: https://reliefweb.int/sites/reliefweb.int/files/resources/Round100_Report_English_2018_July_31_IOM_DTM.pdf
- 43 International Crisis Group (2018) 'How to Cope with Iraq's Summer Bushfire' Available at: <https://www.crisisgroup.org/middle-east-north-africa/gulf-and-arabian-peninsula/iraq/b61-how-cope-iraqs-summer-brushfire>
- 44 Human Rights Watch (2018) 'Iraq: Chilling Accounts of Torture, Deaths. Investigate Abuse During Interrogations in Mosul' Available at: <https://www.hrw.org/news/2018/08/19/iraq-chilling-accounts-torture-deaths>
- 45 ACAPS (2018) 'Yemen Crisis Analysis: Politics and Security' Available at: <https://www.acaps.org/country/yemen/crisis-analysis>;
- 46 Ibid.
- 47 OCHA (2017) 'Yemen: Humanitarian Needs Overview' Available at: https://reliefweb.int/sites/reliefweb.int/files/resources/yemen_humanitarian_needs_overview_hno_2018_20171204_0.pdf
- 48 UNHCR (2018) 'Yemen Fact Sheet, June 2018' Available at: https://reliefweb.int/sites/reliefweb.int/files/resources/Yemen%20Fact%20Sheet_June%202018%20%28Final%29.pdf
- 49 Summers, H. (2018) 'Yemen on brink of "world's worst famine in 100 years" if war continues' The Guardian. Available at: <https://www.theguardian.com/global-development/2018/oct/15/yemen-on-brink-worst-famine-100-years-un>
- 50 Mixed Migration Centre (2018) 'Monthly Trend Analysis: East Africa and Yemen: May 2018' Available at: <http://www.mixedmigration.org/wp-content/uploads/2018/08/ms-ea-1805.pdf>

almost 100,000 refugees and migrants arrived in Yemen from Africa in 2017.⁵¹ While transiting through Yemen they face physical and sexual abuse, torture, kidnapping for ransom, arbitrary prolonged detention, forced labour and death.⁵² Women in Yemen are at particular risk of arbitrary detention and enforced disappearance, as well as trafficking, both within Yemen and to neighbouring countries for the purposes of sexual and domestic exploitation.⁵³ OCHA estimates that total migrant and refugee population in Yemen in 2017 was 435,000.⁵⁴

Blocked exits

Yemini refugees have also fled Yemen seeking protection in neighbouring countries. In October 2017, there were some 51,000 Yemeni refugees in **Oman** and some 40,000 in **Somalia, Saudi Arabia** and **Djibouti**.⁵⁵ Neither Saudi Arabia nor Oman are signatories of the 1951 Refugee Convention and both countries refuse entry to their territory for most Yemeni refugees, requiring Yemini nationals to acquire work visas before traveling across the borders, a process that is prohibitively expensive and laborious for many.⁵⁶

Since 2014, Saudi Arabia has invested considerable resources in building barriers along its border with Yemen.⁵⁷ This denies access to protection for the most vulnerable Yemini and pushes those with the means and opportunity into the hands of smugglers to cross borders. Following a crackdown on irregular workers in 2017, in the first three months of 2018 Saudi Arabia deported 17,000 Yemeni refugees — whom it classifies as irregular migrants — back to Yemen, raising fears for the 700,000 Yemeni workers in Saudi Arabia, many of whom have been living there for many years.⁵⁸ As of January 2018 Saudi Arabia had detained some 456,000 persons for violations of its residency and labour laws, including many women, with 104,488 deported, and 74,180 awaiting deportation; some 78,247 were handed instant fines but not detained.⁵⁹

51 IOM (2018) 'Mixed Migration in the Horn of Africa and in the Arab Peninsula: June-December 2017' Available at: <https://reliefweb.int/sites/reliefweb.int/files/resources/Regional%20Report%20for%20the%20period%20June-December%202017%283%29.pdf>

52 UNHCR (2018) 'UNHCR alarmed at horrific conditions facing newly-arrived refugees and migrants in Yemen' Available at: <http://www.unhcr.org/uk/news/briefing/2018/4/5ad5c1c24/unhcr-alarmed-horrific-conditions-facing-newly-arrived-refugees-migrants.html>; see also: Mixed Migration Centre (2018) 'Monthly Trend Analysis: East Africa and Yemen: May 2018' Available at: <http://www.mixedmigration.org/wp-content/uploads/2018/08/ms-ea-1805.pdf>; Human Rights Watch (2018) 'Yemen: Detained African Migrants Tortured, Raped' Available at: <https://www.hrw.org/news/2018/04/17/yemen-detained-african-migrants-tortured-raped>

53 US Department of State (2017) 'Yemen, Country Narrative' 2017 Trafficking in Persons Report. Available at: <https://www.state.gov/j/tip/rls/tiprpt/countries/2017/271314.htm>; Yemeni Coalition for Monitoring Human Rights Violations (2016) 'Enforced Disappearance and Arbitrary Detention in Yemen (2)' Available at: <http://www.ycmhrv.org/Home/MonthlyReport/1HWclCaL/Enforced-Disappearance-YCMHRV>

54 OCHA (2017) 'Yemen: Humanitarian Needs Overview' Available at: https://reliefweb.int/sites/reliefweb.int/files/resources/yemen_humanitarian_needs_overview_hno_2018_20171204_0.pdf

55 For the latest available figures, see <https://data2.unhcr.org/en/situations/yemen>

56 IOM (2018) 'New Evidence on Yemeni Return Migrants from the Kingdom of Saudi Arabia' Available at: https://publications.iom.int/system/files/pdf/report_survey_on_yemeni_returnees.pdf

57 Global Security (2018) 'Saudi Border Guard Development Program' Available at: <https://www.globalsecurity.org/intell/world/saudi/miksa.htm>

58 Nenehay, S. (2018) 'U.N. urges Saudi Arabia not to deport Yemeni migrants to war zone' Reuters. Available at: <https://www.reuters.com/article/us-yemen-security-saudi-migrants/u-n-urges-saudi-arabia-not-to-deport-yemeni-migrants-to-war-zone-idUSKBN1A1F7>. See also: Frouws, B. (2017) 'Mass deportations looming: Saudi Arabia gears up to expel millions of migrants.... Again.' Mixed Migration Centre East Africa and Yemen. Available at: <http://www.mixedmigration.org/articles/mass-deportations-looming-saudi-arabia-gears-up-to-expel-millions-of-migrantsagain/>

59 Global Detention Project and Migrant-Rights.org (2018) 'Joint Submission to the UN Committee on the Elimination of Discrimination against Women (CEDAW) 69th session on Saudi Arabia' Available at: https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/SAU/INT_CEDAW_NGO_SAU_30032_E.pdf

Asia and the Pacific

Asia and the Pacific is a large region characterised by significant economic, political and social diversity. Although it is the setting for large-scale mixed migration movements, formal legal protection for refugees and vulnerable migrants is very limited, with states typically invoking economic development and sovereignty while emphasising the control of irregular migration, rather than protection, asylum and international refugee or human rights law.¹ In the region, as elsewhere, asylum seekers often move alongside labour migrants of their own nationality, using existing social networks.²

into China, and had forcibly returned those who had already crossed the border.⁶ Disaster-induced displacement is a significant feature in East Asia, with 8.6 million people displaced by sudden onset disasters in 2017, the majority of whom were from China, the Philippines and **Vietnam**. In June 2017, 1.6 million people were internally displaced in China by flooding.⁷

North Koreans fleeing to China: questions of status

The number of North Koreans in China is very difficult to measure given their irregular status, with most recent estimates suggesting there are some 7,500 adults and between 15,000 and 25,000 children.⁸ Available information suggests that most North Koreans crossing into China are women escaping food shortages, economic disasters and political persecution, who flee across the border into China with the assistance of smugglers. However, they are not recognised as refugees in China, and if identified are returned to North Korea where they face severe punishment, including forced labour and detention.⁹ In 2017, Human Rights Watch reported that China appeared to be intensifying efforts to crack down on North Korean escapees.¹⁰ While in China, North Korean women are very vulnerable to sexual exploitation and forced marriage given their irregular status.¹¹ According to academic studies, some women escape North Korea through marriage brokers before fleeing

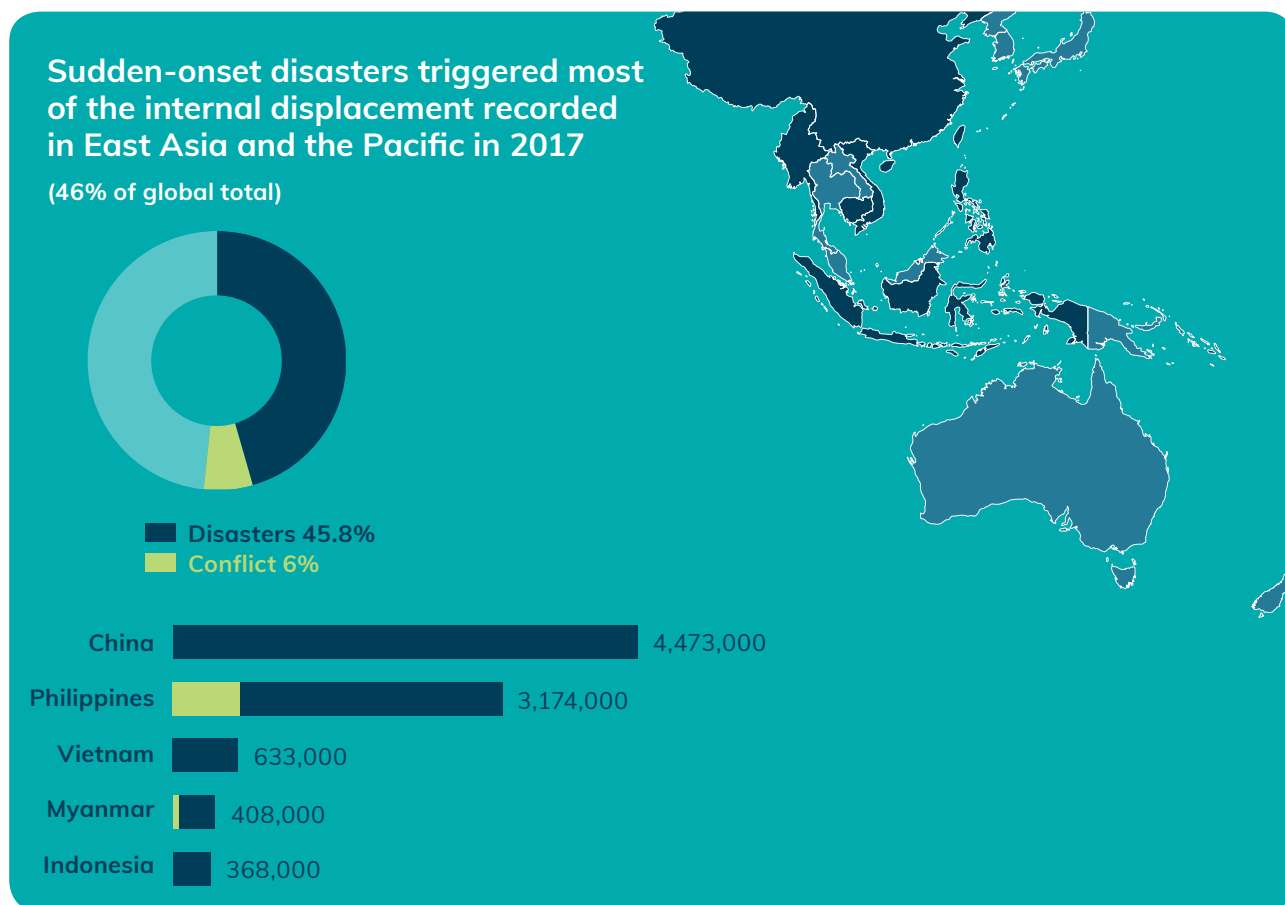
East Asia

In East Asia, **China** has one of the largest emigrant populations in the world, and receives more than \$60 billion a year in remittances.³ The **Philippines** and **Vietnam** are source countries of many migrant workers around the world, with the Philippines sending a higher proportion of female migrants workers than males.⁴ Conflict-related displacement is not a major feature of the region, and countries have been reluctant to accept large numbers of refugees from other regions. China is host to primarily Kachin refugees from **Myanmar**, whose numbers increased in 2017.⁵ In January 2017, rights groups also raised concerns that Chinese state security had closed the border to prevent 4,000 people fleeing fighting in Myanmar's Kachin State crossing

- 1 Mc Connahie, K. (2014) 'Forced Migration in South East Asia and East Asia' in (eds.) Fiddian-Qasmiyeh et al. 'The Oxford Handbook of Refugee and Forced Migration Studies' Oxford University Press
- 2 Song, J. (2018) 'Labour Migration as Complementary Pathways for Refugees in The Asia-Pacific' Lowy Institute working paper. Available at: <https://www.lowyinstitute.org/publications/labour-migration-complementary-pathways-refugees-asia-pacific>
- 3 World Bank (2018) 'Record high remittances to low- and middle-income countries in 2017'. Available at: <https://www.worldbank.org/en/news/press-release/2018/04/23/record-high-remittances-to-low-and-middle-income-countries-in-2017>
- 4 Song, J. (2018) 'Labour Migration as Complementary Pathways for Refugees In The Asia-Pacific' Lowy Institute working paper. Available at: <https://www.lowyinstitute.org/publications/labour-migration-complementary-pathways-refugees-asia-pacific>
- 5 Pomfret, J. (2017) 'Relief camp in China swells as thousands flee conflict in Myanmar' Reuters. Available at: <https://www.reuters.com/article/us-myanmar-insurgency-china-refugees/relief-camp-in-china-swells-as-thousands-flee-conflict-in-myanmar-idUSKBN16K0JW>
- 6 Fortify Rights (2017) 'China: Protect Ethnic Kachin refugees fleeing war in northern Myanmar' Available at: <https://www.fortifyrights.org/publication-20170113.html>
- 7 IDMC (2018) 'Global Report on Internal Displacement: East Asia and the Pacific 2017' Available at: <http://www.internal-displacement.org/global-report/grid2018/downloads/report/2018-GRID-region-east-asia-pacific.pdf>
- 8 UNODC (2018) 'Migrant Smuggling in Asia and the Pacific: Current Trends and Challenges. Vol. II' Available at: https://www.unodc.org/documents/southeastasiaandpacific/Publications/2018/MiAR_II_July_2018.pdf
- 9 Human Rights Watch (2018) 'Human rights in North Korea: June 2018 Briefing Paper' Available at: <https://www.hrw.org/news/2018/06/05/human-rights-north-korea>
- 10 Human Rights Watch (2018) 'China: Redoubling Crackdowns on Fleeing North Koreans' Available at: <https://www.hrw.org/news/2017/09/03/china-redoubling-crackdowns-fleeing-north-koreans>
- 11 Kook, K. (2018) "'I Want to Be Trafficked so I Can Migrate!': Cross-Border Movement of North Koreans into China through Brokerage and Smuggling Networks' The Annals of the American Academy of Political and Social Science. Available at: <http://journals.sagepub.com/doi/abs/10.1177/0002716217748591>

East Asia and Pacific

the most disaster-prone region in the world



Source: Adapted from design and data from the IDMC's GRID 2017. <http://www.internal-displacement.org/global-report/grid2018/downloads/report/2018-GRID-region-east-asia-pacific.pdf>

their husbands in China and seeking protection in safe third countries.¹² In 2017, 1,127 North Korean defectors entered South Korea, 83 percent of whom were female.¹³

South East Asia

In South East Asia, uneven economic development between countries in the region has led to massive labour migration movements, with people often moving irregularly across borders, providing a sizable low-skilled and seasonal workforce to wealthier countries.¹⁴ Much irregular movement is facilitated by smugglers and

employment agents, and people often move irregularly to avoid the high costs and administrative burdens associated with regular migration. Regular migration from **Cambodia to Thailand**, for instance, was estimated by the UN Office on Drugs and Crime (UNODC) to cost up to ten times more than using irregular channels, and to carry fewer “administrative” burdens for migrants.¹⁵

The transit routes taken by (irregular) migrant workers intersect closely with smuggling and trafficking routes, as well as with the movement of asylum seekers, refugees and other displaced persons, who, in the absence of regional protection frameworks, often move across borders with the assistance of smugglers to seek protection

12 Kook, K. (2018) “‘I Want to Be Trafficked so I Can Migrate!’: Cross-Border Movement of North Koreans into China through Brokerage and Smuggling Networks” *The Annals of the American Academy of Political and Social Science*. Available at: <http://journals.sagepub.com/doi/abs/10.1177/0002716217748591>

13 Republic of Korea Ministry of Unification (2018) ‘Policy on North Korean Defectors - Policy on North Korean Defectors’ Datasets. Available at: http://www.unikorea.go.kr/eng_unikorea/relation/statistics/defectors/

14 Mc Connahie, K. (2014) ‘Forced Migration in South East Asia and East Asia’ in (eds.) Fiddian-Qasmiyeh et al. ‘The Oxford Handbook of Refugee and Forced Migration Studies’ Oxford University Press

15 UNODC (2018) ‘Migration Smuggling in Asia: Current Trends and Related Challenges’ Available at: https://www.unodc.org/documents/southeastasiaandpacific/Publications/2018/MiAR_II_July_2018.pdf

through settlement and irregular work in neighbouring countries or further afield. However, vulnerable migrants, victims of trafficking and refugees are often treated as “illegal immigrants” and are thus vulnerable to harassment, detention and deportation. With the decline in the numbers of refugees from the Middle East and South Asia transiting through South East Asia towards Australia since 2015, most mixed migration movements originate and take place *within* the region.

Myanmar and the Rohingya

In 2017, the refugee population in the Asia Pacific region increased by 21 percent, largely due to the rapid arrival of refugees from Myanmar in **Bangladesh** following violent operations by the military, border police, and vigilante groups against members of the Rohingya minority group in Myanmar.¹⁶ The campaign against the Rohingya by the Myanmar military, allegedly carried out in response to a number of attacks on security posts by a Rohingya armed group in late August 2017, has been widely condemned by the international community, with the UN declaring that it amounted to “ethnic cleansing”.¹⁷

Amnesty International has detailed what may have amounted to “crimes against humanity” carried out by the Myanmar military against the Rohingya.¹⁸ These included systematic attacks involving widespread killings of women, men and children, torture, arbitrary arrests, mass arson of villages and widespread sexual violence against women and girls.¹⁹ International medical charity Médecins Sans Frontières (MSF) estimated that 6,700 Rohingya people were killed between

August and September 2017, with security forces also allegedly planting landmines near the border crossing with Bangladesh.²⁰ The Government of Myanmar has repeatedly denied the international community access to the area, and has denied visas to and cooperation with the UN special rapporteur on human rights and UN-appointed fact-finding missions.²¹ In 2017, Myanmar convicted two Reuters journalists of breaching a law on state secrets, sentencing them to seven years in prison, after they were arrested for investigating the killings of Rohingya people by Myanmar security forces.²²

Exodus to Bangladesh

The military campaign led to the exceptionally rapid cross-border displacement of Rohingya into Bangladesh, with 655,500 refugees displaced, mostly in the first 100 days following the crisis.²³ In September 2017, an average of 14,500 people per day were fleeing across the border into Bangladesh, dropping to a daily average of 3,100 in October 2017.²⁴ Refugees reported having travelled for between five and 17 days by foot and boat to reach Bangladesh; many were said to have been forced to cross the Naf River border on makeshift rafts after being stranded for up to 30 days on the Myanmar side of the river, unable to pay for the crossing.²⁵ Bangladeshi police arrested a great number of largely opportunistic smugglers who were kidnapping and extorting refugees after promising them transport across the river, and rescued over 1,000 Rohingya held in six houses in one raid.²⁶ UNHCR reported in November 2017 that over 200 people had drowned crossing the river.²⁷ In the first six months of 2018, a further 11,432 refugees had arrived in

16 UNHCR (2018) 'Global Trends: Forced Displacement in 2017' Available at: <http://www.unhcr.org/5b27be547.pdf>

17 UN News (2017) 'UN Human Right Chief Points to "textbook example of ethnic cleaning" in Myanmar' Available at: <https://news.un.org/en/story/2017/09/564622-un-human-rights-chief-points-textbook-example-ethnic-cleansing-myanmar>

18 International Crisis Group (2018) 'Myanmar/Bangladesh: A Humanitarian Calamity and a Two-Country Crisis' Available at: <https://www.crisisgroup.org/asia/South-East-asia/myanmar/myanmarbangladesh-humanitarian-calamity-and-two-country-crisis>; Amnesty International (2017) "'My World is Finished' Rohingya Targeted in Crimes Against Humanity in Myanmar' Available at: <https://www.amnesty.org/download/Documents/ASA1672882017ENGLISH.PDF>

19 Amnesty International (2017) 'My World is Finished' Rohingya Targeted in Crimes Against Humanity in Myanmar'. Available at: <https://www.amnesty.org/download/Documents/ASA1672882017ENGLISH.PDF>; see also Fortify Rights (2018) 'They Gave the Long Swords: Preparations for Genocide and Crimes Against Humanity Against Rohingya Muslims in Rakhine State, Myanmar' Available at: https://www.fortifyrights.org/downloads/Fortify_Rights_Long_Swords_July_2018.pdf

20 Médecins Sans Frontières (2017) 'MSF survey estimates that at least 6,700 Rohingya were killed during the attacks in Myanmar' Press Release. Available at: <https://www.doctorswithoutborders.org/what-we-do/news-stories/news/msf-least-6700-rohingya-killed-during-attacks-myanmar>; Amnesty International (September 2017) 'Myanmar: New landmine blasts point to a deliberate targeting of Rohingya' Press Release. Available at: <https://www.amnesty.org/en/latest/news/2017/09/myanmar-new-landmine-blasts-point-to-deliberate-targeting-of-rohingya/>

21 International Crisis Group (2018) 'Myanmar/Bangladesh: A Humanitarian Calamity and a Two-Country Crisis' Available at: <https://www.crisisgroup.org/asia/South-East-asia/myanmar/myanmarbangladesh-humanitarian-calamity-and-two-country-crisis>

22 Naing, S. & Lewis, S. (2018) 'Myanmar says court in Reuters reporters' case was independent' Reuters. Available at: <https://uk.reuters.com/article/uk-myanmar-journalists/myanmar-says-court-in-reuters-reporters-case-was-independent-idUKKCN1LN1QM>;

23 UNHCR (2018) 'Global Trends: Forced Displacement in 2017'. Available at: <http://www.unhcr.org/5b27be547.pdf>

24 ACAPS (2017) 'Rohingya Crisis: Situation Analysis November 2017' Available at: <https://reliefweb.int/sites/reliefweb.int/files/resources/171122%20ACAPS%20Rohingya%20Crisis%20Analysis.pdf>

25 UNHCR (2017) '100 Days of horror and hope: A timeline of the Rohingya crisis' Available at: <http://www.unhcr.org/uk/news/stories/2017/12/5a1c313a4/100-days-horror-hope-timeline-rohingya-crisis.html>; see also: ASEAN Parliamentarians for Human Rights (2018) 'The Rohingya Crisis: Past, Present, and Future. Summary Report of Findings from Fact-Finding Mission to Bangladesh' Available at: https://reliefweb.int/sites/reliefweb.int/files/resources/APHR_Bangladesh-Fact-Finding-Mission-Report_Mar-2018.pdf

26 AFP (2017) 'Bangladesh rescues 20 people held by refugee racket gang' Available at: <http://www.dailymirror.lk/article/Bangladesh-rescues-Rohingya-held-by-refugee-racket-gang-137777.html>

27 UNHCR (2017) 'Desperate Rohingyas flee to Bangladesh on flimsy rafts' Available at: <http://www.unhcr.org/uk/news/latest/2017/11/5a0e-f0af4/desperate-rohingyas-flee-bangladesh-flimsy-rafts.html>

Bangladesh from Myanmar.²⁸

World's largest refugee camp

Most refugees from Myanmar sought refuge across the border in Bangladesh, and there are now close to one million Rohingya in the country's Cox's Bazar District, most residing in informal settlements in and around what has quickly become the world largest refugee camp.²⁹ Although improving, conditions in the camp remain poor, with severe overcrowding, temporary shelters, high risks of disease outbreaks, lack of safe drinking water and extremely high risks of landslides and flooding, with limited options for relocation to other areas available.³⁰

Legal vacuum

Although not party to the 1951 Refugee Convention, Bangladesh has upheld its international obligation to keep its borders open and has provided land and humanitarian support to those fleeing Myanmar.³¹ However, the lack of refugee legislation in Bangladesh means that displaced Rohingya lack a recognised legal status as refugees: they are registered instead as "Forcibly Displaced Myanmar Nationals", making them more vulnerable to being denied access to public services, the right to work, freedom of movement, access to the justice system, as well as being more liable to arrest, exploitation and trafficking.

All this prolongs the emergency nature of their settlement.³² While many Rohingya refugees have expressed their desire to return to Rakhine State, they have indicated that they will only do so voluntarily when the conditions that caused their flight have been addressed, something which has not taken place in the

year since the crisis, despite the ongoing negotiations around repatriation between Bangladesh, Myanmar and the UN.³³

Detention and harassment

Beyond those displaced across the border with Bangladesh, there is very little available information about Rohingya refugees traveling in mixed migration movements towards other states in South East Asia in 2017 and 2018, either by sea or across the land border with Thailand. Although not signatories to the 1951 Refugee Convention, the main destination countries in South East Asia — Thailand, Malaysia and Indonesia — indicated that they would not turn away Rohingya refugees, and would be willing to provide them with temporary shelter.³⁴ However, Human Rights Watch has raised concerns about widespread detention of Rohingya refugees, particularly in Thailand.³⁵ While in practice these countries recognise many of the norms of international refugee law,³⁶ none have formal refugee legislation, and refugees are not formally protected against harassment, detention and deportation.³⁷

In 2017, both Thailand and Malaysia stepped up efforts to regulate their informal employment sectors, including through penalties and detention of undocumented refugees and migrants. In the first six months of 2018 Malaysia reportedly arrested 19,969 "illegal immigrants".³⁸ In 2017, serious concerns were raised about the conditions in Malaysia's immigration detention facilities, with reports that more than 100 people had died in such facilities in 2015 and 2016, more than half of them from Myanmar, and reports of overcrowding and a

28 Human Rights Watch (2018) 'Bangladesh is not my country: The Plight of Rohingya Refugees from Myanmar' Available at: <https://www.hrw.org/report/2018/08/05/bangladesh-not-my-country/plight-rohingya-refugees-myanmar>

29 Ibid. see also; Albert, E. (2018) 'The Rohingya Crisis' Council on Foreign Relations backgrounder. Available at: <https://www.cfr.org/backgrounder/rohingya-crisis>

30 Ibid.

31 UNHCR (2018) '2017 Global Strategic Priorities - Progress Report' Available at: <http://www.unhcr.org/5b2b75e37.pdf>

32 Human Rights Watch (2018) 'Bangladesh is not my country: The Plight of Rohingya Refugees from Myanmar' Available at: <https://www.hrw.org/report/2018/08/05/bangladesh-not-my-country/plight-rohingya-refugees-myanmar>; see also, for instance, Al Jazeera (2017) 'Rohingya women sold as sex slaves in Bangladesh' Available at: <https://www.aljazeera.com/news/2017/12/rohingya-women-sold-sex-slaves-bangladesh-171203075517252.html>

33 McPherson, P. & Siddiqui, Z. (2018) 'Secret UN - Myanmar deal on Rohingya offers no guarantees on citizenship' Reuters. Available at: <https://uk.reuters.com/article/uk-myanmar-rohingya/secret-u-n-myanmar-deal-on-rohingya-offers-no-guarantees-on-citizenship-idUKKB-N1JP2PS>; Human Rights Watch (2018) 'Bangladesh is not my country: The Plight of Rohingya Refugees from Myanmar'; Available at: <https://www.hrw.org/report/2018/08/05/bangladesh-not-my-country/plight-rohingya-refugees-myanmar> Amnesty International (2017) 'Remaking Rakhine State' Available at: <https://www.amnesty.org/en/documents/asa16/8018/2018/en/>

34 Reuters (2017) 'Malaysia ready to provide temporary shelter for Rohingya fleeing violence' Available at: <https://uk.reuters.com/article/uk-myanmar-rohingya-malaysia/malaysia-ready-to-provide-temporary-shelter-for-rohingya-fleeing-violence-idUKKCN1BJ0FO>; Reuters (2017) 'Thailand "preparing to receive" those fleeing Myanmar violence' Available at: <https://www.reuters.com/article/us-myanmar-rohingya-thailand-idUSKCN1B9164>.

35 Phasuk, S. (2018) 'Thailand needs to stop inhumane navy "push-backs"' Human Rights Watch. Available at: <https://www.hrw.org/news/2017/09/22/thailand-needs-stop-inhumane-navy-push-backs>

36 See for instance: Moretti, S. (2018) 'Keeping up appearances: State Sovereignty and the Protection of Refugees in Southeast Asia' European Journal of East Asian Studies. Available at: https://www.researchgate.net/publication/325916090_Keeping_Up_Apearances_State_Sovereignty_and_the_Protection_of_Refugees_in_Southeast_Asia

37 On the protection framework in Southeast Asia, see: McAuliffe, M. (2016) 'Resolving Policy Conundrums: Enhancing Humanitarian Protection in Southeast Asia' Migration Policy Institute. Available at: <https://www.migrationpolicy.org/research/resolving-policy-conundrums-enhancing-humanitarian-protection-southeast-asia>

38 Amnesty International (2018) 'Malaysia: Halt ongoing crackdown, protect migrant workers' Public statement. Available at: <http://www.amnesty.my/malaysia-halt-ongoing-crackdown-protect-migrant-workers/>; IOM (2018) 'UN Migration Agency Aids Undocumented Myanmar, Cambodian Migrants Leaving Thailand' Press release. Available at: <https://www.iom.int/news/un-migration-agency-aids-undocumented-myanmar-cambodian-migrants-leaving-thailand>

lack of adequate healthcare in detention.³⁹

Since the Andaman Sea crisis in 2015 and the crackdown on smugglers and traffickers by the Thai government, the number of boats carrying refugees and migrants from Myanmar and Bangladesh arriving in Thailand, Malaysia and Indonesia has been very limited.⁴⁰ In April 2018, Indonesian and Malaysian authorities rescued and disembarked passengers on three boats carrying 140 Rohingya refugees, the first confirmed maritime movements of Rohingya refugees through the Andaman Sea since May 2015.⁴¹ Several boats reported to have left Myanmar in May 2018 were intercepted and returned by the Myanmar Navy.⁴²

Thai crackdown

Data on the land crossings between Thailand and Myanmar are very limited, with some indication that the number of crossings remains significant, despite an ongoing government crackdown against migrant smuggling and trafficking.⁴³ Following the crackdown, 34,800 Myanmar nationals returned to Myanmar with the support of the IOM.⁴⁴ In 2017, following a two-year trial, the Bangkok Criminal Court sentenced 62 people, including a former army advisor, to prison terms of up to 94 years for trafficking and mistreatment of migrants and Rohingya refugees.⁴⁵ In 2018, Thailand also launched joint border patrols with Myanmar to counter cross-border smuggling, including of migrants, raising concerns about protection-sensitive entry systems for vulnerable migrants, and particularly those in need of international protection.⁴⁶

Oceania

Although the irregular arrival of refugees and migrants in the Oceania region is largely limited by island geography, **Australia**, the main country of destination in the region, devotes considerable financial and diplomatic resources to preventing the arrival of asylum seekers on its territory by sea, through offshore detention networks, coastal surveillance, and funding third countries for their cooperation.⁴⁷ Despite being few in number, the arrival of refugees and migrants to Australia by sea has come to resonate powerfully with narratives of border control and sovereignty in the political debate in Australia, and to justify significant expenditure of public finances and great human suffering of people in offshore detention centres. In other parts of the region, countries in the Pacific are mainly concerned with displacement caused by climate change, with large populations living in high-risk areas and with limited capacity to reduce their vulnerabilities.⁴⁸ **New Zealand** has raised the possibility of developing special visa categories for those displaced by the effects of climate change in the Pacific.

Offshoring asylum: refugees in Australia's detention camps

The Australian government's controversial policy on asylum seekers arriving by sea, Operation Sovereign Borders, introduced in 2013, is a military-led policy which aims to prevent the entry of asylum seekers into the country, with the intention that none who arrive by boat will ever be allowed to settle in Australia (even if found to be refugees under the 1951 Convention).⁴⁹ Under the policy, asylum seekers are held in arbitrary and indefinite detention in Pacific islands countries, which agree to host

39 Ananthlakshmi, A. (2017) 'Exclusive: more than 100 die in Malaysia immigration detention camps in two years' Reuters. Available at: <https://www.reuters.com/article/us-malaysia-detention-deaths-idUSKBN1710GR>

40 During 2015, over 5,000 refugees and migrants were left stranded on boats in the Bay of Bengal and the Andaman Sea after having been abandoned by their smugglers following a crackdown on smuggling by the Thai authorities. Countries within the region initially refused to let the boats land, in some cases intercepting the boats, providing them with supplies before setting them adrift again, precipitating an acute humanitarian crisis and leading to the deaths of hundreds of refugees and migrants at sea. Eventually, the boats washed ashore, were rescued or landed in Malaysia, Thailand and Indonesia. See: UNHCR (2016) 'Mixed Maritime Movements in South East Asia in 2015'. Available at: <https://unhcr.atavist.com/mmm2015>; UNHCR (2017) 'Mixed Movements in South East Asia 2016' Available at: http://reporting.unhcr.org/sites/default/files/UNHCR%20-%20Mixed%20Movements%20in%20South-East%20Asia%20-%202016%20--%20April%202017_0.pdf

41 UNHCR (2018) 'UNHCR thanks Indonesia and Malaysia for rescue and disembarkation of Rohingya refugees, calls on countries in the region to comply with maritime search and rescue obligations' Press release. Available at: <http://www.unhcr.org/uk/news/press/2018/5/5ae81d624/unhcr-thanks-indonesia-malaysia-rescue-disembarkation-rohingya-refugees.html>

42 MOAS (2018) 'Post Operation Report for MOAS Operational Activities at Sea: SE Asia' Available at: <https://www.moas.eu/wp-content/uploads/2018/05/se-asia-post-operation-report-2018-1.pdf>

43 Lefevre, A. (2017) 'Despite crackdown, people-smuggling across Thai-Myanmar border has risen' Reuters. Available at: <https://www.reuters.com/article/us-thailand-migrants/despite-crackdown-people-smuggling-across-thai-myanmar-border-has-risen-idUSKBN1870V9>

44 IOM (2017) 'UN Migration Agency Aids Undocumented Myanmar, Cambodian Migrants Leaving Thailand' Available at: <https://www.iom.int/news/un-migration-agency-aids-undocumented-myanmar-cambodian-migrants-leaving-thailand>

45 Human Rights Watch (2018) 'Thailand: Events of 2017' Available at: <https://www.hrw.org/world-report/2018/country-chapters/thailand>

46 Pinitwaong, A. (2018) 'Thailand, Myanmar launch joint border patrol' Bangkok Post. Available at: <https://www.bangkokpost.com/news/security/1399590/thailand-myanmar-launch-joint-border-patrol>; Amnesty International (2017) 'Between a rock and a hard place: Thailand's refugees policies and violations of the principle of non-refoulement'. Available at: <https://www.amnesty.org/download/Documents/ASA3970312017ENGLISH.PDF>

47 Mc Nevin, A. (2014) 'Forced Migration in Australia, New Zealand and the Pacific' in (eds) Fiddian-Gasmieh, E. et al. 'The Oxford Handbook of Refugee and Forced Migration Studies' Oxford University Press.

48 Ibid.

49 Australian Border Force – 'Operation Sovereign Borders' Available at <https://osb.homeaffairs.gov.au/>

the refugees in exchange for large disbursements of aid. As of mid-2018, there were 1,347 people detained in immigration detention centres in Australia, (including 239 people on Christmas Island)⁵⁰ — 349 of them because they were sea arrivals, in accordance with government policy.⁵¹ A further 189 people were in detention on the Pacific island country of Nauru, including 14 children.⁵² There were estimated to be around 500 men in refugee transition centres on Papua New Guinea's Manus Island as of November 2017. The Australian government stopped reporting the number of men in detention after November 2017, when all detainees were moved from the Manus Island Regional Processing Centre (RPC) to transition centres following the Papua New Guinea Supreme Court's ruling that detaining asylum seekers in the RPC was illegal and unconstitutional.⁵³

Poor conditions

Between 2013 and 2018, there were 17 deportations of people in detention from Australia back to their country of origin, and 728 voluntary returns.⁵⁴ Under a one-off deal with the United States to resettle refugees from Australia's offshore detention centres (agreed in 2016 as a solution to Canberra's position that no one who arrives by sea will be settled in Australia, even if they are found to be a refugee) 292 have been resettled in the US.⁵⁵

The average number of days spent in detention is currently 434, with 264 people having been held for more than 730 days.⁵⁶ Poor conditions in detention centres together with indefinite periods of detention have resulted in widespread mental health issues among detainees, with 15 suicides recorded since 2010, including by self-immolation.⁵⁷ A further 21 deaths have occurred in detention facilities since 2010.⁵⁸ Amnesty International has reported that the treatment of refugees by the Australian government is tantamount to torture, and reports of serious and institutionalised child abuse are common.⁵⁹ The **New**

Zealand government has repeatedly offered to resettle some of those held by Australia in offshore detention, but this has been repeatedly rejected by the Australian government.⁶⁰ In 2017, the New Zealand government raised the possibility of developing an "experimental humanitarian visa category" for people displaced in the Pacific by the effects of climate change.⁶¹

Boats turned back

Australia's policy of turning back boat arrivals to their place of departure has seen the rate of such arrivals decline sharply, with 33 boats and 771 people returned since 2013. However, not all operations are reported, and comprehensive data on boats and people are not available. Amnesty International reported that the Australian government officials paid the crew of one boat to turn back to Indonesia.⁶² UNHCR has criticised Australia over its policy of turning back boats and offshore detention, terming them breaches of its obligations under international refugee and human rights law.⁶³

50 Australian Department of Home Affairs (2018) 'Immigration Detention and Community Statistics' Available at <https://www.homeaffairs.gov.au/ReportsandPublications/Documents/statistics/immigration-detention-statistics-june-18.pdf>

51 Refugee Council of Australia (2018) 'Asylum Statistics' Available at <https://www.refugeecouncil.org.au/statistics/>

52 Australian Department of Home Affairs (2018) 'Immigration Detention and Community Statistics' Available at <https://www.homeaffairs.gov.au/ReportsandPublications/Documents/statistics/immigration-detention-statistics-june-18.pdf>

53 ABC News (2017) 'Manus Island: PNG authorities move in and tell men to leave detention centre' Available at <http://www.abc.net.au/news/2017-11-23/police-move-in-to-manus-island-detention-centre/9183044> and Asylum Insight (2017) 'Papua New Guinea Arrangement' Available at <https://www.asyluminsight.com/papua-new-guinea-arrangement#W5rRwuhKjIU>

54 Australian Border Force (2018) 'Operation Sovereign Borders monthly update July 2018' Available at <https://newsroom.abf.gov.au/channels/Operation-Sovereign-Borders/releases/operation-sovereign-borders-monthly-update-july-4>

55 Australian Parliamentary Library (2018) 'Question on notice no.38' Available at <https://www.aph.gov.au/api/qon/downloadestimatesquestions/EstimatesQuestion-CommitteeId6-EstimatesRoundId3-PortfolioId20-QuestionNumber38>

56 Refugee Council of Australia (2018) 'Asylum Statistics' Available at: <https://www.refugeecouncil.org.au/statistics/>

57 Monash University (2018) 'Australian Border Deaths Database' Available at <https://arts.monash.edu/social-sciences/border-crossing-observatory/australian-border-deaths-database/>

58 Ibid.

59 Boon-Kuo, L. (2017) 'Institutional Child abuse in offshore processing on Nauru' University of Oxford Faculty of Law blog. Available at: <https://www.law.ox.ac.uk/research-subject-groups/centre-criminology/centreborder-criminologies/blog/2017/03/institutional>

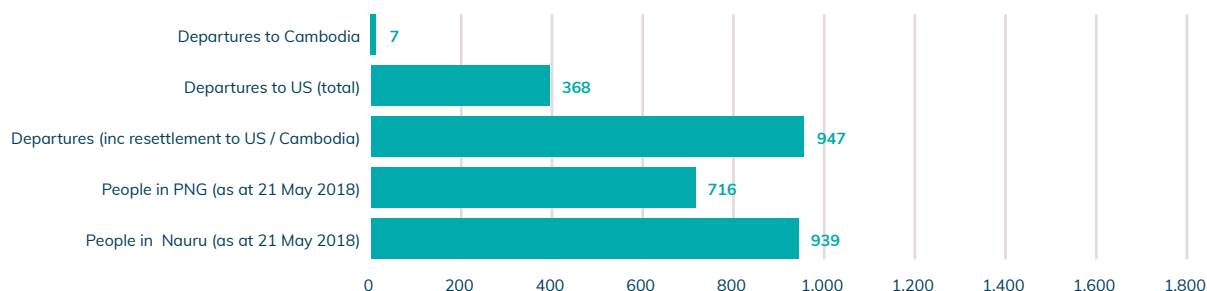
60 See, for instance: SBS News (2018) 'Pacific Islands Forum: Ardern Says NZ refugee offer still on the table' Available at: <https://www.sbs.com.au/news/pacific-islands-forum-ardern-says-nz-refugee-offer-still-on-table>

61 Randall, A. (2017) 'New Zealand Proposes Humanitarian Visa for "Climate Refugees"' The Diplomat. Available at: <https://thediplomat.com/2017/11/new-zealand-proposes-humanitarian-visa-for-climate-refugees/>

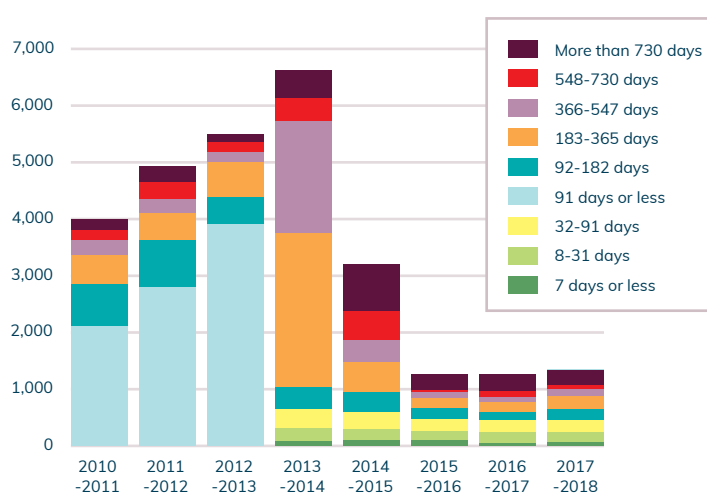
62 Doherty, B. (2015) 'Australian officials paid asylum seeker boat crew, Amnesty investigation alleges' The Guardian, available at <https://www.theguardian.com/australia-news/2015/oct/29/australian-officials-paid-asylum-seeker-boat-crew-amnesty-investigation-alleges>

63 Bachelard, M. & Whyte, S. (2014) 'UN representatives criticise Abbott government's boat tow-back policy' The Sydney Morning Herald. Available at <https://www.smh.com.au/politics/federal/un-representatives-criticise-abbott-governments-boat-towback-policy-20140423-zqxz1.html>

Location & number of those being processed 'offshore' by the Australian government



Time spent in all Australian immigration detention centres (including off-shore detention) as of February 2018



Data Source: The Refugee Council of Australia.
<https://www.refugeecouncil.org.au/getfacts/statistics/aust/asylum-stats/detention-australia-statistics/>

South and Central Asia

In recent years, South and Central Asia has witnessed some of the largest population movements in the world, with particularly complex mixed migratory movements combining circular cross-border labour movement, forced migration, and displacement. Countries in the region have diverse migration profiles and are source, destination and transit countries. These include **India**, which had the largest emigrant population in the world in 2017, despite an emigration rate of only one percent, and which is also a major country of destination;⁶⁴ **Afghanistan**, with one of the world's largest displaced populations in 2017;⁶⁵

and **Bangladesh** and **Pakistan**, which are major host countries for refugees, as well as source countries for labour migration to India and the Gulf States.

Mixed movements, limited protection

Much movement within the region is mixed, with refugees, primarily from **Myanmar** and **Afghanistan**, traveling alongside many regular and irregular labour migrants, a large proportion of whom are victims of trafficking from **Nepal**, **Bangladesh** and Myanmar, among other states.⁶⁶ There are estimated to be several million Bangladeshis residing in India irregularly, with 25,000 entering irregularly each year, as well as almost one million

64 Connor, P. (2017) 'India is a top source and destination for world's migrants' Pew Research Center. Available at: <http://www.pewresearch.org/fact-tank/2017/03/03/india-is-a-top-source-and-destination-for-worlds-migrants/>

65 UNHCR (2018) 'Global Trends in Forced Displacement in 2017' Available at: <http://www.unhcr.org/5b27be547.pdf>

66 United States Department of State (2017) '2017 Trafficking in Persons Report – Nepal' Available at: <https://www.state.gov/j/tip/rls/tiprpt/countries/2017/271250.htm>

Bangladeshis in Pakistan.⁶⁷ These populations move alongside refugees from Myanmar and Afghanistan, and, given their often irregular status, are at increased risk of trafficking for forced labour or sexual exploitation both within the region and towards the **Gulf States** in particular.⁶⁸

While moving in the region, given that few countries are party to the 1951 Refugee Convention, legal protection for refugees is limited, and legal statuses are often ambiguous, affecting the ability of refugees to work, rent homes and access social services such as education and healthcare. Consequently, they are often subject to harassment, arbitrary detention and deportation.⁶⁹ In the region, the legal concept of “refugee” is closely linked to wider discourses of irregular migration in the context of national, regional and international politics.⁷⁰

In and out of Afghanistan

In Afghanistan, one of the world’s largest and most enduring theatres of protracted conflict, displacement and repatriation, the situation is a classic example of mixed migration. Multi-directional forced and voluntary cross-border movements between Afghanistan and neighbouring countries blur the distinctions between refugees, IDPs, and migrants, as people move back and forth across the borders, occupying different legal statuses at different times.⁷¹

Afghans have been living in Pakistan and Iran for many years, constituting an important part of their labour forces, and shifting between being registered refugees and irregular migrants.⁷² According to recent estimates,

at the end of 2017⁷³, there were some 1.4 million Afghan refugees in Pakistan alongside a million undocumented migrants, and 951,000 registered Afghan refugees in Iran, alongside some 1.5 million to two million undocumented migrants.

More seek asylum

In 2014, following the withdrawal of some foreign troops from Afghanistan, the number of Afghans traveling outside the region to seek asylum and employment rose dramatically.⁷⁴ First-time applications for asylum by Afghan nationals in the EU almost doubled between 2013 and 2014, and quadrupled in 2015 to 178,290.⁷⁵ In 2017, the number dropped to levels comparable with 2014 (43,800), although this was largely due to EU border closures rather than any decreased need for protection among Afghan asylum seekers. Indeed, in 2017, Turkey received 67,352 asylum applications from Afghan nationals — almost double the number in 2016 and more than in 2015.⁷⁶ In the first eight months of 2018, Turkish authorities reported the arrival of some 61,819 Afghan nationals in Turkey, a significant increase compared with the same period in 2017.⁷⁷ In response, Turkish authorities stepped up the detention and deportation of Afghan nationals, leading Amnesty International to raise concerns that, despite claims from authorities that the returns were “voluntary”, many of those being detained and returned were coerced and in need of international protection.⁷⁸ Throughout 2017, human right groups raised similar concerns about asylum seekers returned from Europe to Afghanistan.⁷⁹

Although the reasons for the onward movement of Afghans beyond immediate neighbouring countries are complex, two factors contributed to the increase in arrivals

67 UNODC (2015) ‘Migration Smuggling in Asia: Current Trends and Related Challenges’ Available at: https://www.unodc.org/documents/southeastasiandpacific/Publications/2015/som/Current_Trends_and_Related_Challenges_web.pdf

68 United States Department of State (2017) ‘2017 Trafficking in Persons Report – India’. Available at: <https://www.state.gov/j/tip/rls/tiprpt/countries/2017/271205.htm>

69 Field, J. (2018) ‘Fragmented Protection and Precarious Justice: Refugee experiences in India’ GLOBUS: Global Justice Blog. Available at: <https://www.globus.uio.no/resources/global-justice-blog/field-refugees-india-feb-2018%282%29.html>; see also Field, J. et al. (2017) ‘Urban refugees in Delhi: Identity, entitlements and well-being’ International Institute for Environment and Development working paper. Available at: <http://pubs.iied.org/10852IIED/>

70 Fiddian-Qasimiyeh et al. (2014) ‘The Oxford Handbook of Refugee and Forced Migration Studies’ Oxford University Press.

71 Koser, K. & Martin, S. (2011) ‘The Migration-Displacement Nexus’ in Koser K. & Martin, S. (eds) ‘The Migration-Displacement Nexus: Patterns, Processes, and Policies’ Berghahn Books.

72 Schuster, L. (2015) ‘Unmixing refugees and migrants’ in Triandafyllidou, A. (ed) ‘Routledge handbook of immigration and refugee studies.’ Routledge; Koser, K. (2011) ‘The Migration-Displacement Nexus and Security in Afghanistan’ in Koser K. & Martin, S. (eds) ‘The Migration-Displacement Nexus: Patterns, Processes, and Policies’ Berghahn Books.

73 UNHCR, IOM (2018) ‘Returns to Afghanistan in 2017: Joint IOM-UNHCR Summary Report’ Available at: https://afghanistan.iom.int/sites/default/files/Reports/joint_returnee_report_iom_unhcr_final.pdf

74 Ruttig, T. (2015) ‘An “Afghan Exodus”: Facts, Figures, Trends’ Afghanistan Analysts Network. Available at: <https://www.afghanistan-analysts.org/an-afghan-exodus-facts-figures-trends/>

75 Eurostat - ‘Asylum and first time asylum applications by citizenship, age and sex Annual aggregated data (rounded)’ Available at: http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=migr_asyappctza&lang=en

76 UNHCR - ‘Statistical Database - Asylum Seekers (Refugee Status Determination)’ Available at: http://popstats.unhcr.org/en/asylum_seekers

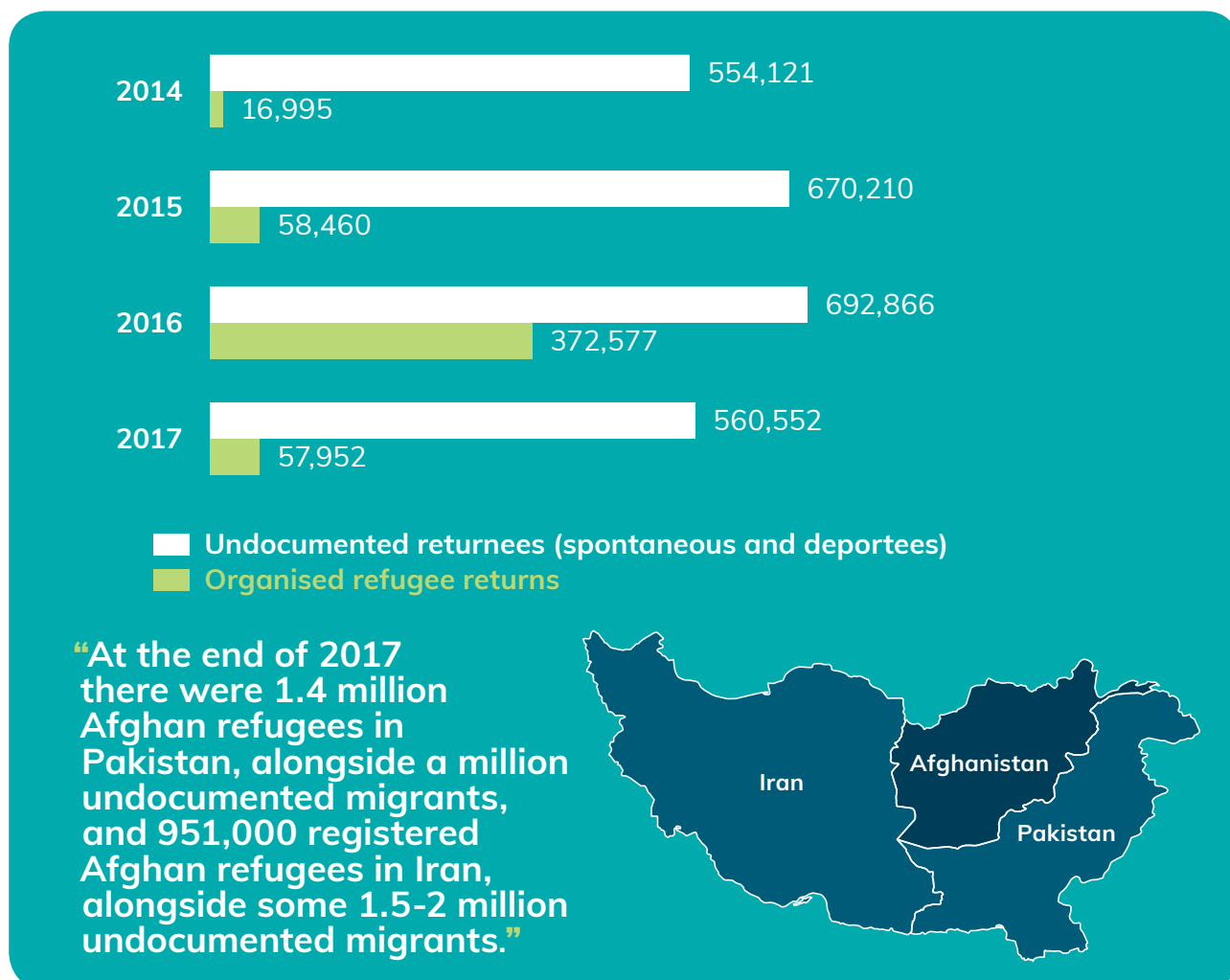
77 Dockery, W. (2018) ‘New influx of Afghan refugees in Turkey’. Info-Migrants. Available at: <http://www.infomigrants.net/en/post/11807/new-influx-of-afghan-refugees-in-turkey>

78 Amnesty International (2018) ‘Turkey: Thousands of Afghans swept up in ruthless deportation drive’ Available at: <https://www.amnesty.org/en/latest/news/2018/04/turkey-thousands-of-afghans-swept-up-in-ruthless-deportation-drive/>; European Council on Refugees and Exiles (2018) ‘Turkey responds to increasing arrivals of Afghans with mass deportation’ Available at: <https://www.ecre.org/turkey-responds-to-increasing-arrivals-of-afghans-with-mass-deportation/>; Amnesty International (2018) ‘Urgent Action: Over 2,000 Afghans at risk of deportation’ Available at: <https://www.amnesty.org.uk/resources/urgent-action-over-2000-afghans-risk-deportation-turkey>

79 Amnesty International (2017) ‘European governments return nearly 10,000 Afghans to risk of death and torture’ Available at: <https://www.amnesty.org/en/latest/news/2017/10/european-governments-return-nearly-10000-afghans-to-risk-of-death-and-torture/>

Return flows to Afghanistan / trends 2014-2017

2014-2017



Data Source: UNHCR, IOM (2018) 'Returns to Afghanistan in 2017: Joint IOM-UNHCR Summary Report'. Available at: https://afghanistan.iom.int/sites/default/files/Reports/joint_returnee_report_iom_unhcr_final.pdf

in Turkey in 2018: the ongoing situation of insecurity and conflict in Afghanistan, and the increasing pressure on Afghans living in Iran to return to Afghanistan against a backdrop of deteriorating economic conditions in Iran.⁸⁰

Escalating violence

In 2017, fighting in Afghanistan intensified, with the number of reported security incidents reaching their highest levels since 2008, and the number of civilian deaths from conflict-related violence remaining high.⁸¹

This trend appears to be continuing in 2018: throughout 2017 and the first half of 2018, the Taliban stepped up their attacks in large urban areas, including Kabul, which was regularly attacked. This has heavily impacted civilians, with at least 125 killed in two attacks in January 2018.⁸²

In 2017 and up until June 2018, conflict led to the new displacement of some 640,000 people, and many others were forced to move due to drought.⁸³ OCHA, the UN

80 Dockery, W. (2018) 'New Influx of Afghan refugees in Turkey' InfoMigrants. Available at: <http://www.infomigrants.net/en/post/11807/new-influx-of-afghan-refugees-in-turkey>

81 ACAPS (2017) 'Humanitarian Overview: An Analysis of Key Crises into 2018' Available at: https://www.acaps.org/sites/acaps/files/products/files/acaps_humanitarian_overview_analysis_of_key_crises_into_2018.pdf

82 Human Rights Watch (2018) 'No Safe Place: Insurgent Attacks on Civilian in Afghanistan' Available at: <https://www.hrw.org/report/2018/05/08/no-safe-place/insurgent-attacks-civilians-afghanistan>

83 IMDC (2017) 'Afghanistan Country Information' Available at: <http://www.internal-displacement.org/countries/afghanistan>; IMDC (2018) 'Mid-year Figures: Internal Displacement in 2018' Available at: <http://www.internal-displacement.org/sites/default/files/publications/documents/201809-mid-year-figures.pdf>; OCHA (2018) 'Humanitarian Bulletin: Afghanistan. June 2018' Available at: https://reliefweb.int/sites/reliefweb.int/files/resources/20180724_ocha_afghanistan_monthly_humanitarian_bulletin_june_2018_en.pdf

body that coordinates humanitarian relief, estimated in June 2018 that 5.5 million people were in need of humanitarian assistance, including some 1.9 million children.⁸⁴

Repatriations increase...

Despite the ongoing insecurity, many Afghan nationals continue to return or be deported back to Afghanistan from an increasing number of countries.⁸⁵ The total number of Afghans recorded by IOM returning from Iran more than doubled in the first eight months of 2018 compared with the first eight months of 2017, from 244,999⁸⁶ to 537,710.⁸⁷ IOM attributed this to a fall in demand for informal labour in Iran resulting from recent economic and political events there.⁸⁸ Several studies have highlighted access to livelihoods as an important factor in Afghans' migration.⁸⁹

In **Pakistan**, although authorities repeatedly said they intended to deport Afghan nationals,⁹⁰ in June 2018 the caretaker cabinet again extended the validity of Proof of Registration cards for Afghan refugees, in this instance by three months, until 30 September 2018.⁹¹ The number of returns from Pakistan has decreased since forced returns reached the record level of 618,000 in 2016, when human rights groups raised concerns that police extortion and abuse, arbitrary detention, and increased policing of the border were forcing Afghans to return from Pakistan.⁹² In 2017, 157,000 Afghans returned from Pakistan (63 percent of whom were children), and in the first eight months of 2018, 24,631 had returned, with OCHA attributing the drop to an improved protection environment in Pakistan.⁹³

...as does internal displacement

According to the Internal Displacement Monitoring Centre, many of those returning to Afghanistan become internally displaced; unable to return to their places of origin, they face risks to their safety and livelihoods. Meanwhile, the scale of returns is overwhelming already-stressed health facilities and schools, and depressing labour wages.⁹⁴ The varied needs of returnees from diverse contexts, including deportees from Iran and Turkey, failed asylum seekers from the EU, and refugees returnee from Pakistan, pose significant challenges for protection and reintegration policy and programming.⁹⁵

84 OCHA (2018) 'Key Figures' Available at <https://www.OCHA.org/afghanistan>

85 Majidi, N. (2017) 'From Forced Migration to Forced Returns in Afghanistan: Policy and Program Implications' Migration Policy Institute. Available at: <https://www.migrationpolicy.org/research/forced-migration-forced-returns-afghanistan>

86 IOM (2017) 'Return of Undocumented Afghans – Weekly Situation Report Sep.03 – 09 2017' Available at: https://afghanistan.iom.int/sites/default/files/Reports/iom_return_of_undocumented_afghans_weekly_situation_report_sep_03_-_09.pdf

87 IOM (2018) 'Return of Undocumented Afghans – Weekly Situation Report 09 – 15 September 2018' Available at: [https://reliefweb.int/sites/reliefweb.int/sites/reliefweb.int/files/resources/iom_afghanistan-return_of_undocumented_afghans_-_situation_report_-_09_-_15_september_2018.pdf](https://reliefweb.int/sites/reliefweb.int/files/resources/iom_afghanistan-return_of_undocumented_afghans_-_situation_report_-_09_-_15_september_2018.pdf)

88 Ibid; see also Bezhan, F. (2018) 'Afghanistan, The "Unintended Casualty" of US Sanctions on Iran.' Radio Free Europe. Available at: <https://www.rferl.org/a/afghanistan-the-unintended-casualty-of-u-s-sanctions-on-iran/29433904.html>

89 Reach Initiative, Mixed Migration Platform (2017) 'Migration from Afghanistan to Europe (2014-2017): Drivers, Return and Reintegration' Available at: http://mixedmigrationplatform.org/wp-content/uploads/2017/10/REACH_AFG_Report_MMP_Drivers-return-and-reintegration_October-2017.pdf

90 DW (2018) 'Afghan refugees in Pakistan face mass deportation' Available at: <https://www.dw.com/en/afghan-refugees-in-pakistan-face-mass-deportation/a-42167366>

91 UNHCR (2018) 'Fact Sheet: Islamic Republic of Pakistan: 31 July 2018' Available at: <https://reliefweb.int/sites/reliefweb.int/files/resources/65230.pdf>

92 Human Rights Watch (2017) 'Pakistan Coercion, UN Complicity: The Mass Forced Returns of Afghan Refugees' Available at: <https://www.hrw.org/report/2017/02/13/pakistan-coercion-un-complicity/mass-forced-return-afghan-refugees>; see also Majidi, N. (2017) 'From Forced Migration to Forced Returns in Afghanistan: Policy and Program Implications' Migration Policy Institute. Available at: <https://www.migrationpolicy.org/research/forced-migration-forced-returns-afghanistan>

93 IOM (2018) 'Return of Undocumented Afghans – Weekly Situation Report 09 – 15 September 2018' Available at: [https://reliefweb.int/sites/reliefweb.int/sites/reliefweb.int/files/resources/iom_afghanistan-return_of_undocumented_afghans_-_situation_report_-_09_-_15_september_2018.pdf](https://reliefweb.int/sites/reliefweb.int/files/resources/iom_afghanistan-return_of_undocumented_afghans_-_situation_report_-_09_-_15_september_2018.pdf); OCHA (2018) 'Afghanistan: Snapshot of population movements in 2017' Available at: https://reliefweb.int/sites/reliefweb.int/files/resources/afg_population_movement_snapshot_2017_20180228_v1.pdf

94 IDMC/Samuel Hall/NRC (2017) 'Going "Home" to Displacement: Afghanistan's returnee-IDPs'. Available at: [https://reliefweb.int/sites/reliefweb.int/sites/reliefweb.int/files/resources/20171214-idmc-afghanistan-case-study.pdf](https://reliefweb.int/sites/reliefweb.int/files/resources/20171214-idmc-afghanistan-case-study.pdf); OCHA (2017) 'Humanitarian Needs Overview: 2018'. Available at: https://reliefweb.int/sites/reliefweb.int/files/resources/afg_2018_humanitarian_needs_overview_1.pdf

95 Majidi, N. (2017) 'From Forced Migration to Forced Returns in Afghanistan: Policy and Program Implications' Migration Policy Institute. Available at: <https://www.migrationpolicy.org/research/forced-migration-forced-returns-afghanistan>

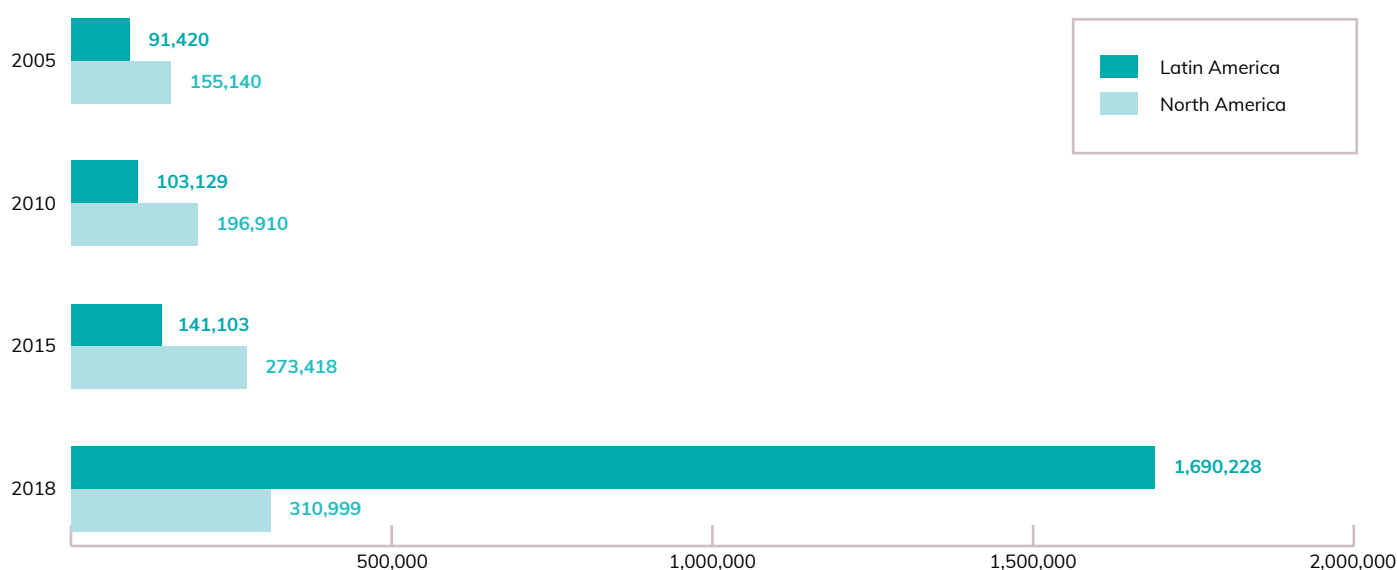
The Americas

A large and diverse region, the Americas host some of the most dynamic migration corridors in the world, with millions of refugees and migrants traveling between countries for a variety of reasons. Although traditionally associated with northward movement towards the destination countries of **Canada** and the **United States**, movements have recently become more diverse, as erstwhile countries of origin and transit become countries of destination, and former countries of destination become countries of crisis and origin for mass exodus. In contrast to other regions of the world, forced migration in the Americas is often driven by high rates of violence, including, notably in the **Northern Triangle states of Guatemala, El Salvador and Honduras**, violence associated with organised crime and, in the recent case of **Venezuela**, by poor governance and economic and political crisis.

Throughout 2017 and 2018, the dramatic increase in the number of Venezuelans leaving their country due to the political crisis accounted for the largest mixed migration movements within and out of South America, with more than 1.6 million people having left Venezuela since 2014 to escape an increasingly dire political, economic, and humanitarian situation in their country.¹

Mobility patterns in **Central America**, which were traditionally dominated by northward mixed movements towards the US and Canada, have become more complex, as traditional countries of emigration transition into countries of immigration, and as the composition of movement changes due to demographic shifts and policy developments. Increased enforcement on the US border, for example, has put more pressure on **Mexico** as a country of destination and asylum for migrants from the Northern Triangle.

Venezuelans abroad by region



Data Source: adapted from United Nations (2017). "Venezuelans Abroad by Region."
<http://www.mixedmigration.org/articles/forced-to-leave-comparing-destination-options-of-venezuelans-and-syrians/>

1 Brenner, Y. & Frouws, B. (2018), 'Forced to leave: Comparing Destination Options of Venezuelans and Syrians' Mixed Migration Centre. available at <http://www.mixedmigration.org/articles/forced-to-leave-comparing-destination-options-of-venezuelans-and-syrians/>

The Trump effect

In **North America**, the administration of US President Donald Trump has brought deep changes to immigration policy, particularly regarding irregular migrants, asylum seekers and those under humanitarian and temporary protection. The Trump administration has restricted the arrival of people from seven countries, reduced refugee resettlement to its lowest level since 1980, and rescinded several temporary protection and humanitarian schemes. Along the border with Mexico, the US has taken steps to limit the entry of asylum seekers and migrants, restricted access to asylum, and implemented a “zero tolerance” policy on illegal arrivals that, to widespread condemnation, led to a dramatic rise in the separation of children from their parents. In response to some of these measures, and in the face of considerable uncertainty amongst immigrant populations under humanitarian protection, there has been an increase in the number of people traveling to Canada from the US to seek asylum.

South America

Most cross-border migration movements in South America by South Americans take place within the region, supported by the Mercosur Residence Agreement. While absolute numbers remain relatively small, there has been a broad diversification in the nationalities of refugees and migrants traveling to and through South America in recent years, with increasing numbers of African, Asian and Caribbean refugees and migrants traveling to South America to settle, claim asylum, and transit towards North America along mixed migration routes.²

According to IOM, most refugees and migrants from outside the region arrive in **Brazil** and **Ecuador**, and from there travel overland over mixed migration routes towards Central and North America.³ There has also been an increase in asylum applications from those outside the region seeking protection in South American countries,

most noticeably in Brazil. In Brazil, African nationals accounted for 55 percent of asylum applications in 2014-2015.⁴

Venezuela: moving to survive

In 2017 and the first half of 2018, the dramatic increase in the number of Venezuelans leaving their country accounted for the largest mixed migration movements within and out of the region, and indeed one of the largest mixed migration crises in its history. More than 1.6 million people have left Venezuela since 2014 to escape its increasingly dire political, economic, and humanitarian crisis.⁵ Throughout 2017 and into 2018, the rate of Venezuelans arriving in neighbouring states steadily increased, to a daily 5,000 in early 2018.⁶ Since early 2017 Venezuela has grappled with severe shortages of medicine and food, extremely high rates of violent crime, and a government crackdown leading to widespread reports of arbitrary arrests, prosecutions of civilians in military courts, and torture and other abuses of detainees.⁷

More destinations

People are leaving Venezuela for a range of reasons related to insecurity, violence, lack of food and access to social services, and loss of income.⁸ While most Venezuelans are traveling to neighbouring countries, there has also been a diversification of destinations in recent years, with particular increases in flows to Peru (the number of Venezuelans entering Peru almost quadrupled between March and June 2018, from 100,000 to 350,000), Chile, and the Dominican Republic (up from 3,434 in 2012 to 25,872 in 2017).⁹ In 2018, there has been a trend towards more vulnerable people crossing borders out of Venezuela, with UNHCR stating in January 2018 that arrivals in Colombia had “increasing humanitarian needs and less means than those who arrived in earlier months”, echoing a trend starting in late 2017 in Brazil.¹⁰ This suggests that growing numbers of Venezuelans with a lower socioeconomic status are migrating

2 OAS/IOM (2016) 'Irregular Migration Flows to the Americas from Africa, Asia, and the Caribbean' Available at: https://reliefweb.int/sites/reliefweb.int/files/resources/Reporte%20OIM_OEA_eng_030817_web.pdf

3 Ibid.

4 Ibid.

5 Brenner, Y. & Frouws, B. (2018), 'Forced to leave: Comparing Destination Options of Venezuelans and Syrians' Mixed Migration Centre. Available at <http://www.mixedmigration.org/articles/forced-to-leave-comparing-destination-options-of-venezuelans-and-syrians/>

6 UNHCR (2018) 'Venezuela Situation: Responding to the needs of people displaced from Venezuela. Supplementary Appeal January - December 2018.' Available at: <http://reporting.unhcr.org/sites/default/files/unhcr%20venezuela%20situation%202018%20supplementary%20appeal.pdf>

7 OHCHR (2018) 'Human rights violation in the Bolivarian Republic of Venezuela: a downward spiral with no end in sight' Available at: https://reliefweb.int/sites/reliefweb.int/files/resources/VenezuelaReport2018_EN.pdf; see also Human Rights Watch (2018) 'The Venezuelan Exodus: The Need for a Regional Response to an Unprecedented Migration Crisis' Available at: https://reliefweb.int/sites/reliefweb.int/files/resources/venezuela0918_web.pdf

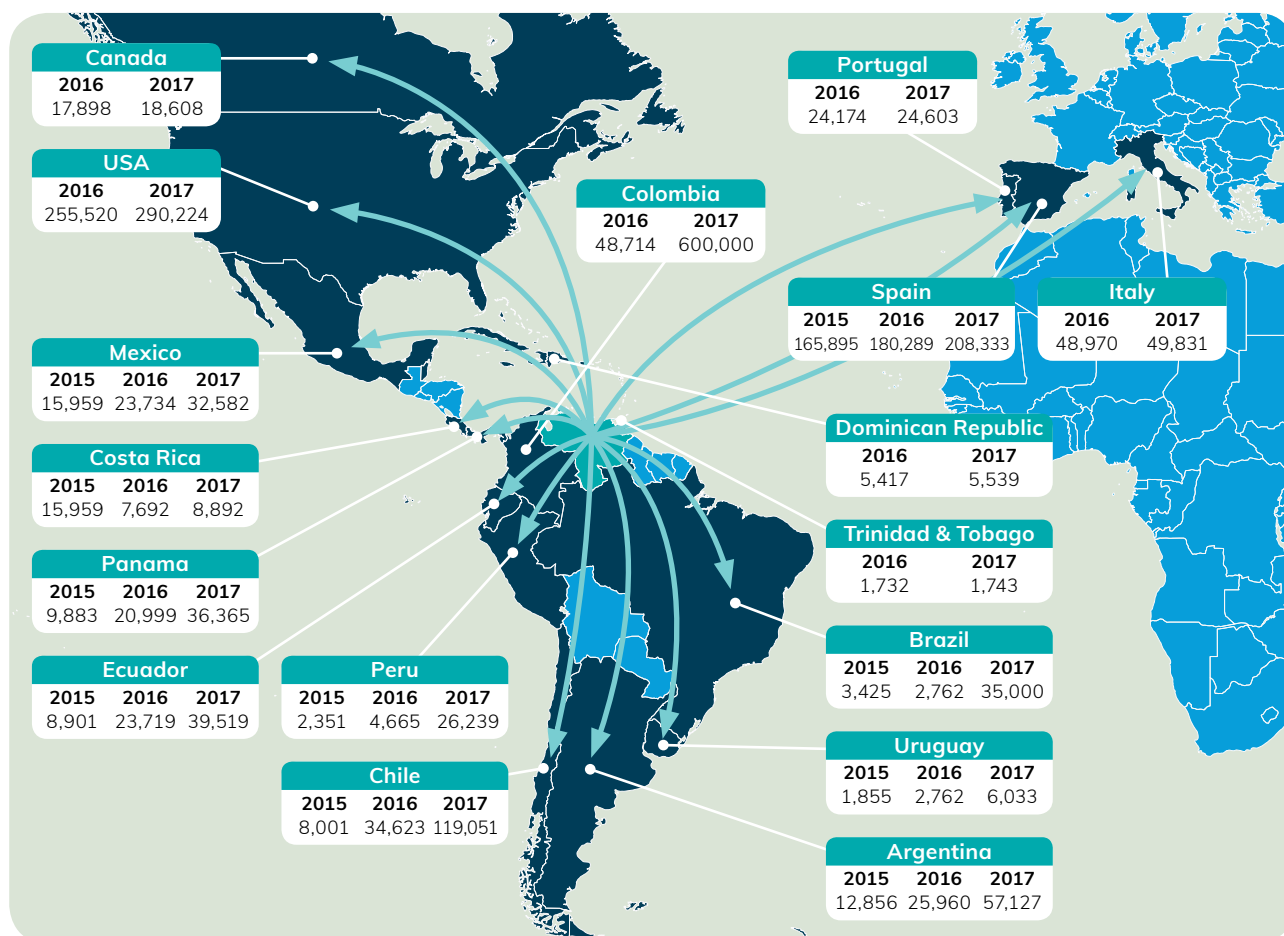
8 UNHCR (2018) 'Venezuela Situation: Responding to the needs of people displaced from Venezuela. Supplementary Appeal January - December 2018.' Available at: <http://reporting.unhcr.org/sites/default/files/unhcr%20venezuela%20situation%202018%20supplementary%20appeal.pdf>

9 Modolo, V. & Texido, E. (2018) 'Latin America's Response to Venezuelan Emigration' IOM blog: Immigration and Emigration Statistics. Available at: <https://migrationdataportal.org/blog/latin-americas-response-venezuelan-emigration>; Freier, L. & Parent, N. (2018) 'A South American Migration Crisis: Venezuelan Outflows Test Neighbors Hospitality' Available at: <https://www.migrationpolicy.org/article/south-american-migration-crisis-venezuelan-outflows-test-neighbors-hospitality>

10 Freier, L. & Parent, N. (2018) 'A South American Migration Crisis: Venezuelan Outflows Test Neighbors Hospitality.' Migration Policy Institute. Available at: <https://www.migrationpolicy.org/article/south-american-migration-crisis-venezuelan-outflows-test-neighbors-hospitality>

Estimates of Venezuelan migrants overseas

in selected countries



Source: adapted from original in Migrant Data Portal.
<https://migrationdataportal.org/blog/latin-americas-response-venezuelan-emigration>

later with heightened vulnerability, and highlights the importance of supporting self-reliance among already-arrived Venezuelans to avoid over-burdening services, particularly in border areas.

No way back

Although many of those leaving Venezuela are not doing so to seek asylum in a third country, many are unwilling or unable to return home. UNHCR has stated that “a significant number are indeed in need of international protection” and that “the broad circumstance leading to the outflow of Venezuelan nationals fall within the spirit of the Cartagena Declaration”.¹¹

In the first half of 2018, the number of asylum applications by Venezuelans globally increased dramatically, with the 117,300 asylum claims filed in the first six months of 2018 surpassing the 2017 total.¹² This increase was driven by asylum claims in Peru, which received 90,000 applications in the first six months of 2018, up from 33,000 in 2017, largely due to many people opting to file a claim for asylum rather than for a Temporary Stay Permit, in order to get a work permit faster.¹³

Alternative protection

In addition to those who have applied for asylum, a large number of Venezuelans have accessed other forms of

11 Human Rights Watch (2018) 'The Venezuelan Exodus: The Need for a Regional Response to an Unprecedented Migration Crisis' Available at: <https://www.hrw.org/report/2018/09/03/venezuelan-exodus/need-regional-response-unprecedented-migration-crisis>; UNHCR (2018) 'Guidance Note on the Outflow of Venezuelans' Available at: <http://www.refworld.org/docid/5a9ff3cc4.html>

12 UNHCR (2018) 'Situational Update: Venezuela Situation, June 2018' Available at: <https://reliefweb.int/sites/reliefweb.int/files/resources/65016.pdf>

13 UNHCR (2018) 'Fact Sheet: Venezuela Situation: June 2018'. Available at: <https://reliefweb.int/sites/reliefweb.int/files/resources/UNHCR%20Venezuela%20Situation%20June.pdf>; Freier, L. & Parent, N. (2018) 'A South American Migration Crisis: Venezuelan Outflows Test Neighbors Hospitality' Available at: <https://www.migrationpolicy.org/article/south-american-migration-crisis-venezuelan-outflows-test-neighbors-hospitality>

protection or alternative legal stay¹⁴ through special measures implemented by states in the region under *ad-hoc*, but welcoming responses.¹⁵ Some 568,000 Venezuelans were living abroad under various forms of alternative legal stay as of June 2018.¹⁶ In August 2018, Colombia announced that it would grant residency permits to more than 440,000 undocumented Venezuelans living in within its territory, which would bring the number of Venezuelans in the country issued with work permits to 880,000.¹⁷ Throughout the region, however, a large number of Venezuelans remain in an irregular situation, disrupting livelihoods and increasing their vulnerability to exploitation, extortion, violence, trafficking, sexual abuse, discrimination and xenophobia.¹⁸

Neighbours' welcome wanes

Overall, migration policies in Latin America have been described as “heavily anchored on the respect of human rights, the principle of non-discrimination, and the understanding that crossing a border should not necessarily constitute a loss of rights”,¹⁹ in contrast with the anti-migration mood that seems to be prevailing in Europe and the US.

In March 2018, UNHCR applauded countries in Latin America that introduced alternative legal stay arrangements for Venezuelans.²⁰ But from the second half of 2018, as the Venezuelan exodus intensified, the attitude of Latin American countries towards Venezuelans seems to be becoming more restrictive. Top destination Colombia was the first Latin American country that expanded its border control efforts to halt the arrivals of Venezuelans. **Brazil** has sent troops to

safeguard its border with Venezuela and in Brazilian border towns there have been protests and even mob attacks against Venezuelans. Peru and **Ecuador** enacted new immigration measures requiring Venezuelans to present a valid passport to enter the country.²¹ It remains to be seen whether this trend will continue, leaving Venezuelans fleeing with ever fewer safe and legal destination options.

Central America

Central and North America host one of the most dynamic migration corridors in the world, with millions of refugees and migrants traveling to, through, and from countries in these regions, heading both south and north.²² While migration from the south to the north has traditionally dominated these movements, with refugees and migrants traveling overland toward the **United States** and **Canada**, recent mobility patterns are becoming more complex, as traditional countries of emigration transition into countries of immigration, and as the composition of movement changes due to demographic shifts and policy developments. In particular, increased enforcement at the US border, and policy changes restricting legal entry and residence options within the US, are putting more pressure on **Mexico** as a country of destination and asylum for migrants from the Northern Triangle, and is leading to increased border control along the southern border with Mexico.²³

14 These can include visas or temporary residence permits, as well as other regularization programmes, which guarantee access to the basic rights of health care, education, family unity, freedom of movement, shelter and the right to work. See: UN News (2018) 'UN agency issues refugee protection guidance for thousands of Venezuelans fleeing crisis-torn country' available at: <https://news.un.org/en/story/2018/03/1004812>

15 See Huang, C. & Gough, K. (2018) 'The Venezuelan Migration Crisis: Forging a Model for Regional Response' Centre for Global Development. Available at: <https://www.cgdev.org/sites/default/files/venezuelan-migrant-crisis-forging-model-regional-response.pdf>; IOM (2018) 'Migration Trends in the Americas: Bolivarian Republic of Venezuela' Available at: https://reliefweb.int/sites/reliefweb.int/files/resources/Tendencias_Migratorias_Nacionales_en_Americas_Venezuela-EN_Septiembre_2018.pdf; Modolo, V. & Texido, E. (2018) 'Latin America's Response to Venezuelan Emigration' IOM blog: Immigration and Emigration Statistics. Available at: <https://migrationdataportal.org/blog/latin-americas-response-venezuelan-emigration>; Freier, L. (2018) 'Understanding the Venezuelan Displacement Crisis' E-International Relations. Available at: <https://www.e-ir.info/2018/06/28/understanding-the-venezuelan-displacement-crisis/>

16 Freier, L. & Parent, N. (2018) 'A South American Migration Crisis: Venezuelan Outflows Test Neighbors Hospitality.' Migration Policy Institute. Available at: <https://www.migrationpolicy.org/article/south-american-migration-crisis-venezuelan-outflows-test-neighbors-hospitality>

17 UNHCR (2018) 'The United Nations in Colombia welcomes the measure adopted by the Colombian Government to regularize the situation of more than 442,000 Venezuelans' Press release. Available at: <http://www.acnur.org/noticias/press/2018/8/5b647b194/el-sistema-de-las-naciones-unidas-en-colombia-saluda-la-medida-adaptada.html>

18 UNHCR (2018) 'Venezuela Situation: Responding to the needs of people displaced from Venezuela. Supplementary Appeal January - December 2018.' Available at: <http://reporting.unhcr.org/sites/default/files/unhcr%20venezuela%20situation%202018%20supplementary%20appeal.pdf>

19 Acosta, D. (2016) 'Free Movement in South America: The Emergence of an Alternative Model?' Migration Policy Institute. Available at <https://www.migrationpolicy.org/article/free-movement-south-america-emergence-alternative-model>

20 UNHCR (2018) 'As Venezuelans flee throughout Latin America, UNHCR issues new protection guidance' Available at <http://www.unhcr.org/news/briefing/2018/3/5aa793c14/venezuelans-flee-throughout-latin-america-unhcr-issues-new-protection-guidance.html>

21 Brenner, Y. & Frouws, B. (2018), 'Forced to leave: Comparing Destination Options of Venezuelans and Syrians' Mixed Migration Centre. Available at <http://www.mixedmigration.org/articles/forced-to-leave-comparing-destination-options-of-venezuelans-and-syrians>

22 Masferrer, C. et al. (2018) 'Connecting the Dots: Emerging Migration Trends and Policy Questions in North and Central America' Migration Policy Institute. Available at: <https://www.migrationpolicy.org/article/connecting-dots-emerging-migration-trends-and-policy-questions-north-and-central-america>

23 Ibid.

Shifting south: asylum, risk and border control

Fewer arrivals at US border

In 2017, the year after the US presidential election and installation of the Trump administration, the number of refugees and migrants attempting to cross or arriving at the Mexico-US border declined, in apparent reaction to the anti-immigration and pro-enforcement rhetoric that dominated President Trump's election campaign and which continues to be a major focus of his administration. In 2018, however, the number of arrivals began again to conform to the trends of previous years, with 40,344 apprehensions in May 2018, realigning with an 18-year downward trend in the number of arrivals at the southwest border of the US.²⁴

Since 2014, there has been an increase in apprehensions of migrants from the Northern Triangle states. At the same time it was widely noted that there were more nationals from Mexico leaving than arriving in the US.²⁵ In 2010, 13 percent of those apprehended at the southern border of the US came from Northern Triangle countries and in 2016 this had risen to 42 percent.²⁶ While this represents a significant increase in the number of arrivals from these countries, it comes in the context of an overall decline in the number of refugees and migrants entering the US from Mexico, down from 1.6 million in 2000 to 304,000 in 2017, mostly due to the decline in the number of Mexicans crossing the border.²⁷

Changing profiles

The profile of migrants has also shifted greatly, with large numbers of unaccompanied children and families

arriving from Northern Triangle countries to the US.²⁸ In 2017, people traveling as families accounted for 25 percent of apprehended refugees and migrants, compared to three percent in 2012.²⁹ In the first half of 2018, families and unaccompanied children accounted for 36 percent of those apprehended, compared to ten percent in 2012.³⁰ In 2017, 80 percent of family units and 95 percent of unaccompanied children were from **El Salvador, Guatemala** and **Honduras**,³¹ reflecting the particular vulnerability of women and children to the emerging forms of violence and political instability in the Northern Triangle.³² In addition, many of these families are choosing to turn themselves in at the borders of the US in order to claim asylum; in 2017 this practice was adopted by 28 percent of families; in the first eight months of 2018 this has risen to 37 percent.³³

Northern Triangle asylum applications soar

The number of applications for asylum in the US from nationals of Northern Triangle countries has increased considerably in recent years, and in 2017 grew by 25 percent.³⁴ People traveling north from Central America are often portrayed in the US as economic migrants seeking to gain entry to the US through loopholes in US immigration and asylum laws. This was exemplified in the vocal reaction of the US administration to the well-publicised migrant caravan from Central America mid-2018.³⁵ The prevailing attitude is to restrict asylum space for those from Central American countries, with a number of commentators highlighting that current US immigration policy is not in keeping with recent trends in arrivals, nor with the demographic shifts in movements from and through Central America.³⁶

-
- 24 Botler, J. & Meissner, D. (2018) 'Crisis at the Border? Not by the Numbers' Migration Policy Institute. Available at: <https://www.migrationpolicy.org/news/crisis-border-not-numbers>
- 25 Hallock, J. et al. (2018) 'In Search of Safety, Growing Numbers of Women Flee Central America' Migration Policy Institute. Available at: <https://www.migrationpolicy.org/article/search-safety-growing-numbers-women-flee-central-america>; Gonzalez-Barrera, A. (2015) 'More Mexicans Leaving Than Coming to the U.S.' Pew Research Centre: Hispanic Trends. Available at: <http://www.pewhispanic.org/2015/11/19/more-mexicans-leaving-than-coming-to-the-u-s/>
- 26 Bermeo, S. (2018) 'Violence drives immigration from Central America' Brookings Institute: Future Development. Available at: <https://www.brookings.edu/blog/future-development/2018/06/26/violence-drives-immigration-from-central-america/>
- 27 Massey, D. (2018) 'Today's US-Mexico "Border Crisis" in 6 charts' The Conversation. Available at: <https://theconversation.com/todays-us-mexico-border-crisis-in-6-charts-98922>; see also Baker, B (2017) 'Immigration Enforcement Actions: 2016' Homeland Security Office of Immigration Statistics: Annual Report. Available at: https://www.dhs.gov/sites/default/files/publications/Enforcement_Actions_2016.pdf
- 28 Rodriguez Chavez, E. (2017) 'Central American Migrants in Irregular Transit through Mexico: New Figures and Trends' Central American-North America Migration Dialogue: Policy Brief Series. Available at: <http://canamid.org/en/publication?id=PB014>
- 29 Botler, J. & Meissner, D. (2018) 'Crisis at the Border? Not by the Numbers' Migration Policy Institute. Available at: <https://www.migrationpolicy.org/news/crisis-border-not-numbers>
- 30 Ibid.
- 31 Massey, D. (2018) 'Today's US-Mexico "Border Crisis" in 6 charts' The Conversation. Available at: <https://theconversation.com/todays-us-mexico-border-crisis-in-6-charts-98922>
- 32 Hallock, J. et al. (2018) 'In Search of Safety, Growing Numbers of Women Flee Central America' Migration Policy Institute. Available at: <https://www.migrationpolicy.org/article/search-safety-growing-numbers-women-flee-central-america>
- 33 Botler, J. & Meissner, D. (2018) 'Crisis at the Border? Not by the Numbers' Migration Policy Institute. Available at: <https://www.migrationpolicy.org/news/crisis-border-not-numbers>
- 34 Meyer, M. & Pachico, E (February 2018) 'Fact Sheet: U.S. Immigration and Central American Asylum Seekers' Advocacy for Human Rights in the Americas. Available at: <https://www.wola.org/analysis/fact-sheet-united-states-immigration-central-american-asylum-seekers/>
- 35 For example: US Department of Homeland Security (2018) 'DHS Acting Press Secretary Statement on December Border Apprehension Numbers, January 9, 2018' Available at: <https://www.dhs.gov/news/2018/01/09/dhs-acting-press-secretary-statement-december-border-apprehension-numbers>; and US Department of Justice (2018) 'Attorney General Jeff Sessions Statement on Central America "Caravan"' Available at: <https://www.justice.gov/opa/pr/attorney-general-jeff-sessions-statement-central-american-caravan>
- 36 Hiskey, J. (2017) 'The face of Latin American migration is rapidly changing. US policy Isn't keeping up' The Conversation. Available at: <https://theconversation.com/the-face-of-latin-american-migration-is-rapidly-changing-us-policy-isnt-keeping-up-74959>

Pushed by insecurity

The factors that have led more people to move from Northern Triangle states are closely related to political and security conditions in these countries. These countries have some of the highest rates of homicide and violent crime in the world, with gangs and organised crime groups vying with security forces and police for control of territory.³⁷ Migration from these countries is linked to the way in which various types of violent crime — such as murder, kidnapping, extortion, sexual violence and forced gang recruitment — generate considerable uncertainty about personal security, particularly for women and children.³⁸ According to UNHCR, women “consistently stated that police and other state law enforcement authorities were not able to provide sufficient protection from the violence”.³⁹

According to the Migration Policy Institute, while it is difficult to isolate specific factors that prompt people to leave, in **El Salvador** and **Honduras**, the decision is often driven by an immediate threat to safety, and in **Guatemala** by chronic stressors.⁴⁰ A study conducted by Vanderbilt University found that in 2014 the strongest predictor of an “intent to emigrate” among Hondurans and Salvadorans was whether they had been a victim of a crime multiple times in the previous 12 months; standard economic predictors were shown to be largely irrelevant.⁴¹ UNHCR has indicated that a “significant percentage of those fleeing [Northern Triangle] countries may be in need of international protection... and are of concern to the Agency”.⁴²

Mexico’s tougher stance...

While Mexico has experienced an increase in asylum applications from nationals of Northern Triangle countries since 2015, as Amnesty International noted in a recent report, those who claim asylum in Mexico represent only a small percentage of the estimated 400,000 people who cross Mexico’s southern border irregularly each year. The report pointed to gaps in the provision of information to asylum seekers about their rights to asylum, inadequate screening for protection needs, and asylum seekers’ avoidance of authorities because of their fears over safety and deportation.⁴³ Concurrently with the increased number of refugees and migrants transiting through Mexico from Central America in recent years, and in the context of increased pressure from the US, Mexico has stepped up enforcement against transiting refugees and migrants, particularly through an increasingly militarised presence at its southern border.⁴⁴

...leads to deportation spike

As a consequence, the number of detentions and deportations of refugees and migrants has increased dramatically. Since 2015, Mexico has deported more Northern Triangle nationals than the US.⁴⁵ According to MSF, of the 152,231 people detained by or presented to immigration authorities in 2016 in Mexico, 141,990 were deported.⁴⁶ This has led to concerns about the arbitrary nature of detentions and deportations, including of children.

In 2018, Human Rights Watch reported that fewer than one percent of the 44,300 children apprehended and detained by Mexican authorities between 2015 and 2017 had been granted asylum as of early 2018, despite UNHCR stating that as many as half of them have strong

37 Amnesty International (2016) ‘Home Sweet Home? Honduras, Guatemala and El Salvador’s Role in a Deepening Refugee Crisis’ Available at: <https://www.amnesty.org/download/Documents/AMR0148652016ENGLISH.PDF>

38 Hallock, J. et al. (2018) ‘In Search of Safety, Growing Numbers of Women Flee Central America’ Migration Policy Institute. Available at: <https://www.migrationpolicy.org/article/search-safety-growing-numbers-women-flee-central-america>; see also: MSF (2017) ‘Forced to flee Central Americans Northern Triangle: A Neglected Humanitarian Crisis’ Available at: https://www.msf.org/sites/msf.org/files/msf_forced-to-flee-central-americas-northern-triangle_e.pdf; International Crisis Group (2016) ‘Easy Prey: Criminal Violence and Central American Migration’ Available at: <https://www.crisisgroup.org/latin-america-caribbean/central-america/easy-prey-criminal-violence-and-central-american-migration>

39 UNHCR (2015) ‘Women on the run: First-hand accounts of refugees fleeing El Salvador, Guatemala, Honduras, and Mexico’ Available at: <http://www.refworld.org/docid/56307e2a4.html>

40 Hallock, J. et al. (May 2018) ‘In Search of Safety, Growing Numbers of Women Flee Central America’ Migration Policy Institute. Available at: <https://www.migrationpolicy.org/article/search-safety-growing-numbers-women-flee-central-america>; Amnesty International (2016) ‘Home Sweet Home? Honduras, Guatemala and El Salvador’s Role in a Deepening Refugee Crisis’ Available at: <https://www.amnesty.org/download/Documents/AMR0148652016ENGLISH.PDF>

41 Hiskey, J. (2017) ‘The face of Latin American migration is rapidly changing. US policy Isn’t keeping up’ The Conversation. Available at: <https://theconversation.com/the-face-of-latin-american-migration-is-rapidly-changing-us-policy-isnt-keeping-up-74959>

42 UNHCR (2016) ‘Protection and Solution Strategy for the Northern Triangle of Central America 2016-2017’ Available at: <http://reporting.unhcr.org/sites/default/files/Protection%20and%20Solutions%20Strategy%20for%20the%20Northern%20Triangle%20of%20Central%20America%202016-2018.pdf>

43 Amnesty International (2017) ‘Facing Walls: USA and Mexico’s Violations of the Rights of Asylum Seekers’ Available at: <https://www.amnesty.org/download/Documents/AMR0164262017ENGLISH.PDF>; See also Amnesty International (2018) ‘Overlooked, under-protected: Mexico’s deadly refoulement of Central Americans seeking asylum’ Available at: <https://www.amnestyusa.org/wp-content/uploads/2018/01/AMR4176022018-ENGLISH-05.pdf>; International Crisis Group (2018) ‘Mexico’s Southern Border: Security, Violence and Migration in the Trump Era’. Available at: <https://www.crisisgroup.org/latin-america-caribbean/mexico/66-mexicos-southern-border-security-violence-and-migration-trump-era>

44 Ibid.

45 Ibid.

46 MSF (2017) ‘Forced to flee Central Americans Northern Triangle: A Neglected Humanitarian Crisis’ Available at: https://www.msf.org/sites/msf.org/files/msf_forced-to-flee-central-americas-northern-triangle_e.pdf

claims for asylum.⁴⁷ Amnesty International and others have detailed the significant risks that children and other vulnerable people face upon return.⁴⁸

Riskier transit

Mexico's increased enforcement of its southern border is taking place against a background of growing risks and vulnerabilities for irregular migrants and asylum seekers in transit to and through Mexico. In 2018 Amnesty International cited frequent reports of extortions, kidnapping and human rights abuses against migrants, with women particularly vulnerable to sexual violence.⁴⁹

MSF found in 2017 that 68 percent of refugees and migrants they interviewed along the transit route in Mexico reported being exposed to violence.⁵⁰ According to the International Crisis Group, in 2018, refugees and migrants reported various risks while traveling north by train through Mexico, including from gang members extorting migrants for passage between certain points, and physical and verbal abuse by officials boarding trains to identify and detain undocumented migrants.⁵¹

In 2017, in recognition of the increased risks migrants faced transiting through areas of Mexico — highlighted by several reports of kidnappings — Mexico's National Human Rights Commission, in collaboration with federal and state authorities and civil society organisations, announced their intention to create a "safe corridor" along a particularly dangerous transit route.⁵² As Amnesty has reported, it is important that such initiatives focus on protection and do not lead to increased levels of arbitrary persecution of migrants by authorities.⁵³

Although data are limited, kidnappings of migrants for ransom are common at both the southern and northern borders of Mexico. The International Crisis Group noted that violence in the southern border region stems from struggles between criminal groups involved in local protection rackets, rather than from transnational

trafficking.⁵⁴ A related concern is the increasing sophistication and transnational integration of migrant smuggling networks operating from countries of origin. In May 2017, the cost of being smuggled from El Salvador to the US-Mexico border (with no guarantee of crossing the border) was reportedly \$12,000-15,000. Just six months earlier, before Trump's inauguration, the cost (which included three border crossing attempts) was \$7,000-\$10,000.⁵⁵

North America

The administration of President Trump has had a major impact upon immigration policy in the US, particularly for irregular migrants, asylum seekers and those under humanitarian and temporary protection.⁵⁶ While policy changes have generally not been as harsh as the rhetoric employed by the administration, and although many measures have faced court challenges, there have been some high-profile policy shifts, including the ban of arrival from seven countries into the US, and the reduction of refugee settlement to its lowered level since 1980, coupled with subtle adjustments across federal agencies.⁵⁷

The current US administration has taken specific measures to limit the entry of asylum seekers and migrants into the US across the border with Mexico, restricted access to asylum, and rescinded a number of temporary protection and humanitarian schemes.

These measures have created uncertainty for people living in the US under humanitarian or temporary protection, as well as for immigrant communities generally. They have been the subject of strong condemnation within the US, leading to widespread protests, challenges in court and open rejection by a number of cities, counties and states, often referred to in the US as "sanctuary cities" due to

47 Human Rights Watch (2018) 'Submission by Human Rights Watch to the Committee on Economic, Social and Cultural Rights concerning Mexico 63rd plenary session' Available at: <https://www.hrw.org/news/2018/02/16/submission-committee-economic-social-and-cultural-rights-concerning-mexico>

48 Amnesty International (2017) 'No Safe Place: Salvadorans, Guatemalans and Hondurans seeking asylum in Mexico based on their Sexual orientation and/or gender identity' Available at: <https://www.amnesty.org/en/documents/amr01/7258/2017/en/%20/>; Mackey, D. (2018) 'Deported into a Nightmare' The Atlantic. Available at: <https://www.theatlantic.com/international/archive/2018/06/honduras-immigration-trump-mexico-gang-violence/563465/>

49 Amnesty International (2017) 'Facing Walls: USA and Mexico's Violations of the Rights of Asylum Seekers' Available at: <https://www.amnestyusa.org/wp-content/uploads/2017/06/USA-Mexico-Facing-Walls-REPORT-ENG.pdf>

50 MSF (2017) 'Forced to flee Central Americans Northern Triangle: A Neglected Humanitarian Crisis'. Available at: https://www.msf.org/sites/msf.org/files/msf_forced-to-flee-central-americas-northern-triangle_e.pdf

51 International Crisis Group (2018) 'Mexico's Southern Border: Security, Violence and Migration in the Trump Era' Available at: <https://www.crisisgroup.org/latin-america-caribbean/mexico/66-mexicos-southern-border-security-violence-and-migration-trump-era>

52 Amnesty International (2017) 'Facing Walls: USA and Mexico's Violations of the Rights of Asylum Seekers' Available at: <https://www.amnestyusa.org/wp-content/uploads/2017/06/USA-Mexico-Facing-Walls-REPORT-ENG.pdf>

53 Ibid.

54 Ibid; International Crisis Group (2018) 'Mexico's Southern Border: Security, Violence and Migration in the Trump Era' Available at: <https://www.crisisgroup.org/latin-america-caribbean/mexico/66-mexicos-southern-border-security-violence-and-migration-trump-era>

55 Ibid.

56 Pierce, S. et al. (2018) 'U.S. Immigration Policy under Trump: Deep Changes and Lasting Impacts' Migration Policy Institute. Available at: <https://www.migrationpolicy.org/research/us-immigration-policy-trump-deep-changes-impacts>

57 Ibid.

their refusal to cooperate with federal law enforcement on immigration.⁵⁸

(Recent US legal and policy changes are explored in greater depth in the essay “Managing flow” in Section 4.)

Canada’s sudden popularity

Since the current US administration took office in 2017, there has been a dramatic increase in the number of people crossing from the US into Canada to apply for asylum. In 2016, some 2,000 did so; in 2017, the number increased more than tenfold, a trend that appears to be continuing in 2018.⁵⁹

Many of those arriving in Canada in 2017 were from **Haiti**, and included people who feared they would lose their temporary protected status in the US, and who were emboldened by false accounts of guaranteed residency in Canada.⁶⁰ Another important group was US-born children of non-US asylum seekers.⁶¹ Forty-seven percent of those who arrived in Canada in 2017 across the land border to claim asylum obtained refugee status.⁶² Canada’s traditional attitude to refugees was encapsulated in Prime Minister Justin Trudeau’s famous January 2017 “We welcome you” tweet, and contrasts starkly with the attitude of its southern neighbour.⁶³

Canada has resettled some 40,000 Syrian refugees since 2015, and has a private sponsorship programme for resettling refugees.⁶⁴ However, in 2018, following an increase in the number of people avoiding border posts to arrive in Canada and claim asylum, Canada’s minister of immigration said “We don’t want people to illegally enter our border, and doing so is not a free ticket to Canada”.⁶⁵ 2018 saw a rise in the number of **Nigerian** asylum seekers crossing into Canada from the US, where many had been legally present for a short period.⁶⁶ This has prompted the Canadian government to station its officials in Lagos together with US counterparts and led the Canadian immigration minister to travel to Nigeria to discuss the issue with government officials there.⁶⁷

58 Kotlowitz, A. (2016) ‘The Limits of Sanctuary Cities’ *The New Yorker*. Available at: <https://www.newyorker.com/news/news-desk/the-limits-of-sanctuary-cities>; Andone, D. (2018) ‘Coast-to-coast protests denounce Trump immigration policies’ *CNN World News*. Available at: <https://edition.cnn.com/2018/06/30/us/june-30-immigration-protests/index.html>

59 Pierce, S. et al. (2018) ‘U.S. Immigration Policy under Trump: Deep Changes and Lasting Impacts’ *Migration Policy Institute*. Available at: <https://www.migrationpolicy.org/research/us-immigration-policy-trump-deep-changes-impacts>

60 Ibid. See also: UNHCR (2018) ‘Irregular Arrivals are the Border of Canada in 2017: Background Information’ Available at: <https://www.unhcr.ca/wp-content/uploads/2018/06/IRREGULAR-ARRIVALS-AT-THE-BORDER-IN-2017-ENG.pdf>

61 Ibid.

62 Ibid.

63 Trudeau, J. (2017) – Tweet available at: <https://twitter.com/JustinTrudeau/status/825438460265762816>

64 For latest figures see: <https://www.canada.ca/en/immigration-refugees-citizenship/services/refugees/welcome-syrian-refugees/key-figures.html>

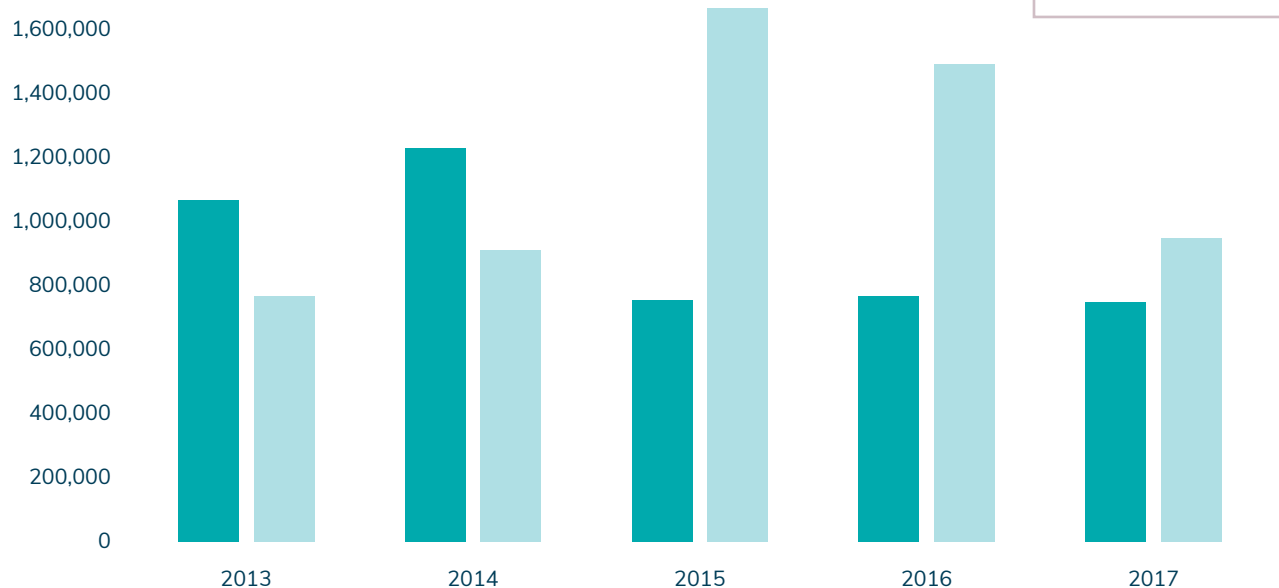
65 Bilefsky, D. (2018) ‘Migrants Fleeing to Canada Learn Even a Liberal Nation has Limits’ *The New York Times*. Available at: <https://www.nytimes.com/2018/01/13/world/canada/quebec-immigrants-haitians.html>

66 Government of Canada (2018) ‘Ministers Hussen, Garneau and Goodale provided an update on progress regarding asylum seekers in Quebec and announced new outreach initiatives in Nigeria’ *News release*. Available at: <https://www.canada.ca/en/immigration-refugees-citizenship/news/2018/05/ministers-hussen-garneau-and-goodale-provided-an-update-on-progress-regarding-asylum-seekers-in-quebec-and-announced-new-outreach-initiatives-in-ni.html>; See also: Ross, S. (2018) ‘Nigerians are walking into Canada, prompting request for U.S. to take action’ *The Washington Post*. Available at: https://www.washingtonpost.com/world/the_americas/nigerians-are-walking-into-canada-prompting-request-for-us-to-take-action/2018/04/27/f9357a0c-45b6-11e8-b2dc-b0a403e4720a_story.html

67 Ibid.

Deportations of northern triangle nationals

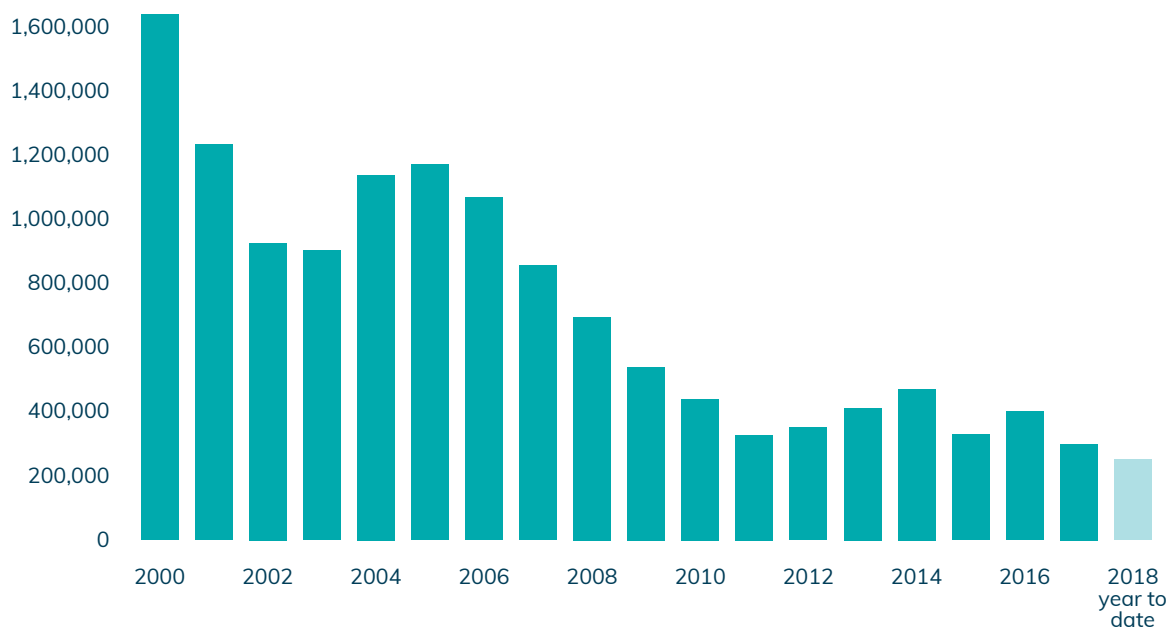
by US and Mexico 2013-2017



Data Source: Government of Mexico Secretariat of the Interior 2012-2017

US Border patrol apprehensions of irregular arrivals

along US/Mexican border, 2000-18



Data Source: adapted from Migration Policy Institute - "Crisis at the Border? Not by the Numbers." <https://www.migrationpolicy.org/news/crisis-border-not-numbers>

Europe

European countries are primarily countries of destination for overland mixed migration flows from Africa and the Middle East, although some are mostly used for transit. Amongst the latter, a few have become *de facto* destination countries, particularly along the Eastern Mediterranean route and in the Balkans since 2015, as borders are closed preventing onward movement.

In 2017 and 2018, the arrival of refugees and migrants in Europe remained high on the political and public agenda of countries across the EU, despite an overall reduction in the number of those arriving to Europe via mixed migration routes. The overall number of refugees and migrants who arrived in the EU in 2017 fell by some 50 percent over the previous year, and was less than a fifth of the 2015 figure. This downward trend appears to be continuing in 2018. In May 2017 a Europe-wide poll found that 73 percent of Europeans wanted the EU to do more to manage migration.¹ However, crucial reforms at the EU level toward more sustainable and equitable migration and asylum management were not forthcoming in 2017/18 despite relentless negotiations on several fronts. At the June 2018 meeting of the EU Council, divisions between countries of first arrival, transit and destination within the EU prevented agreement on the crucial reform of the Dublin Regulation and by extension the Common European Asylum System.

Along the Western Balkan route, the progressive closure of the borders has seen an increased disregard for the protection of refugees' and migrants' rights by countries along the route, with reports that systematic detention, collective expulsions, pushbacks, and abuse by law enforcement officials were common along the route in 2017.² The closure of borders is of particular concern, as in some instances it prevents asylum seekers from

accessing territory to submit asylum applications. For instance, since March 2017 in **Hungary**, asylum applications can only be submitted in transit zones along the border with Serbia,³ where asylum seekers are detained for the duration of the asylum-determination process.⁴ In **Bulgaria**, the rate of recognition of asylum seekers from Afghanistan was 1.5 percent in 2017, and applicants from Algeria, Bangladesh, Pakistan, Sri Lanka, Turkey and Ukraine are allegedly discriminated against with none being recognized in 2017.⁵

Impact of EU-Turkey Statement

Two years after the signing of the EU-Turkey Statement, and the progressive closing of the Western Balkan route, the number of refugees and migrants arriving in Europe via the Eastern Mediterranean route remains small. While the deal has led to some positive developments — particularly the integration of refugees into Turkey's labour market, and the disbursement of three billion euros in aid to refugees in Turkey — in practice the agreement has proved less than innovative: it largely involves the traditional EU incentives of policy concessions, security cooperation, and large disbursements of aid in exchange for increased surveillance and border control.

Between January 2015 and June 2018 more than one million people arrived on the shores of Greece from Turkey, the overwhelming majority having fled conflict and insecurity in the Middle East. **Syrians** accounted for 54 percent of arrivals to Greece during this time, and formed the largest national group arriving in Europe via the Mediterranean in the first half of 2018.⁶ Since mid-2016 there has been a steep decline in the number of arrivals to Greece via the Mediterranean, from 856,723 in 2015, to 29,718 in 2017, and 13,700 in the first half

1 European Parliament (2017) 'Migration Crisis: 73% of Europeans want EU to do more' Available at: <http://www.europarl.europa.eu/news/en/headlines/priorities/refugees/20170505STO73515/migration-crisis-73-of-europeans-wants-eu-to-do-more>

2 Oxfam/Belgrade Centre for Human Rights/Macedonian Young Lawyers Association (2017) 'A Dangerous "Game": The pushbacks of migrants, including refugees, at Europe's borders.' Available at: https://www.oxfam.org/sites/www.oxfam.org/files/file_attachments/bp-dangerous-game-pushback-migrants-refugees-060417-en_0.pdf

3 Belgrade Centre for Human Rights (2017) 'Right to Asylum in the Republic of Serbia 2017' Available at: <http://www.bgcentar.org.rs/bgcentar/eng-lat/wp-content/uploads/2018/04/Right-to-Asylum-in-the-Republic-of-Serbia-2017.pdf>

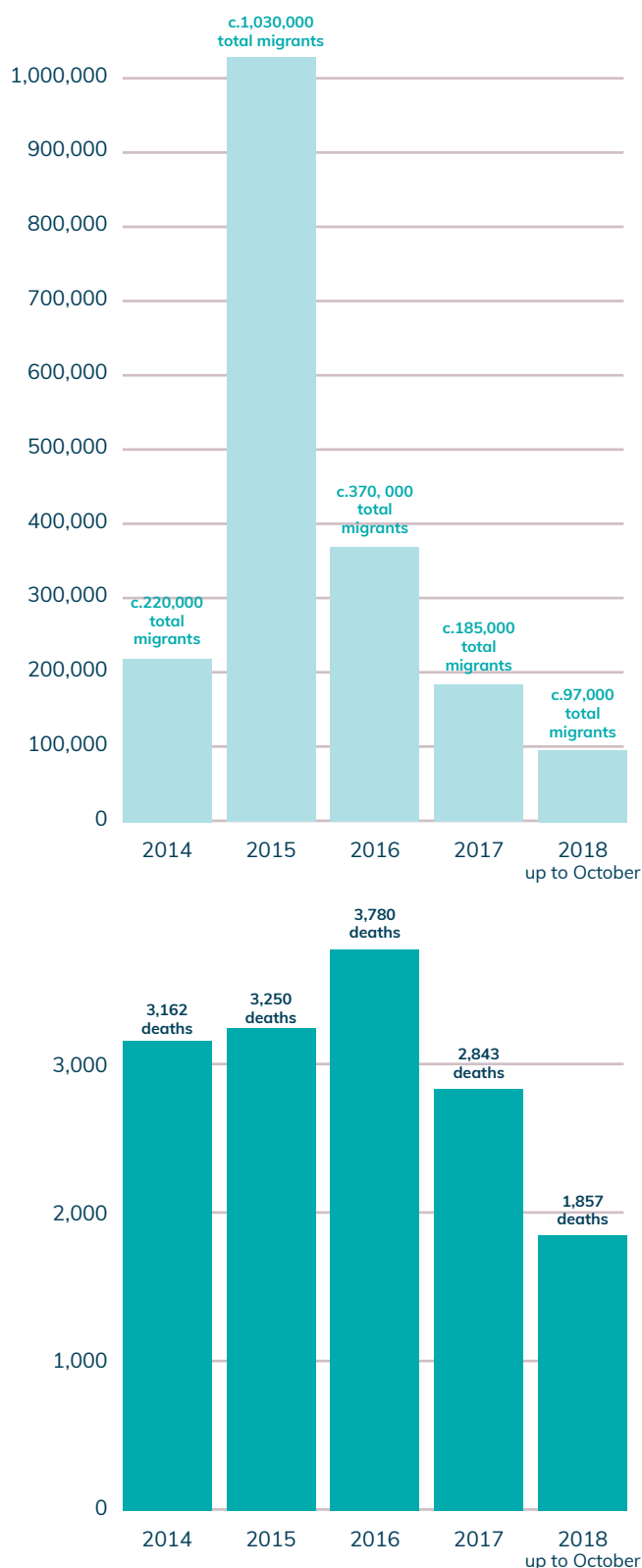
4 European Council of Refugees and Exiles (2018) 'Update: Push backs, deflection and deterrence a persisting pattern in Hungary, Serbia and Bulgaria' Available at: <https://www.ecre.org/aida-2017-update-push-backs-deflection-and-deterrence-a-persisting-pattern-in-hungary-serbia-and-bulgaria/>

5 Ibid.

6 Calculation based on arrivals data from UNHCR: UNHCR (2017) 'Refugees and Migrants Arrivals to Europe in 2017' Available at: <https://reliefweb.int/sites/reliefweb.int/files/resources/62023.pdf>; UNHCR (2016) 'Refugees and Migrants Sea Arrivals in Europe: Monthly Update December 2016'. Available at: <https://data2.unhcr.org/ar/documents/download/53447>

Total refugee/migrant arrivals crossing the Mediterranean

& total deaths/missing by sea/from 2014 up to end October 2018



Data Source: IOM Missing Migrants Project
<https://missingmigrants.iom.int/region/mediterranean>

of 2018.⁷ Syrian arrivals have decreased from 479,642 in 2015, to 12,300 in 2017, and 5,200 in the first half of 2018, despite a 14 percent increase in the overall number of Syrian refugees in 2017 due to the ongoing conflict in Syria.⁸

A 'new' deal?

Two major factors contributed to this rapid decline in the number of arrivals in Greece: the Joint Action Plan signed by the EU and Turkey in November 2015 and supplemented by the EU-Turkey Statement in March 2016; and the progressive closure of the Balkan route by countries of transit along this route following the Joint Statement of the Heads of the Police Services in February 2016.⁹ Although the causal relationship between the EU-Turkey Statement and the decline in the number of arrivals to Greece has been questioned¹⁰ — as has the deal's legality¹¹ — two years after its implementation the EU has heralded the deal as a success.¹²

Reflecting on the Statement in practice, a number of commentators have highlighted that rather than being an innovative approach to managing access to asylum, it has largely involved traditional EU incentives, including policy concessions, security cooperation, and large disbursements of aid, in exchange of increased

- 7 UNHCR (2017) 'Refugees and Migrants Arrivals to Europe in 2017' Available at: <https://reliefweb.int/sites/reliefweb.int/files/resources/62023.pdf>; UNHCR (2018) 'Refugees and Migrants Arrivals to Europe: Jan-June 2018' Available at: <https://reliefweb.int/sites/reliefweb.int/files/resources/64891.pdf>
- 8 UNHCR (2017) 'Refugees and Migrants Arrivals to Europe in 2017' Available at: <https://reliefweb.int/sites/reliefweb.int/files/resources/62023.pdf>; UNHCR (2016) 'Refugees and Migrants Sea Arrivals in Europe: Monthly Update December 2016' Available at: <https://data2.unhcr.org/ar/documents/download/53447>; UNHCR (2018) 'Global Trends: Forced Displacement in 2017' Available at: <http://www.unhcr.org/5b27be547.pdf>
- 9 'Joint Statement of Heads of Police Services from Meeting Held in Zagreb, Croatia on 18th February 2016' Available at: https://www.mup.hr/UserDocImages/topvijesti/2016/veljaca/migranti_sastanak/joint_statement.pdf
- 10 Spijkerboer, T. (2016) 'Fact Check: Did the EU-Turkey Deal Bring Down the Number of Migrants and of Border Deaths?' University of Oxford Faculty of Law/Border Criminologies blog. Available at: <https://www.law.ox.ac.uk/research-subject-groups/centre-criminology/centreborder-criminologies/blog/2016/09/fact-check-did-eu>
- 11 European Papers (2016) 'EU-Turkey Deal: Violation of, or Consistency with, International Law?' available at: <http://www.europeanpapers.eu/en/europeanforum/eu-turkey-deal-violation-or-consistency-with-international-law>
- 12 EU Commission (2018) 'EU-Turkey Statement: Two Years On'. Available at: https://ec.europa.eu/home-affairs/sites/home-affairs/files/what-we-do/policies/european-agenda-migration/20180314_eu-turkey-two-years-on_en.pdf; It is important to note that, following a legal challenge, in February 2017 the General Court of the EU declared that the EU-Turkey statement could not be regarded as a measure adopted by any institution, body, office or Agency of the EU; see Borton, J. Collinson, S. (2017) 'Responses to Mixed migration in Europe: Implications for the humanitarian sector' Overseas Development Institute. Available at: <https://odihpn.org/resources/responses-mixed-migration-europe-implications-humanitarian-sector>; General Court of the European Union (2017) 'Orders of the General Court in Cases T-192/16, T-193/16 and T-257/16 NF, NG and NM v European Council' Available at: <http://bit.ly/2IWZPrr>

surveillance and border control.¹³ At the same time, the disbursement of three billion euros in aid by the EU to Turkey, and the progressive opening of the labour market to Syrian refugees in Turkey, are significant achievements under the deal that have contributed to a decline in pressure for onward movement.¹⁴

Greece's burden

The failure to implement the swapping mechanism at the heart of the EU-Turkey deal — which is designed to eliminate incentives for refugees to travel irregularly to Europe by providing regular pathways for resettlement — has created a humanitarian crisis on the Greek Islands.¹⁵ Greece, unable to effect immediate returns to Turkey because of the principle of *non-refoulement*, has been obliged to offer asylum seekers arriving to and those already in Greece access to asylum procedures. However, asylum seekers under the ambit of the EU-Turkey deal have to await status determination in EU “hotspots”.¹⁶ The situation in the hotspots in Greece prompted heavy criticism from NGOs and UN organisations in 2017,¹⁷ particularly in relation to over-crowding, lack of adequate facilities, extensive use of detention, lack of safe spaces, alarming rates of sexual harassment and violence against women and deteriorating mental health amongst asylum seekers.¹⁸ Reportedly, most people, after some months in desperation, eventually move on to mainland Greece as new arrivals take their place.¹⁹

Missed targets, protection gaps

Resettlement of Syrian refugees from Turkey has largely been based on individual pledges by EU countries, and the EU has overseen the resettlement of just 12,476 refugees from Turkey, far short of its initial targets.²⁰ The Voluntary Humanitarian Admission Scheme, envisioned under the Statement to replace the swapping mechanism

when numbers of irregular crossings decreased, has not yet been agreed to.²¹

Libyan crisis stems arrivals to Italy

Since mid-2017 there has been a decline in the number of refugees and migrants arriving in Italy by sea from Libya via the Central Mediterranean route. The decrease, which began in July 2017, has continued in 2018, with 16,600 arrivals in the first six months of 2018, compared to an average of 75,000 in the first six months of the three preceding years.²² While various factors are responsible for this decline, it is closely related to the complexity of the situation in Libya, where migrant smuggling has emerged as a critical component of Libya's war economy, providing substantial income to networks of armed groups, criminal gangs, corrupt state officials, and political elites.²³ Given its high international profile, migrant smuggling has also become a key political issue between groups competing for international legitimacy in Libya.²⁴

Friend or foe? Libya's Coast Guard

The engagement of EU countries, most notably Italy, with Libya's interim Government of National Accord (GNA) and the Libyan Coast Guard also contributed to the decline in arrivals in Italy, although the importance of these relations risks being overstated.²⁵ In 2017, after Italy and the GNA signed a memorandum of understanding in February, Italy scaled up its support for the Libyan Coast Guard, supplying it with refurbished patrol boats and pushing for joint naval patrols.²⁶ In addition, the EU's naval Operation Sophia continued training the Libyan Coast Guard²⁷ even though, throughout 2017, the Coast Guard repeatedly harassed, intimidated and threatened

13 Walter-Franke, M. (2018) 'Two years into the EU-Turkey "deal" - taking stock' Jacques Delors Institut. Available at: <https://www.delorsinstitut.de/en/all-publications/two-years-into-the-eu-turkey-deal-taking-stock/>

14 Ibid.

15 Ibid.

16 Danish Refugee Council (2017) 'Fundamental Rights and the EU Hotspot Approach' Available at: https://drc.ngo/media/4051855/fundamental-rights_web.pdf

17 Ibid.

18 Danish Refugee Council (2018) 'Two Year Anniversary of the EU-Turkey Statement: No Grounds for Celebration' Available at: <https://drc.ngo/news/two-year-anniversary-of-the-eu-turkey-statement-no-grounds-for-celebration>; Danish Refugee Council (2016) 'Stocktaking of the Implementation of the EU-Turkey Statement' Available at: https://drc.ngo/media/2843998/stocktaking-of-the-implementation-of-the-eu-turkey-statement_final.pdf; Karakoulaki, M. (2018) 'EU-Turkey deal: the burden on refugees in Greece' Open Migration. Available at: <https://openmigration.org/en/analyses/eu-turkey-deal-the-burden-on-refugees-in-greece/>

19 Statements made to MMC during interview with Gerald Knaus. 2 September 2018

20 EU Commission (2018) 'EU-Turkey Statement: Two years on' Available at: https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/20180314_eu-turkey-two-years-on_en.pdf; Walter-Franke, M. (2018) 'Two years into the EU-Turkey "deal" - taking stock' Jacques Delors Institut. Available at: <https://www.delorsinstitut.de/en/all-publications/two-years-into-the-eu-turkey-deal-taking-stock/>

21 Ibid.

22 See UNHCR (2018) 'Refugee and Migrants Arrivals to Europe in 2018 – Jan - Jun 2018' Available at: <https://reliefweb.int/sites/reliefweb.int/files/resources/64891.pdf>; UNHCR; UNHCR (2017) 'Refugee and Migrants Arrivals to Europe in 2018 – Jan - Jun 2017'. Available at: <https://reliefweb.int/sites/reliefweb.int/files/resources/58880.pdf>

23 Ibid.

24 See UNHCR (2018) 'Refugee and Migrants Arrivals to Europe in 2018 – Jan - Jun 2018' Available at: <https://reliefweb.int/sites/reliefweb.int/files/resources/64891.pdf>; UNHCR; UNHCR (2017) 'Refugee and Migrants Arrivals to Europe in 2018 – Jan - Jun 2017'. Available at: <https://reliefweb.int/sites/reliefweb.int/files/resources/58880.pdf>

25 Ibid.

26 Ibid.

27 Ibid.

28 Ibid.

29 Ibid.

30 Ibid.

NGO boats providing rescue services for refugees and migrants.

Amnesty International observed that “the attitude of the Libyan Coast Guard seemed to have become particularly aggressive against NGOs in mid-2017”²⁸. In July 2017, Italy drafted a controversial code of conduct for rescue boats operating in the Mediterranean, drawing criticism from NGOs,²⁹ and encouraged the Libyan Coast Guard to reinstate its search and rescue area, which it did on the 10th of August.³⁰ This led several NGOs operating in the Mediterranean to halt their activities, and others to limit their operational areas.³¹ Engagement between EU and Libya’s Coast Guard drew much criticism throughout 2017, in the light of the widely available evidence of collusion between the Coast Guard and militias, and its links to extensive abuses against migrants, including selling migrants into forced labour.³²

However, the increased capacity of and actions by the Libyan Coast Guard were not the primary driver of the decline in arrivals in Italy, although they illustrate an important political context. Throughout 2017, IOM indicated that the Coast Guard intercepted and returned just 20,335 refugees and migrants to Libya, a small number when compared to the 119,369 arrivals to Italy in 2017.³³ In May 2017, the Coast Guard intercepted 4,000 refugees and migrants off the coast of Libya. While this was a monthly record for the year, there were more than four times as many arrivals in Italy that month.³⁴ The decrease in Italy therefore reflects a sharp decline in the

number of departures from Libya, rather than a dramatic increase in the number of interceptions and returns.

Counter-smuggling and its risks

This sharp decline was mainly due to deals made between the GNA and several key militias on the Libyan coast, which effectively rebranded the militias under the auspices of the state and co-opted their activities towards the prevention of migrant smuggling.³⁵ The deals, and their effective empowerment of key political figures, unsettled the power balance between local militias involved in smuggling and sparked conflict in the key smuggling town of Sabratha in August 2017, which left numerous dead and injured, displaced 3,000 Libyan families and left 10,000 refugees and migrants in urgent need of assistance.³⁶

After the clashes, the militias maintained their anti-smuggling image, ostensibly as part of a re-orientation by local power brokers towards countering migrant smuggling as international attention focussed on a potential political settlement in Libya.³⁷ As of mid-2018, this approach appears to be continuing: departures from the Libyan coast remain low. However, as the Institute of Security Studies has argued, “if political resolution is too long in coming, the incentives for militias’ sustained cooperation in curbing the smuggling trade are likely to wane”.³⁸ Given that the co-opting of militias may not be conducive to long-term peace in Libya, a political focus on preventing migrant smuggling of migrants rather than on peace-building could prove counterproductive and

- 28 Amnesty International (2017) ‘Libya’s Dark Web of Collusion: Abuses Against Europe-Bound Refugees and Migrants’ Available at: <https://www.amnesty.org/download/Documents/MDE1975612017ENGLISH.PDF>
- 29 See for instance, MSF (2017) ‘Q&A: Why MSF didn’t sign the Code of Conduct for Search and Rescue’ Available at: <https://www.msf.org/qa-why-msf-didnt-sign-code-conduct-search-and-rescue>; see more generally; Amnesty International (2018) ‘Between the Devil and the Deep Blue Sea: Europe Fails Refugees and Migrants in the Central Mediterranean’ Available at: <https://www.amnesty.org/download/Documents/EUR3089062018ENGLISH.pdf>
- 30 Micallef, M. & Reitano, T. (2018) ‘The anti-human smuggling business and Libya’s political end game’ Institute for Security Studies/ Global Initiative Against Transnational Organized Crime. Available at: <https://issafrica.org/research/north-africa-report/the-anti-human-smuggling-business-and-libyas-political-end-game>; Amnesty International (2017) ‘Libya’s Dark Web of Collusion: Abuses Against Europe-Bound Refugees and Migrants’. Available at: <https://www.amnesty.org/download/Documents/MDE1975612017ENGLISH.PDF>
- 31 Amnesty International (2017) ‘Libya’s Dark Web of Collusion: Abuses Against Europe-Bound Refugees and Migrants’. Available at: <https://www.amnesty.org/download/Documents/MDE1975612017ENGLISH.PDF>
- 32 UN Security Council (2017) ‘Final report of the Panel of Experts on Libya established pursuant to resolution 1973 (2011)’. The report finds that ‘smugglers, as well as the Department of Counter Illegal Migration and the coastguard, are directly involved in such grave human rights violations.’ Available at: <https://reliefweb.int/sites/reliefweb.int/files/resources/N1711623.pdf>; Amnesty International (2017) ‘Libya’s Dark Web of Collusion: Abuses Against Europe-Bound Refugees and Migrants’. Available at: <https://www.amnesty.org/download/Documents/MDE1975612017ENGLISH.PDF>; UNSML, OHCHR (2016) ‘Detained and dehumanised, Report on human rights abuses against migrants in Libya’ Available at: https://www.ohchr.org/Documents/Countries/LY/DetainedAndDehumanised_en.pdf
- 33 IOM (2017) ‘Maritime Update Libyan Coast, 29 November – 29 December 2017’ Available at: <https://www.globaldtm.info/maritime-update-libyan-coast-29-november-29-december-2017/>; UNHCR (2017) ‘Refugees and migrants arrivals to Europe in 2017’ Available at: <https://data2.unhcr.org/es/documents/download/62023>
- 34 Ibid; IOM (2017) ‘Mediterranean Migrant Arrivals Reach 33,400 in 2018’ Available at: <https://reliefweb.int/report/italy/mediterranean-migrant-arrivals-reach-33400-2018-deaths-reach-785>
- 35 Eaton, T. (2018) ‘Libya’s War Economy: Predation, Profiteering and State Weakness’ Chatham House. Available at: <https://www.chatham-house.org/sites/default/files/publications/research/2018-04-12-libyas-war-economy-eaton-final.pdf>
- 36 Micallef, M. & Reitano, T. (2018) ‘The anti-human smuggling business and Libya’s political end game’ Institute for Security Studies/ Global Initiative Against Transnational Organized Crime. Available at: <https://issafrica.org/research/north-africa-report/the-anti-human-smuggling-business-and-libyas-political-end-game>; UNHCR (2017) ‘UNHCR helping 10,000 refugees and migrants thousands of internally displaced in Libya’s Sabratha’ Available at: <http://www.unhcr.org/uk/news/briefing/2017/10/59e07d6d4/unhcr-helping-10000-refugees-migrants-thousands-internally-displaced-libyas.html>
- 37 Micallef, M. & Reitano, T. (2018) ‘The anti-human smuggling business and Libya’s political end game’ Institute for Security Studies/ Global Initiative Against Transnational Organized Crime. Available at: <https://issafrica.org/research/north-africa-report/the-anti-human-smuggling-business-and-libyas-political-end-game>
- 38 Ibid.

unsustainable.³⁹ The resurgence of armed confrontations in the Libyan capital in September 2018, which were fuelled by power-sharing disagreement between the country's proliferating militias, lent weight to such concerns.

Salvini steers right

Italy's stance on sea arrivals, despite their sharp decline, hardened considerably after a populist coalition came to power in 2018. In June, after the head of the far-right *Lega Nord* party, Matteo Salvini, was appointed interior minister, Italy refused to allow the humanitarian ship *MV Aquarius* to dock on its shore. Following a brief crisis in which Malta refused also to allow the ship to land, the Spanish government allowed it to do so in Valencia. Two weeks later, Salvini prevented two other rescue ships chartered by NGOs to land in Italy, stating that "Italy no longer wants to be complicit in the business of illegal immigration..."⁴⁰ UNHCR has appealed for a collaborative and reliable European approach towards persons rescued at sea.⁴¹ In September 2018 the Italian government approved tough new legislation drafted by Salvini that would, among other measures, make it easier to deport migrants and strip some of them of their Italian citizenship. Parliament has until late November to debate and amend the decree.⁴²

Why more head to Spain

Throughout 2017 and into 2018, there has been a noticeable rise in the number of refugees and migrants arriving in Spain by sea from Morocco. By mid-2018, arrivals to Spain outnumbered arrivals to Italy and Greece, with 18,000 refugees and migrants arriving between January and June 2018. While this is a significant increase over previous arrival figures, there is a need for perspective on arrivals to Spain, considering that more than 23,524 refugees and migrants arrived in Italy by sea in June 2017.⁴³

Trend acceleration

The increase in arrivals to Spain marks an uptick in a trend that began several years ago: they grew by 55 percent between 2015 and 2016, and by 172 percent between 2016 and 2017.⁴⁴ With the exception of the rescue vessel *MV Aquarius*, there has been no direct deflection of movements from the Central to the Western Mediterranean route: the main nationalities of refugees and migrants arriving in Spain has remained constant over a number of years. This lack of deflection could be the result of the current dearth of migration infrastructure available to facilitate large-scale irregular movement from East Africa to Morocco.

Moroccan leverage

There is evidence, however, of an increase in the number of arrivals to Spain of the main nationalities in West Africa, who have made up a large percentage of arrivals in Spain for several years, as well as of Moroccans and, in 2018, Syrians. Still, given that these groups also make up the largest irregular migrant and refugee populations already residing in Morocco, the extent to which these are people leaving West Africa to seek to travel to Europe via Spain is unclear.⁴⁵ The increase in arrivals to Spain is also more likely due to the Moroccan government relaxing its control on migration departures and seeking to leverage its position as the gatekeeper of irregular African migration to Europe in return for political concessions and funding from the EU and its member states, rather than a to any deflection from the other routes.⁴⁶

EU migration policy: Quo vadis?

Old wine in new bottles?

Migration management remained high on the agenda of the EU in 2017 and 2018, culminating with the European Council meeting in June 2018, which focused strongly on the issue. While this meeting was presented as a decisive

39 Micallef, M. & Reitano, T. (2018) 'The anti-human smuggling business and Libya's political end game' Institute for Security Studies/ Global Initiative Against Transnational Organized Crime. Available at: <https://issafrica.org/research/north-africa-report/the-anti-human-smuggling-business-and-libyas-political-end-game>; Eaton, T. (2018) 'Libya's War Economy: Predation, Profiteering and State Weakness' Chatham House. Available at: <https://www.chathamhouse.org/sites/default/files/publications/research/2018-04-12-libyas-war-economy-eaton-final.pdf>

40 Cassey, R. (2018) 'Aquarius refugees and migrants disembark in Valencia Port' Al Jazeera. Available at: <https://www.aljazeera.com/news/2018/06/refugees-migrants-board-aquarius-set-foot-spain-180617054409193.html>

41 UNHCR (2018) 'UNHCR welcomes Aquarius resolution, but stresses need for more predictable approach to disembarkation'. Available at: <http://www.unhcr.org/uk/news/press/2018/8/5b73d04f4/unhcr-welcomes-aquarius-resolution-stresses-need-predictable-approach-disembarkation.html>

42 BBC (2018), 'Italy migrant crisis: Government passes tough bill' Available at <https://www.bbc.com/news/world-europe-45625833>

43 IOM (2017) 'Mediterranean Migrant Arrivals Reach 33,400 in 2018' Available at: <https://reliefweb.int/report/italy/mediterranean-migrant-arrivals-reach-33400-2018-deaths-reach-785>

44 Brenner, Y. et al. (2018) 'The 'shift' to the Western Mediterranean Migration Route: Myth or Reality?' Mixed Migration Centre. Available at: <http://www.mixedmigration.org/articles/shift-to-the-western-mediterranean-migration-route/>

45 De Haas, H. (2016) 'Moroccan Migration Trends and development potentials' GIZ. Available at: <https://www.giz.de/fachexpertise/downloads/giz2016-en-moroccan-migration-trends.pdf>; see also Cherti, M., & Collyer, M. (2015) 'Immigration and Pensée d'Etat: Moroccan migration policy changes as transformation of "geopolitical culture"' The Journal of North African Studies; Brenner, Y. et al. (2018) 'The "shift" to the Western Mediterranean Migration Route: Myth or Reality?' Mixed Migration Centre. Available at: <http://www.mixedmigration.org/articles/shift-to-the-western-mediterranean-migration-route/>; Hassouri, P. (2017) 'Refugees or Migrants? Difficulties of West Africans in Morocco' Middle East Research and Information Project. Available at: <https://www.merip.org/mero/mero091217>

46 Brenner, Y. et al. (2018) 'The "shift" to the Western Mediterranean Migration Route: Myth or Reality?' Mixed Migration Centre. Available at: <http://www.mixedmigration.org/articles/shift-to-the-western-mediterranean-migration-route/>

moment in the reform of the Common European Asylum System, divisions between countries of first arrival, transit and destination within the EU led to heated talks — but few agreements — on the crucial reform of the Dublin Regulation. The Council's conclusions emphasized the need for a “speedy solution to the whole package” of the Common European Asylum System but the only concrete next step cited was a “report on progress” to be presented at the Council's October meeting.⁴⁷ Many of the conclusions of were remarkable only for their lack of deviation from existing approaches, in line with the increasingly narrow focus of the EU on border security and the externalisation of migration and asylum responsibilities. This highlights the inability of the EU legislature to reform the system, despite a clear need to do so.⁴⁸

Blame game

Of particular concern was the inclusion of the EU's stated intention to “step up” its support for the Libyan Coast Guard despite the force's well-documented abuses of refugees and migrants (see above). In its conclusions, the Council also called on other vessels in the Mediterranean Sea not to “obstruct operations” of the Libyan Coast Guard, in line with applicable laws.⁴⁹ Rather than condemning the Coast Guard's well documented aggression against and harassment of rescue vessels, the Council therefore blamed such incidents on the rescue vessels for being in the wrong place.

Two elements of the Council's conclusions suggested ostensibly new approaches: references to “disembarkation platforms”⁵⁰ and “controlled centres” in the EU, but details on their functioning in practice remain vague. Moreover, it is unclear how the envisaged controlled centres will differ from the “hotspots” proposed in 2016 for Greece and Italy, or how they will avoid the considerable problems encountered in implementing the hotspot approach.⁵¹ In the case of the disembarkation platforms, clarity also eludes how asylum processing could work in third countries, which countries would be willing to host the platforms, and how their precise locations would be determined.⁵² In both cases, crucial questions remain unanswered with regard to those found to be in need of international protection, either within or outside of the EU, and to the possibility of relocation and/or resettlement. Given the recent experience of Niger, where resettlement places in Europe have failed to materialise, leaving refugees effectively trapped in transit centres in Agadez, it remains to be seen how the issue of relocation and resettlement will be addressed.⁵³

47 European Council (2018) 'European Council Conclusions, 28 June 2018' Available at: <http://www.consilium.europa.eu/en/press/press-releases/2018/06/29/20180628-euco-conclusions-final/>

48 Velluti, S. (2018) 'New migrants processing centres in EU must avoid inhumanity of “hotspots” in Greece and Italy' The Conversation. Available at: <https://theconversation.com/new-migrant-processing-centres-in-eu-must-avoid-inhumanity-of-hotspots-in-greece-and-italy-99161>

49 European Council (2018) 'European Council Conclusions, 28 June 2018' Available at: <http://www.consilium.europa.eu/en/press/press-releases/2018/06/29/20180628-euco-conclusions-final/>

50 IOM (2018) 'IOM-UNHCR Proposal to the European Union for a Regional Cooperative Arrangement Ensuring Predictable Disembarkation and Subsequent Processing of Persons Rescued at Sea' Press Release. Available at: <https://www.iom.int/news/iom-unhcr-proposal-european-union-regional-cooperative-arrangement-ensuring-predictable>

51 Caprioglio, C., Ferri F. & Gennari, L. (2018) 'Detention and Selection: An Overview of the Italian Hotspot System' Available at: <https://www.law.ox.ac.uk/research-subject-groups/centre-criminology/centreborder-criminologies/blog/2018/04/detention>

52 European Council on Refugees and Exiles (2018) 'Asylum at The European Council 2018: Outsourcing or Reform?' Available at: <https://www.ecre.org/wp-content/uploads/2018/08/Policy-Papers-04.pdf>

53 UNHCR (2018) 'Country Operation Update: Niger' Available at: <https://data2.unhcr.org/en/documents/download/62471>

Photo credit: Clive Shirley / Panos (Date unspecified)

Tijuana, Mexico. Migrants queuing beside the fence which marks the American-Mexican border. Since a clampdown by the border patrols, many people have been left in limbo on the Mexican side, unable to carry on or to return home due to a lack of money. A similar fate potentially awaits thousands of Northern Triangle asylum seekers and migrants travelling in mixed flow 'caravans'- an increasingly politicised and popular manner of movement north - with the intention of seeking asylum in Mexico or the US. In both countries the number of asylum seekers vastly outnumbers those accepted for asylum.

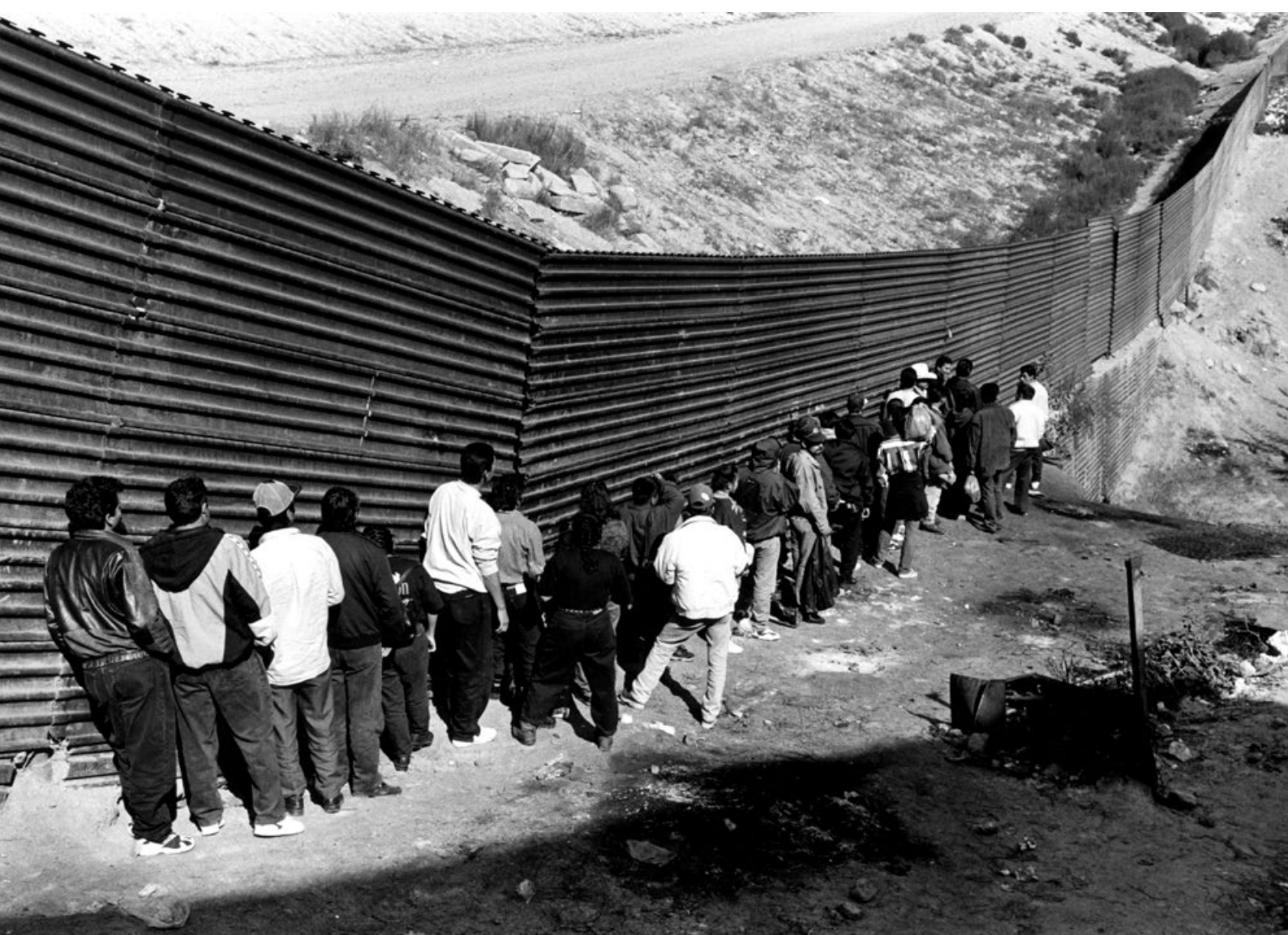


Photo credit: Adam Dean / Panos (2017)

Myanmar, near Tumbru in Bangladesh. Rohingya refugees wait to board boats to flee to Bangladesh on the Myanmar bank of the Naf River that separates Myanmar and Bangladesh. Risking death by sea or on foot, nearly 700,000 have fled the destruction of their homes and persecution in the northern Rakhine province of Myanmar (Burma) for neighbouring Bangladesh since August 2017. The United Nations described the military offensive in Rakhine, which provoked the exodus, as a “textbook example of ethnic cleansing”. Myanmar’s military says it is fighting Rohingya militants and denies targeting civilians.



Section 2

The migrants' world

This section includes several essays that address a range of topics. These include:

- the large number of women on the move in mixed migration flows and the risks and violence they face along their journeys
- the tragedy of migrant deaths in mixed migration; what drives people to join mixed migration flows
- details of the specific groups joining these flows
- the extent to which mixed migration, and in particular irregular migration, includes specific groups of people that might not have migrated if the only other option was regular migration
- the role of aspirations and capability, and whether migrant smuggling “democratizes” migration by providing more people with the capability to act upon their aspirations
- finally, this section includes some voices of those on the move based on the 4Mi¹ interviews that shed light on their extraordinary experiences while travelling and in destination countries

1 4Mi is the MMC/DRC data gathering mechanism as described on page 12 of this report.

Women on the move

Drivers, choices and risks¹

Women and girls make up a significant and growing component of mixed migration flows. While on the move, women and girls are exposed to many of the same risks faced by men and boys, but are more vulnerable to certain forms of abuse, such as sexual exploitation. Due to this vulnerability, women and girls on the move are often constrained in their ability to exercise agency over their migration trajectories. Yet protection responses to their specific needs are often lacking or are ill-designed. This is mainly due to a dearth of available data, which are a prerequisite for the design of gender-specific protection responses and policies. Based on new data collected through the Mixed Migration Monitoring Mechanism initiative (4Mi), the MMC report “**No choice but to keep going forward**” aims to help fill this knowledge gap by providing a cross-regional comparison of the drivers, expectations and experiences of migrant and refugee women traveling in mixed migration flows from and through West, East and North Africa and Afghanistan.²

Many types of insecurity

While there is rarely a single reason for women to decide to move, 4Mi data indicate certain cross-regional trends in the drivers influencing such decisions, with those from Afghanistan, East and West Africa reporting drivers combining violence, insecurity and a lack of rights, along with reasons relating to personal or family circumstances and economic considerations. While migration due to insecurity and violence was noticeable across regions, comparison **between** the regions reveals important variations in the **type** of insecurity.

In interviews with Afghan women, 90 percent mentioned civil war as their primary concern, along with terrorism and crime/general insecurity. In East and West Africa, crime/general insecurity was most important, followed by civil war in East Africa. In Libya, the main concern was the presence of terrorist groups and other armed militias and political unrest, which in the current context should be understood as localized confrontations resulting from power struggles between several state and non-state armed groups. These findings suggest that policy

responses need to be sensitive to the variations in violence and instability across different regional contexts.

For other common drivers there were more consistent cross-regional trends. Within the category of economic drivers, insufficient earnings were a strong motivating factor across all regions, even in countries currently affected by conflict, such as Afghanistan and Libya, suggesting that very often conflict/insecurity and economic drivers are closely intertwined. Unemployment was a commonly cited reason for migrating in East Africa, West Africa, and Libya. However, the data show that many women choose to migrate even if they are earning a salary, particularly if it is not sufficient to make ends meet. In the personal sphere, joining family abroad and fleeing forced marriage were consistently reported as important drivers of migration.

Expectations and information gaps

Expectations of the situation in the destination country and what opportunities it may offer are often important factors in the decision to migrate. Interviews and data from West Africa and Libya suggest that women often select a destination before leaving, believing they will find favourable conditions in that country. Moreover, the intended destination rarely changes despite the non-linear nature of migration journeys. However, there are exceptions: in Libya, for example, women who had previously planned to stay there sometimes decided to continue moving onwards due to a lack of opportunities, or to violence, abuse or the inability to return home.

Women’s information about their journey and destination is frequently incomplete. In Afghanistan, and in West and East Africa, women indicated that they relied most on their family and friends for information, before and during their journey. Most women in Libya and West Africa felt they were not aware of the risks of migration before they undertook their journey, or they were aware of risks but the risks were far worse than they expected. This situation improves little once women are on the move:

1 This article is a summary analysis of the longer report, ‘No choice but to keep going forward...’ Experiences of female refugees & migrants in origin, transit and destination countries’, by the Mixed Migration Centre. Available at: http://www.mixedmigration.org/wp-content/uploads/2018/09/050_experiences-of-female-refugees.pdf

2 This research report builds on data collected between June and October 2017 through the Mixed Migration Monitoring Mechanism Initiative (4Mi) in East Africa, West Africa, Libya and Afghanistan including 1,062 surveys collected by 4Mi field monitors in up to 20 countries. The data has been complemented with 29 interviews conducted in December 2017 with Afghan women, and secondary research on West and East African women. For a full overview of the 4Mi methodology see: <http://www.mixedmigration.org/4mi/>

lack of access to the internet³ and phones, particularly amongst African respondents, as well as lack of social networks, forces reliance on information from smugglers and fellow travellers, which can be either incomplete or, potentially worse, misleading.

While in East and West Africa relatively few women reported relying on smugglers for information, this is not the case in Libya, where well over half of the women interviewed (63 per cent according to most recent data) indicated that smugglers were their primary source of information. This speaks to the increased role of smugglers in the migration journey once migrants reach Libya. As mentioned above, the increased reliance of women migrants and refugees on smugglers as their primary source of information is of concern, as women across regions indicated that they were misled by smugglers 60-80 percent of the time.

Mobile phones and use of social media can give refugee and migrant women increased agency over their trajectories but access to a phone or smartphone was uncommon among female 4Mi respondents. For example, only 15 percent of women respondents in East Africa had access to a smartphone and 34 percent in West Africa. Women's considerably lower access to phones and social media/use of connectivity/social media is an area that could benefit from further in-depth research.

Risky journeys, limited protection

Nearly half of all women in the dataset were exposed to serious protection risks *en route*, with roughly a quarter of these experiencing multiple incidents. Sexual exploitation/abuse is commonly experienced by women on the move across the whole migration journey, at the hands of traffickers, smugglers, local agents and in detention centres in Libya, as well as in reception centres in Europe. The risk of abuse varies according to the *kind* of travel: women travelling alone by land were more vulnerable than those travelling with partners or families, or by plane.

In East Africa and Afghanistan, women reported that social conventions make it “very difficult for women to do anything alone”, while barriers of distance and poor communication make it harder to receive support from friends and family. Agency is also constrained by lack of financial autonomy, especially in East Africa and Libya. Against this already challenging backdrop, access to protection services is reportedly very limited: across all regions, few women reported to have received legal, medical, or psychosocial support and services

from NGOs or UN agencies. Smugglers, who figured quite prominently amongst the perpetrators of violence against women, were also reported to be primary sources of assistance. This illustrates the often difficult and conflicted relationship refugees and migrants have with their smugglers, who at the same time as facilitating travel also often take advantage of migrants' vulnerabilities.

The route and mode of transport that refugee and migrant women rely on is closely related to what they can afford and has a significant impact on the risks that they face while traveling. Given the different geographic and legal contexts, there are significant regional variations in the mode of transport used by women. For Afghan women traveling east toward India and Indonesia, air travel was the most common form of transport, at least for the first part of their journeys. In West Africa, free movement policies and easy access to public transport within the ECOWAS region make buses, cars, and trucks popular, with travel by bus significantly higher than in other regions. In Libya, the primary mode of transport cited were cars, posing a protection issue as women are rendered “invisible” when “they are not traversing public spaces”.

The roles of smugglers

Smugglers play an important role in the specific routes women take and the risks they face, particularly in Libya. In East Africa, almost 30 percent of women indicated that a smuggler had chosen their route. Moreover, between 27 and 54 percent of women and girls reported to have been handed from one smuggler to another, thus reinforcing the lack of control many of them have over their journeys, and putting them at increased risk of abuse and exploitation. Concerningly, law enforcement and border control officials are reported to often facilitate smuggling and abuses at borders.

Despite all the above, across all regions, between 43 and 79 percent of women agreed that smugglers helped them achieve their goal of migrating. In fact, without other safe options, women are left with few alternatives but to choose between these “successful” smugglers, where “success” is unfortunately measured in terms of the probability of merely *reaching* their final destination, rather than of doing so safely.

3 The growth of global internet access has slowed dramatically in recent years, and women in Africa have less access than any other demographic. See: Sample, I. (2018) 'Exclusive: dramatic slowdown in global growth of internet access' The Guardian. Aw <https://www.theguardian.com/technology/2018/oct/18/exclusive-dramatic-slowdown-in-global-growth-of-the-internet>

Conclusion

MMC's cross-regional review of the 4Mi survey and associated interviews, comparing information on the experiences of migrant and refugee women in different contexts, highlights numerous gender-specific risks and vulnerabilities faced by women and girls on the move.

As well as the drivers mentioned above, other factors influencing women's migration decisions include social norms, domestic violence, and discrimination along ethnic lines, particularly among Afghan women.

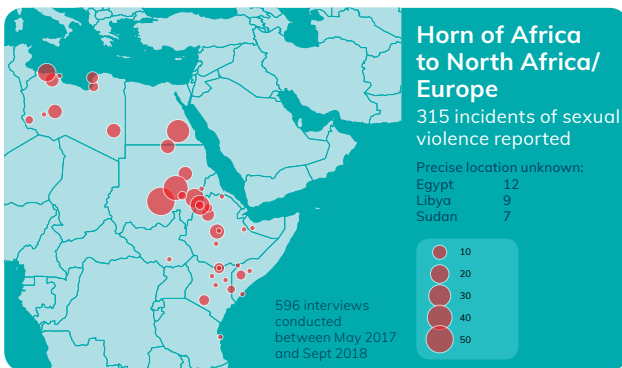
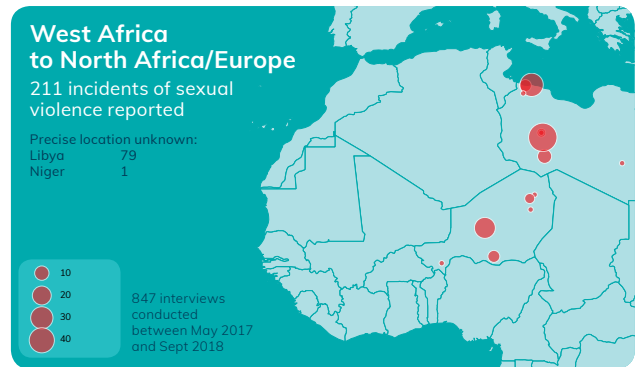
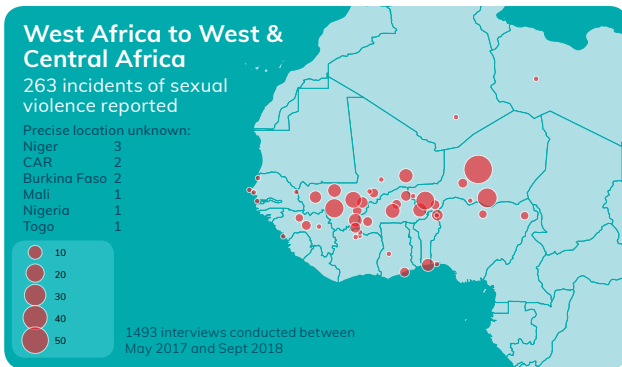
The findings of the study illustrate a clear need for impartial, accurate advice about travel conditions along smuggling routes — particularly overland routes — living

conditions in the intended country of destination, and asylum procedures. This need is particularly acute while women and girls are on the move.

The report also confirms that, while on the move, women refugees and migrants are regularly exposed to a wide range of protection risks, including physical and sexual assault, kidnapping, detention by militias and law enforcement officials, robbery and death. All types of abuse are reported across the datasets. Women and girls are particularly vulnerable to certain forms of abuse, such as sexual exploitation. Unsurprisingly, the evidence from Libya suggests the most serious abuses take place there.

Incidents of sexual violence reported by refugees & migrants

as interviewed by 4Mi (locations of witnessed incidents marked)

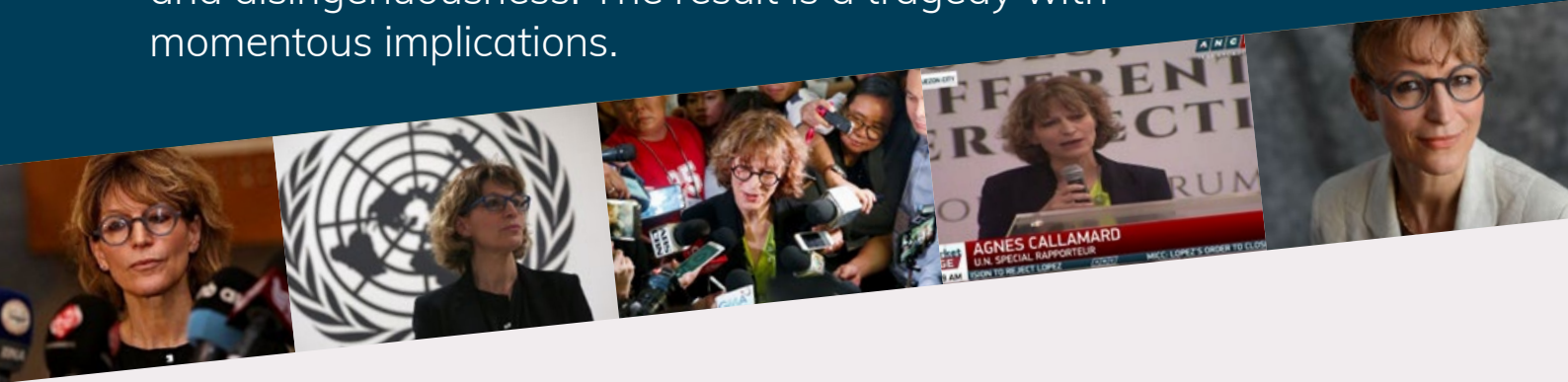


These graphics refer to sexual violence incidents witnessed by refugees and migrants participating in the 4Mi survey. In some cases the incident may have involved more than one person but the data is not reliable enough to present as actual totals because of the potential of duplication and double counting where more than one 4Mi respondent report the same incident. The relatively small number of refugees and migrants interviewed by 4Mi monitors suggests these figures are conservative estimates of the actual number of incidents and by extension the number of refugees and migrants violated while on the move.

Interview

Defending rights

Having determined that the unlawful deaths of refugees and migrants fell within the mandate of her office, **Agnes Callamard** found that such fatalities are often the unintended consequences of governments' actions, "humanitarian prohibition", negligence, and disingenuousness. The result is a tragedy with momentous implications.



Dr Agnes Callamard (France) is the special rapporteur of the Human Rights Council on extrajudicial, summary or arbitrary executions¹. She has a distinguished career in human rights and humanitarian work globally. Dr Callamard is the director of Columbia Global Freedom of Expression at Columbia University² and has previously worked with Article 19 and Amnesty International. She has advised multilateral organizations and governments around the world, has led human rights investigations in more than 30 countries, and has published extensively on human rights and related fields.

When did your office start to focus on refugees and migrants and why?

This mandate, which is independent from the United Nations, was established in the early 1980s, when we were in the middle of the human rights crisis in Latin America. Over the last 30 years, the mandate has largely focused on killings in the context of political repression, law enforcement and wars. When I started as the special rapporteur two years ago, we were right in the middle of the migrant and refugee crisis and the unlawful deaths of thousands of refugees and migrants. I thought I needed to explore whether my mandate would be able to cover these kinds of deaths. In many ways I was called upon by circumstances to revisit my mandate with respect to migrants and refugees. What I found looking at the data and doing my research and legal analysis was that it did indeed fall within the scope of my mandate, and nobody has since challenged the relevance of the issue to my mandate.

In August 2017 you released the report, "Unlawful death of refugees and migrants"³. Was this the first detailed report on the scale of deaths and issues around treatment of refugees and migrants and is this something you personally have pushed for?

It certainly was the first report on those issues from the special rapporteur on arbitrary killings, and it was absolutely my decision.

Your report states that in the global context migration is associated with criminality, and that saving lives is sometimes "attacked, criticized and sometimes criminalized". Can you elaborate and give some examples?

In my report in 2017 I focus very much on the death of migrants and refugees resulting from states' actions, policies, or negligence. I insist that while the majority of refugees and migrants are killed by criminals, states

bear responsibilities because they have failed to protect them when they could or failed to investigate these deaths. I have produced a new report this year [2018], entitled “Saving lives is not a crime”⁴. In the new report I focus on the targeting of life-saving activities in various contexts, including in the context of migration policy — in particular the criminalisation of organisations and individuals providing services to so-called irregular migrants. The report includes various examples that illustrate this issue in different parts of the world where humanitarian agencies are providing life-saving services to very vulnerable populations. I find that humanitarian prohibition results in deaths or killings that could have been prevented, had humanitarian agencies been allowed to work. It amounts to a violation of the right to life by proxy.

“ **Humanitarian prohibition results in deaths or killings that could have been prevented. It amounts to a violation of the right to life by proxy.** ”

In such cases the government does not directly target refugees and migrants but instead targets those actors that are saving them: those providing search and rescue in the Mediterranean, but also those offering shelter, medical support, and food, which are also life-saving. In my expert opinion, the targeting or criminalization of these humanitarian actors is a violation of states’ obligations to protect life and to prevent arbitrary killing and deprivation of life. Certainly, it is happening in the Mediterranean where there’s only one NGO vessel left providing lifesaving support to refugees and migrants⁵. There used to be more, but they had to give up because of the pressure put on them and the criminalization, or stigmatization, of life-saving humanitarian actions.

People have been arrested and sentenced throughout Europe for seeking to save lives. In Hungary, the criminalisation of legitimate activities is very broad. But many European countries also criminalise acts of life-saving solidarity. In the US too, it is a crime to provide food or water to irregular migrants seeking to enter the country. These are some of the unfortunate examples that we cite in the latest report.

You have said states are entitled to exercise jurisdiction over their borders but must do so on the basis of their human rights obligations. Do you see this as one of the major contradictions of modern times: borders versus human rights?

I don’t necessarily see it is a contradiction in terms of human rights. Generally, I welcome the role of the state as the guarantor of human rights protection. The realization of human rights requires state intervention, so states are not the antithesis of human right protection. States are central to the implementation

of international human rights and refugee law, international humanitarian law, and international maritime law. States are central to the realisation of the right to life. This means there are acts they ought to do and acts they cannot do.

“ **Refugees and migrants have become the hostages of electoral politics and cheap electoral gains.** ”

But I would say that there has been a clear determination on the part of too many governments to misuse national security and sovereignty to justify activities that are violating human rights. Refugees and migrants have become the hostages of electoral politics and cheap electoral gains. Governments are misrepresenting the reality of migration and of their obligations to a public eager for quick and easy responses to complex phenomena. The result, too often, is killings and deaths that could be prevented.

You have stated that the frequent absence of investigations into these deaths is an additional violation and contributes to an international regime of impunity. Impunity for whom?

It is certainly the obligation of every government to investigate deprivation of life within their territory and sometimes outside. The failure to investigate any deprivation of life or unlawful death amounts to a second violation of the right to life. I want to emphasize that investigation is of paramount importance to the rule of law, to the bond of trust that must be there between government and the governed, to the functioning of civilised society more generally. In the case of refugees and migrant fatalities, in most cases proper investigations just don’t take place. There are an extremely small number of cases where murder of refugees and migrants leads to proper investigation leading to any prosecution.

“ **The failure to investigate any deprivation of life or unlawful death amounts to a second violation of the right to life.** ”

The consequence is tragic: it is leading to a regime of impunity for the traffickers and smugglers responsible for killing migrants and refugees. But there is also impunity for border guards and other law enforcement [agents] that kill refugees and migrants, and impunity for the states where their policies contribute to these deaths by breaching their responsibility to respect the right to life and protect against arbitrary killings.

Your report often refers to “aggravated smuggling”. Can you explain what you mean by this term?

It’s important to remember that “aggravated smuggling” is actually included in the Palermo convention on trafficking and smuggling,⁶ which is why I refer to it. It is called smuggling with “aggravating circumstances” and I’ve summarised it as “aggravated smuggling”. The important point is that under this convention we have the notion that not all smugglings are equal, that there are smugglers who are guilty of torture, rape, and murders. I do recognise the very real challenges that prosecutors and police face when investigating aggravated smuggling because the victim is in one country, the witness maybe in another country, the perpetrator may be in a third country and members of the victim’s family live in a fourth country. But these challenges mean more investment, more trainings, more collaboration, more commitments. Not less.

In the current polemic around refugees and migrants there are academics and activists who sometimes downplay the violations by smugglers and state officials in transit countries and point to restrictive government policies, normally in the global North, as the real cause of violations and deaths. Where do you stand on this?

I am fully aware of this context but I will only get involved in the debate to the extent that it impacts on my mandate: arbitrary killings.

Looking at the evidence, it’s clear that the vast majority of the deaths have to be attributed to criminal organisations that kill by commission or omission. But this does not mean that states bear no responsibilities. They do. Large ones. I have already said that most of these killings are not investigated. My belief is that these killings are allowed to act as deterrent factors, even though governments may not articulate it in these terms. At the end of the day, migration deterrence is what governments are after. I suspect this plays a large role in explaining why governments are not responding to the killings and preventing them as their human rights obligations require.

“ Killings by criminal organisations are allowed to act as deterrent factors, even though governments may not articulate it in these terms.”

Your focus is ending the loss of life of refugees and migrants. Are you sympathetic to policies such as the Australian “no boats policy”, the EU-Turkey Statement, or EU externalisation policies which have lowered, or intend to lower, the number of irregular migrants and thereby also reduced the number of deaths?

These policies have [in the short term] reduced the number of migrants or refugees. But there is limited evidence of the effectiveness of these policies in the long run and beyond specific border crossings. There is evidence that those kinds of policies have an impact in the short term because clearly people can’t take the route affected by the policies, but in the medium-to-long term it’s not effective. New routes are created, more dangerous ones. Furthermore, this approach is predicated on the refugees and migrants being held or detained or restricted in transit countries or countries of origin. So, although it’s very good that people are not dying by crossing oceans and borders, because of these policies they are at great risk of being held in inhuman conditions, victims of arbitrary detention, victims of torture and victims of killings. So these are not a proper response to the management of migrations, let alone to refugee movements.

Do you assume most of those on the move are unaware of the risks they face when deciding to move, or have no other choice but to move despite the risks involved?

Whether people are aware of the risks and the extent of this awareness does not impact on their right not to be arbitrarily deprived of their life. From the standpoint of states’ obligations, it does not matter whether migrants and refugees are engaged in hazardous or dangerous activities. In fact, in another context, even when people may do something dangerous, or even attempt suicide, if they need assistance it is still the obligation of the state to give them protection and assistance. That is the human rights framework and that’s my mandate.

You have said, “states are themselves guilty of the unlawful killings of refugees and migrants, either by excessive use of force or by policies and practices that are intended to deter migration but increase the risk of death.” This is a fierce accusation. Are you prepared to name situations where this occurs?

I wouldn’t argue that every instance of migration deterrence amounts to an arbitrary taking of life. But in situations where the government has sufficient evidence and knowledge, and where studies show that policies can result in deaths and killings, then states’ responsibilities are engaged. So, for example, in the Mediterranean when the rescue ships are unable to perform operations for a number of reasons that are connected to state intervention or regulation, states can be held responsible for deaths.

In the United States, it’s prohibited to leave water and food in the desert along the Mexican-US border and so the people that do provide such services can face criminal charges. When US Border Patrol [agents] take away the food and destroy the water points in the middle of the desert, they do that with the full knowledge that it is likely that some people are going

to die. This is an example of deterrence going too far, of deterrence that kills.

Europe's migration policy is based on migrants and refugees being held and stopped in Libya. But there has been repeated, well-documented evidence of migrants and refugees in Libya subjected to massive human rights violations, including arbitrary killings. These migration policies have gone too far. These migration policies kill. While the situation in Turkey is certainly different from that in Libya, a number of observers do not regard Turkey as a safe third country for many asylum-seekers.

You are quoted as saying, “mass killings of refugees and migrants constitute an international crime whose banality in the eyes of so many makes its tragedy particularly grave.” Can you describe what you mean by “banality” here given the extensive media and humanitarian coverage it receives?

I used the word “banality” because these deaths do not generate adequate responses and outcry, they do not generate disgust or even much anger, and they certainly do not result in national or international interventions to remedy them. Unfortunately, the prevailing public discourse, and not just in the West, but in many countries around the world, denies migrants and refugees equal humanity. They are stigmatised. Dehumanised. Not our equals. So that’s what I mean about the banality of their death or the banality of evil: for too many people, too many policy-makers, there is no reaction. There is no outrage to these killings. They have become banal. We have become accustomed to them being killed.

“ There is no outrage to these killings. They have become banal. We have become accustomed to them being killed for the moral character of our societies.”

How outraged or concerned do you think senior political leaders are about refugee and migrant deaths?

It’s too difficult to generalise. I have no doubt that some policy makers and elected leaders are incensed

and deeply, deeply concerned and moved by all these deaths. But there are many who are not. And amongst those, far too many who stigmatize refugees and migrants. Remember we do not know where this kind of dehumanization is going to stop. As I’ve said, too many states don’t seem to mind much about their dying, and use deaths as a deterrent. But who will be next? There are no reasons to believe that our societies will just stop now. There is plenty of historical evidence to fear that dehumanization will continue, applied to other groups or individuals for some other reasons. The situation is currently a tragedy, whatever the reasons behind it. It is a tragedy and it has serious, dangerous implications for the moral character of our societies.

“ The situation is currently a tragedy and it has serious, dangerous implications for the moral character of our societies.”

As the international community comes close to finalising the global compacts for refugees and migrants, how optimistic are you that these non-binding agreements will be implemented or change things?

I am cautiously optimistic. The last version of the draft that I saw had many recommendations that I entirely agree with as far as saving lives are concerned, so we’re starting with a good draft. Of course, I know that some states have proclaimed that they will not be bound by it but these are states that have already taken positions against multilateralism, so we just have to learn to work without them. Even in these countries, there are a lot of people on the ground, including humanitarian organisations, activists, academics, lawyers, local authorities, who are committed to the global compact, who know that this will be a very good tool for them to manage migration and provide services for their communities, including migrants and refugees, irrespective of what their central governments are doing. I don’t know whether the global compact will be enough. I don’t whether it will be good enough. But I know we cannot afford not to try to make it work, irrespective of what their central governments are doing.

1 For more information on this role, see: <https://www.ohchr.org/EN/Issues/Executions/Pages/SRExecutionsIndex.aspx>

2 See: <https://globalfreedomofexpression.columbia.edu/>

3 UNGA (2017) ‘Report of the Special Rapporteur of the Human Rights Council on extrajudicial, summary or arbitrary executions’ Available at: <http://undocs.org/A/72/335>

4 UNGA (2018) ‘Report of the Special Rapporteur of the Human Rights Council on extrajudicial, summary or arbitrary executions’ Available at: <http://undocs.org/en/A/73/314>

5 This vessel, *Aquarius*, operated by SOS Méditerranée and MSF, is now unable to operate following Panama’s decision to withdraw its registration.

6 UNODC (2004) ‘United Nations Convention against Transnational Organized Crime and the Protocols Thereto’ Available at: https://www.unodc.org/documents/middleeastandnorthafrica/organised-crime/UNITED_NATIONS_CONVENTION_AGAINST_TRANSNATIONAL_ORGANIZED_CRIME_AND_THE_PROTOCOLS_THERETO.pdf

Lethal choices

The rising death toll of mixed migration

All human beings have the right to life regardless of their national origin or legal status, according to the 1948 Universal Declaration of Human Rights.¹ The 2014 UN Human Rights Council resolution on human rights of migrants² states humans are entitled to the right to life “wherever the person is and regardless of his or her immigration status”, and the New York Declaration for Refugees and Migrants,³ which was adopted unanimously by the UN General Assembly in September 2016, vows to “fully protect the human rights of all refugees and migrants,” and declares, “We are determined to save lives.”

Despite these declarations and resolutions, it is estimated that at least 60,000 refugees and migrants have died during their journey from country to country since the start of this century.⁴ Nearly 26,000 of these deaths happened since 2014,⁵ according to the International Organization for Migration (IOM), which has recorded 2,756 migrant deaths in 2018, as of the 3rd of October.⁶

On the migration routes to Europe, which have been the most lethal worldwide, the mortality rate (number of deaths relative to number of people on a certain route) has more than doubled in 2018 compared to the previous year.⁷ Along the border between Mexico and the United States, another hot spot for migrant fatalities, the combined number of deaths in 2017 and 2016 was nearly double the total deaths in 2015 and 2014.⁸ This article briefly explores the contemporary collective thinking and action — or lack of action — around refugee and migrant fatalities, in particular of those who join irregular mixed migration flows, which is where the vast majority of deaths occur.

Shedders of light

People dying during migration journeys is not a new phenomenon, but these deaths became much more visible to governments and to the public since civil society organizations started researching them.⁹ In 1993, the European non-profit network United for Intercultural Action began to publish an annual *List of Deaths*,¹⁰ recording the names, origins and causes of death of refugee and migrant casualties associated with European migration policies. Similarly, the *Australian Border Deaths Database*¹¹ maintains a record of all known deaths associated with Australia’s borders since January 2000, and *Migrant Death Mapping*,¹² created by Humane Borders, another non-profit organisation, tracks where each migrant body was found along the United States-Mexico border, the name and gender of the deceased, and the cause of death.

In 2013, IOM launched the Missing Migrants Project¹³ (MMP), the first global database that counts all migrants and refugees worldwide who died during their migration journey. MMP and all other systems measuring migrant fatalities are always based on partial data: these systems have intrinsic limitations because such deaths often occur in remote areas or at sea, and because people in the process of irregular migration may fear reporting deaths to authorities. Nevertheless, by gathering whatever information is available and presenting it in an individualised way — placing emphasis on each person — these databases have contributed fact-based evidence to an issue that is currently highly politicised,

- 1 Universal Declaration of Human Rights: <http://www.un.org/en/universal-declaration-human-rights/>
- 2 Human Rights Council (2013) ‘Resolution - Human rights of migrants’ Available at: http://www.un.org/en/development/desa/population/migration/generalassembly/docs/globalcompact/A_HRC_RES_23_20.pdf
- 3 UNGA (2016) ‘Resolution - New York Declaration for Refugees and Migrants’ Available at: http://www.un.org/en/development/desa/population/migration/generalassembly/docs/globalcompact/A_RES_71_1.pdf.asp?symbol=A/RES/71/1
- 4 Migration Data Portal – ‘Migrant deaths and disappearances’ Available at: <https://migrationdataportal.org/themes/migrant-deaths-and-disappearances>
- 5 IOM (2018) ‘6,000 Migrant Deaths Recorded in 2017, “Only a Fraction of the Real Number” Worldwide: GMDAC’ Press Release. Available at: <https://www.iom.int/news/6000-migrant-deaths-recorded-2017-only-fraction-real-number-worldwide-gmdac>
- 6 Missing Migrants Project: <https://missingmigrants.iom.int/>
- 7 UNHCR (2018) ‘Desperate Journeys – Refugees and Migrants Arriving in Europe and at Europe’s Borders’ Available at: <http://www.unhcr.org/desperatejourneys/>
- 8 Missing Migrants Project: <http://missingmigrants.iom.int/region/americas>
- 9 Heller, C. & Pécoud, A. (2018) ‘Counting migrants’ deaths at the border: From civil society counter-statistics to (inter)governmental recuperation’ International Migration Institute Network. Available at: <https://www.imi-n.org/publications/counting-migrants2019-deaths-at-the-border-from-civil-society-counter-statistics-to-inter-governmental-recuperation>
- 10 United for Intercultural Action (2018) ‘List of 34,361 documented deaths of refugees and migrants due to the restrictive policies of “Fortress Europe”’ Available at: <http://www.unitedagainstracism.org/campaigns/refugee-campaign/working-with-the-list-of-deaths/>
- 11 Border Crossing Observatory at Monash University - ‘Australian Border Deaths Database’ Available at: <https://arts.monash.edu/social-sciences/border-crossing-observatory/australian-border-deaths-database/>
- 12 Humane Borders – ‘Migrant Death Mapping’ Available at: <https://humaneborders.org/migrant-death-mapping/>
- 13 IOM – ‘Missing Migrants Project’ Available at: <https://missingmigrants.iom.int/>

and have served as a reminder of a disturbing reality that is too easily dismissed.¹⁴

Mapping deadliest journeys

Another key source for understanding how such deaths happen is the Mixed Migration Monitoring Mechanism Initiative¹⁵ (4Mi), which conducts structured interviews with migrants and refugees along various mixed migration routes globally. Through these in-depth interviews relying on witness testimonies 4Mi has been able to map out the most lethal locations along the migration routes. The existence of sources like 4Mi, MMP, and others is necessary particularly because most governments do not collect, correctly categorise or publish numbers on deaths of refugees and migrants within or near to their territory.

The UN has urged states to start monitoring and recording all allegations of suspicious deaths or disappearances along migration routes, and to ensure that family members of victims are encouraged to report about such events to authorities.¹⁶ In 2017 IOM's then director general William Lacy Swing stressed that good data are essential for the efforts to make migration safer: "Improving information on who these missing migrants are, where they come from, and above all, when they are most at risk, is crucial to building a holistic response to reduce the number of migrant deaths."¹⁷

Smugglers most to blame

While the existing databases have been providing figures and insight on migrant fatalities, in recent years there has also been an increase in academic migration research¹⁸ that has contributed to public understanding of why migrant fatalities happen and who is responsible. At one level, the topography of types of deaths shows that refugees and migrants die due to many different causes along their journey, but identifies those primarily responsible for the abuse, negligence, and deliberate

violence that leads to death as those they entrust with their journey — the smugglers.¹⁹ Some also meet death at the hands of state officials, criminal gangs, local communities and even other migrants.

Can policies kill?

At another level, causation theories look at the policy environment that leads to mixed migration and the use of irregular pathways with smugglers in the first place. A dominant line of analysis in recently years, therefore, has sought to show how government policy is closely associated with border deaths:

"Border control policies can be linked to deaths **structurally**, where they limit the choices of illegalized travellers in ways that increase risks; **directly**, where the immediate actions of government agencies or other individuals bring about the deaths of illegalized travellers; and **indirectly**, where individuals take their own lives because of the intolerable circumstances they face. Although the causal links between policy and avoidable death may be more readily visible in relation to deaths occurring **directly** at the hands of others, the **indirect** and **structural** violence of border control policies accounts for many more deaths amongst individuals denied the opportunity to make safe and legal border crossings. In effect, border control policies are the invisible actors behind these deaths."²⁰

These indirect and structural links have been most evident in the Europe/Middle East/North Africa regions. Various papers have highlighted how governmental and intergovernmental policies have led migration routes to the European Union to become the deadliest routes worldwide. In research that examined the relationship between EU policy and deaths along the EU's borders through an exhaustive review of academic literature, half of the works reviewed "tie EU border deaths to policies that determine and enforce the accessibility of safe international travel."²¹ Along the border between Greece and Turkey between 2000 and 2014, for example, the

14 Last, T. et al (2017) 'Deaths at the borders database: evidence of deceased migrants' bodies found along the southern external borders of the European Union' *Journal of Ethnic and Migration Studies*. Available at: <https://www.tandfonline.com/doi/full/10.1080/1369183X.2016.1276825>

15 Mixed Migration Centre – 'Mixed Migration Monitoring Mechanism Initiative' Available at: <http://www.mixedmigration.org/4mi/>

16 UNGA (2017) 'Unlawful death of refugees and migrants' Report of the Special Rapporteur of the Human Rights Council on extrajudicial, summary or arbitrary executions. Available at: <https://reliefweb.int/report/world/unlawful-death-refugees-and-migrants-report-special-rapporteur-human-rights-council>

17 IOM(2017) 'Fatal Journeys, Volume 3 Part 2 - Improving Data on Missing Migrants' Available at: <https://publications.iom.int/books/fatal-journeys-volume-3-part-2-improving-data-missing-migrants>

18 IOM (2018) 'World Migration Report' Chapter 4. Available at: <https://publications.iom.int/books/world-migration-report-2018-chapter-4-migration-research-and-analysis-growth-reach-and-recent>

19 For further discussion of this see the 'Both angels and demons?' essay in section 3 of this review.

20 Weber, L. (2012) 'Border Deaths and Border Control Policies' Border Crossing Observatory. Paper delivered at the Border Deaths Conference in Amsterdam, June 2018

21 Last, T. (2018) 'What is the relationship between EU border deaths and policy? Conflicting hypotheses of academics and policy-makers' Paper delivered at the Border Deaths Conference in Amsterdam, June 2018

risk of death associated with irregular border crossing was progressively heightened by Greek and EU efforts to prevent illegal immigration.²²

Safety through deterrence

On the other hand, there are those who argue the most effective way to minimize migrant deaths is to impose stricter border controls that discourage migrants from travelling on irregular migration routes. In 2015, Australia's then prime minister Tony Abbot said the only way to stop deaths of migrants at sea "is in fact, to stop the boats."²³ The stated policy of the EU for preventing migrant fatalities in the Mediterranean has been to do whatever necessary to try reduce the number of people crossing sea towards Europe.²⁴ As a result of this policy, the number of refugees and migrants crossing the Mediterranean has significantly decreased in the past two years and there has also been a decline in the total number of migrant fatalities at sea,²⁵ though the mortality rate has doubled.²⁶

Search and smuggle?

Another controversial issue relates to the role of search and rescue (SAR) activities on the Central Mediterranean route from Libya to Italy, where there have been more recorded deaths in 2018 than in all the rest of the migration routes worldwide combined.²⁷ The Italian government has accused non-profits that operate SAR vessels in the sea between Italy and Libya of acting like a "taxi service" for unauthorized migrants,²⁸ has taken steps to prevent

these vessels from operating²⁹ and has encouraged Libyan authorities to do the same.³⁰ The mortality rate amongst refugees and migrants trying to cross the sea increased³¹ after the Italian and Libyan authorities began restricting the activities of independent SAR vessels in the Mediterranean.³²

The correlation between national policies or authorities' actions and refugee and migrant fatalities has been well documented in other parts of the world as well. Amongst people fleeing southern Cameroon in the second half of 2017, the mortality rate ranged between 15 percent and 20 percent, mainly because there were no safe cross-border passages into Nigeria, so the Cameroonians had to take unconventional routes: sailing through dangerous rivers or trekking through vast forests.³³ In the US–Mexico borderlands, where 412 migrant deaths were recorded in 2017³⁴ compared to 398 in 2016, the practices of US Border Patrol agents caused "wide-ranging trauma, injury, disappearance, and death for untold border crossers on a daily basis."³⁵

Protection failures

A 2017 report by the UN special rapporteur³⁶ on extrajudicial, summary or arbitrary executions focused on the mass casualties of refugees and migrants in the course of their flight, and was quite critical of nation states:

"The report presents evidence that suggests multiple failures on the part of States to respect and protect

-
- 22 Ulusoy, O., Baldwin-Edwards, M., & Last, T. (2018) 'Border policies and migrant deaths at Turkish-Greek border' Paper delivered at the Border Deaths Conference in Amsterdam, June 2018
- 23 Farrell, P. (2015) 'Could Australia's 'stop the boats' policy solve Europe's migrant crisis?' The Guardian. Available at: <https://www.theguardian.com/world/2015/apr/22/could-australia-stop-the-boats-policy-solve-europe-migrant-crisis>
- 24 European Commission (2017) 'Migration on the Central Mediterranean route – Managing flows, saving lives' Available at: https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/proposal-implementation-package/docs/20170125_migration_on_the_central_mediterranean_route_-_managing_flows_saving_lives_en.pdf
- 25 IOM (2018) 'Mediterranean Migrant Arrivals Reach 82,100 in 2018; Deaths Reach 1,741' Press release. Available at: <https://www.iom.int/news/mediterranean-migrant-arrivals-reach-82100-2018-deaths-reach-1741>
- 26 UNHCR (2018) 'Desperate Journeys – Refugees and Migrants Arriving in Europe and at Europe's Borders' Available at: <http://www.unhcr.org/desperatejourneys/>
- 27 IOM – 'Missing Migrants Project' Available at: <https://missingmigrants.iom.int/>
- 28 Fiorentino, M-R. & Reuters (2018) 'Europe must review Mediterranean search and rescue operations, says UNHCR' Euronews. Available at: <https://www.euronews.com/2018/09/29/europe-must-review-mediterranean-search-and-rescue-operations-says-unhcr>
- 29 Tondo, L. & McVeigh, K. (2018) 'No NGO rescue boats currently in central Mediterranean, agencies warn' The Guardian. Available at: <https://www.theguardian.com/world/2018/sep/12/migrant-rescue-ships-mediterranean>
- 30 Border Criminologies (2018) 'Pushing Migrants Back to Libya, Persecuting Rescue NGOs: The End of the Humanitarian Turn (Part II)' University of Oxford Faculty of Law. Available at: <https://www.law.ox.ac.uk/research-subject-groups/centre-criminology/centreborder-criminologies/blog/2018/04/pushing-0>
- 31 UNHCR (2018) 'Desperate Journeys – Refugees and Migrants Arriving in Europe and at Europe's Borders' Available at: <http://www.unhcr.org/desperatejourneys/> and Border Criminologies (2018) 'Outsourcing European Border Control: Recent Trends in Departures, Deaths and Search and Rescue Activities in the Central Mediterranean' University of Oxford Faculty of Law. Available at: <https://www.law.ox.ac.uk/research-subject-groups/centre-criminology/centreborder-criminologies/blog/2018/09/outourcing>
- 32 Border Criminologies (2018) 'Pushing Migrants Back to Libya, Persecuting Rescue NGOs: The End of the Humanitarian Turn (Part II)' University of Oxford Faculty of Law. Available at: <https://www.law.ox.ac.uk/research-subject-groups/centre-criminology/centreborder-criminologies/blog/2018/04/pushing-0>
- 33 Nchotu, S. & Abuno, M. (2018) 'Border Deaths and Migration Policies: State and Non-State Approaches in the Southern Cameroon Conflict' Southern Cameroon Civil Defense Cabinet. Unpublished paper written for the Border Deaths Conference in Amsterdam, June 2018
- 34 IOM (2018): 'Migrant Deaths Remain High Despite Sharp Fall in US-Mexico Border Crossings in 2017' Press release. <https://www.iom.int/news/migrant-deaths-remain-high-despite-sharp-fall-us-mexico-border-crossings-2017>
- 35 The Disappeared Report, a collaborative project between two Tucson-based organizations, La Coalicion de Derechos Humanos and No More Deaths. Available at: <http://www.thedisappearedreport.org/aboutus.html>
- 36 The interview with Special Rapporteur Agnes Callamard can be found on page 64.

refugees' and migrants' right to life, such as unlawful killings, including through the excessive use of force and as a result of deterrence policies and practices, which increase the risk of death. Other violations to the right to life result from policies of extraterritoriality amounting to aiding and assisting in the arbitrary deprivation of life, and from the failure to prevent preventable and foreseeable deaths, as well as the limited number of investigations into these unlawful deaths. The report also presents best practices in search and rescue operations and for the dignified treatment of the dead, but points out that States do not implement them as they should, and fail to resource them adequately."³⁷

Declaring war on smugglers

One way in which the UN has sought to address the problem of migrant fatalities is by combating the smugglers who facilitate the movement of people on irregular migration routes. The Protocol against the Smuggling of Migrants by Land, Sea and Air,³⁸ which entered into force January 2004, aims at preventing human smuggling in order to protect the rights of smuggled migrants. Similarly, EU politicians and policy makers have repeatedly declared they are at war with the smugglers who are putting migrants' lives at risk³⁹ and have created an Action Plan against migrant smuggling.⁴⁰

Migrant fatalities indeed often occur while migrants are in the charge of smugglers, and are sometimes directly caused by smugglers, who become more of a threat the further the refugee or migrant is from their place of origin. However, migrant smugglers are a disparate group — ranging from helpful fixers to abusive murderers — and governments consistently use “vitriolic anti-smuggler rhetoric to misdirect us and distract us from the real intention of their policies.”⁴¹

Safety in legality

While governments' answer to the growing phenomenon of migrant fatalities has been to focus on tackling smuggling by “disrupting their business model” and controlling borders better, scholars and experts have stressed the importance of opening more legal migration pathways, particularly with regards to accessing asylum.⁴²

“Strengthening legal channels for refugees to reach safety would contribute to reducing the number of lives lost at sea,” was one of the main conclusions of a 2014 conference of the European Union Agency for Fundamental Rights (FRA). A toolbox⁴³ published following that conference explained that many people in need of protection resort to perilous irregular migration routes because opportunities to enter the EU lawfully are limited. UNHCR reported that in 2017 and 2018 the numbers of resettlement places made available by refugee-accepting countries fell to unprecedented levels. The FRA's recommendation to make existing legal entry channels – such as resettlement, humanitarian visas and family reunification – more available to persons in need of protection was reaffirmed in 2017 by the European Commission.⁴⁴

Look at Latin America

The existence of legal migration channels in Latin America is one of the main reasons that movement of people across borders within this region has been much less deadly⁴⁵ in comparison to the migration to Europe. In a 2016 Migration Policy Institute report, migration laws in Latin America were described as “heavily anchored on the respect of human rights, the principle of non-discrimination, and the understanding that crossing a border should not necessarily constitute a loss of rights.”⁴⁶ In March 2018, when the number of people fleeing Venezuela spiked, UNHCR applauded countries in Latin America that introduced alternative legal stay

37 UNGA (2017) 'Unlawful death of refugees and migrants' Report of the Special Rapporteur of the Human Rights Council on extrajudicial, summary or arbitrary executions. Available at: <http://undocs.org/A/72/335>

38 UN (2000) 'Protocol against the Smuggling of Migrants by Land, Sea and Air' United Nations Convention against Transnational Organized Crime. Available at: https://www.unodc.org/documents/middleeastandnorthafrica/smuggling-migrants/SoM_Protocol_English.pdf

39 Crawley, H., Düvell, F., Jones, K., McMahon, S. & Sigona, N. (2016) 'Destination Europe? Understanding the dynamics and drivers of Mediterranean migration in 2015' MEDMIG Final Report. Available at: <https://www.compas.ox.ac.uk/2016/destination-europe-understanding-the-dynamics-and-drivers-of-mediterranean-migration-in-2015/>

40 European Commission (2015) 'EU Action Plan against migrant smuggling (2015-2020)' Available at: https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/eu_action_plan_against_migrant_smuggling_en.pdf

41 Horwood, C. (2018) 'Angels or devils? - A more honest appraisal of the role of migrant smugglers' Mixed Migration Centre. Unpublished paper written for the Border Deaths Conference in Amsterdam, June 2018.

42 Palm, A. (2018) 'Moving beyond control-oriented measures? Testing new models of legal asylum channels' unpublished paper written for the Border Deaths Conference in Amsterdam, June 2018.

43 FRA (2015) 'Legal entry channels to the EU for persons in need of international protection: a toolbox' Available at: <http://fra.europa.eu/en/publication/2015/legal-entry-channels-eu-persons-need-international-protection-toolbox>

44 European Commission (2017) 'Commission recommendation on enhancing legal pathways for persons in need of international protection' Available at: https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/20170927_recommendation_on_enhancing_legal_pathways_for_persons_in_need_of_international_protection_en.pdf

45 IOM Missing Migrants Project: <http://missingmigrants.iom.int/region/americas?region=1407>

46 Acosta, D. (2016) 'Free Movement in South America: The Emergence of an Alternative Model' Migration Policy Institute. Available at: <https://www.migrationpolicy.org/article/free-movement-south-america-emergence-alternative-model>

arrangements for Venezuelans.⁴⁷ However, in recent months, as the Venezuelan exodus has continued to grow, governments in the region have begun to restrict legal migration routes, leading some Venezuelans to travel on irregular migration routes that put their lives at risk.⁴⁸ (For more details see “Managing flow” in Section 4 of this report.)

Conflicting objectives

The fact the UN’s Global Compact for Migration’s list of objectives includes both “save lives” of migrants and “prevent, combat and eradicate trafficking in persons in the context of international migration”⁴⁹ illustrates a potential contradiction that lies at the core of the world’s migrant fatalities crisis, according to some scholars. Norbert Cyrus notes that the most effective instrument to prevent life-threatening migration passages is the granting of free movement, and that the Global Compact for Migration perpetuates the right of states to exclude non-citizens, and by doing so puts them at risk.⁵⁰ He argues that enlarging the scope of free movement between countries will make it easier for people in need of protection to safely reach another country. Harald Bauder points out that states restrict migration to protect their own privileges — to “maintain many of the political relations reminiscent of a colonial and imperial global past” — and questions whether these restrictions can be morally justified considering the deadly consequences on migrants and refugees, many of whom come from countries formerly colonized by European powers.⁵¹

‘Control with empathy’

On the other hand, the rapid rate of migration to Europe has already breathed life into far-right political movements, and continued rapid immigration may foster additional support for far-right parties, which, if translated to into actual political power, as it has in Hungary, can lead to much more restrictive migration policies.⁵² Furthermore, there are experts who claim idealistic arguments for open borders are unfeasible and argue for a migration policy that “combines control with empathy, effectiveness with humanity, and reduced irregular movement with human rights,” because that is the only strategy that would be both electorally rewarding and considerate of the rights of refugees and migrants.⁵³

The conflict between a humanitarian, universalistic approach that prioritizes the right to life of all humans, and an approach in which states are allowed — and even encouraged — to restrict free movement of people across borders will not be resolved by the migration and refugee compacts. These non-binding global accords do represent a significant step forward towards the international community embracing the idea that no state can address migration alone. But they don’t offer any concrete solutions to the challenge of refugee and migrant deaths, and, at least for now, the journeys of those who choose these pathways to cross seas and land borders will continue to be life-threatening.

47 UNHCR (2018) ‘As Venezuelans flee throughout Latin America, UNHCR issues new protection guidance’ Briefing note. Available at: <http://www.unhcr.org/news/briefing/2018/3/5aa793c14/venezuelans-flee-throughout-latin-america-unhcr-issues-new-protection-guidance.html>

48 UNHCR (2018) ‘Venezuela Situation’ Situational update. Available at: <https://data2.unhcr.org/en/documents/download/65016>

49 See: <https://refugeesmigrants.un.org/migration-compact>

50 Cyrus, N. (2018) ‘Bringing the Right to Freedom of Movement Down to Earth: Tentative Outline of a Research Program Promoting Free Movement’ Viadrina Center/Borders in Motion, European University Frankfurt

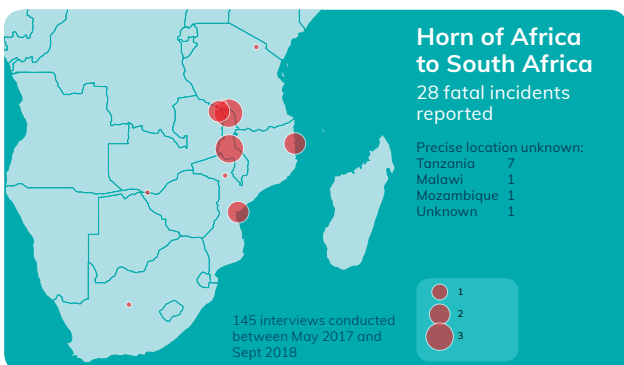
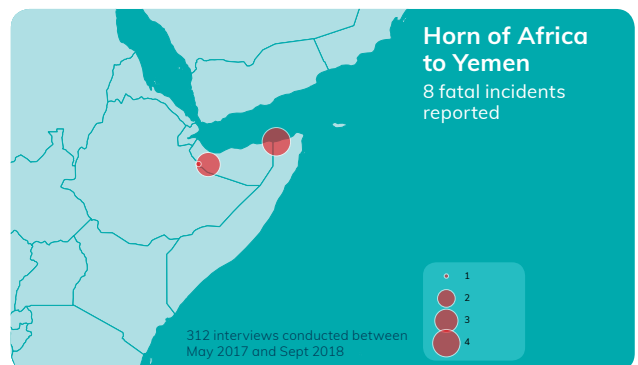
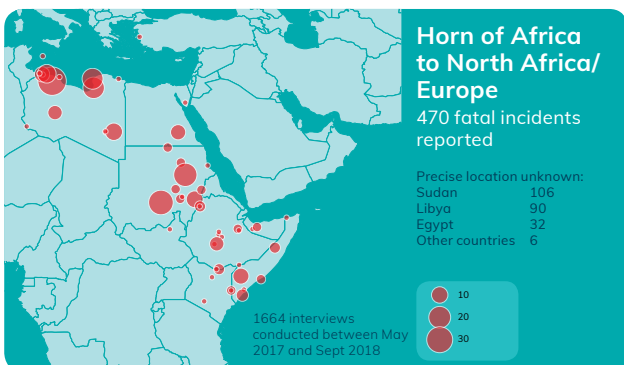
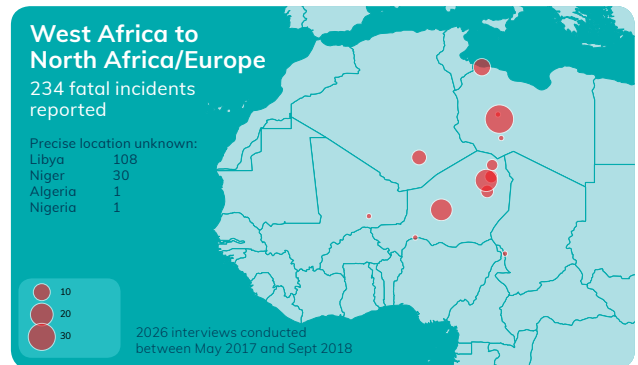
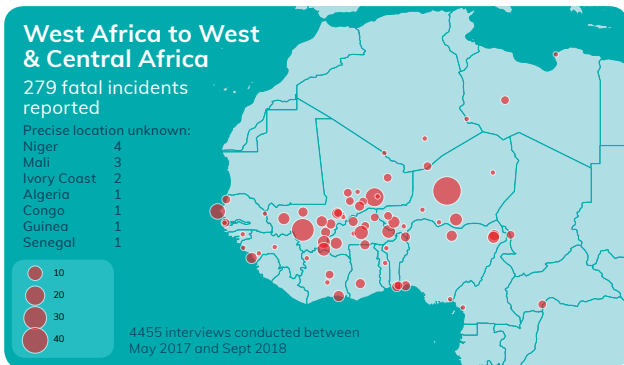
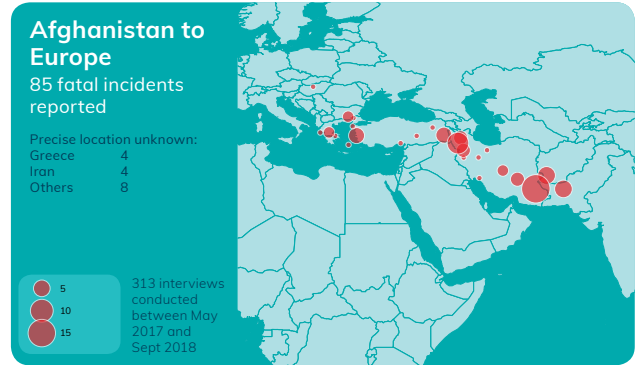
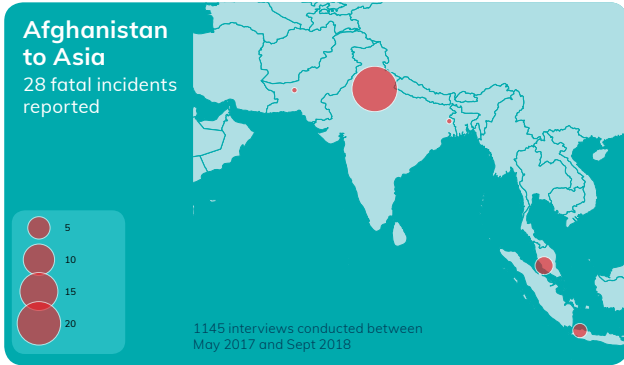
51 Bauder, H. (2017) ‘Migration Borders Freedom’ Routledge Studies in Human Geography.

52 Davis, L. & Deole, S. (2017) ‘Immigration and the Rise of Far-Right Parties in Europe’ CESifo Group. Available at: <https://www.cesifo-group.de/DocDL/dice-report-2017-4-davis-deole-december.pdf>

53 Dalhuisen J. & Knaus, G. (2018) ‘How Italy Can Combine Migration Control with Human Rights’ News Deeply. Available at: <https://www.newsdeeply.com/refugees/community/2018/03/13/how-italy-can-combine-migration-control-with-human-rights>

Fatal incidents reported by refugees & migrants

as interviewed by 4Mi (locations of witnessed incidents marked)

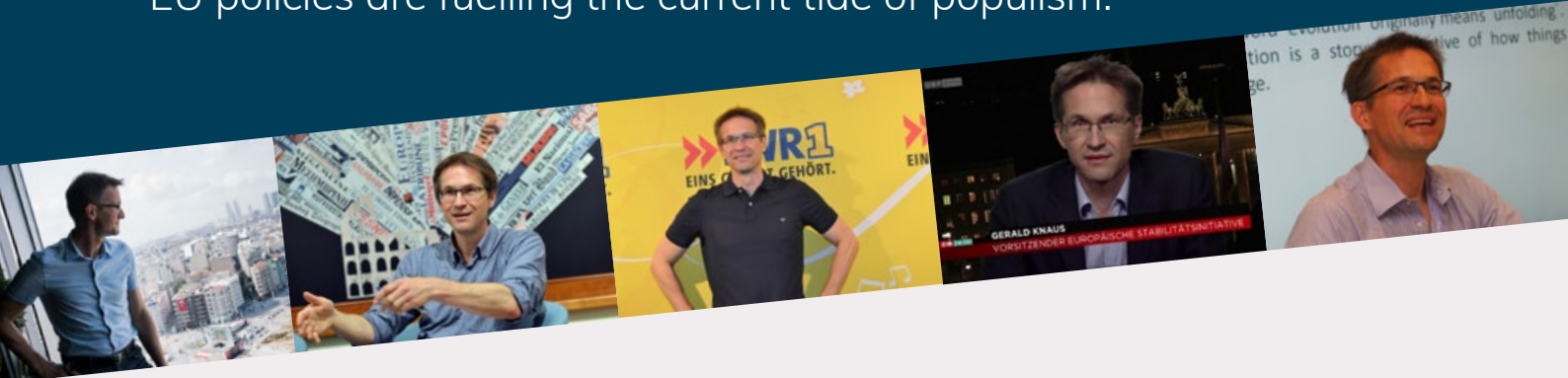


These graphics refer to fatal incidents witnessed by refugees and migrants participating in the 4Mi survey. In many cases the incident involved more than one death but the data is not robust enough to present as 'body counts', hence the use of 'incidents'. The relatively small number of refugees and migrants interviewed by 4Mi monitors suggests these figures are conservative estimates of the actual number of fatal incidents and therefore the number of those who actually perished.

Interview

Invasion? What invasion?

The idea that Europe is being overrun by migrants fails to stand up to scrutiny, insists **Gerald Knaus**, who believes implementation of the EU-Turkey deal needs to be improved, and that wrong-headed EU policies are fuelling the current tide of populism.



Gerald Knaus is the founding chairman of the European Stability Initiative (ESI), a thinktank with offices in Berlin and Brussels working on southeast Europe, European enlargement, and the future of the EU. He has written numerous articles and books and is a widely consulted expert on a range of issues, including the migration and refugee debate.

In advanced economies of the global North we see a high need for labour in important sectors but a low tolerance of migrants. We see high values expressed but little appetite to take refugees. How would you explain these apparent contradictions?

I am not sure these are contradictions. Take Germany, which saw a wave of support in 2015 for taking in hundreds of thousands of refugees. People had seen images of the war in Syria, of children drowning on the way to the EU. There was a broad consensus to support refugees and a government prepared to mobilise billions to ensure that an inflow of up to 10,000 people a day in autumn 2015 could be handled. This mobilisation worked amazingly well. Two years after almost one million people arrived, in 2017, Germany awarded refugee status and subsidiary protection more than 220,000 times, more than the rest of the EU and the US, Canada, Australia, Japan, Mexico and South Korea combined. And today there is still legal migration and backing for helping refugees. A recent poll in Bild Zeitung showed 11 percent who opposed taking any refugees, 42 percent who wanted numbers to be reduced, 30 percent who were fine with the current situation and seven percent who argued that more could be taken in. A smart policy builds on this and combines better control

and a reduction of irregular migration with continued protection for those who need it. The German public wants things to be managed, but it has not lost empathy.

The picture is very different elsewhere. In Hungary, Prime Minister Viktor Orban, a hero also of the German far-right, decries a loss of control by weak elites leading to the destruction of European civilization. He evokes an imaginary invasion of millions of African and Middle Eastern Muslims. Imaginary, because in the first eight months of 2018 the total number of people who crossed the Mediterranean to Spain, Italy and Greece was only 70,000. The number of tourists who arrive in Paris daily is more than 90,000. Hungary has had a total 3,400 asylum applications in 2017 and 450 in the first six months this year. But Orban fans these fears because it helps him win elections, and because he believes that he can inspire a broad anti-migration illiberal European movement. To challenge the pan-European coalition he is constructing, one needs to insist on the difference between regular migration, which countries should decide on themselves, [and] irregular migration, which should indeed be reduced but in line with existing laws and protection for those who need it. One needs to build a counter-coalition and win the debate over how to reassert control.

As the proposer of what is known as the EU-Turkey Statement you are critical of its success. You have spoken of how to increase the negligible numbers of returns to Turkey, for example, and the fact that it's not being implemented properly. Can you elaborate?

The goal was to achieve a reduction in irregular arrivals, end the drowning of hundreds of people crossing the Aegean and replace irregular migration with an orderly process, helping refugees in Turkey and resettling some. The statement achieved many of these aims, and to date no one has come up with a better alternative, but it is so badly implemented that on the Greek islands we now have some of the worst refugee reception centres in the developed world. Instead of taking a few weeks it takes more than a year to come to a decision who can be returned to Turkey. As a result, very few people are returned — 25 a month this year so far. Instead people are kept on the islands unnecessarily under shameful conditions. We need to properly implement the agreement.

“ Badly thought-through proposals polarised the debate further and made it easy for populists, whose message is all too simple: nobody should come. ”

You have said the EU asylum policy is in a state of “drift” and the failure to process asylum seekers effectively means that Europe continues to be a strong magnet for refugees and migrants. You have also promoted the Dutch fast-track eight-week system. Do you see any appetite for EU countries to adopt your proposals?

On the level of public debate there is broad agreement across Europe that faster asylum procedures, return of those who do not need protection in the EU and relocation amongst a group of countries of those who get protection, are all needed. Our specific proposals on how to do this have been endorsed by many, in Germany and elsewhere, in recent years. What is missing is a mechanism to implement this. In Brussels, European institutions are paralysed by the polarisation between member states such as Germany and Hungary. Badly thought-through proposals coming from the European Commission in 2016 polarised the debate further and made it easy for populists, whose message is all too simple: nobody should come — neither refugees nor irregular migrants — and everyone should be sent back. In this situation the way forward is for some countries to come together as a coalition and focus on how to implement a humane policy that can also be easily communicated: no refoulement, no deterrence through bad treatment, sea rescues to prevent deaths, and quick processing and quick returns of anyone who arrives and does not need protection in

the EU. All of this is possible, doable, done somewhere, but we lack the teams working on it concretely.

You have argued that effective processing and effective return of rejected applicants will and should act as a deterrent. First, can you point to a precedent showing where this has worked and second, from the refugee or migrant perspective, isn't the gamble always worth taking, considering the perceived benefits of being successful as irregular migrants?

People take high risks when they see a high chance of success. Cubans got into boats in 1995 to head to Florida until the moment when the Clinton administration persuaded the Castro government to take them back. This agreement was followed by an immediate reduction in people leaving. In return, the US offered opportunities for legal migration from Cuba. We proposed something similar in 2015, and indeed the EU-Turkey Statement from March 2016 also resulted in immediate reductions in the number of people coming. We saw a dramatic drop from 2,000 people per day in January and February 2016 to 50 per day within a few months. Without this it is doubtful Angela Merkel would have remained chancellor in Germany or a far-right president could be avoided in Austria in 2016. A massive increase in EU spending on social support for refugees in Turkey was also crucial. But then things went wrong as European leaders became complacent. No coherent system was agreed with the Greek authorities to process applications. A low number of arrivals removed the sense of urgency. Instead of setting up processing centres offering humane conditions, fast processing, and returns of those not in need of protection in the EU we saw a variation of the Australian system emerge on Lesbos: deterrence through bad conditions, in violation of Greek and European law.

Various migration experts and commentators have said western liberal democracies do not have the stomach to restrain irregular migration and that increased migration is inevitable. What is your view on this?

This argument is empirically false and politically dangerous. The US did stop boats leaving from Cuba in 1995, Spain did stop boats leaving from Senegal in 2005 and the EU-Turkey Statement has stopped people arriving in 2016. If those in favour of human rights and the Refugee Convention declare that “nothing can be done” they simply yield the stage to those who, like Salvini and Orban, assert that they know what to do, are prepared to employ drastic measures, and ready to block sea rescues, push people back into danger without procedures and suspend international conventions.

We need to reduce irregular arrivals also from the humanitarian point of view. In the last four years more than 14,000 people drowned in the Central Mediterranean. This is a humanitarian disaster. Note

also that the highest number of people drowning — almost 4,600 in 2016 — happened at the time of the highest number of rescues and rescue boats at sea. And the deadliest half year in the recent history of the Central Mediterranean was the period May to October 2014, the second half of the Italian rescue effort Mare Nostrum, when 3,000 people died in six months. It is obvious that the only way to reduce the loss of lives is to combine sea rescues with efforts so that fewer people get into boats, or indeed fewer go to Libya. The humane way to achieve this is to make clear that anyone not in need of international protection will be returned to their countries of origin within weeks of arrival, and that the EU supports strongly any effort to get people out of Libya. We should also offer countries of origin mobility and quotas for regular migration. We need a serious debate [about] how to return those who do not need protection quickly, how to increase resettlement of refugees, and how to increase help to refugees in countries hosting them at the moment. These are also the key principles behind the EU-Turkey statement.

“ It is obvious that the only way to reduce the loss of lives is to combine sea rescues with efforts so that fewer people get into boats.”

Some argue that a failure to fully harness open, global migration is a huge missed opportunity. What do you think?

If mobility is managed it can be both beneficial and politically acceptable. If there is a sense of loss of control, however, politics can turn ugly quickly. In democracies any policy needs majority support to be sustainable. We know that societies can be generous when it comes to accepting refugees. Australia took in a lot of Vietnamese refugees under Malcom Fraser in the late 1970s, and Germany and Sweden did so in recent years. We also know that societies can benefit from regular immigration. We see this in all truly creative cities, from medieval Venice or Naples to modern New York, London and Berlin. But fearful societies do not focus on opportunities.

Alarmists cite rising global population and Gallup poll reports pointing to the high number of potential migrants (700 million) wanting to access advanced economies. Others say this is an exaggeration and most people want to stay where they are. Are demographics relevant?

The population of Africa has doubled between the late 1980s and today already. And yet, the total number of people crossing the Mediterranean to Europe each month during these decades was never more than a few thousand, with few exceptional years as in 2014-2017. The far right peddles fantasies of invasions because it

lives off fear. I do not understand why liberals would do this. The image of millions of Africans sitting on their suitcases is not serious. The message that Europe has no choice but either to accept millions every year or to create illiberal states that give up on human rights is misleading. We can combine empathy and control.

“ We can combine empathy and control.”

The migration/refugee debate has become highly polemical and seems to also be a struggle between pragmatism and principle. Or “empathy and control” as you have said. It seems like an impossible problem where few people will be pleased with the outcome.

We need to define what is non-negotiable. Nobody who reaches Europe should be pushed into a situation where they are likely to be tortured or killed; that is the heart of the Refugee Convention. Nobody must be left to drown. No European society can embrace racist theories. When Viktor Orban referred in February 2018 to London as an example of a city where European civilisation has already been defeated, he alluded to the racist stories of those who worry about a Muslim mayor or about cities with big non-White, non-Christian populations. He embraces the same stories and arguments as radical movements, such as the identitarians. Pragmatism can never mean indulging such politics or accepting the idea of borders to be closed “at whatever price”.

How did Australia balance pragmatism and principle?

Australia did not get the balance right. Yes, Australia stopped deaths at sea and irregular arrivals by boats in 1981 and 2013. This turned it into inspiration to some politicians in Europe. However, boats were stopped at a very high human cost. Since 2013 a few thousand people have been held, many for years, under inhumane conditions on islands such as Nauru and Manus. Why did it take so long for a few asylum applications to be decided? Why was no bigger effort made to relocate all [those] found to be in need of protection to a country where a decent life is possible? Efforts by the Labor government to reach such an agreement with Malaysia in 2011 failed, [and were] attacked at the time by both the right, which pushed for Nauru, and human rights groups.

An improved version of the 2011 agreement would still be the best way to combine control, the saving of lives and respect for the dignity of anyone who arrives. Note that there were never more than 2,500 people on Manus and Nauru, combined. This is a small number compared to the 20,000 now on the Aegean islands. The best would be for a successful European policy in the Mediterranean to serve as a model also to Australia. We are far from this now.

Many would say Turkey is absolutely not a safe third country. Arguably, nor is Libya, Niger and other destinations. Is this an example of “externalisation” and of where principle has been trumped by cynical political pragmatism?

It comes down to one question: do we have procedures in place to decide whether it is safe to return somebody? In the case of the EU-Turkey Statement we do, although decisions, including appeals, take far too long. No one can be sent to Turkey unless an individualised assessment finds that this person will be safe in Turkey. As Turkey is a member of the Council of Europe, standards for transferring asylum seekers that apply to the return of people from Switzerland to Italy or Greece should apply here too and be verifiable. This can be done. It is very different with Libya, where it is crystal clear that there is no way to return anyone today legally: there is torture, there are no provisions to offer protection. The term “externalisation” introduces confusion, however. It implies that any attempts to reduce arrivals are wrong, that the only legitimate outcome is for anyone who needs protection to make their way to the EU and that all efforts to prevent this are illegitimate. This misses key distinctions: for Italy under Berlusconi in 2009 to return people without procedures to Libya is not the same as for Greece in 2018 to return people following a procedure to Turkey. To cooperate with Niger to stop smugglers taking people across the Sahara to certain mistreatment in Libya can be legitimate; it depends on how it is done.

“When a US president tweets that he wants to get rid of judges to assess protection claims, and when children are separated from parents, we face an emergency.”

Increasingly, commentators are suggesting the Refugee Convention and the global refugee regime need reform to face modern challenges. Who qualifies for protection and how the responsibility is shared is at the core of the debate. How relevant and legitimate are terms such as “survival migration”, especially in the light of some prognoses around the impacts of climate change?

We are facing so many urgent problems at this very moment, in Europe but also in the US and Australia, that it seems more urgent to focus on these. How can we ensure continued sea rescues in the Central Mediterranean, and where should the people who are rescued be taken to safety? How can we improve conditions on the Greek islands before the next winter and beyond? How can the EU help get more people out

of the terrible detention centres in Libya? What needs to happen to halt the rise of political parties that want to do away with the right to asylum altogether? How can the EU help displaced refugees in countries like Lebanon and Jordan like it has done in Turkey? These are questions to which we have no good answers at this moment, and no clear policies. The same is true for the deplorable state of the asylum system in the US, or the unresolved problem of people stuck in Nauru. One can of course always open a debate on the definition of what is a refugee, but at this moment it is more likely to encourage illiberal political forces we do not want to see encouraged.

“Core human rights conventions are under threat as never before in recent years. We need to be focused, building coalitions to preserve what we inherited.”

How do you think the global refugee and migration compacts will affect the context for policy development and implementation?

They will not do any harm, and I cannot assess how they might help defenders of refugee and migrant rights elsewhere in the world, but as non-binding commitments they are unlikely to help liberals address the most urgent issues we face today in Europe or the US. When a US president tweets that he wants to get rid of judges to assess protection claims, and when children are separated from parents, we face an emergency. When an Italian interior minister says that he wants to turn around boats to Libya, we face an attack on the core of the Refugee Convention, which is binding but at risk. Today, core human rights conventions are under threat as never before in recent years. We need to be focused, building coalitions to preserve what we inherited. That is a big battle for the next years.

Drivers revisited

Why people migrate

Any meaningful understanding of migration must tackle head-on two key questions: Under what conditions do people develop aspirations to migrate? And, under what conditions are they able to realize those aspirations?¹

These are questions that dominate the recent findings of migration scholars across various disciplines, including anthropology, sociology, economics, and human geography. Drawing on this body of work and 4Mi² data, this essay offers some comment and overview of current understandings of drivers of mixed migration as defined by *aspirations* and *capacities*, as well as of the game-changing rise of migrant smuggling as a major facilitator of irregular movement.

Hot topic

Recently, exploring drivers and root causes has taken centre stage in the field of migration studies. This is a direct result of the political and social disquiet in Europe that followed the surge of new, irregular, arrivals of refugees and migrants since 2015. Spurred by the heightened attention of politicians, policy makers, and news media, and energized by fresh injections of research funding, academics and others have redoubled their efforts to *explain* mobility.

In late September 2018, the European Union's Joint Research Centre (JRC) published *International Migration Drivers*, presenting the results of a two-year study using a quantitative assessment of the structural factors shaping migration.³ Full of rich findings and nuance reflecting the complexity of the subject, the report confirms that the key drivers of international migration are mainly structural: economic development in countries of origin, as well as migrants' social networks, geographical proximity and demographic change.

To some extent the report is emblematic of the search for answers to a question often posed in (mostly northern) destination countries: "Why do they come?" For some, the corollary to this question is, of course, "How can we stop them?" The prominence of these preoccupations

explains why the search for drivers is such a hot topic politically.

In addition to presenting a summary of different migration theories and insights offered over recent decades, the statistical findings of the JRC report reaffirm many of the newer theories posited by migration scholars, such as, the critical role of the Diaspora and network theories, and migration transition theories about the relationship between development and migration.

The report's message to policy-makers in particular is blunt: their capacity to influence migration is limited. Restrictive policies do not change the *scale* of migration as much as they do the *manner* in which people migrate. This means if refugees and migrants are to stand a chance of succeeding in the current restrictive environment they will increasingly need to travel irregularly.

The importance of nuance

Terms such as migrant *aspirations* and *desires* are increasingly used by theorists and analysts to explain what have also been described as *push-pull factors*, *determinates*, *root causes*, and *causality for human mobility*. All too often, the media, politicians and activists link forced (and other forms of desperation) migration only with conflict and endemic poverty. Although threats to physical security and an inability to thrive must be recognised as powerful factors in migration decision-making, a fuller understanding of drivers needs to delve beyond such dualistic explanations.

Such "war or poverty" dualism reveals little of migration's complexities and the manner in which it is embedded in aspirations. Instead, theories around drivers need to account for the "multiplex componentry of migration, the way it is situated in imaginative geographies, emotional valences, social relations and obligations and politics and power relations, as well as in economic imperatives and the brute realities of displacement."⁴ Otherwise, there is a "great risk", not only in "reproducing stereotypes of migrants as individual and collective subjects, but also in

1 De Haas, H. (2017) 'What Drives Human Migration?' http://compasanthology.co.uk/wp-content/uploads/2014/02/deHaas_COMPASMigrationAnthology.pdf and Jørgen Carling How Does Migration Arise? 2017 International Organization for Migration (IOM) https://publications.iom.int/system/files/pdf/how_does_migration_arise.pdf

2 4Mi is the MMC/DRC data gathering mechanism as described in on page 12 of this review.

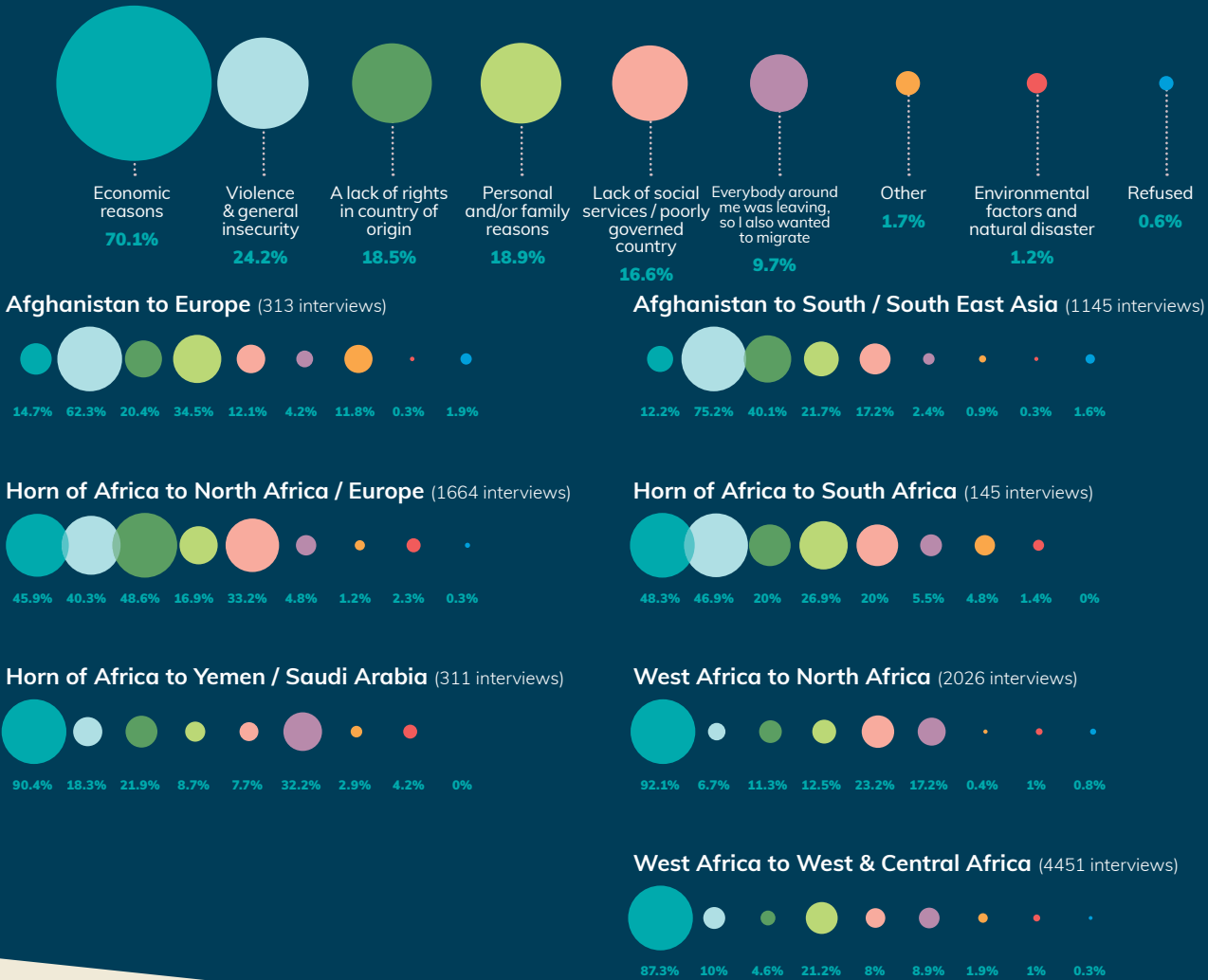
3 Migali, S., Natale, F., Tintori, G., Kalantaryan, S., Grubanov-Boskovic, S., Scipioni, M., Farinosi, F., Cattaneo, C., Benandi, B., Follador, M., Bidoglio, G., McMahon, S. & Barbas, T., (2018) 'International Migration Drivers, European Commission JRC Science for Policy Report' Available at: http://publications.jrc.ec.europa.eu/repository/bitstream/JRC112622/imd_report_final_online.pdf

4 Carling, J. & Collins, F. (2018) 'Aspiration, desire and drivers of migration' *Journal of Ethnic and Migration Studies*. Available at: <https://www.tandfonline.com/action/showCitFormats?doi=10.1080%2F1369183X.2017.1384134>

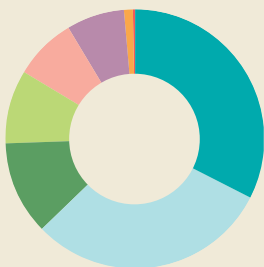
why leave?

“Why did you leave your home country?”

Total (10,059 interviews along 7 migratory routes)

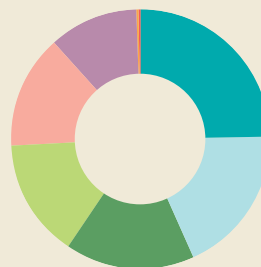


“If economic, please specify...”



- Not earning enough in the job I had **54.2%**
- Unemployed / could not find work **49.7%**
- Having studied, but no access to adequate jobs **19.3%**
- My business was no longer profitable **15.3%**
- No access to credit to start / improve my business **13.1%**
- Sent by family to send money back home **11.9%**
- Other **1.6%**
- Refused **0.4%**

“If societal, please specify...”



- Corruption in government, politics and police **78.2%**
- Lack of good educational opportunities **58.5%**
- Poor infrastructure **51.1%**
- Insufficient access to goods and services **46.7%**
- Lack of good health facilities **44.3%**
- Insufficient support for agriculture **35.3%**
- Other **0.9%**
- refused **0.4%**

bolstering repressive approaches to policing movement”.⁵ Equally, some exploration of the importance of *desire* in mobility suggests a more progressive process, where various factors and influences come into play at different times.⁶

Blurred lines

Another kind of dualism — between *forced* and *voluntary* migration — is coming also under increasing scrutiny in the light of the complexity of the drivers involved in decisions to migrate. In one recent paper, analysts examine voluntariness in migration decisions and suggest that forced and voluntary migration are understood better as points on a spectrum than as a dichotomy.⁷

Such blurred lines are particularly evident in regions such as sub-Saharan Africa. A recent qualitative survey of 500 refugees and migrants in Europe found “there is often a complex and overlapping relationship between ‘forced’ and ‘economic’ drivers of migration to Europe. Many of those who left their home countries primarily due to economic reasons effectively became refugees and were forced to move due to the situation in Libya and elsewhere.”⁸

Disparate drivers

Irregular movement, normally involving facilitators and smugglers, is at the heart of the phenomenon of mixed migration (defined as complex flows in which refugees, asylum seekers, economic migrants, “desperation migrants”, “aspiration migrants”, “environmental refugees” and others travel together irregularly.) “Others” may include people inspired by adventurism or simple wanderlust, or those yearning for personal freedoms which their own societies are not ready to offer — in other words, a desire to shrug off social, cultural, religious, political or sexual constraints.

Unofficial terms or categories such as these are not found in formal definitions of migrants and refugees yet they speak to the aspirations and desires of those on the move. Those who work with refugees and migrants understand that these terms offer a more realistic testimony to the wide variety of drivers behind individual decisions to move. As shown in Graph 4 on page 83, even though ultimately most 4Mi respondents say they made the decision alone, those who say they were encouraged to migrate list a wide variety of people and factors, ranging

from friends, parents, siblings, spouses and other family, to those in the Diaspora and smugglers.

4Mi data show that although economic factors are often crucial drivers, there is indeed a very wide variety of others, linked to violence and insecurity, lack of rights, poor governance and personal circumstances (see Graph 1).

Dig deeper

Furthermore, even driver categories such as *economic* or *lack of rights* tend to generalize and so demand further in-depth investigation. As shown in Graph 1, on all routes, the most commonly cited specific example of an economic reason to migrate is “not earning enough in the job I had” (54.2 percent), followed by “unemployed” (49.7 percent) and “having studied but no access to adequate jobs” (19.3 per cent). This shows it is not just unemployment that drives people to leave. Many in mixed migration flows *did* have jobs before moving, but not satisfying jobs. In another example that showed the rewards of digging deeper, 78.2 percent of respondents on all routes who cited a lack of social services or poor governance said corruption was a major factor.

Driven along different routes

People on different mixed migration routes may have different drivers. Migration from West Africa is to a large extent driven by economic reasons, while movement from Afghanistan is more strongly related to violence and insecurity, as shown in Graph 1. However, the data also show that these motivations vary according to the different routes people from the same country or region take. Those on the route from the Horn of Africa towards Yemen and Saudi Arabia, for example, are primarily moving for economic reasons (90.4 per cent), while those moving from the Horn towards North Africa and Europe are also moving because of a lack of rights. This might be related to what people expect to find in their preferred destination countries. In fact, other 4Mi findings on why people in mixed migration flows choose certain destinations offers a mirror image of these drivers.

Those in mixed flows are rational actors and mostly choose destinations on the basis of available knowledge about the situation in those countries. For example, as also shown in Graph 3, respondents from the Horn of Africa moving towards Yemen and Saudi Arabia go there to find a job and send remittances back home

5 Carling, J. & Collins, F. (2018) 'Aspiration, desire and drivers of migration' Journal of Ethnic and Migration Studies. Available at: <https://www.tandfonline.com/action/showCitFormats?doi=10.1080%2F1369183X.2017.1384134>

6 Collins, F. (2018) 'Desire as a theory for migration studies: temporality, assemblage and becoming in the narratives of migrants' Journal of Ethnic and Migration Studies. Available at: <https://www.tandfonline.com/doi/abs/10.1080/1369183X.2017.1384147?journalCode=cjms20>

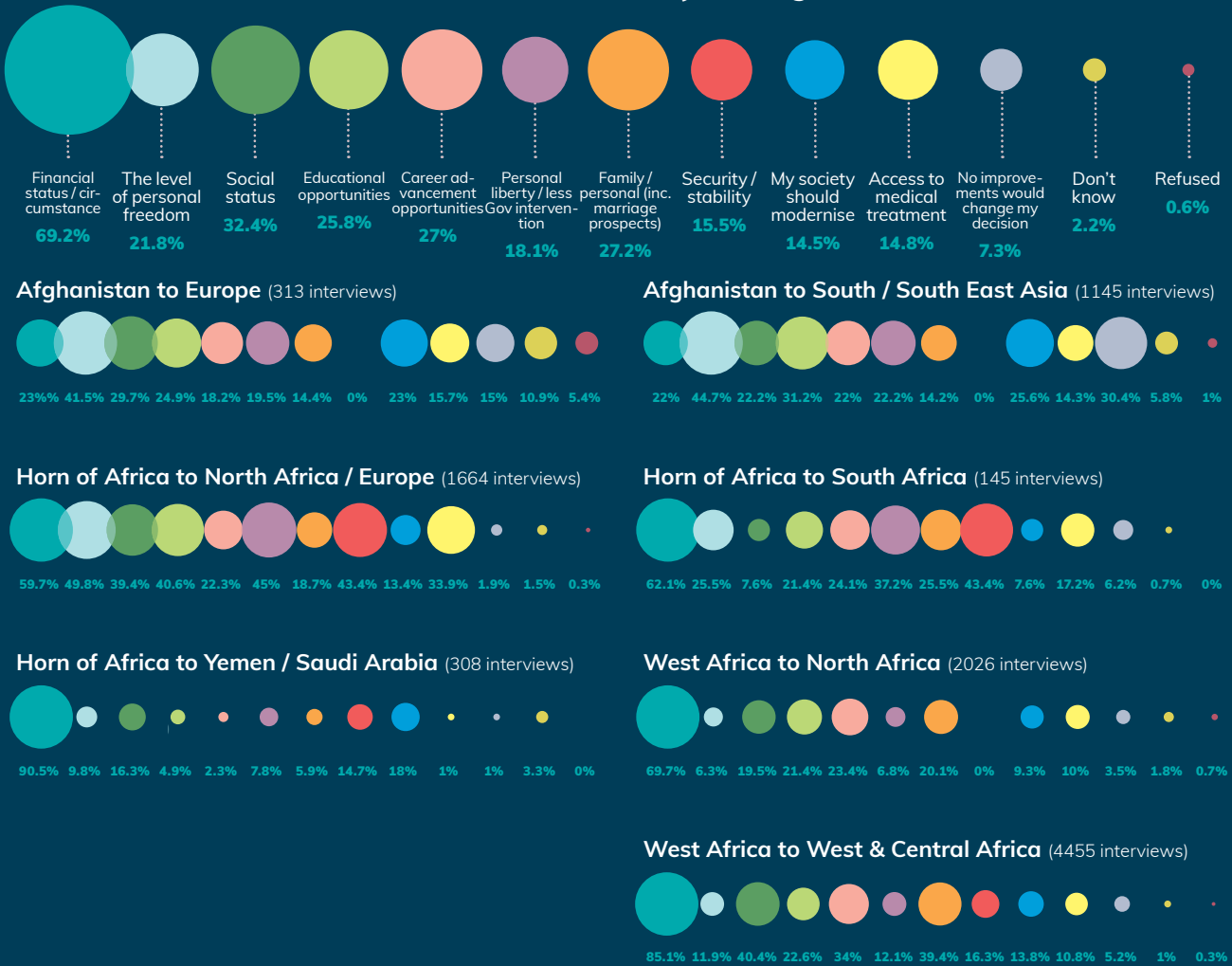
7 Bivand Erdal, M. & Oeppen, C. (2018) 'Forced to leave? The discursive and analytical significance of describing migration as forced and voluntary' Journal of Ethnic and Migration Studies. Available at: <https://www.tandfonline.com/doi/full/10.1080/1369183X.2017.1384149>

8 Crawley, H. et al (2016) 'Destination Europe? Understanding the dynamics and drivers of Mediterranean migration in 2015' MEDMIG. Available at: <http://www.medmig.info/wp-content/uploads/2016/12/research-brief-destination-europ e.pdf>

improvements?

“What should improve in order for you to have considered remaining in your country of origin?”

Total (10,054 interviews along 7 migratory routes)



(93 percent), but do not have high expectations about personal and political freedom or access to healthcare or social welfare. Conversely, respondents on the route from Afghanistan to South East Asia reported they had left in search of better living standards, more freedom and better services, but did not expect to find a very open job market at their destination.

Blinkered thinking

The repeated fixation on war and poverty as the (only) core drivers of mixed migration patronises those on the move and inhibits a full grasp of the diverse range of issues in play. These issues come to light when those on the move are asked what in their lives would need to improve for them to have considered remaining in their country of origin. As shown in Graph 2, across all

migration routes, 4Mi respondents list a whole range of issues, both structural and individual. On some routes, the percentages relating to each of these issues are quite similar, although on some routes (e.g. from the Horn of Africa to Saudi Arabia, or from West Africa to West and Central Africa), “financial circumstances” does stand out. Clearly, if there were no war and less poverty there would still be many other aspects that affect people’s aspirations to move.

4Mi data also reveal the strength of migration drivers and aspirations. People in mixed migration flows face severe risks. Depending on where they are interviewed — at which point in their journey — between one third and two thirds (the latter in the case of those who travelled from West Africa all the way up to the Libyan coast) of all respondents report having experienced sexual violence,

physical violence, robbery or kidnapping. Despite the prevalence of these abuses, almost 70 percent of all (9,846) respondents said they would migrate again, even knowing what they know now.⁹ At the same time, almost 60 percent of the same respondents said knowing what they know now they would **not** encourage **others** to migrate. Though open to multiple interpretations, this shows how migration is an individual project, and that the fact that one person is willing to take risks and sometimes to pay a high price for migrating does not mean that he or she would encourage others to do the same.

Smugglers as game-changers

The “institutional” approach to understanding contemporary movement focusses on networks and facilities that spring up and develop alongside international migration and which play an important role in nurturing and encouraging capabilities for further migration. Here, the imbalance between the number of people who wish to migrate and the restriction of visas or other legal channels to enter destination countries has contributed to the “migration economy” and a specific market, whose “suppliers” range from immigration attorneys, travel and recruitment agencies, to migrant smugglers (itself a sector with numerous kinds of actor).

For mobility to be successful, aspirations must be matched by **capabilities**. In this regard, the rapid growth in recent years of an informal migration industry led by smugglers is a game-changer. It is easy to see how, notwithstanding other influencing factors, the supply and demand side of mobility through irregular pathways has ratcheted forward, with increased demand (from refugees and migrants) responding to a growing supply (of enabling smugglers), reinforcing and expanding the space for mixed migration.

Of course, not everyone with aspirations and desires to move has the capabilities to do so. Statistical variations in the much-cited global Gallup poll on migration between those who would *like* to migrate, those who are *preparing* to migrate, and those who actually *do* migrate are huge. Between 2010 and 2015, around 30 percent of the population of 157 countries around the world expressed a wish to move abroad, while fewer than one percent have in fact migrated.¹⁰ But as restrictions increase — limiting previously-available regular channels for employment, family reunification and education — the role of irregular channels and the migrant smugglers who facilitate mixed flows grows in tandem.

Smugglers as democratisers

The drivers and aspirations of all people on the move, whether they are in South-to-South or South-to-North, in regular or irregular movements, have many similarities, but their specificities are shaped by personal circumstances and individual desires. So too with capabilities. Asked what might stop them migrating, 4Mi respondents across all routes (N=6,915) most commonly answer “lack of funds” (58 per cent) and “protected borders” (44 percent), clearly pointing to the importance of capabilities.¹¹

But the growth of migrant smuggling has opened extraordinary opportunities to some who may not previously have had the ability to migrate or to apply for asylum through regular means. 4Mi data show that high percentages of respondents use smugglers during migration, especially along some of the longer routes, such as Horn of Africa to South Africa (86 percent), West Africa to North Africa (73 percent) and Horn of Africa towards North Africa and Europe (66 percent).

Migrant smuggling offers those with aspirations alternatives for mobility in an increasingly restrictive context. It also levels the playing field and could be said to **democratise** migration by enabling those without sufficient agency or capacity to move, notwithstanding that many feel compelled to move and have no other option but to use smugglers and travel irregularly.¹²

How aspirations and desires to migrate are shaped in the future will be a direct result of macro, meso and micro factors in countries of origin, transit and destination. They will change over time, just as capabilities and opportunities, regular or irregular, to facilitate mobility will change. For now, however, it is clear that irregular pathways offer many of those in mixed migration the only viable alignment between their aspirations and capabilities.

9 Again, responses vary by route, seemingly depending on the severity and prevalence of risks; for example, close to 60 percent of West Africans interviewed in Libya answer ‘no’ to this question.

10 European Union (2018) ‘Data shows migration more strongly linked to aspiration than desperation.’ EU Science Hub. Available at: <https://ec.europa.eu/jrc/en/news/data-shows-migration-more-strongly-linked-aspiration-desperation>

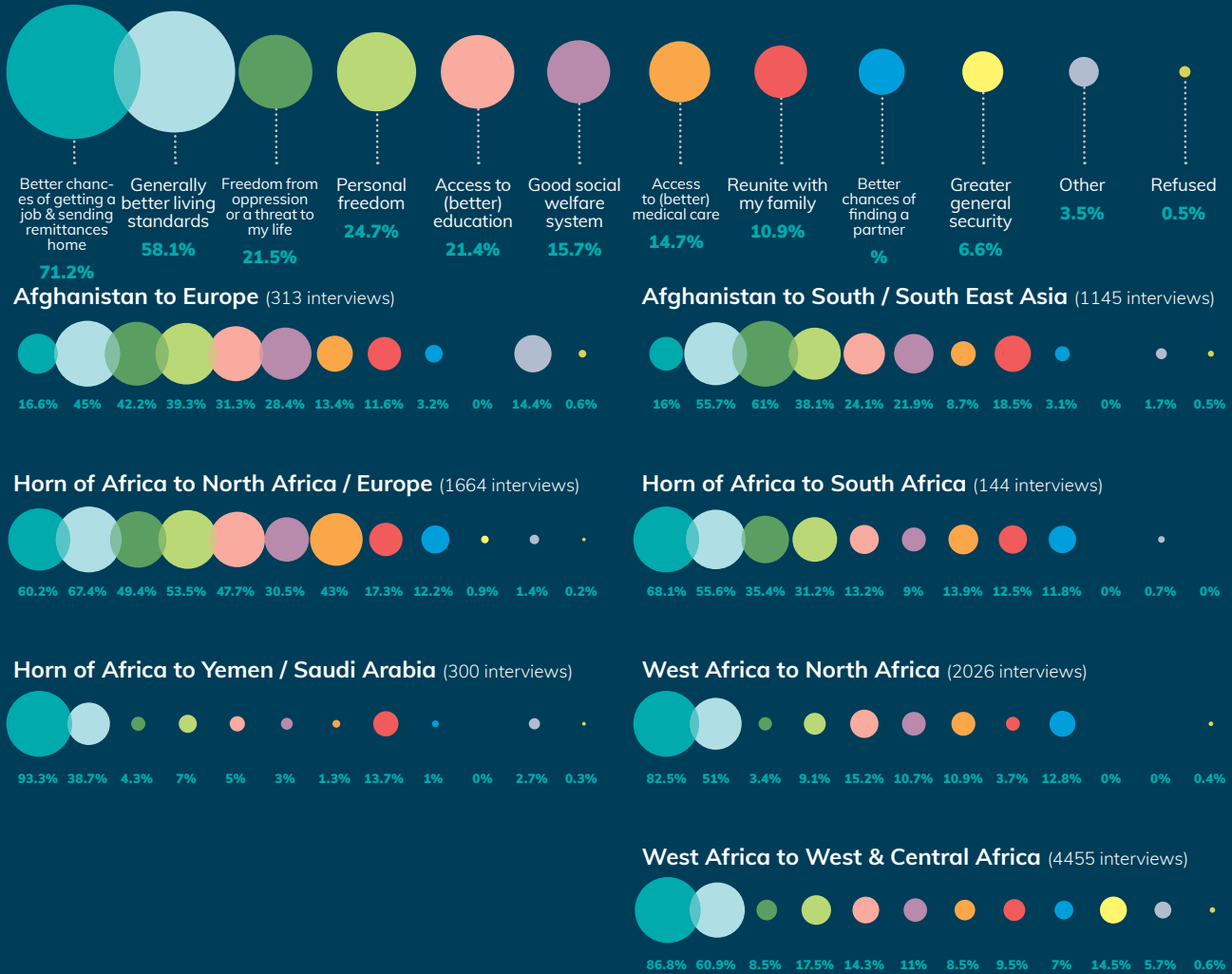
11 This question was not asked in North Africa and therefore this finding does not include refugees and migrants interviewed in Libya.

12 This is further explored in the essay ‘Hidden in plain sight’ in section 2.

destination

“How did you choose your destination?”

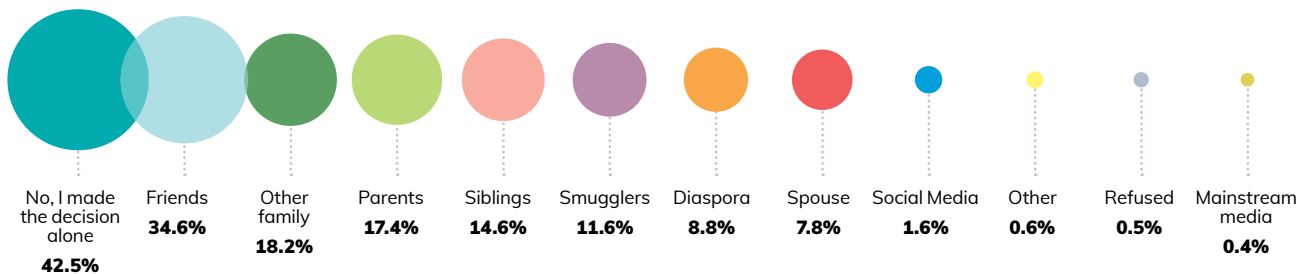
Total (10,047 interviews along 7 migratory routes)



Graph 4

“Did anyone encourage you to migrate?”

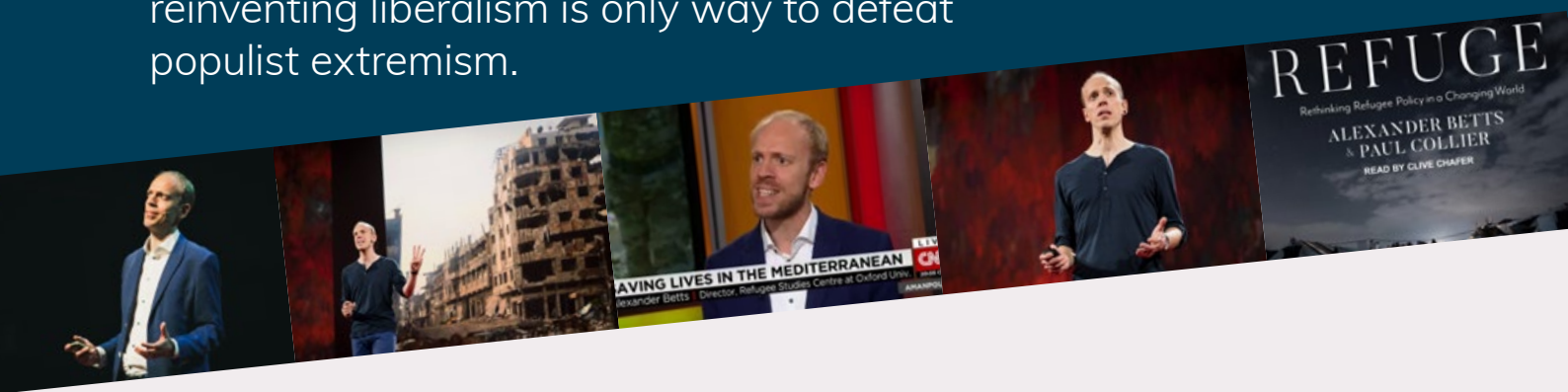
Total (10,045 interviews along 7 migratory routes)



Interview

A time for bold vision

The line between “refugee” and “migrant” may be becoming ever more blurred in today’s world, but increasing protections for the latter need not entail eroding the safeguards enshrined in the 1951 Refugee Convention, argues **Alexander Betts**, who believes reinventing liberalism is only way to defeat populist extremism.



Alexander Betts is professor of Forced Migration and International Affairs, and William Golding Senior Fellow in Politics, at Brasenose College, at the University of Oxford. He served as director of the Refugee Studies Centre between 2014 and 2017. His research focuses mainly on refugee assistance, with a focus on Africa. In addition to his ten other books, he is co-author, with Paul Collier, of ‘Refuge: Transforming a Broken Refugee System’¹, which was named by the Economist as one of the best books of 2017. He is a World Economic Forum Young Global Leader, was named by Foreign Policy magazine in the top 100 global thinkers of 2016, and his TED talks have been viewed by over three million people. He has previously worked for UNHCR and currently serves as a Councillor on the World Refugee Council. He also leads the IKEA Foundation-funded Refugee Economies Programme.

Mixed migration is a lens that looks at the shared routes, experiences, protection threats, and intentions of both refugees and migrants. Is the formal division of these categories coming under question?

There is a stark institutional separation between the “refugee” and the “migrant” and this line has historically been created with the idea that the refugee has privileged status in international law. The apparatus of the state and intergovernmental systems has been created in order to triage groups. One by-product is that it legitimates one group - refugees - and sometimes de-legitimizes the other group - economic migrants. In a globalised world, it is now widely recognised that it’s very difficult in practice to draw a clear distinction

between those two categories.

I’ve written about the idea of what I call “survival migration” - people who flee desperate circumstances - particularly fragile states, severe socioeconomic rights deprivations, environmental change etc. who are not recognised as refugees within the dominant interpretation of the 1951 Convention. Despite that reality, there is politically very little appetite for expanding the boundaries of the refugee definition or creating new protection categories. In the current context, it therefore makes pragmatic sense to safeguard the category of “refugee”, but gradually ensure other groups of vulnerable migrants also receive access to the protection that they need under international human rights norms.

“ **There is politically very little appetite for expanding the boundaries of the refugee definition.** ”

What about the global compacts? We see a separation of compacts which some have criticised. Do you see a value in this separation?

The genesis of the compacts is complex. The initial proposal during late 2015 was for a single international conference to create a comprehensive plan of action for Syrian refugees and the Mediterranean in the context of the European refugee crisis. But for a range of reasons, connected to institutional politics, the plans adapted such that by January 2016, it was agreed to work towards a New York summit in September 2016 with the aim of a Global Compact on Refugees (GCR). In order to create symmetry, other institutions pushed for a parallel Global Compact on Migration (GCM). The separation stems in part from an institutional division of labour within the UN system: UNHCR has led the Global Compact on Refugees; Switzerland and Mexico have co-chaired the parallel migration process. Of course, the sharp distinction risks gaps and overlaps. In particular, there is little place for either internal displacement or cross-border displacement that falls outside the refugee definition. But in fairness, UNHCR has made proposals for the migration compact, and the migration compact has included a focus on migrants in vulnerable situations. The compacts are playing quite different roles: the GCR attempts to fill a gap in an existing regime by ensuring more predictable responsibility-sharing; the GCM is one of the first building blocks in the creation of an embryonic global migration governance system.

Has UNHCR been put in a tight spot by recent events and the changing global debate?

UNHCR has been in a challenging position. It faces a range of constraints: humanitarian budget cuts including as a result of the Trump Administration, endemic non-compliance with the 1951 Convention, and institutional competition resulting from the entry of IOM into the UN system. It has tried to take a cautious strategy and has purposefully excluded a number of areas from the GCR debate, notably institutional or legal reform. This is understandable given the constraints. The Comprehensive Refugee Response Framework (CRRF) offers the basis for the GCR's theory of change. It provides a new development-based and market-based way of working, which is very welcome.

Are you optimistic in terms of how history will judge these compacts? Will they be significant or just more non-binding statements of principle where governments will act unilaterally despite then?

It's a tricky one to judge. When we look at the GCR it is

basically a list of actors who can support responsibility-sharing and a range of ways in which they can contribute. On those terms, it's a good document. The challenge will be to translate that into real commitments. The GCR envisages some mechanisms to achieve that: an annual Global Refugee Forum and a series of Solidarity Platforms for particular crises. The CRRF is also showing promise in some of the situations I've seen, like Kenya and Ethiopia. But what determines whether new commitments emerge will, as ever, be political leadership. Today, international organisations need more than ever the capacity to lead collective action and offer principled yet pragmatic bargains. One thing we learn from history is that abstract generic commitments by states in the refugee regime rarely lead to significant outcomes especially if they are non-binding. The litmus test for me will be in a three-to-five year period after the compacts, what has actually changed on the ground? For example, with the Rohingya, or the Somalis, or Venezuelans in Colombia and Brazil, or Syrians in Lebanon and Jordan? Will we see durable solutions? As for the GCM, we need a degree of perspective. It is still early days in the creation of a system of global migration governance. Although the GCM mainly lays out principles, from which states will be able to pick and choose. But it represents an important first step, and places migration squarely on the agenda of the UN system.

“ **Today, international organisations need more than ever the capacity to lead collective action and offer principled yet pragmatic bargains.** ”

In your book 'Refuge'¹ you discuss the failing global refugee system. You join others in critiquing UNHCR for not pushing for an enlargement of options for refugees. Why do you think it doesn't?

The organisation has chosen a cautious strategy, deliberately choosing to keep certain issues off the table. They've chosen to keep the refugee definition off the table, and they've chosen to keep UNHCR reform off the table. Many UNHCR staff understandably feel under threat and can see the politics is not auspicious for refugee protection. Given the constraints, the GCR and the CRRF at least represent a viable pathway forwards. Since we wrote "Refuge", I have to say I have been more impressed by the general direction of travel, especially in relation to adopting some of the themes in the book, such as development-based and market-led approaches to refugee assistance. But there will be major strategic challenges to come. I think the world has fundamentally changed, in terms of the distribution of power, the impact of structural economic change and automation, and the rise of populist nationalism. UNHCR will need to continue to adapt to the changing reality, especially through building its capacity for political leadership in a constrained global context.

In relation to mixed migration the debate is often stretched between principled and pragmatic positions. How do we avoid the divide becoming greater and the refugee regime becoming increasingly irrelevant to some governments?

In many ways, I am an idealist. I believe in the cause of refugee protection, I believe in human rights and I recognise the benefits of immigration but if those principles are to be meaningful in the contemporary world we have to be pragmatic. Political changes in Europe, North America, Australia and elsewhere means the rich world is scapegoating immigration. There is a backlash created by populist nationalism. We obviously must not pander to xenophobia. We should correct the false claims of the populists. We should push back against the anti-immigration tide. But we also need to ensure that the principles that we value are consistent with democracy, that they can be supported by electorates, and that we take people with us. Otherwise we risk making it easy for extremist politicians to criticise liberal international values, and drive a wedge between those ideals and the perspective of the median voter. So we need to find ways to reconcile liberal internationalism with contemporary democracy.

“ The ‘refugee crisis’ has never been a crisis of numbers, it’s a crisis of politics, a crisis of trust. ”

There is sometimes a public perception that the global number of refugees and migrants is too great and a fear of the impact of accepting migrants and refugees. Can you comment on these perceptions and fears?

In terms of numbers, 25 million refugees is only 0.35 percent of the world’s population and should be manageable. The challenge is more geographical concentration: 85 percent are in low and middle income countries, and 60 percent are in just 10 host countries. International migration levels, meanwhile, have remained broadly stable as a proportion of the global population since the 1970s, albeit at numbers that have gone from around 70 million to 240 million or so. The “refugee crisis” has never been a crisis of numbers, it’s a crisis of politics, a crisis of trust, as well. I think that in Europe and North America the reason why people fear social and cultural change is because of underlying structural changes. It’s because of the loss of low skilled manufacturing jobs, the politics of austerity, and the way these changes have been politically narrated by extremists. What we need to do collectively is to build a sustainable migration framework with policies that work for migrants, receiving countries and transit countries.

Politically, we see policies and the electorate in numerous countries moving towards anti-migrant populism. How do you maintain your optimism in the current environment?

In the current world, one of the big challenges is reconciling democracy with globalisation. While being increasingly connected through technology, the electorate are demanding that the sovereignty of the nation state be revalidated, reasserted. So, reconciling democracy and globalisation will require a significant degree of imagination and includes how we all see mobility and migration. I’m optimistic that we will get there but it will require visionary leadership backed up by institutions including the different United Nations organisations, but at the moment that’s not coming through.

What would we face if borders remained as they are, or if international borders became yet more restrictive and resistant to mobility?

You can throw out all kinds of scenarios, but basically 2015 offered us a window to see what the absence of collective action means for mass mixed migration. It threatens political systems in receiving countries where we see populist backlash. It threatens the lives of those who have made arduous and desperate journeys, it brings into existence the criminal networks related to human smuggling and it puts incredible pressure on receiving countries undermining their willingness to provide refugee protection.

So, just on the basis of what we saw in 2015, if we imagine that taking place in different continents on a semi-permanent basis, it should make us aware that we have to search for provision. It is neither idealistic nor an abandoning of our principles to chart a middle ground and I find it increasingly frustrating that this is a debate that’s polarising: either positions sticking uncompromisingly to liberal values that worked quite effectively in the 1990s and the early 2000s, or lurching towards extremist exclusionary policies. This is a time for provisions that reconcile competing areas of the political spectrum. Unless we are bold, unless we are visionary and unless we embrace elements of fundamental change, we’ll lose. We need to reinvent liberalism, nationally and globally.

“ Unless we are bold, unless we are visionary and unless we embrace elements of fundamental change, we’ll lose. We need to reinvent liberalism, nationally and globally. ”

1 Betts, A. & Collier P. (2017) 'Refuge: Transforming a Broken Refugee System.' (Penguin Allen Lane and Oxford University Press)

Hidden in plain sight

Who joins mixed migration flows?

Anxiety around contemporary migration has been in media headlines and rising to the top of political agendas globally for some years, in particular in Europe since 2015. Much of this focus is about a relatively small group of highly politicised and sensationalized international migrants: those forced, or who have chosen, to join mixed migration flows. This essay looks at who joins mixed migration flows and proposes that facilitated mixed migration opens the door for new groups of migrants and offers new opportunities, but also risks.

Undocumented, irregular migration has existed for a long time in many regions. When considering mixed migration, one of the limitations of academic statistical studies is that they rely heavily on data collected by states from formal assessments, censuses, or immigration records. Such data therefore primarily reflects the formal stock and flows between nations. Yet there is a shadow world of irregular movement and arrivals, with many people living under the radar for years or decades in destination countries, or muddling through without getting discovered or deported.

The United Nations Development Programme (UNDP) estimated ten years ago that irregular migration could average around a third of all migration flows for developing countries, around 30 million migrants.¹ Additionally, according to estimates produced by the UN's International Organization for Migration (IOM) in 2010, and quoted in their 2018 Global Migration Indicators report, at that time there were approximately 50 million irregular migrants living worldwide.² The number in 2018 is likely to be significantly higher as the UN Department of Economic and Social Affairs (UN DESA) estimates that "the number of international migrants worldwide has continued to grow rapidly in recent years, reaching 258 million in 2017", up from 173 million in 2000.³ According to IOM, in 2016 alone, 2.5 million irregular migrants were smuggled globally.⁴

Hard to count

Not all undocumented migrants can be included in mixed migration analysis as many are visa overstayers who originally arrived in their destinations regularly. However, some of those in mixed migration flows form a subset of international undocumented migrants insofar as they travel using irregular pathways and often succeed in settling in destination countries irregularly.

For example, the Pew Research Centre⁵ calculated that there are currently just over 11 million undocumented migrants in the United States, half of whom are Mexicans. Another 2018 study suggests the real figure could be at least 50 to 150 percent higher than the Pew estimates.⁶

In Europe, the Organization for Economic Cooperation and Development (OECD) has previously estimated that each year around half a million undocumented migrants enter the European Union.⁷ In 2009, the European Commission-funded Clandestino ['hidden'] project produced minimum and maximum estimates of the irregular migrant population for 2008. The aggregate estimate presented by the project for the (then) 27 EU member states ranged from 1.9 million to 3.8 million undocumented migrants.⁸ Interestingly, the research also showed that irregular entry is the least frequent path of entry into the EU, with overstays by those who arrived regularly being far more common.

Drilling into the numbers

While not all people in mixed migration flows are recognised as refugees, the evidence suggests that many might meet requirements for refugee status or other forms of international protection.

1 UNDP (2009) 'Human Development Report 2009. Overcoming barriers: Human mobility and development' Available at: http://hdr.undp.org/en/media/HDR_2009_EN_Complete.pdf.

2 IOM (2018) 'Global Migration Indicators' Available at: https://publications.iom.int/system/files/pdf/global_migration_indicators_2018.pdf

3 UN DESA (2017) 'International Migration Report 2017: Highlights Key Facts' Available at: http://www.un.org/en/development/desa/population/migration/publications/migrationreport/docs/MigrationReport2017_Highlights.pdf

4 IOM (2018) 'Global Migration Indicators' Available at: https://publications.iom.int/system/files/pdf/global_migration_indicators_2018.pdf

5 Radford, J. & Budiman, A. (2018) 'Facts on U.S. Immigrants, 2016 - Statistical portrait of the foreign-born population in the United States' Pew Research Centre. Available at: <http://www.pewhispanic.org/2018/09/14/facts-on-u-s-immigrants/#fb-key-charts-unauthorized-line>

6 Fazel-Zarandi, M., Feinstein, J. & Kaplan, E. (2018) 'The number of undocumented immigrants in the United States: Estimates based on demographic modeling with data from 1990 to 2016. Plos One. Available at: <https://doi.org/10.1371/journal.pone.0201193>

7 OECD (2012) 'International Migration Outlook 2012' Available at: <http://www.npdata.be/BuG/165-NV-A-migratie/>

8 EU Agency for Fundamental Rights (2012) 'Fundamental rights of migrants in an irregular situation in the European Union' Available at: <http://fra.europa.eu/en/publication/2012/fundamental-rights-migrants-irregular-situation-european-union>

Data from Europe provides an indication of the composition of mixed migration flows. In 2015 — the year of the so-called European migration crisis — Frontex (the European Border and Coastguard Agency) recorded 1.8 million illegal border crossings, corresponding to an estimated one million individuals arriving in Europe. (Some of these irregular border crossings could have been made by the same people, i.e. one person making more than one crossing, and thus being counted multiple times.⁹) After that peak in 2015, the number of illegal border crossings decreased to 511,000 in 2016 (corresponding to an estimated 382,000 people) and to 204,718 in 2017.¹⁰

The number of irregular arrivals in a given year does not necessarily correspond precisely with the number of asylum applications in that year — let alone with the number of positive first instance decisions — due to delays in filing an application and receiving an asylum decision. However, a comparison of these numbers gives some indication of the composition of the flows. In 2015, 1.25 million people filed a first-time application for asylum in Europe, followed by 1.2 million in 2016 and 650,000 in 2017.¹¹

In 2015, 48 percent of first instance asylum decisions in the 28 EU states resulted in a positive outcome, granting refugee or subsidiary protection status, or an authorisation to stay for humanitarian reasons. In 2016, this percentage was 61 percent and in 2017 46 percent.¹² While it differs per year, these figures indicate that approximately half of irregular mixed migration flows to Europe are made up of people in need of international protection (though this assumes most of those arriving irregularly will at some point apply for asylum).

The country of first arrival of mixed migration flows towards Europe has changed significantly since 2015, as the following table shows (numbers rounded).

Arrivals by sea

	Greece	Italy	Spain
2015	856,700	153,800	16,300
2016	176,800	181,400	14,100
2017	35,400	119,400	28,300
2018 (Jan-Oct)	26,000	21,800	50,000

Source: UNHCR¹³ and data from UNHCR data portal: <https://data2.unhcr.org/en/situations/mediterranean>

Reactive flows in Europe...

While numbers in Greece went down sharply after the record year in 2015 — and especially after the EU-Turkey Statement was signed in March 2016 — numbers in Italy increased, until EU and Italian efforts to control movement along the Central Mediterranean route intensified and the number of arrivals in Italy began to drop as well. For the first time in years, Spain in 2018 has recorded the highest number of irregular arrivals in the Union. The nationalities of those arriving in each of these three countries of first arrival also varies significantly.

The main countries of origin for arrivals in Greece since 2015 are Syria, Iraq, Afghanistan and Pakistan, which indicates that to a very large extent these flows are made up of refugees. The profile of arrivals in Italy has been more mixed, with (although this varies over the years) Nigeria, Tunisia, Eritrea, Sudan and the Gambia as the main countries of origin. In Spain, main countries of origin include Guinea, Morocco, Mali and Côte d'Ivoire.¹⁴ Contrary to what is often assumed, there is no, or only a limited, correlation between decreases in the number of arrivals in one of these countries and increases in another, as the nationalities of those using these routes clearly differ.¹⁵

9 Reported by the European Parliament Research Service <http://www.europarl.europa.eu/thinktank/infographics/migration/public/index.html?page=migration>

10 Numbers drawn from the various Frontex annual risk analysis reports, available here: <https://frontex.europa.eu/publications/>.

11 Eurostat (2018) 'Asylum statistics' Available at : https://ec.europa.eu/eurostat/statistics-explained/index.php/Asylum_statistics#Number_of_asylum_applicants:_drop_in_2017.

12 Eurostat (2018) 'Asylum statistics' Available at : https://ec.europa.eu/eurostat/statistics-explained/index.php/Asylum_statistics#Number_of_asylum_applicants:_drop_in_2017.

13 UNHCR (2018) 'Desperate Journeys. Refugees and migrants arriving in Europe and at Europe's borders' Available at: <https://data2.unhcr.org/en/documents/download/65373>.

14 See: UNHCR's portal on the Mediterranean situation: <https://data2.unhcr.org/en/situations/mediterranean>

15 A further analysis of the 'shifting route myth' is available in two articles by the Mixed Migration Centre, available at: <http://www.mixedmigration.org/articles/shift-to-the-western-mediterranean-migration-route/>, and: <http://www.mixedmigration.org/articles/the-italian-connection-getting-the-analysis-right-using-data-not-myths/>.

...and the Americas

Mixed migration movements towards the United States also involve transit through several countries for many refugees and migrants. All those who arrive over land travel through Mexico. Applications for asylum in Mexico increased by 156 percent in 2016 over 2015,¹⁶ as the opportunities for arriving safely and achieving legal status in the US seemed to diminish.

Apprehensions of individuals crossing the southwest US border in 2017 totalled 303,916, compared to 408,870 in 2016 and 331,333 in 2015.¹⁷ Approved requests for asylum by individuals from Guatemala, Honduras and El Salvador increased by 25 percent in 2017 compared to 2016,¹⁸ which suggests that the number of asylum seekers among those apprehended significantly increased. A similar number to those apprehended become irregular every year by staying beyond a stipulated period following legal entry.¹⁹ While these numbers are included in recent mixed migration flows, it is also useful to consider that the undocumented population in the US is estimated at about 11 million.²⁰ More than half of these are Mexican, with nationals of other Central and Latin American countries, as well as China and India, accounting for large proportions of this group. The undocumented population is, on average, about a decade younger than the American population, and 60 percent have been in the US for a decade or longer.²¹

New opportunities and risks

Has the recent proliferation of facilitators, guides and agents working within the lucrative smuggling economy offered new opportunities for different, hitherto overlooked groups of refugees and migrants, groups that previously faced what has been called “involuntary immobility”?²²

To lend weight to this hypothesis, this essay sets out and explores a range of current trends and demographic groups that are prevalent within mixed migration but may not have been sufficiently captured in or explained by existing data and analysis on regular migration and registered refugees:

Mixed flows include a high proportion of unskilled, low-educated people

Migration statistics drawn from *regular* flow data suggest that migrants are never the poorest among their respective nationalities and are frequently educated and skilled to above-average levels. Yet in *mixed* migration flows we do see people from low income brackets and the unskilled, including people who were unemployed before they started their journey. This trend varies by country of origin, migration route, distance, and destination. Data from 4Mi show that across all routes, those in mixed migration flows have either secondary/high school (36.4 percent) or primary school (22.9 percent) as the highest level of completed education. Still, there are also significant numbers in mixed flows with higher levels of education, and this also varies by route, as shown in Graph 5 on page 90.

The route from the Horn of Africa to Yemen and Saudi Arabia, for example, is a relatively cheap one: it costs a few hundred dollars to get to Saudi Arabia using smugglers. This route appears to attract more people with lower education levels and more people who were unemployed or who worked as farmers and labourers before migrating. On more expensive, longer-distance routes — for example, from West or East Africa towards Europe, where refugees and migrants have to pay thousands of dollars — educational and occupational profiles (see Graphs 4 and 5) are somewhat more advanced. These important nuances and differences in the profiles of people are not easily captured in regular migration statistics, which may provide an incomplete understanding of who migrates and why. To some extent, these alternative mixed migration pathways can therefore democratize mobility, and “level the playing field”.

16 Mason, J. (2017) 'A snapshot of immigration at the border as of June 2017' Bipartisan Policy Center. Available at: <https://bipartisanpolicy.org/blog/a-snapshot-of-immigration-at-the-border-as-of-june-2017/>

17 US Custom and Border Protection (2018) 'Southwest Border Migration FY2018' Available at: <https://www.cbp.gov/newsroom/stats/sw-border-migration>

18 Meyer, M. & Pachico, E. (2018) 'Fact Sheet: US immigration and Central American asylum seekers' WOLA. Available at: <https://www.wola.org/analysis/fact-sheet-united-states-immigration-central-american-asylum-seekers/>

19 Yee, V., Davis, K. & Patel, J. (2017) 'Here's the Reality About Illegal Immigrants in the United States' New York Times. Available at: <https://www.nytimes.com/interactive/2017/03/06/us/politics/undocumented-illegal-immigrants.html>

20 Although new research suggests this number could be significantly higher. See: Fazel-Zarandi M., Feinstein J. & Kaplan E. (2018) 'The number of undocumented immigrants in the United States: Estimates based on demographic modeling with data from 1990 to 2016' PLoS ONE. Available at: <https://doi.org/10.1371/journal.pone.0201193>

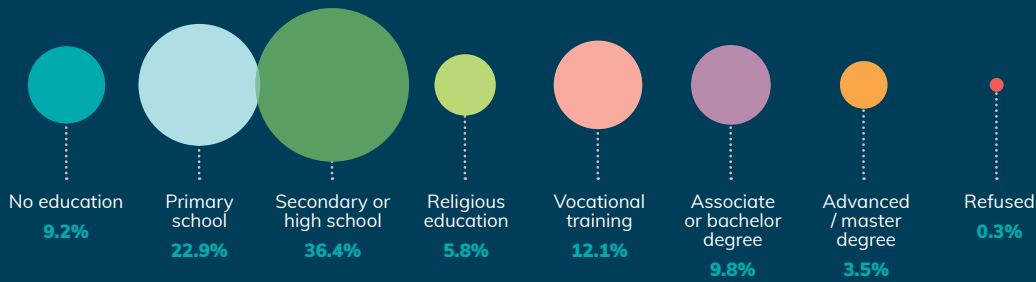
21 Yee, V., Davis, K. & Patel, J. (2017) 'Here's the Reality About Illegal Immigrants in the United States' New York Times. Available at: <https://www.nytimes.com/interactive/2017/03/06/us/politics/undocumented-illegal-immigrants.html>

22 Carling, J. (2002) 'Migration in the age of involuntary immobility: Theoretical reflections and Cape Verdean experiences' Journal of Ethnic and Migration Studies, 28:1, 5-42, DOI: 10.1080/13691830120103912

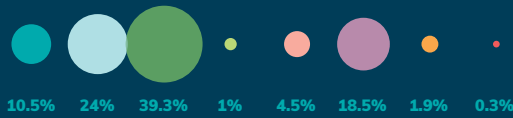
education

“What is the highest level of education you have completed?”

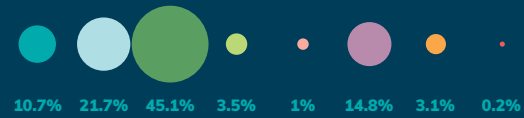
Total (10,060 interviews along 7 migratory routes)



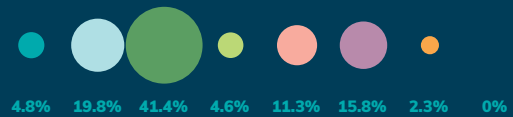
Afghanistan to Europe (313 interviews)



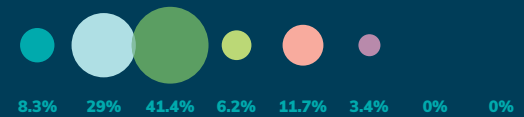
Afghanistan to South / South East Asia (1145 interviews)



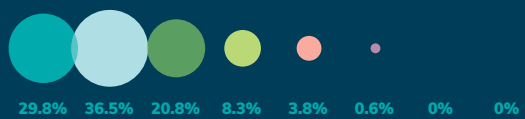
Horn of Africa to North Africa / Europe (1664 interviews)



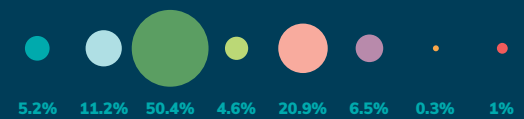
Horn of Africa to South Africa (145 interviews)



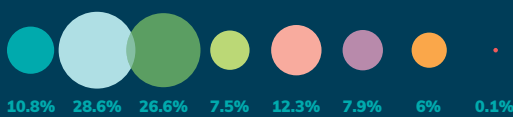
Horn of Africa to Yemen / Saudi Arabia (312 interviews)



West Africa to North Africa (2026 interviews)



West Africa to West & Central Africa (4455 interviews)



Mixed flows in the US and EU include a rapidly growing number of unaccompanied children

IOM's 2018 Global Migration Indicators states that the number of children migrating unaccompanied has increased in recent years.²³ In 2015–2016, according to UNICEF estimates, there were five times as many children migrating alone than in 2010–2011²⁴. According to Eurostat, the number of unaccompanied children

among asylum seekers in Europe increased from 10,610 in 2010 to 95,208 in 2015, and then decreased to 63,280 in 2016.²⁵ In 2016, unaccompanied minors migrating to the US numbered just under 50,000, most of them Central American youths from El Salvador, Guatemala, and Honduras. Overall, 198,500 unaccompanied minors have entered Europe seeking asylum since 2008²⁶ — 39 percent of them from Afghanistan. As in the US, some of these children present themselves to border security

23 IOM (2018) 'Global Migration Indicators' Available at: https://publications.iom.int/system/files/pdf/global_migration_indicators_2018.pdf
 24 UNICEF (2017) 'Protecting Children on The Move from Violence, Abuse and Exploitation' Office of Research-Innocenti. Available at: <https://www.unicef-irc.org/article/1613-protecting-children-on-the-move-from-violence-abuse-and-exploitation.html>
 25 Eurostat (2016) 'Asylum Applicants Considered to be Unaccompanied Minors – Annual Data' Available at: <http://ec.europa.eu/eurostat/web/products-datasets/-/tps00194>
 26 Ibid.

to begin the process of seeking asylum while others enter as irregular migrants and remain undetected and uncounted.²⁷ A large proportion of these children in both regions has been shown to be fleeing violent situations, but not necessarily war. Despite the relatively new interest in “children on the move”²⁸ and a focus on arrivals (many unaccompanied) in Europe in 2015/2016,²⁹ refugee and migrant children, and their profiles and reasons for movement, are not often captured or analysed in formal migration assessments.

Mixed flows include a high number of refugees, asylum seekers or migrants enjoying “subsidiary protection” who are engaged in secondary movement

This is a common characteristic of a significant portion of those in mixed migration flows: seeking asylum in a new country having already been registered and lived as a refugee or under “subsidiary protection” elsewhere, either in a designated camp or in urban areas. As such, their quests for new destinations in their secondary movement are driven not so much by the immediate need for refuge and personal security as by additional factors that are closer to dignity, a better future, finding a more permanent status, and which therefore constitute economic and aspirational migration. Examples in this category include Syrians leaving Turkey, Jordan and Lebanon; Eritreans leaving Ethiopia, Sudan and Kenya; Somalis leaving Kenyan camps and urban settlements; and Afghans leaving the countries neighbouring Afghanistan.

Asylum seekers and refugees in protracted and unending situations find an alternative in irregular flows

For many, refugee camps are a hopeless option with few opportunities and no future. The availability of the three so-called “durable solutions” (voluntary repatriation, local integration, and resettlement) is limited. Resettlement opportunities are especially scarce and fall year by year. According to UNHCR, the global number of resettled refugees almost halved between 2016 and 2017, from 126,291 to 65,000.³⁰ Voluntary return, especially in the case of protracted conflict, is rarely a viable option, while

local integration opportunities are also limited, sometimes because host countries restrict access to desirables such as housing and employment, or simply struggle to offer them to large numbers of refugees.³¹

Smugglers (sometimes operating within refugee camps or urban areas where urban refugees group) may offer an alternative. Irregularly accessing countries that offer status determination and asylum opportunities on arrival can be a way to regularise status, at least temporarily, not least because the proportion of rejected asylum seekers who return is low and known to be low.³² In South Africa, for example, applying for asylum is a way for those in mixed migration flows to regularize their status. Many of those arriving in South Africa apply for asylum even though they know they have a very small chance of success (around 90 percent of applications are rejected) because they are allowed to work, study and access social services while their application is being processed, which is known to take a long time. 4Mi data presented in 2017 showed that most respondents, including many Ethiopians, primarily came to South Africa for economic reasons, yet 98 percent of those interviewed applied for asylum or were planning to do so.³³

Smuggler-organised migration caters to adventurism, aspirations and “cultures” of migration

For some on the move, a dominant driver is an aspiration to live elsewhere, to discover the world and find new opportunities. Such people may be fleeing desperate situations but are also part of a “culture” of migration where people — often young people — from their community or country have always tried to migrate.³⁴ The availability of smugglers ready to assist offers more options compared to applying for visas and work permits through formal channels.

27 Menjivar, C. & Pereira, K. (2017) 'Undocumented and unaccompanied: children of migration in the European Union and the United States' *Journal of Ethnic and Migration Studies*. Available at: <https://www.tandfonline.com/doi/full/10.1080/1369183X.2017.1404255>

28 See, for example, the work of UNICEF's Innocenti Research Centre, available at: <https://www.unicef-irc.org/research/children-and-migration-rights-and-resilience/> and that of Save the Children Federation, available at: <https://resourcecentre.savethechildren.net/keyword/children-move>

29 See, for example, Sigona, N. & Humpris, R. (2017) 'Child Mobility in the EU's Refugee Crisis: What Are The Data Gaps And Why Do They Matter?' Available at: <https://www.law.ox.ac.uk/research-subject-groups/centre-criminology/centreborder-criminologies/blog/2017/01/child-mobility-eu>; and 'Becoming Adult- Researching young migrants uncertain futures' project, available at <https://becomingadult.net/>

30 UNHCR 'Resettlement Data' Available at: <http://www.unhcr.org/resettlement-data.html>

31 Mixed Migration Centre (2017) 'Decent work for whom? Economic integration of refugees and other foreign nationals in the Middle East' Available at http://www.mixedmigration.org/wp-content/uploads/2018/08/049_decent-work.pdf

32 Mananashvili, S. (2017) 'EU's Return Policy: Mission Accomplished in 2016? Reading between the lines of the latest EUROSTAT return statistics' International Centre for Migration Policy Development. Available at: https://www.icmpd.org/fileadmin/2017/Policy_Brief_22.05.2017_Manashvili.pdf

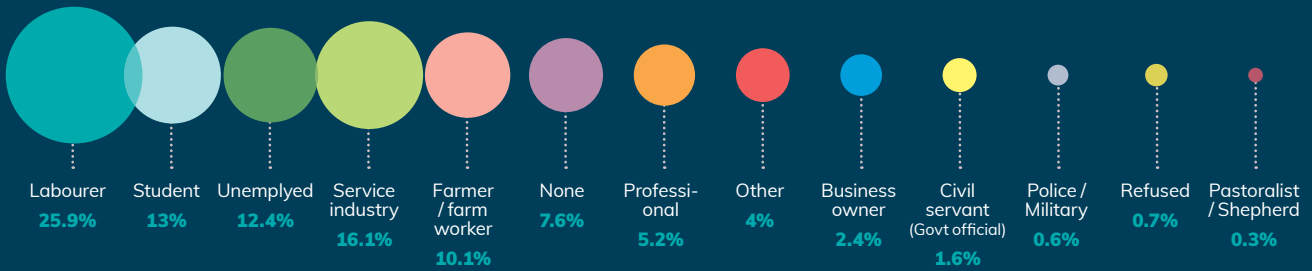
33 Frouws, B. & Horwood, C. (2017). 'Smuggled South. An updated overview of mixed migration from the Horn of Africa to southern Africa with specific focus on protections risks, human smuggling and trafficking' Mixed Migration Centre. Available at: http://www.mixedmigration.org/wp-content/uploads/2018/05/016_smuggled_south.pdf

34 Kandel, W. & Massey, D. (2002) 'The Culture of Mexican Migration: A Theoretical and Empirical Analysis' *Social Forces*. Available at: <https://academic.oup.com/sf/article-abstract/80/3/981/2234456?redirectedFrom=fulltext4>

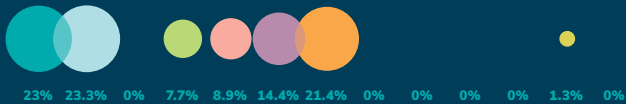
occupation

“What is/was your main occupation in your home country before you left?”

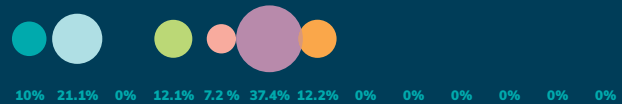
Total (10,056 interviews along 7 migratory routes)



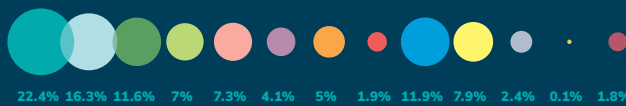
Afghanistan to Europe (313 interviews)



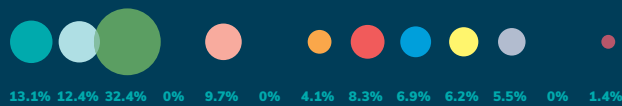
Afghanistan to South / South East Asia (1145 interviews)



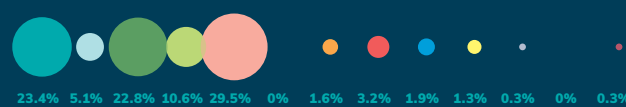
Horn of Africa to North Africa / Europe (1664 interviews)



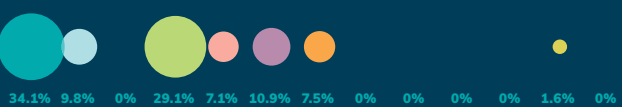
Horn of Africa to South Africa (145 interviews)



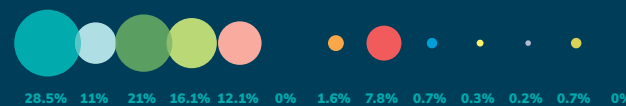
Horn of Africa to Yemen / Saudi Arabia (312 interviews)



West Africa to North Africa (2026 interviews)



West Africa to West & Central Africa (4451 interviews)



The multi-stage characteristics of mixed migration lend themselves to a “work-your-passage” model for those with few resources

Again, applying for a student visa or work permit may be a tortuous and expensive process that is closed to many. Loose networks of smugglers operating out of known hubs offer those on the move the opportunity to start with virtually no financial resources and to work their way from hub to hub and through the various legs of their journey. At least one stage of this multi-stage journey takes place *within* countries of origin: 4Mi data across all routes (N=10,059) show that 53.7 percent of respondents lived in another village or city in their own country before they started their international migration.

As shown in Graph 7, almost all 4Mi respondents (9,774 out of 10,060, or 97 percent) stopped in major towns of places along the way for a significant period. They did so for a wide range of reasons, but mainly to find smugglers for the next leg, to wait for remittances or earn money to fund subsequent stages, or to stay with friends and relatives. On some routes, particular reasons stand out. For example, those on the move from the Horn of Africa towards North Africa and Europe more frequently cite blocked migration routes as a reason to stop.

Even if the smuggled journey ends up being far more expensive and more dangerous than regular transportation, *initial* barriers to such travelling are often low, for example in the case of “leave-now-pay-later”

schemes targeting youths in Somaliland.³⁵ This may make it attractive to certain groups, especially youths, and this also explains why so many migrants and refugees interviewed along certain routes (especially West and East Africa towards Europe) report having taken months or years to complete their journey. Again, this allows those who could otherwise not afford or manage the regular migration process to move with smugglers.

Irregular movement may offer an alternative to private employment agency cartels and potential trafficking

Along certain migratory pathways that connect labour markets with labour demand private employment agencies (PEAs) dominate and control access. In Yemen and Saudi Arabia, for example, Ethiopians and Somalis can use smugglers and irregular means to find work themselves, bypassing PEAs. PEAs are notorious for sometimes abusing and exploiting workers and restricting their rights, and for trafficking in persons. Such irregular travel within mixed flows and using smugglers may be riskier, but it is ultimately cheaper for the migrant worker, and gives them agency and personal freedom.

Migration drivers include political oppression, predatory government, and a lack of law and order

There are various examples of large groups of people who find their home situations intolerable and decide to move not necessarily because of extreme poverty or armed conflict, but because of the political climate or even a particular law. Zimbabwe was such a case until recently, with millions of its citizens crossing irregularly into South Africa. Venezuela, Iraq, Uganda and Myanmar offer examples of people fleeing persecution or unbearable conditions but whose acceptance as refugees has in some cases been challenged, or whose neighbouring countries offer little refuge or hope. In such cases smugglers offer opportunity (as well as significant risk) and again these groups and their specific drivers may be invisible in formal analyses.

Mixed flows include a growing number of young women, pregnant women and mothers travelling with infants

This is both an opportunity and a risk. According to UN DESA data, women comprise slightly less than half of all international migrants globally (48 percent in 2017).³⁶ Female migrants outnumber male migrants in Europe, Northern America, Oceania, and Latin America and the Caribbean, while in Africa and Asia, particularly Western Asia, migrants are predominantly men. A researcher recently asserted: "The number of undocumented women arriving by boat in Southern Europe has increased significantly over the past five years, with many of them subsequently making their way to Northern Europe."³⁷

It appears that mixed migration flows from Africa (especially West Africa) towards Europe and those crossing the US-Mexican border, for example, include an increasing proportion of young women and mothers with small children and infants. People in these groups may try to apply for asylum (rather than seek employment) but are rarely from refugee producing countries. However, they face considerable risks travelling in mixed flows: incidents of sexual violence and exploitation are very high for this group along certain routes, which partly explains why a significant number arrive pregnant, or with recently born infants.³⁸ Additionally, mixed migration flows offer "cover" for those trafficking young women.³⁹ Apart from sexual abuse and exploitation along the way by certain smugglers in situations where the difference between smuggling and trafficking becomes blurred, outright traffickers also send their victims along the same routes and use the same means as smugglers — sometimes with lethal consequences, such as the drowning in 2017 of 26 teenage girls from Nigeria who were suspected to have been trafficked.⁴⁰ Traffickers also use asylum regimes or other legitimate mechanisms to bring their trafficked females into destination countries and then exploit them, normally through forced prostitution.

35 Rift Valley Institute (2016) 'Going on Tahrrib: the causes and consequences of Somali youth migration to Europe' Available at: <http://www.refworld.org/docid/57e92d114.html>.

36 UN DESA. International Migration Report 2017: Highlights Key Facts. http://www.un.org/en/development/desa/population/migration/publications/migrationreport/docs/MigrationReport2017_Highlights.pdf

37 Plambech, S. (2017) 'Why So Many Migrant Mothers Arrive in Europe Pregnant' Refugees Deeply. Available at: <https://www.newsdeeply.com/refugees/community/2017/10/31/why-so-many-migrant-mothers-arrive-in-europe-pregnant>

38 Ibid.

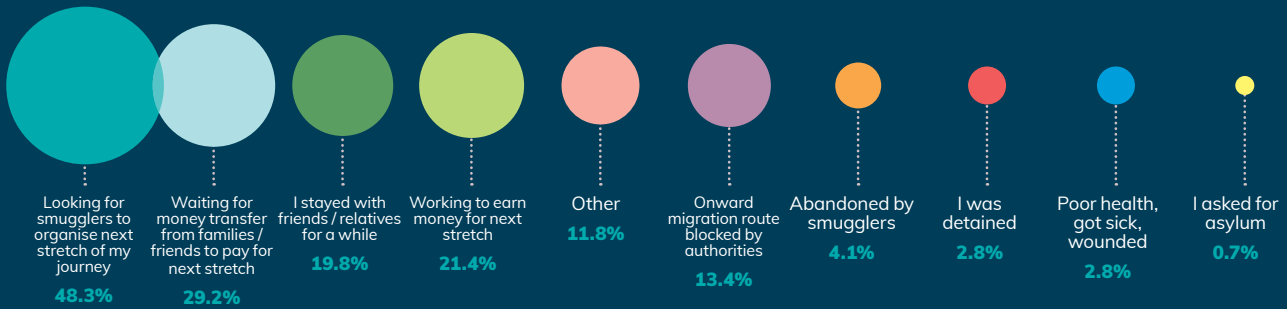
39 Montaldo, C. (2015) 'Seeing families, children, and babies coming off the boats' MSF: Voices from the Field. Available at: <https://www.msf.org/mediterranean-migration-seeing-families-children-and-babies-coming-boats>

40 Giuffrida, A. (2017) 'Teenage Nigerian girls drowned at sea, Italian autopsies confirm' The Guardian. Available at: <https://www.theguardian.com/world/2017/nov/16/teenage-nigerian-girls-drowned-mediterranean-sea-italian-autopsies-confirm>

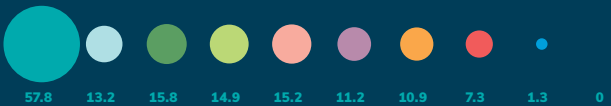
why did you stop?

“Why did you stop in these cities / places?”

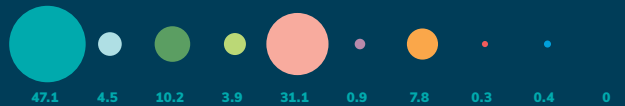
Total (9,774 interviews along 7 migratory routes)



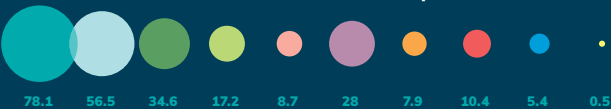
Afghanistan to Europe (303 interviews)



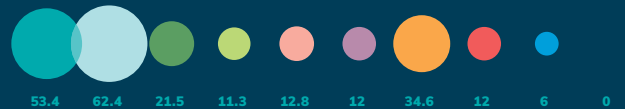
Afghanistan to South / South East Asia (1040 interviews)



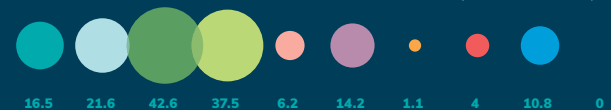
Horn of Africa to North Africa / Europe (1642 interviews)



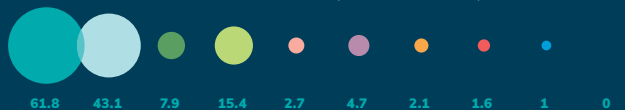
Horn of Africa to South Africa (133 interviews)



Horn of Africa to Yemen / Saudi Arabia (176 interviews)



West Africa to North Africa (2026 interviews)



West Africa to West & Central Africa (4454 interviews)



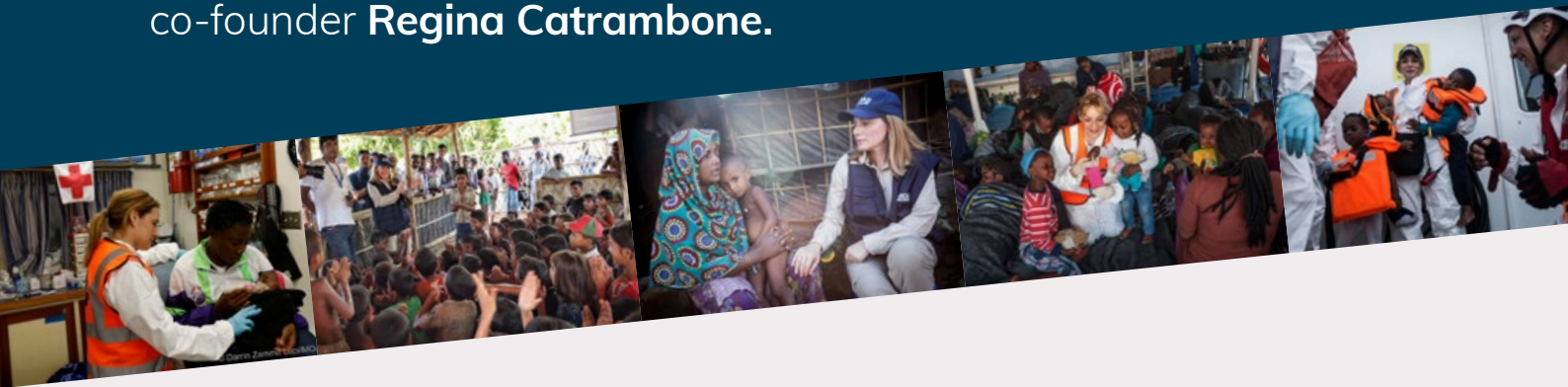
Conclusion

These examples above — and there may be others — show that there are groups of people with specific profiles and motivated by an array of drivers who use irregular pathways, join mixed flows and engage migrant smugglers to achieve their objectives. To some extent these alternative mixed migration pathways democratize mobility, and “level the playing field” to include people who were previously unable to move. But in light of the high incidents of death, violence, abuse and exploitation (further explored in other essays in this report) these new opportunities can come at a high cost.

Interview

Keeping hope alive

Drones, long floats, and empathy were key to MOAS pioneering efforts to rescue tens of thousands of migrants at sea, explains co-founder **Regina Catrambone**.



Regina Egle Catrambone is an Italian philanthropist. She is the co-founder and director of Migrant Offshore Aid Station (MOAS¹), a non-governmental organisation set up in 2013 to mitigate the loss of migrants' lives in the Central Mediterranean and Aegean seas.

In your view, what is the primary cause for what is called mixed migration?

I would say the main cause is indeed very mixed. Many people are persecuted because of their religion, others run from the effects of war, which is why we have seen so many Syrians over the last years. Climate change, livelihood situations, water and food scarcity also play a major role. We are facing mixed migration, I would say, because of a crisis of humanity. People are suffering from different backgrounds, but they cannot find a solution in their countries of origin or transit, so they are forced to flee and look for a better life. Even we find on the boats teachers, professors, doctors and lawyers.

Since MOAS's first operations in August 2014, it has rescued tens of thousands of maritime refugees and migrants. When you started did you have any idea what you were getting into?

Actually, in the first week we didn't encounter any vessel in distress. In fact, my husband Christopher was calling me saying "we aren't finding any migrants on the Mediterranean". And then one day they found a wooden boat. There were many children and it was quite a difficult rescue. When we started MOAS, we saw the problem that many people were dying at sea, so we asked ourselves what we could do, and we decided

the first thing is that we need a boat and of course we had to finance it all ourselves, and we did it with our own financial and professional resources. We wanted to shift attention from the ports and raise awareness of what was happening out at sea. In 2014 the Mare Nostrum mission run by the Italian Navy was the only military and humanitarian mission specifically aiming to assist vessels in distress. We felt we had to be there to save humanity, to save our brothers and sisters. It doesn't matter if they are bad people or good people: everyone who is in distress at sea needs to be rescued. Both at sea and on land we fully cooperated with official authorities, but it was fundamental for us to be along the world's deadliest migratory route.

“ It doesn't matter if they are bad people or good people: everyone who is in distress at sea needs to be rescued. ”

MOAS was a pioneer in private maritime rescue at that time, but soon other NGOs joined the rescue effort following your lead.

Yes, when we started we were alone and we needed to shift the attention from the port to the sea to see the suffering and create empathy. It was one of our

Interview

Regina Catrambone

goals to bring civil society out there to help because the more boats out in the sea meant higher chances to help people and defend human rights, so we were quite happy to be the pioneers of this movement. Of course in 2015 when we were approached by MSF and others to cooperate we were very honoured. I have a great respect for these organisations and we learnt a lot from joining forces with others for a common, good cause.

At that time the only humanitarian mission was Mare Nostrum with military assets for search and rescue. We explained in advance to the Italian Coast Guard what our mission was and we cooperated very closely with them. We always worked with professional staff, not volunteers, and we created the format which other NGOs then replicated in their own way. What MOAS developed was the operational pattern and we also developed new tools for search and rescue, like the long floats for a hundred or more people to hold onto while the rescue took place, when the vessel capsizes during a rescue situation for instance. In fact, we were the first to use drones because we wanted to use the best equipment for search and rescue. We felt they shouldn't just be used for war: why shouldn't we use drones conceived for war for a good cause and to rescue human lives? The earlier you arrive the less casualties you will find.

Did you come across many bodies in your work?

This is a very sensitive question for me, because for me they drowned because of a lack of empathy and response out at sea. In the Mediterranean, smugglers don't care if the migrants die or live because once they are on the sea they have already collected their payment.

“ They drowned because of a lack of empathy. ”

There were times when we knew we couldn't rescue everyone. Sometimes when we arrived, the vessel had already capsized and so first we rescued everyone alive, but then we passed by and collected the corpses. I remember closing up children and pregnant women in body bags, and those images will never leave me. I will always have those memories till I die. When you close a child or a pregnant woman in a body bag, you have the feeling you are burying the entire humankind. Many died inside the boats. We found many corpses inside the boats because they were intoxicated by the fumes, and fell into a deep sleep and then they drowned inside the boat because there is always water at the bottom, normally mixed with fuel, even in the rubber dinghies. The mixture of salt water and fuel is deeply intoxicating and also causes skin burns. These dinghies are sometimes just ten meters long with 150 people [on board] and the people can't even move to save each other. But the wooden boats were the worst. It was so

very sad because I am a mother and I am a wife and it's very important to talk about the human part of the stories. They are not just numbers.

“ When you close a child or a pregnant woman in a body bag, you have the feeling you are burying the entire humankind. ”

Did the atmosphere and conditions change in the Mediterranean between 2014 and 2017 in terms of the reactions of ports and of those countries where you brought the migrants and refugees whom you had rescued?

Yes, of course it did but here I am a bit of a devil's advocate because at the start we were one boat and things were easier, but when there were many NGOs and many boats and each one had their own modus operandi, it was much harder for the authorities to control. Of course, I was very happy when the other boats came, but I knew they could potentially increase misunderstanding, confusion and lack of communication on both sides. Most probably, this is why the Italian government asked search and rescue NGOs to sign the Code of Conduct². In fact the atmosphere has been deteriorating since late December 2016, then we started to see the criminalization of solidarity, the physical attacks against migrants and other abuse started. Even myself and my husband and our family were exposed to abuse and criticism: they thought there was some hidden, unclear reasons for what we were doing. However, we were pushed by mercy, altruism and brotherhood.

Some have accused the rescue missions of making it easier for human smugglers and enabling irregular migration, providing a “taxi service” or even colluding with smugglers. What do you say to these criticisms?

MOAS has never been in contact with smugglers. We used to destroy boats after rescues were completed. We were always cooperating with official authorities and shared information and data with them. Anyway, we saw our mission as saving lives, we were not meant to act as police officers. Disembarkation followed the instructions given by the Italian Coast Guard, after notifying the port of safety, so we never acted independently.

Despite the fact that MOAS's work is highly humanitarian in nature, the rescue missions in the Mediterranean were and are part of a very controversial migration debate in Europe with dramatic political outcomes. Has this ever caused you to doubt your work?

We didn't take any independent decisions. We followed

SOLAS³ stipulations. We brought people to Europe because Libya was not a safe place, but it's true that when the whole scenario dramatically deteriorated, we decided to suspend our SAR mission and redeploy assets where needed in Southeast Asia.

We were the first organisation to sign the Code of Conduct. We had no problem with it at all, but if you are there to defend people, their human rights, protecting them from torture and abuse, and then you have to bring them back to a place where they have been tortured and abused, well, that was unacceptable. I went to Rome myself and spoke to the vice minister of foreign affairs and vice minister of the interior and informed them that we felt we had to stop our mission. They were quite sad, but after I explained our reasons they understood. In a nutshell, MOAS didn't want to become part of a mechanism aimed to reduce the number of landings without considering the fate of the people brought back to Libya.

After September 2017, MOAS headed for the Andaman Sea. How did you find working there?

It was not the same in Andaman sea, but the main problem in Asia is that we faced a lot of intimidation and obstruction, with bureaucracy and high port fees and unusual limitations. It was indirect intimidation. In fact, the Thai authorities followed us by boat and even by helicopter at times. I think the number of boats being reported as leaving in the Andaman sea is very low, but it is just the tip of the iceberg. They are leaving in small boats and there are many of them. Even when we first arrived near the beaches around Cox's Bazar, in Bangladesh, in the end of September [2017] we saw seven to ten bodies of Rohingya children washed ashore. We don't know how many boats are leaving, but even though we did not find many situations, we were also there to raise awareness. The official fatality rate is very low, 1.2 percent, but the fact is that nobody really knows how many boats depart, how many people attempt the crossing, and how many reach safety or drown.

In fact, when we had communication with some of the larger institutions like the UNHCR they asked if we had permission from the government to be in the

Andaman Sea. We disagreed with them. Why do we need permission from the governments? We were in international waters, and only there to help people and monitor the situation.

Just looking at the situation there: More than 750,000 refugees who fear to return to Myanmar, living in very poor conditions. Do you think the Andaman Sea is going to be the scene of large scale maritime migration again in the future?

Yes, absolutely. And I would stress this because it's not just the Rohingya but also the local population, the Bangladeshis who are competing for crumbs, and the conditions for both groups are appalling. MOAS was created to mitigate the loss of life at sea, but our main mission is to keep hope alive and assist the world's most vulnerable migrant and refugee communities. Bangladeshis are coming to Europe and Italy too because they lack good job opportunities and decent living conditions.

“ Entrepreneurs should be much more involved in humanitarian work. They come with a different perspective and have talent, know-how and expertise to offer. ”

You have been running MOAS for four years now. You were not previously an aid activist. How would you say this work has changed your perspective?

To tell you the truth I love business and I am still involved in the corporation we created, as well as the fact that I still need a salary to pay the bills because my work with MOAS is entirely voluntary. Actually, I think entrepreneurs should be much more involved in humanitarian work. They come with a different perspective and have talent, know-how and expertise to offer. I really believe in the power of entrepreneurs for the cause of good. But there is still so much to do. As MOAS' co-founder and director, I am happy and proud that we could rescue and assist more than 120,000 people, around (40,000 at sea and more than 80,000 in Bangladesh).

- 1 Between 2014-2017, MOAS search and rescue missions rescued and assisted more than 40,000 children, women and men. Since September 2017, MOAS has been working in Bangladesh, where it opened two primary health centres to provide life-saving medical care and humanitarian assistance to Rohingya refugees and local host communities. The Rohingya community is considered the world's most persecuted minority. In August 2017, it was the main target of a new wave of violence in Myanmar, one that pushed more than 700,000 people to seek sanctuary in Bangladesh and triggered the world's fastest-growing refugee and humanitarian crisis.
- 2 In July 2017, Italy asked all NGOs working from its ports to rescue migrants at sea to sign a restrictive Code of Conduct. Many refused, and the move has reportedly led to almost no rescue boats operating in the Mediterranean by mid-2018.
- 3 The International Convention for the Safety of Life at Sea (SOLAS) sets minimum safety standards in the construction, equipment and operation of merchant ships. Chapter V of SOLAS (Safety of Navigation) obligates masters to provide assistance to any person in distress at sea, regardless of nationality or status of that person, and mandates contracting governments to co-ordinate and co-operate in assisting the ship's master to deliver persons rescued at sea to a place of safety.

Voices on the move: refugees and migrants

Quotes from 4Mi in 2017 and 2018

Please note: quotes have been edited for clarity to correct obvious errors only when necessary; some errors in syntax and grammar remain.

“There is no way back from the migration journey to Indonesia. The most important thing we need at the moment is to learn Indonesia’s culture. And also to generally improve the migration atmosphere between migrants and local people. There should be more communication between migrants and Indonesians, and also [with] authorities and those who are in charge.”

32-year-old Afghan man, interviewed in Indonesia

“I encourage people to migrate because we don’t have identity in Iran. We are in the middle. Neither Afghan nor Iranian.”

29-year-old Afghan man, interviewed in Indonesia

“In Russia it was hard to differentiate who is police and who is a smuggler, sometimes they had good connections with each other. Also, the police and smugglers were very brutal in some cases.”

34-year-old Afghan man, interviewed in Germany

“I divorced my husband because he was beating me. I had an abortion. I am not recognized as a refugee until now and economically it’s still difficult. But I thank the German government for giving me the chance to live peacefully.”

32-year-old Ethiopian woman, interviewed in Germany

“I and my friends experienced a very difficult situation in Libya: everybody has weapons and can kill without any pre-conditions. I have never seen such anarchy in my life. I hope I will not see that also in the future.”

32-year-old Ethiopian man, interviewed in Germany

“The conditions I faced during my journey were very different from what they had told me initially. But luckily, my smuggler was better than others, comparatively speaking. The reality is, irregular migration is very difficult and you have no rights. You just hope for the goodwill of the smuggler.”

27-year-old Ethiopian woman, interviewed in Egypt

“I faced a lot of problems and human rights violations on my way to Sudan and then Egypt. The smugglers and police officers of Ethiopia and Sudan abused me, and I was raped by different men and I became pregnant. I don’t want to remember all this.”

31-year-old Ethiopian woman, interviewed in Egypt

“The perception that I had [of the journey] before is completely different from what I know now. Now I learned one thing: there is no better place than your country of origin for everything.”

26-year-old Ethiopian man, interviewed in Egypt

“The smugglers used local thugs in every border to help us cross borders. The real smugglers would never go with you. These local thugs extort money from smugglers and abuse the migrants. They even took our clothes. There was no accommodation and they kept us in degrading and overcrowded rooms.”

31-year-old Somali man, interviewed in South Africa

“My smuggler took advantage of my poor family and the fact that my parents are not educated. When I first met my smuggler, she told me that she needs someone to help her handle her supermarket in Europe. I was doubting her words, but I took her to my parents and she lied to them, telling them all sorts of lies, which they believed, so my parents were happy to have one of their daughters in Europe. But now I ended up in Libya, not in Europe, and I am working in a brothel, not in a supermarket.”

28-year-old Nigerian woman, interviewed in Libya

“I see my smuggler as a good person because she didn't force me into prostitution. She is only after money, it's because of the kind of contract she signed with my employer here in Libya. According to this contract, I have to work with them in their house without coming home for six months without break, even when I get weak and tired. I have to endure it until the contract runs out.”

30-year-old Nigerian woman, interviewed in Libya

“During the desert journey the rebel attacked our vehicle, take most of our belongings and raped some of the women we were travelling with. After leaving the desert we were attacked again and some of us were kidnapped.”

32-year-old Nigerian man, interviewed in Libya

“In Sudan, I faced physical harassment by the Sudan police at the Shegarab camp refugee camp. When was in Egypt I was not aware of the conditions in Libya and I made a full payment to the smugglers to take me to Sabratha. I stayed for three months in a transit camp and at last they thrown me in street at night. Now I don't know where to go.”

27-year-old Eritrean male, interviewed in Libya

“The smuggler abandoned them 200 kilometres from Agadez without water or food. She was with two pregnant women, three other women travelling each with three children. Three babies died. And still, after the death of those children, the women came back to Agadez, to try again to get to Libya.”

4Mi monitor reflecting on an interview with a 24-year-old Burkinabe woman, interviewed in Niger

“The lady wanted to join her husband in Germany. She was four months pregnant and was travelling with her child of four years old and her 11-year-old brother. She was raped in front of other migrants and her brother by bandits in the desert of Algeria. For four days they were abandoned in the desert, thinking they would die, until a patrol of the Nigerian army found them. She did not know what to do, whether to try again to reach her husband or return to Cameroon.”

4Mi monitor reflecting on an interview with a 38-year-old Cameroonian woman, interviewed in Niger

Photo credit: Sven Torfinn / Panos (2017)

Agadez, Niger. Young men previously employed in people smuggling are taught traditional jewellery making at an EU funded project that seeks to give people alternatives to illegal migration to Europe. Agadez, as a 'gateway' city for crossing the Sahara Desert, is an example where different kinds of smuggling, including people smuggling is deeply entrenched in the local economy.



Photo credit: Espen Rasmussen / Panos (2015)

Lesbos (Lesvos) island, Greece. Refugees jump out of their inflatable boat onto the beach of the Greek island of Lesbos. Between 2014 and early 2016 Greece had become a major transit country for people making the short crossing from the Turkish mainland to Greek islands near the Turkish coast.



Section 3

The smuggler's world

This section takes a deep dive into the world of migrant smuggling. The first two essays focus on the migrant smuggling business, examining its economics, its robustness and resistance to suppression. The third essay looks at the smugglers themselves. Are they just a variety of travel agent offering refugees and migrants the opportunity to cross borders, or profit-driven criminals, abusing vulnerable people?

The final two parts of this section present key findings and quotes drawn from hundreds of interviews with smugglers themselves in various regions.

Taking root

The complex economics of the global smuggling economy

As government-imposed restrictions on migration push more would-be migrants into unauthorised channels¹, the vast illicit trade of smuggling people across borders is gaining ever more attention. The global revenue from this business is hard to quantify due to its clandestine nature, but there is evidence that in 2016 at least 2.5 million migrants were smuggled worldwide for an economic return of up to \$7 billion.² Others have estimated people smugglers make between \$5 billion³ and \$35 billion⁴ per year worldwide. Europol concluded in 2017 that migrant smuggling had emerged as one of the most profitable and widespread criminal activities for organised crime in the European Union. Classifying it as a large and sophisticated criminal market, Europol compares it to the European drug markets.⁵

This essay explores some of the dynamics and vested interests involved in the migrant industry, which has increasingly taken root around the world and is becoming increasingly entwined with local economies and societies. It also examines how lucrative the economy is and the political implications of its embedded nature, one that contributes to its robustness and resistance to external disruption.

Growing demand

In recent years there has been a significant increase in the number of people worldwide who have fled their country. Pushed by violent conflict, an absence of

political freedom, food insecurity, economic fragility, endemic poverty, environmental disasters, or personal aspirations⁶, few refugees and migrants have access to legal pathways to reach other countries. As the migration and asylum space becomes increasingly restricted, “the global motivation for migration far exceeds the limited possibilities to cross borders.”⁷

Lacking legal channels, migrants and refugees turn to irregular migration routes, where most use the services of smugglers.⁸ Recent research bears this out: a study conducted in 2017 found that 73 percent of people travelling on irregular migration routes from and within the Horn of Africa said they were employing smugglers;⁹ a Europol-Interpol report concerning those arriving irregularly in Europe in 2016 suggested 90 percent were using smugglers;¹⁰ the Australian departments of foreign affairs, defence and security found in 2013 that the “vast majority” of unauthorised arrivals by sea relied on people smugglers;¹¹ some 80 percent of the 2.5-3 million irregular migrants from Cambodia, Lao People’s Democratic Republic and Myanmar living in Thailand are estimated to have been smuggled¹²; and the Canadian Border Services Agency reckons that 92 percent of all Chinese irregular migrants arriving in Canada engaged a smuggler at some stage of their journey.¹³

As the deputy director of the Global Initiative against Transnational Organized Crime has explained, “Human smuggling is a business, one in which the marketplace is human aspirations: the demand for mobility, where no

- 1 Simon, M., Schwartz, C. & Hudson, D. (2018) ‘Visa restrictions can lead to increase in illegal migration’ UCL News. Available at: <http://www.ucl.ac.uk/news/news-articles/0818/070818-visa-restrictions>
- 2 UNODC (2018) ‘Global Study on Smuggling of Migrants’ Available at: <https://www.unodc.org/unodc/en/frontpage/2018/June/at-least-2-5-million-migrants-smuggled-worldwide-in-2016--says-unodc-study.html>
- 3 Europol-Interpol (2016) ‘Report on Migrant Smuggling Networks’ Available at: <https://www.europol.europa.eu/newsroom/news/europol-and-interpol-issue-comprehensive-review-of-migrant-smuggling-networks>
- 4 Bugge, A. (2017) ‘People smugglers make \$35 billion a year on migrant crisis: IOM head’ Reuters. Available at: <https://www.reuters.com/article/us-portugal-migration/people-smugglers-make-35-bln-a-year-on-migrant-crisis-iom-head-idUSKBN18R26H>
- 5 Europol (2017) ‘Serious and organized crime threat assessment. Crime in the age of technology’ Available at: <https://www.europol.europa.eu/activities-services/main-reports/european-union-serious-and-organised-crime-threat-assessment-2017>
- 6 IOM (2018) ‘World Migration Report’ Available at: https://publications.iom.int/system/files/pdf/wmr_2018_en.pdf
- 7 UNODC (2010) ‘A short introduction to migrant smuggling’ Available at: https://www.unodc.org/documents/human-trafficking/Migrant-Smuggling/Issue-Papers/Issue_Paper_-_A_short_introduction_to_migrant_smuggling.pdf
- 8 Ibid.
- 9 Davy, D. (2017) ‘Unpacking the Myths: Human smuggling from and within the Horn of Africa’ RMMS briefing paper. Available at: http://www.mixedmigration.org/wp-content/uploads/2018/05/019_unpacking-the-myths.pdf
- 10 Europol-Interpol (2016) ‘Report on Migrant Smuggling Networks’ Available at: <https://www.europol.europa.eu/newsroom/news/europol-and-interpol-issue-comprehensive-review-of-migrant-smuggling-networks>
- 11 Barker, C. (2013) ‘The people smugglers’ business model’ Parliament of Australia Research Paper. Available at: https://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/pubs/rp/rp1213/13rp02
- 12 McAuliffe, M. & Laczko, F. (eds) (2016) ‘Migrant Smuggling Data and Research: A global review of the emerging evidence base’ IOM. Available at: https://publications.iom.int/system/files/smuggling_report.pdf
- 13 Ibid.

legitimate avenues exist or are difficult to access, is met by smugglers.”¹⁴

The link between restrictive migration or asylum policies and rising costs of smuggling is well documented.¹⁵ As governments raise physical and legal barriers, they drive a greater percentage of potential migrants into the hands of smugglers who are happy to increase the price to whatever their customers will pay. Along the Mexico-United States border, fees charged by smugglers to facilitate unregulated crossings reportedly increased by around 130 percent after the Trump administration began implementing stricter border controls.¹⁶ The clandestine, smuggler-managed migration routes to the European Union flourished in the past half-decade largely because the EU’s restrictive visa laws towards citizens of non-member states of the Organization for Economic Cooperation and Development (OECD)¹⁷ made legal entry channels into the EU unavailable to Syrians, Afghans and other people who needed protection and wanted to apply for asylum in Europe.¹⁸ In 2015, refugees and migrants were reportedly paying between 500 and 2,500 euros to make a sea journey of less than ten kilometres into the EU: from Ayvalik in Turkey to Lesbos in Greece.¹⁹

Fee factors

When the smuggling is conducted by sea, the profits of smugglers tend to be higher because their expenses and risk of being detected are relatively low, and because a larger number of people can be smuggled at once.²⁰ However, this also clearly depends on the situation at sea. Off the coast of Libya, for example, the Italian rescue operation Mare Nostrum significantly changed the dynamics of Libyan migration and smuggling.²¹ Instead of arranging the 160-nautical-mile crossing from Libya to Italy, smugglers adapted to ferrying

migrants only 12 nautical miles into international waters. This reduced logistical and operational costs, thereby removing a significant barrier to the Libyan smuggling market, opening it up to anyone who could buy a boat and gather migrants. That changed when Mare Nostrum was replaced by Triton, but by that time the smuggling market had enjoyed 11 months of unfettered profits and had become significantly more entrenched in the local political economy.²²

Beyond the market dynamics of supply and demand and the means of transportation used, smuggling fees generally depend on many other variables, such as the distance to the desired destination, the age, gender, health and socio-economic profile condition of the refugee or migrant, and whether smugglers need to forge travel documents or bribe border officials.²³

Havoscope, a global online black market information index, suggests prices for migrant smuggling are as high as \$277,000 for journeys from India to the UK, \$50,000 from China to the US, and \$25,000 from Afghanistan to London.²⁴ At the other end of the scale, reflecting the limited resources of most of their clients, a crossing from Somalia’s Puntland region to Djibouti has been quoted to cost as low as \$50, with another \$150 needed to pay smugglers to continue across the Bab el Mandeb strait to Yemen.²⁵ Even at these lower rates, people smuggling can be a hugely profitable endeavour in these communities, and all the more attractive considering the limited alternative economic opportunities. 4Mi data analysis shows that young men in particular engage in smuggling precisely because it is more lucrative than other available forms of employment.²⁶

-
- 14 Reitano, T. (2017) 'What Pricing tells us about the Nature of the Smuggling Business' News Deeply. Available at: <https://www.newsdeeply.com/refugees/community/2017/06/09/what-pricing-tells-us-about-the-nature-of-the-smuggling-business>
- 15 Sanchez G. (2017) 'Critical Perspectives on Clandestine Migration Facilitation: An Overview of Migrant Smuggling Research' Journal on Migration and Human Security. Available at: <http://cmsny.org/publications/jmhs-clandestine-migration/>
- 16 US Department of Homeland Security (2017) 'Statement by Secretary of Homeland Security John Kelly on Southwest Border Security' Available at: <https://www.dhs.gov/news/2017/03/08/statement-secretary-homeland-security-john-kelly-southwest-border-security>
- 17 Mau, S., Gulzau, F., Laube, L. & Zaun, N. (2015) 'The global mobility divide: How visa policies have evolved over time' LSE. Available at: http://eprints.lse.ac.uk/84503/1/Mobility%20Divide_Mau_Gulzau_Laube_Zaun_finalpdf.pdf
- 18 Spijkerboer, T. (2018) 'High risk, high return: how Europe’s policies play into the hands of people-smugglers' The Guardian. Available at: <https://www.theguardian.com/world/commentisfree/2018/jun/20/how-europe-policies-accelerate-people-smuggling>
- 19 McAuliffe, M. & Laczko, F. (Eds) (2016) 'Migrant Smuggling Data and Research: A global review of the emerging evidence base' IOM. Available at: https://publications.iom.int/system/files/smuggling_report.pdf
- 20 UNODC (2011) 'Smuggling of Migrants by Sea' Available at: https://www.unodc.org/documents/human-trafficking/Migrant-Smuggling/Issue-Papers/Issue_Paper_-_Smuggling_of_Migrants_by_Sea.pdf
- 21 Reitano, T. & Tinti, P. (2015) 'Survive and advance - The economics of smuggling refugees and migrants into Europe' Institute for Security Studies. Available: <http://globalinitiative.net/wp-content/uploads/2015/12/Reitano-Tinti-Survive-and-advance-the-criminal-economy-of-migrant-smuggling-Dec-2015.pdf>
- 22 Ibid.
- 23 Sanchez G. (2017) 'Critical Perspectives on Clandestine Migration Facilitation: An Overview of Migrant Smuggling Research' Journal on Migration and Human Security. Available at: <http://cmsny.org/publications/jmhs-clandestine-migration/>
- 24 Havoscope (2018) 'Prices Charged by Human Smugglers' Available at: <https://www.havoscope.com/black-market-prices/human-smuggling-fees/>
- 25 RMMS (2016) 'Mixed Migration in the Horn of Africa and Yemen Region' Available at: <https://reliefweb.int/sites/reliefweb.int/files/resources/RMMSMixedMigrationMonthlySummaryApril2016.pdf>
- 26 Davy, D. (2017) 'Unpacking the Myths: Human smuggling from and within the Horn of Africa' Mixed Migration Centre. Available at: http://www.mixedmigration.org/wp-content/uploads/2018/05/019_unpacking-the-myths.pdf

Locally entwined

Media reports often focus on individual “kingpins” running smuggling rings,²⁷ overlooking the extensive role smuggling plays in some local economies and the number of people who are engaged in and making their living from smuggling and the “migration industry” in general. A smuggling business is usually made up of loosely-connected actors performing a range of different roles.²⁸ Local enterprises such as transportation companies, hotels, restaurants, internet/call shops, and transporters are also part of and dependent on the migration business.²⁹

A 2015 study showed that in the summer of 2015, an average of 100 vessels were crossing every day between Turkey and Greece. Based on the cost of a dinghy, the number of paying clients, and the fees smugglers had to pay to others in the smuggling chain, it was estimated smugglers made a profit of approximately \$10,000 per trip.³⁰ The smuggling business was therefore injecting up to \$1 million per day into a number of Turkish towns from where these trips were organized, generating a degree of support for and complicity in the trade among local communities.

Throughout the Horn of Africa, there are “thousands of lower level actors offering smuggling at varying levels, as well as community actors whose livelihoods depend on servicing the smuggling industry by providing food, shelter or other non-criminal acts”. In the Sahel region, “human smuggling has become an economic mainstay of significant elements of the population.”³¹ This embeddedness means that smuggling plays a

role in economies at local, state and regional levels, particularly in places of origin and transit. International efforts to combat smuggling³² through criminalization of smugglers³³ therefore has serious economic and political consequences.

An interesting example of the socio-economic impact of smuggler criminalization has been taking place in the Nigerien city of Agadez, which has been the focus of the EU’s anti-smuggling efforts since 2015. The refugee and migrant smuggling economy of Agadez, a city that has long been a transit hub for people and goods, started growing in the early 2000s. In subsequent years, as an estimated 100,000 people per year passed through the city on their way to Libya,³⁴ the migration industry there became a significant source of employment and income.³⁵ “Each smuggler supports a hundred families,” the president of the Agadez Regional Council told a reporter.³⁶

Closing doors

Everything changed in 2015 when Nigerien officials passed an anti-smuggling law that effectively criminalized the transport of migrants.³⁷ The law was passed under intense pressure from the European Union, which offered Niger aid and development assistance³⁸ in exchange for “breaking the business model of smugglers.”³⁹ Since Nigerien authorities began enforcing the law the number of migrants passing through checkpoints significantly decreased,⁴⁰ and at least 6,000 people have reportedly lost their livelihoods, including smugglers, shop-owners, landlords, restaurateurs, vehicle mechanics, and merchants who benefitted from

27 Wilkinson, R. (2016) ‘Britain helps arrest people-smuggling kingpin known as ‘The General’ The Independent. Available at: <https://www.independent.co.uk/news/world/europe/mered-medhanie-the-general-people-smuggling-kingpin-arrest-gchq-a7070156.html>; Tondo, L. & Kingsley, P. (2016) ‘Alleged people-smuggling kingpin is extradited to Italy’ The Guardian. Available at: <https://www.theguardian.com/law/2016/jun/08/alleged-people-smuggling-kingpin-is-extradited-to-italy>

28 Frouws, B. (2013) ‘Migrant Smuggling in the Horn of Africa & Yemen – the political economy and protection risks’ Mixed Migration Centre. Available at: <http://www.mixedmigration.org/resource/migrant-smuggling-in-the-horn-of-africa-yemen/>

29 Molenaar, F. & El Kammouni-Janssen, F. (2017) ‘Turning the Tide – The politics of irregular migration in the Sahel and Libya’ Clingendael CRU report. Available at: https://www.clingendael.org/sites/default/files/pdfs/turning_the_tide.pdf

30 Reitano, T. and Tinti, P. (2015) ‘Survive and advance - The economics of smuggling refugees and migrants into Europe’ Institute for Security Studies. Available: <http://globalinitiative.net/wp-content/uploads/2015/12/Reitano-Tinti-Survive-and-advance-the-criminal-economy-of-migrant-smuggling-Dec-2015.pdf>

31 Tinti, P., Shaw, M., Reitano, T. & Bird, L. (2017) ‘Integrated Responses to Human Smuggling from the Horn of Africa to Europe’ Institute for Security Studies. Available at: <http://globalinitiative.net/integrated-responses-to-human-smuggling-from-the-horn-of-africa-to-europe/>

32 For more on the efforts to combat human smuggling refer to ‘Almost impossible to stop’ in this review.

33 For discussion on the morality of criminalizing smugglers refer to ‘Both angels and demons’ in this review.

34 Molenaar, F. (2018) ‘Migration policies and development: The dilemma of Agadez’ ECDPM. Available at: <http://ecdpm.org/great-insights/migration-moving-backward-moving-forward/migration-policies-dilemma-agadez/>

35 Molenaar, F. & El Kammouni-Janssen, F. (2017) ‘Turning the Tide – The politics of irregular migration in the Sahel and Libya’ Clingendael. Available at: https://www.clingendael.org/sites/default/files/pdfs/turning_the_tide.pdf

36 Taub, B. (2017) ‘The desperate journey of a trafficked-girl’ The New Yorker. Available at: <https://www.newyorker.com/magazine/2017/04/10/the-desperate-journey-of-a-trafficked-girl>

37 Massalaki, A. (2015) ‘Niger passes law to tackle migrant smuggling, first in West Africa’ Reuters. Available at: <https://www.reuters.com/article/us-europe-migrants-niger/niger-passes-law-to-tackle-migrant-smuggling-first-in-west-africa-idUSKBNONX1M020150512>

38 Quie, M. & Hakimi, H. (2017) ‘EU pays to stop migrants’ Chatham House. Available at: <https://www.chathamhouse.org/publications/twt/eu-pays-stop-migrants>

39 European Commission (2016) ‘Communication on establishing a new Partnership Framework with third countries under the European Agenda on Migration’ Available at: [http://www.europarl.europa.eu/RegData/docs_autres_institutions/commission_europeenne/com/2016/0385/COM_COM\(2016\)0385_EN.pdf](http://www.europarl.europa.eu/RegData/docs_autres_institutions/commission_europeenne/com/2016/0385/COM_COM(2016)0385_EN.pdf)

40 IOM (2018) ‘Niger – Flow Monitoring Overview 2016-2017’ Available at: <https://www.globaldtm.info/niger-flow-monitoring-overview-2016-2017/>

the migrant economy.⁴¹ The criminalization of smugglers thus significantly impacts the entire region's economy, leaving "young men vulnerable to recruitment of jihadi groups"⁴² such as Boko Haram and Al Qaeda in the Islamic Maghreb that are making inroads in economically disenfranchised communities to expand their presence in the region:

"The migrant-smuggling, at least, allowed people to make money. At a minimum it kept people occupied, If there isn't an alternative, people aren't just going to cross their arms...[...] The jihadists are smart, and they will insert themselves into this situation." Issouf Ag Maha, a former rebel who is now mayor of Tchirozerine, a town just north of Agadez, told one researcher.⁴³

Libya's snowball

Libya provides another example of the complexity of political and economic dynamics related to migrant smuggling. Since 2015, smuggling operations in Libya have developed into much better organised networks and transnational consortia "able to handle routes and volumes of people requiring substantial logistical and financial capacity".⁴⁴ The fragmentation of power structures in Libya and the collapse of the country's economy have also increased the risk of smuggling becoming endemic, fuelling other criminal activities such as weapons and drug trafficking.⁴⁵ Already in 2014, the United States Institute of Peace warned that organised criminal behaviour, illicit trafficking and trade, and the armed groups that engage in them were harming the transition at a time when consolidating institutions of statehood was critical.⁴⁶ In 2016, a report by Sahan and IGAD concluded that the revenue generated from migrant smuggling by the multitude of armed groups in Libya

that control key border crossings was among the threats to the country's stability.⁴⁷ Already in 2014, the United States Institute of Peace warned that organised criminal behaviour, illicit trafficking and trade, and the armed groups that engage in them were harming the transition at a time when consolidating institutions of statehood was critical.⁴⁸

Adding a new twist to this volatile situation, in 2017, in an effort to reduce migration flows along the central Mediterranean route, Italy embarked on negotiations with Libya's competing governments and engaged with tribes from the south of the country as well as several urban militia groups.⁴⁹ As a likely result, in August of that year, hitherto brisk migrant-smuggling flows along the shores of Zawiya, west of Tripoli, came to a standstill. According to some observers, armed groups were receiving payoffs to stop smugglers' boats leaving Libya in the form of aid, aircraft hangars, and large sums of money.⁵⁰ Reportedly, a local group that collaborated with smuggling networks changed sides and started assisting Libyan agencies in stopping migration,⁵¹ illustrating the opportunistic character of those engaging in smuggling and the mercurial roots of the smuggling industry. But in the absence of viable economic alternatives, paying some of these groups to stop migrant smuggling is unlikely to be a sustainable approach. It also risks disrupting fragile local power balances and empowering actors who may not see any dividends in stabilizing the country.^{52 53}

Follow the money

Although it is clear that migrant smuggling is closely entwined with local economies and societies, little is known about where exactly the colossal proceeds from migrant smuggling go, how they are laundered, and how they relate to other economic sectors. In 2015, for example, less than 10 percent of Europol investigations

- 41 Tinti, P. (2018) 'A Dangerous Immigration Crackdown in West Africa' The Atlantic. Available at: <https://www.theatlantic.com/international/archive/2018/02/niger-europe-migrants-jihad-africa/553019/>
- 42 Taub, B. (2017) 'The desperate journey of a trafficked-girl' The New Yorker. Available at: <https://www.newyorker.com/magazine/2017/04/10/the-desperate-journey-of-a-trafficked-girl>
- 43 Tinti, P. (2018) 'A Dangerous Immigration Crackdown in West Africa' The Atlantic. Available at: <https://www.theatlantic.com/international/archive/2018/02/niger-europe-migrants-jihad-africa/553019/>
- 44 Micallef, M. (2017). The Human Conveyor Belt: trends in human trafficking and smuggling in post-revolution Libya. The Global Initiative against International Organized Crime. Available at: <http://globalinitiative.net/report-the-human-conveyor-belt-trends-in-human-trafficking-and-smuggling-in-post-revolution-libya/>
- 45 Narbone, L. (2017) Libya's illegal migration: the urgent need for a new strategy. The Conversation. Available at: <https://theconversation.com/libyas-illegal-migration-the-urgent-need-for-a-new-strategy-78364>
- 46 Shaw, M. and Mangan, F. (2014) 'Illicit Trafficking and Libya's Transition: Profits and Losses' United States Institutes of Peace. Available at: <https://www.usip.org/publications/2014/02/illicit-trafficking-and-libyas-transition-profits-and-losses>
- 47 Sahan /IGAD (2016). Human Trafficking and Smuggling on the Horn of Africa-Central Mediterranean Route. Available at: https://igad.int/attachments/1284_ISSP%20Sahan%20HST%20Report%20%2018ii2016%20FINAL%20FINAL.pdf
- 48 Shaw, M. and Mangan, F. (2014) 'Illicit Trafficking and Libya's Transition: Profits and Losses' United States Institutes of Peace. Available at: <https://www.usip.org/publications/2014/02/illicit-trafficking-and-libyas-transition-profits-and-losses>
- 49 Liga, A. (2018) 'Playing with Molecules - The Italian approach to Libya' IFRI. Available at: https://www.ifri.org/sites/default/files/atoms/files/liga_playing_with_molecules_italian_approach_to_libya_2018.pdf
- 50 Mannocchi, F. (2017) 'Italy accused of bribing Libyan militias to stop migrants reaching Europe' Middle East Eye. Available at: <https://www.middleeasteye.net/news/libyan-militias-being-bribed-stop-migrants-crossing-europe-2107168893>
- 51 Feller, N. (2017) 'Turning the Tide in the Mediterranean. Smart tools for effective EU migration management' Jacques Delors Institute. Available at: <http://www.institutdelors.eu/wp-content/uploads/2018/01/turningthetideinthemediterranean-feller-dec17.pdf?pdf=ok>
- 52 Liga, A. (2018) "'Playing with Molecules" The Italian approach to Libya' IFRI Available at: https://www.ifri.org/sites/default/files/atoms/files/liga_playing_with_molecules_italian_approach_to_libya_2018.pdf
- 53 The issues in this paragraph are explored in greater depth in the 'Keeping track' chapter in Section 1 of this review.

into migrant smuggling activities produced intelligence on suspicious transactions or money laundering activities.⁵⁴ In West Africa, OECD found that the economy around migrant smuggling was largely cash-based, which made it harder to track resulting illicit financial flows. However, according to the same OECD study, as more international networks to such flows are formed, the capacity to identify and seize assets related to migrant smuggling could grow.⁵⁵

In a 2015 paper, the United Nations Office on Drugs and Crime confirmed that migrant smugglers in Europe often use cash-intensive businesses (such as money service businesses and cash couriers) front companies, and investments in assets such as cars and real estate, to launder their proceeds. In the US, smugglers use casinos, import/export firms and other cash-intensive businesses such as car dealerships, and transmit funds via wire transfers and online payments. In Asia, smugglers' proceeds are often mixed with legitimate business profits and transferred via formal and informal banking systems. In Africa, buying real estate, investing in clubs and restaurants, offshore investments, and use of agents to carry cash are common.⁵⁶ These findings tally with those of the inter-governmental Financial Action Task Force, which found several indicators of money laundering arising from migrant smuggling and human trafficking. These included: extensive use of cash; frequent transfers through money remitters to common recipients, often in high-risk countries; use of bank accounts with frequently repeated cash payments in and out of the account; use of front companies; use of "straw" persons; use of cash to invest in real estate/high value goods; repayments of loans or other debt burdens; the laundering of cash through casinos, import/export trades etc; and the use of the *hawala* or other informal banking systems.⁵⁷

Taking action

There are some examples where the paths of such illicit flows have been identified. In 2016, a large, multinational criminal group that smuggled refugees and migrants

(primarily from Afghanistan and Pakistan) from Serbia through Hungary and finally to Austria was dismantled. A financial investigation into the group's illegal activities revealed that much of the profits had been transferred to Afghanistan, where they were invested in real estate.⁵⁸

The EU has a plan for integrating Agadez's former smugglers into the region's formal economy, but it has so far been unsuccessful.⁵⁹ Meanwhile, the United Nations has for the first time imposed sanctions on specific individuals identified as people smugglers, and has blacklisted four Libyans and two Eritreans who have been active on north African irregular migration routes. As the UN secretary-general put it, "There must be accountability for exploitation and human rights abuses."⁶⁰

Complex webs

It is becoming increasingly clear how complex and murky the economics of migrant smuggling are, all the more so as its pickings are proving too rich for other criminal elements to pass up: in 2017 Europol reported that many organized crime groups in Europe had expanded their portfolios to include sector with a seemingly bottomless market: migrant smuggling.⁶¹ The report cited the December 2016 arrest of a major Moroccan drug kingpin as part of an investigation into transnational organised crime networks' involvement large-scale drug trafficking in the Mediterranean Sea; the probe exposed concrete and recurrent links between migrant smuggling and cocaine trafficking.⁶²

In addition to the economic embeddedness discussed above, another layer of complexity — and another challenge for those working to eliminate migrant smuggling — comes in the form of local actors in origin and transit states who have vested interests in many aspects of the business.⁶³ These include state officials who facilitate irregular migration to varying degrees, from turning a blind eye for a small fee to active involvement in migrant smuggling, thus gaining a significant percentage

54 Europol (2016) 'Migrant smuggling in the EU' Available at: <https://www.europol.europa.eu/publications-documents/migrant-smuggling-in-eu>

55 OECD (2018) 'Illicit Financial Flows - The Economy of Illicit Trade in West Africa' Available at: https://read.oecd-ilibrary.org/development/illicit-financial-flows_9789264268418-en#page122

56 Chonghaile, C. (2015) 'People smuggling: how it works, who benefits and how it can be stopped' The Guardian. Available: <https://www.theguardian.com/global-development/2015/jul/31/people-smuggling-how-works-who-benefits-and-how-to-put-stop>

57 FATF (2011) 'Money Laundering Risks Arising from Trafficking in Human Beings and Smuggling of Migrants' Available at: <http://www.fatf-gafi.org/media/fatf/documents/reports/Trafficking%20in%20Human%20Beings%20and%20Smuggling%20of%20Migrants.pdf>

58 UNODC (2018) 'Global Study on Smuggling of Migrants' Available at: <https://www.unodc.org/unodc/en/frontpage/2018/June/at-least-2-5-million-migrants-smuggled-worldwide-in-2016--says-unodc-study.html>

59 Howden, D. & Zandonin, G. (2018) 'Niger: Europe's Migration Laboratory' News Deeply. Available at: <https://www.newsdeeply.com/refugees/articles/2018/05/22/niger-europes-migration-laboratory>

60 UN News (2018) 'As Security Council imposes sanctions on six human traffickers in Libya, UN chief calls for more accountability' Available at: <https://news.un.org/en/story/2018/06/1011751>

61 Europol (2017) 'Serious and organized crime threat assessment. Crime in the age of technology' Available at: <https://www.europol.europa.eu/activities-services/main-reports/european-union-serious-and-organised-crime-threat-assessment-2017>

62 Ibid.

63 Funk, M., Mc Namara, F., Pardo, R. & Rose, N. (2017) 'Tackling irregular migration through development – a flawed approach?' European Policy Centre. Available: http://www.epc.eu/documents/uploads/pub_7693_tacklingirregularmigrationthroughdevelopment.pdf

of the smuggling revenue.⁶⁴ A third of the more than 10,000 refugees and migrants interviewed by 4MI reported having paid a bribe directly to a government official. Most of them used smugglers, and it can be safely assumed part of the smuggling revenue found its way back to certain state officials.

Elimination efforts may also meet resistance from governments in countries of origin, which, because remittance flows from successful migrants form an important source income, are likely to have an interest in continued irregular migration for as long as legal channels remain limited.

Profit in prohibition

For the anthropologist Ruben Andersson, migration, when viewed as a “problem to be solved”, spawns a profitable new “solutions” industry whose stock in trade and personnel include fences, equipment, NGO projects, professional networks, thinktanks, activist campaigns, as well as journalistic and academic engagements.⁶⁵ A Spanish investigative journalism organization that mapped the “migration control” industry in Spain⁶⁶ found that between 2002 and 2017, Madrid spent at least 610 million euros through 943 contracts related to the deterrence, detention and expulsion of migrants, with over 70 percent of money originating from various EU funds. The authors concluded that the EU risks being trapped in a political and budgetary vicious circle, one based on the premise of migration-as-a-problem, thereby deterring any future reform efforts towards a more open migration system.⁶⁷

In the light of these webs of complexity, and when refugees and migrants pay billions to smugglers, and destination countries pay billions to keep them out⁶⁸, it's worth asking, are there not economically smarter ways to organize migration? One interesting idea, applying a purely economic and market-based approach, was proposed in a 2016 policy paper by the Centre for Global Development.⁶⁹ The authors proposed a system of selling visas, so that migrants could reach their destinations legally, instead of having irregular migrants fuelling smugglers and the underground economy.

Though only one example, this shows how applying an economic perspective to migrant smuggling may offer new and innovative solutions. If governments only seek to restrict migration and asylum arrivals, lucrative business opportunities will continue to be available for smugglers and their associates.

Without more comprehensive approaches towards migration — combining alternative legal migration channels with increased resettlement of refugees and greater availability of work visas for temporary labour — the low-risk, high-return trade of refugee and migrant smuggling is likely to continue to prosper.

64 McAuliffe, M. & Laczko, F. (eds) (2016) 'Migrant Smuggling Data and Research: A global review of the emerging evidence base' IOM. Available at: https://publications.iom.int/system/files/smuggling_report.pdf

65 Andersson, R. (2014) 'Illegality, Inc. Clandestine Migration and the Business of Bordering Europe' University of California Press.

66 Fanjul, G. (2018) 'Why Spain is a Window into the E.U. Migration Control Industry' News Deeply. Available at: <https://www.newsdeeply.com/refugees/community/2018/05/21/why-spain-is-a-window-into-the-e-u-migration-control-industry>

67 Ibid.

68 ODI (2016) 'Europe spends over €17 billion to curb migration' Infographic. Available at: <https://www.odi.org/opinion/10374-infographics-europe-spends-17-billion-curb-migration>

69 Mesnard, A. & Auriol, E. (2016) 'To Control Migration Flows and Defeat Human Smuggling, Sell Visas' CGD Policy Paper - Center for Global Development. Available at: <http://www.cgdev.org/publication/control-migration-flows-and-defeat-human-smuggling-sell-visas>

Interview

Complexities matter

Over-simplifying migration motivations, smuggling networks and the range of actors involved in them risks letting governments off the hook and perpetuating migrants' hardships, explains **Gabriella Sanchez**.



Dr Gabriella E. Sanchez (Ph.D., Arizona State University) is the head of migrant smuggling research at the Florence-based European University Institute's Migration Policy Centre. Her area of expertise is the social organization of migrant smuggling facilitation. She has written and published extensively on the everyday lives of smuggling facilitators, drawing from her past expertise in law enforcement and her ongoing fieldwork alongside the men and women whom migrants hire in the context of their journeys.

In Central America and Mexico, are the activities of drug traffickers, migrant smugglers and human trafficking actors across similar borders and crossing territory "owned" by powerful gangs? Does this present particular problems for migrants and refugees?

The claim that drug traffickers, migrant smugglers and everyone else in between have coalesced is perhaps the most dominant narrative in contemporary security discourses in the US-Mexico-Latin America migration pathway. It is true that there are gangs and that there is drug trafficking activity along the entire continent, including along the US-Mexico border. However, some of us challenge the claim that migrant smuggling is now under the complete domain of transnational gangs and/or of drug trafficking. What we do know on the basis of research is that human smuggling activities and drug trafficking do take place along similar corridors. But that should not be interpreted as evidence of them coming together and/or structurally functioning as a joint enterprise. Smugglers and drug traffickers do know one another, share information with one another, and for their benefit they have to be aware of each other's activities. But this is not to say they work as one, or that one industry has taken over the other. The suggestion that all the criminal markets have merged under the umbrella of drug trafficking and that these are the ones behind migrant victimization exculpates the state. The claim is in short overly simplistic and provides little in terms of solutions on how to improve the conditions faced by migrants.

“ The suggestion that all the criminal markets have merged under the umbrella of drug trafficking, and that these are the ones behind migrant victimization, exculpates the state. ”

Some commentators have been looking for a connection between drug trafficking, migrant smuggling, and terrorism in Africa and Asia, but it seems in Central America the nexus between smugglers and drug traffickers is real. Would you agree, and how lethal is this for those on the move?

I'm glad you're bringing up the issue of terrorism. In the global narrative of transnational organised crime - and we see this worldwide - people use the term smuggling in conjunction with sex trafficking, drug trafficking, weapons smuggling and, yes, terrorism. Again, this oversimplifies the way smuggling operates, exempts migration regimes of their responsibilities towards migrants, and finally, has limited empirical backing. At the same time, researchers have documented that the experience of many migrants often involves their participation in illicit activities in order to finance their travel, to gain access to routes that are faster and, somewhat ironically, often safer than the ones they would otherwise have to use, etc. As I said earlier, migrant smuggling often takes place in the same contexts of other crimes, but that does not mean they have morphed into one. That's way too simplistic.

“ Migrant smuggling often takes place in the same contexts of other crimes, but that does not mean they have morphed into one. That's way too simplistic.”

In so far that these gangs in the Central America region are powerful, is their presence in any way advantageous to migrants and refugees on the move?

Well, I would not use the term advantageous and at the same time, once again, we should not simplify the dynamics of the journey, or blame violence on gangs alone. Migrants draw from collective and individual experiences and are indeed aware of the challenges clandestine journeys may involve. However, awareness does not translate into an ability to avoid all the risks the migrant journey involves, especially in the case of people traveling without financial or social capital, and which often include women and children. As I said, the narrative that suggests that transnational organised crime entirely controls the smuggling market along the Central America and the US Mexican border shifts the focus away from the fact that migration regimes and not organized crime are behind the reduction of legal, safe paths to mobility. Furthermore, it virtually obliterates the roles of community and interpersonal dynamics in migrants' journeys, of which smuggling facilitation is part. The reluctance (or unwillingness) to understand these dynamics leads to dangerous migration policy practices. The response to greater numbers of migrants and refugees is not the increased criminalization of

their journeys, or the militarization of borders, or the designation of more resources to fight organized crime. Migrants need access to safe paths for legal mobility.

“ Migration regimes and not organized crime are behind the reduction of legal, safe paths to mobility.”

Do you think that standards of international protection must account for those who are victims of gang violence and organised crime – a seemingly dominant reason for movement in Central and South America?

Here I am really troubled by the emphasis on violence, and in particular on gang violence. I do not deny either. Yet violence and specifically gang violence is only one of multiple factors that play a role in people's decisions to migrate. And yet there is a discursive obsession, a collective obsession with drug traffickers and gang members in the migration agenda. Even though it is true that they play a significant role in the level of violence that people face, violence is not only traceable to them. There's also intimate partner violence, gender-based violence that plays a role in people's decision to migrate. There is poverty, lack of employment, limited educational opportunities, global warming, environmental degradation, hunger. Family reunification - as in spouses wanting to be together, unaccompanied children reuniting with their family - is also a strong reason for people to migrate, probably stronger than poverty, which people also wrongly regard as the main driver. Furthermore, people are not just heading out for the United States. Many are moving to the next village, from town to town and sometimes to other countries within the region, but they're not all heading for the US Mexico border. So it is important that we don't simply adopt the simplistic view that everybody is merely running away from scary gang members. Violence comes from many other sources - have we mentioned the state? - but it is this oversimplified narrative of gangs that dominates migration rhetoric. We have to do a better job unpacking the motivations of people on the migration pathway, not just in the Americas but globally. We have to bring complexity into the debate. If we just attribute it all to violence, we are lost.

The war on drugs has been criticized for decades as an absolute failure, having far more costs than benefits, while drug availability and production has never been so widespread. Are we about to see many of those errors repeated against human smugglers or is it different?

Indeed, we have seen in the Latin American corridor a replication of strategies that have been used by countries to combat drug trafficking organisations are

now being used against migrant smuggling facilitators. By strategies I mean the criminalisation of survival practices, gender disparities in apprehensions and sentencing, combined with the overall narrative of smugglers as the reason behind all evils. These have been mobilised by states but are not reflective of the actual conditions migrants find on the ground.

The international focus is often on the efforts of the US to deter, prevent, or deport migrants, but Mexico has also been active: restricting people getting onto trains since 2014, or their Programa Frontera Sur. To what extent has Mexico's migration policy contributed to additional risks to migrants in terms of kidnapping, forced labour and disappearances?

Mexico and its migration policy have played a pivotal role in the shaping of the vulnerabilities migrants encounter as they travel through the country - not only Central American migrants but also those from South America, from Mexico itself and from elsewhere. From the onset, Programa Frontera Sur was implemented with the idea in mind of creating a containment belt along the border with Guatemala to deter irregular migration from Central America. Since it started, the numbers of Central American migrants detained and deported from Mexico have skyrocketed. In fact, Mexico has deported more Central American migrants than the United States. As in other parts of the world, migrants' need to avoid detection and apprehension in order to reach a destination leads them to rely on the most dangerous, remote routes for their journeys, which in turn increases the risks they face and reduces their chances to obtain help and/or to seek justice. Migrants traveling through Mexico - especially those with very limited social and financial capital - are likely to encounter and be the target of groups involved in kidnappings, abductions, forced labour and other forms of intimidation and exploitation. Mexican authorities have often been named among the perpetrators. As researchers, we definitely see a direct link between the kinds of violence committed against migrants and stepped-up immigration control efforts in Mexico.

“ migration regimes and not organized crime are behind the reduction of legal, safe paths to mobility.”

Mexico is a signatory of the 1951 Refugee Convention the 1984 Cartagena Declaration on Refugees, and many human rights agreements, and yet it has pursued an aggressive policy along its southern borders since 2014. Some claim that in 2015 almost 200,000 individuals were arrested and deported. How would you explain these kind of

contradictions, and are they a prequel to what the European Union is starting to practice as it tries to externalise border control?

Firstly, let us once again remember we are witnessing these trends worldwide and secondly that they are neither new nor unique to Mexico. Detention, deportation and removals have been constants of the migrant experience. In terms of border externalisation for example, Spain and Morocco have had arrangements that long precede the current trends in European migration control policy. People tend to forget that there have been many previous, if unsuccessful attempts to create these “buffer” or “containment” zones, which are now becoming more of the rule. Even though we are outraged by what is going on in Libya for example and cannot conceive Europe is being complicit in the return of migrants to Libya or the kind of conditions people are facing, it is also remiss to think these are unprecedented or unheard-of acts. We must put them into context.

Given that Mexico considers itself a friend to refugees, why do so few of those seeking refuge from the troubles in the “Northern Triangle” seek asylum in Mexico?

First, it's important to remember that today Mexican people are no longer migrating to the United States at the same levels they used to. Mexico itself is becoming a destination country and not just a country of transit. I think that when we look at the treatment by Mexico of migrants coming to Mexico or passing through the country we see a clear example of migration policy gone wrong. The numbers of migrants filing asylum claims in Mexico has grown exponentially, but that does not mean the claims are being approved. That is on the one hand. On the other, many other migrants may perceive or see Mexico just as a point of transit on their way to the United States or Canada. They may stay in the country until they are able to head north. Again, it is important to recognize the complexity of people's motivations to migrate. While many migrants have also decided to stay in Mexico given the current anti-immigrant climate in the United States, for many others reaching US territory is still important. There is not a single or dominant answer. There is vast complexity in migrants' decision-making. We need to do a better job to unpack it.

A Mexico-based advocacy group reported that there may have been over 70,000 refugee and migrant disappearances in Mexico between 2006 and 2016. If plausible, this suggests Mexico itself is very unsafe for migrants and refugees, let alone the US/Mexico border?

To simply state that Mexico is not a safe place for those who apply for asylum is incomplete. Let us say instead

that the Mexican state does not have the political will to implement mechanisms to protect those seeking refuge (which includes thousands of Mexican citizens themselves who have been displaced due to violence). As for the use of numbers to count disappearances and deaths, we need to be cautious of not falling for what [legal anthropologist Sally] Engle Merry calls the “seduction of quantification” : there are not official, accurate or reliable data concerning the dead and the missing in Mexico. We must not rely on numbers as the sole indicator of what is happening in Mexico and across Latin America. At the end, statistics and numbers are irrelevant to those with missing and/or dead relatives: they want to know where their loved ones are. They only want to know where they are.

“ At the end, statistics and numbers are irrelevant to those with missing and/or dead relatives: they want to know where their loved ones are. ”

“Nearly impossible to stop”

Can the migrant smuggling business be curtailed?

Migrant smuggling has become a large-scale and diverse business, even if by comparison to other criminal enterprises (including organised crime) it is less hierarchical or vertically managed. Smuggling activities appear to take place in a context more resembling a wide-ranging free market, leading to suggestions that “the economics of human smuggling makes it nearly impossible to stop”.¹ This article offers some reflections on the activities and dilemmas that arise when trying to suppress or eliminate migrant smuggling.

A hybrid business model

As an economic sector migrant smuggling enjoys virtually no scrutiny, regulation or control. It takes place across geographical and legal jurisdictions, and, with minimal skill requirements, the threshold for access into the sector is low. Paradoxically, migrant smuggling occurs in plain sight while remaining relatively clandestine. In many locations it occurs with the collusion (through sharing of the profits) of state officials who might otherwise interdict smuggling activities. Rather than being a clearly delineated business, migrant smuggling consists more of a diverse range of freelance “gig” businesses: there is no single model, despite the increasingly common policy discourse of “disrupting the business model” exemplified by the destruction of vessels on the Mediterranean after refugees and migrants are rescued.²

Migrant smuggling is sometimes linked to other criminal activities, such as drug trafficking, but increasingly it is a standalone operation, with a wide variety of roles performed by various players. In many countries there are no specific laws against migrant smuggling and where there are restrictions impunity or corruption allows such activity — dubbed a “victimless crime” by some — to remain a high-profit, low-risk endeavour. How can states tackle something so diverse? What kind of strategies can

be employed? What can governments do to change the playing field?

Smuggling is not trafficking

The smuggling and trafficking of human beings are often conflated or confused in reporting, research and policy approaches, in spite of international agreements on the legal and practical distinctions between the two.³ According to one interpretation of the differences, in the case of trafficking, the commodity is the control over the people being moved (forcibly or through deception), and the customers are those who exploit the people in question. Exploitation, or the intention to exploit, is critical to the concept of trafficking. In the case of human smuggling, the commodity is irregular entry to another country, and the refugees and migrants are the customers.⁴

Such conflation confounds efforts to tackle smuggling. Moreover, these efforts have become entwined with broader refugee and asylum policies⁵ as some international commitments allow people who cross borders irregularly with the help of smugglers to seek asylum.

What is “success”, anyway?

Language like “damaging the smugglers’ business model” and “undermining activities” has been at the forefront of European political discourse in recent years, but it runs the risk of exaggerating the degree of coordination among the disparate individuals and groups involved in smuggling. It also reflects a reluctance to engage with the actual activities of the smugglers, who frequently provide refugees and migrants their only option to reach safe havens.

1 Mohdin, A. (2017) ‘The economics of human smuggling makes it nearly impossible to stop’ Quartz. Available at: <https://qz.com/1046613/the-economics-of-human-smuggling-makes-it-nearly-impossible-to-stop/>

2 Casert, R. (2015) ‘The EU aims to destroy the business model of migrant smugglers in the Mediterranean’ Business Insider. Available at: <http://www.businessinsider.com/the-eu-aims-to-destroy-the-business-model-of-migrant-smugglers-in-mediterranean-2015-5>

3 The United Nations Convention against Transnational Organized Crime has three additional protocols, including the Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children and the Protocol against the Smuggling of Migrants by Land, Sea and Air. See: <https://www.unodc.org/unodc/en/organized-crime/intro/UNTOC.html>

4 Mohdin, A. (2017) ‘The economics of human smuggling makes it nearly impossible to stop’ Quartz. Available at: <https://qz.com/1046613/the-economics-of-human-smuggling-makes-it-nearly-impossible-to-stop/>

5 Because victims of trafficking are sometimes required to remain in their destination countries for their own protection or to assist in the prosecution of perpetrators, policies on trafficking become enmeshed with refugee and migration policies.

With relatively scattershot policies often complicated by other considerations — in particular the moral imperative to save lives — the fight against migrant smuggling has had limited success in many places in the world. In any case, what and who should define success remains an open question.

In September 2018, the European Council published an infographic intended to show how EU support for the Libyan coastguard was “paying off” with a 194 percent increase recorded in the number of people intercepted.⁶ Moreover, the number of departures from Libya towards Europe has shown a very sharp drop and remained low since July 2017.⁷ According to the EU, as a result of measures to better control external borders and migration flows, the number of irregular arrivals to the union has been reduced by 90 percent.⁸

Grim repercussions

The flipside to portraying these statistics as a measure of the EU’s “success” in tackling smuggling is the well-documented fate of migrants forced to return to Libya, where many face torture, rape and other forms of violence while being held in detention centres for extended periods.⁹ Moreover, the mortality rate of refugees and migrants crossing the Mediterranean sharply increased over the summer of 2018 after the new Italian government prevented almost all search and rescue NGOs from operating. In September 2018, 19 percent of those who attempted the crossing died or went missing *en route*.¹⁰

In the European context, as in Oceania and the Americas, the harder the language and more strenuous the efforts to block irregular arrivals, the more the smugglers and their

human cargo are pushed to take riskier routes and modes of transport. For example, an unintended consequence of the destruction of smugglers’ boats during the EU’s Operation Sophia¹¹ was that smugglers adapted by sending migrants to sea in cheaper unseaworthy vessels, resulting in more deaths.¹² The fact that the “cargo” consists of vulnerable human beings means effective interdiction itself is difficult, and in any case, smugglers rarely travel with their “clients”, particularly on journeys by boat. Indeed, as far as smuggling by sea is concerned, once the migrants have embarked on boats, be they sturdy or flimsy, it is already too late to stop the smuggling activities:¹³ by that time, most smugglers will have made their money, and all that can be done is prevent the “cargo” reaching Europe. Mission accomplished?

From unpalatable to practice

Elsewhere, cross-regional efforts, notably the EU-African Union response conducted through the Khartoum Process¹⁴, have not delivered clear evidence of significant change on the ground. Some observers argue that the Khartoum Process is unlikely to achieve its desired outcomes and that, worse, it could jeopardize better governance and development in the Horn of Africa.¹⁵

Meanwhile, the EU’s and national governments’ support of and partnerships with some state authorities in Africa, as well as the 2016 EU-Turkey Statement, have given rise to concerns that measures previously deemed unpalatable are now being adopted as new tactics, as Europe strives to control inward mixed migration flows. Training, equipment and vocal support provided to the Libyan Coast Guard, for example, have, in the light of the Coast Guard’s alleged abuses (which include murder), elicited condemnation from human rights advocates.¹⁶

6 European Council (2018) ‘Infographic - Migration flows: EU action in Libya’ Available at: <http://www.consilium.europa.eu/en/infographics/eu-action-in-libya/>

7 Villa M., Gruijters, R. & Steinhilper, E. (2018) ‘Outsourcing European Border Control: Recent Trends in Departures, Deaths and Search and Rescue Activities in the Central Mediterranean’ University of Oxford Faculty of Law blog. Available at: <https://www.law.ox.ac.uk/research-subject-groups/centre-criminology/centreborder-criminologies/blog/2018/09/outsourcing>.

8 European Council – EU Migration Policy. Available at: <http://www.consilium.europa.eu/en/policies/migratory-pressures/>

9 Amnesty International (2017) ‘Libya: European governments complicit in horrific abuse of refugees and migrants’ Press release. Available at: <https://www.amnesty.org/en/latest/news/2017/12/libya-european-governments-complicit-in-horrific-abuse-of-refugees-and-migrants/>

10 Villa, M. (2018) ‘Sea Arrivals to Italy: The Cost of Deterrence Policies’ Italian Institute for International Policy Studies. Available at: <https://www.ispionline.it/en/publication/sea-arrivals-italy-cost-deterrence-policies-21367>

11 Operation Sophia is a search and rescue component of the approach to migration in the Mediterranean, operated by EUNAVFOR MED (European Navigation Force Mediterranean), and named ‘Sophia’ after a Somali baby girl born on a German frigate participating in operations in 2015. See <https://www.operation sophia.eu/about-us/>

12 (UK House of) Lords Select Committee (2017) ‘Operation Sophia saves lives but has not stopped people smuggling’ News release. Available at: <https://www.parliament.uk/business/committees/committees-a-z/lords-select/eu-external-affairs-subcommittee/news-parliament-2017/operation-sophia-follow-up-publication/>

13 Ibid.

14 “The Khartoum Process, primarily focused on preventing and fighting migrant smuggling and trafficking in human beings, is an established regional dialogue for enhanced cooperation on migration and mobility and regional collaboration between countries of origin, transit and destination regarding the migration routes between the Horn of Africa and the European Union (EU).” See <https://www.iom.int/eu-horn-africa-migration-route-initiative-khartoum-process>

15 Reitano, T. (2016) ‘A sustainable response to human smuggling and trafficking?’ Institute for Security Studies policy brief. Available at: <https://issafrica.s3.amazonaws.com/site/uploads/policybrief93.pdf>.

16 Amnesty International (2017) ‘Libya’s Dark Web of Collusion: Abuses Against Europe-Bound Refugees and Migrants’ Available at: <https://www.amnesty.org/download/Documents/MDE1975612017ENGLISH.PDF>

Similar concerns have been voiced about Europe's cooperation with Sudan.¹⁷

Niger: 'Europe's migration laboratory'

Niger is a good example of European intervention in a transit and origin country. Three quarters of all African migrants arriving by boat in Italy in recent years reportedly transited through Niger.¹⁸ It is one of the poorest countries in the world, is now also the biggest per capita recipient of EU aid, and has been dubbed 'Europe's migration laboratory'.¹⁹

In the EU's recent rapid search for interventions to stem the flow of West African refugees and migrants through the Sahara Desert and into Libya, Niger has been rewarded as a cooperative government. Among other measures, Niger has put in place laws criminalizing migrant smuggling. Many involved in the migration business have seen their vehicles confiscated and have been arrested in the resulting crackdown. While this has led to a reduction in the number of people transiting through Niger it has also, as widely reported, including in a 2017 study by the Clingendael Institute, had a major impact on local, national and regional political and economic dynamics, as migrant smuggling is part of larger political economies. "Failure to take these local realities into account results in inefficient and ineffective policies at best, and counterproductively strengthens one of the root causes of migration at worst, because it overlooks the intricate links that exist between migration and conflict and stability in the region."²⁰

Meanwhile, Down Under...

Australia is something of an exceptional case in taking on smuggling. It is the only country to have developed and implemented a strict and controversial "stop the boats" policy to prevent migrant smugglers bringing people to its shores. This policy came into effect under Operation Sovereign Borders²¹ following the latest sudden spike

in irregular maritime migration from 2010 onwards, and particularly during 2012 and 2013. Any migrant-laden boats attempting to enter Australian waters have since been diverted to small islands with which Australia has entered agreements, including Nauru and Papua New Guinea's Manus, where the migrants are detained. Between 2014-2017 the policy succeeded in curtailing irregular arrivals by sea, rendering the smugglers' business model non-viable as far as Australia was concerned, and at the same time ending the associated migrant deaths in its waters and those further offshore. But the approach has been highly criticised for its violation of the 1951 Refugee Convention and over the harsh conditions endured by those detained.²² In contrast to the severity of its "no boats" policy, Australia is an increasingly generous recipient of refugees for resettlement²³ as well as of migrants travelling for work, study and family reunification.

Counterproductive policies

Efforts to combat human smuggling are closely entwined with policies explicitly designed to prevent irregular movement. In many countries, these policies reflect domestic political priorities emanating from growing public concern about the arrival, reception and integration of increasing numbers of refugees and migrants in mixed flows predominantly facilitated by smugglers.

Such restrictions make it ever harder for individual refugees and migrants to travel independently and thereby also increase smugglers' opportunities and profits. Each round of deaths of smuggled migrants — whether it is lorries full of corpses found at the UK port of Dover, or in Arizona or Austria, or boats sinking and migrants drowning in the Mediterranean, Caribbean or Timor seas — brings more restrictions. These are often accompanied by more recriminations, more funding, more efforts to block smugglers and migrants at places of departures, more agreements with other states, and more efforts at deterrence, including limitations on rescue at sea. But rather than reducing irregular migration, these efforts tend to lead smugglers to adapt their routes and methods in a way that make journeys more dangerous

17 See for example: Chandler, C. (2018) 'Inside the EU's flawed \$200 million migration deal with Sudan' IRIN News. Available at: <https://www.irinnews.org/special-report/2018/01/30/inside-eu-s-flawed-200-million-migration-deal-sudan>; and Suleiman, A. & van Dijken, K (2018) 'Sudan: The E.U.'s Partner in Migration Crime' News Deeply. Available at: <https://www.newsdeeply.com/refugees/articles/2018/01/19/sudan-the-e-u-s-partner-in-migration-crime>

18 Howden, D. & Zandonini, G. 'Niger: Europe's Migration Laboratory' Refugees Deeply. Available at: <https://www.newsdeeply.com/refugees/articles/2018/05/22/niger-europes-migration-laboratory>

19 Ibid; European Commission (2017) 'EU will support Niger with assistance of €1 billion by 2020' Press release. Available at: https://ec.europa.eu/europeaid/news-and-events/eu-will-support-niger-assistance-eu1-billion-2020_en

20 Molenaar, F. & El Kammouni-Janssen, F. 'Turning the Tide' Clingendael. Available at: https://www.clingendael.org/sites/default/files/pdfs/turning_the_tide.pdf

21 Australia Government Department of Home Affairs - 'Operation Sovereign Borders' available at: <http://osb.homeaffairs.gov.au>; and ABC News (2014) 'Operation Sovereign Borders: the first six months' Available at: <http://www.abc.net.au/news/2014-03-26/operation-sovereign-borders-the-first-6-months/5734458>

22 Doherty, B. (2017) 'Australia's Asylum Boat Turnbacks are Illegal and risk Lives, UN told' The Guardian. Available at: <https://www.theguardian.com/australia-news/2017/oct/30/australias-asylum-boat-turnbacks-are-illegal-and-risk-lives-un-told>; See also the information on Australia in the 'Keeping track' chapter in Section 1 of this review.

23 SBS News (2016) 'Australia to increase annual humanitarian refugee intake: PM' Available at: <https://www.sbs.com.au/news/australia-to-increase-annual-humanitarian-refugee-intake-pm>

for migrants and which keep themselves out of the reach of authorities.

The Global Compact for Migration

International focus remains firmly on directly addressing smugglers, their crimes and the affront their efforts represent to states' immigration policies. The final draft of the UN Global Compact for Safe, Orderly and Regular Migration (GCM)²⁴ includes, as Objective 9, "Strengthen the transnational response to smuggling of migrants". Observers have welcomed the GCM's implicit acknowledgement that migrant smuggling and human trafficking are distinct crimes requiring separate policy and practical responses and that responses to situations of smuggling under aggravated circumstances need to be prioritized, and that smuggled migrants should not be criminalized. However, Objective 9 has also been criticized for lacking nuance, and for reflecting the simplistic view that all smuggling is inherently exploitative and illicit, a view which ignores the broad spectrum migrant smuggling inhabits — from very low-level, limited- or non-profit activities to highly orchestrated, violent and lucrative criminal groups extorting and exploiting migrants.²⁵ Proposals under Objective 9 offer little that is new or proactive, and shy away from recommending broader changes to migration policies, including the adoption of a more comprehensive approach that takes both supply and demand into account.

There have also been calls for destination countries to better organize "demand" by increasing opportunities for resettlement and regular labour migration. Until such a paradigm shift takes place, the migrant smuggling business appears to have a prosperous future.

24 Global Initiative against Transnational Organized Crime (2018) 'Stopping the smugglers: Objective 9 of the Global Compact for Safe, Orderly and Regular Migration' Available at: <http://globalinitiative.net/stopping-the-smugglers-objective-9-of-the-global-compact-for-safe-orderly-and-regular-migration/>. For more on the compact, see "Making the non-binding bind" in Section 4 of this review.

25 Global Initiative against Transnational Organized Crime (2018) 'Stopping the smugglers: Objective 9 of the Global Compact for Safe, Orderly and Regular Migration' Available at: <http://globalinitiative.net/stopping-the-smugglers-objective-9-of-the-global-compact-for-safe-orderly-and-regular-migration/>.

Interview

Prevention failures

Europe's current policy of deterrence is ineffective, its trade deals with Africa do more harm than good, and the "externalisation" approach to migration control is bound to fail, says **Mussie Zerai**.



Mussie Zerai is an Eritrean Roman Catholic priest based in Switzerland whose work with refugees and asylum seekers earned him a Nobel Peace Prize nomination from the Peace Research Institute Oslo in 2015. At the age of 14 he fled Eritrea for Italy after his father was arrested by the secret police in Asmara. Time magazine listed him as one of the 100 most influential people of 2016.

Has the trafficking of Eritreans, once so prevalent and lethal in Egypt's Sinai, ended? Or has it merely moved to other countries?

Well, 90 percent of it has ended but some activities have shifted to southern Egypt in the area around Aswan, as well as the border areas where Sudan, Egypt and Libya form a triangle. We still have some cases, but it's not as horrific as it was previously. People are kidnapped, and ransoms are being demanded using violence, but the amounts being demanded are not as high as they were in the Sinai previously. There, a few years ago, sums up to \$30,000 were being demanded for one person. In one case somebody paid \$60,000 to secure the liberation of their relative.

Were you disappointed that despite all the publicity around the trafficking and abuse of Eritreans in the Sinai, it was actually a military and political decision by the Egyptians that resulted in the end of the mass kidnappings there?

Yes, of course. That's exactly how it was. The Egyptian authorities did not intervene as part of a fight against traffickers, but for other reasons, associated with

security around the border with Israel. So, finally, yes, they ended it in the Sinai, but almost by accident.

How significant was the Israeli fence with Egypt (completed in 2013) and other border controls in leading Eritrean refugees and migrants to seek other routes out of Africa?

They changed their route for two reasons. Firstly, Eritreans, Ethiopians, and Sudanese changed their routes when the situation with trafficking became really too bad, too dangerous and very expensive. But yes, the other reason was the building of the Israeli wall, and the refugees were obligated to find another way.

Are you still playing the role of the mediator between traffickers demanding ransom and the relatives and friends paying ransoms?

No. And even at that time I did not play that role because I do not agree with the payment of ransom. Obviously, my position was always that if we pay the ransoms demanded we give the traffickers good income and they will continue their activities. Instead what I do is I give my voice to the voiceless people. I discuss the situation publicly and I create awareness amongst

our own people and in the international community. I asked the international community, including Interpol and Europol, to intervene in some way. However, it's true also that in some few cases we did support the family, especially when the victim was a minor or an unaccompanied minor. Especially young girls because we know what happens to them. The sexual violations were very terrible and even they sold the girls into prostitution circles. In some cases, we supported the family to pay for the release of their relatives, but these were a few special cases.

So then why are you often credited with saving thousands of people's lives?

No, that is from the Mediterranean Sea. I received a lot of distress calls from people in the Mediterranean, while they were on board and in trouble and I contacted the Italian and Maltese coast guards who then could be directed to rescue them.

The long-standing conscription law in Eritrea has been identified as the cause of so many people fleeing the country and, in many places, the accepted reason to give Eritreans asylum and refugee status. What impact do you think the recent detente between Eritrea and Ethiopia may have on migrants coming from Eritrea?

We hope that if the dispute comes to an end this will also change the policy on the conscription law. At present more than 300,000 young people have been kept indefinitely in military service and of course they are also doing forced labour, building roads and other activities. The regime in Eritrea is using military necessity as a pretext to enslave people. They say, "Our land is being occupied and our sovereignty is being compromised" in order to maintain the conscription law. So, we don't expect it to happen immediately, but step-by-step, we hope the situation will normalise. As it is, under Eritrean law, military service should last only 18 months, but I'm in touch with families where people entered the military service in 1994. Can you imagine that's more than 20 years of enforced national service? This is in fact slavery because the income is absolutely minimal or non-existent for this work and they have no freedom to leave it.

Imagine if all those young people were able to be productive in the workforce, or run small businesses and new enterprises, how much it would benefit the country.

Yes. It's a crazy policy but the regime is completely against private enterprise and all private activity.

But specifically, if the conscription law was phased out, would fewer Eritrean asylum seekers then have their application accepted in Europe?

Yes, that may be the case but of course there are many other reasons why people leave Eritrea. There is a serious lack of freedom for people in Eritrea and anyway even now, with the conscription law in place, some countries are pushing back and not accepting Eritreans when they base their claims on the conscription law. Already some countries like Switzerland are saying that conscription is not enough to justify asylum. But the Eritreans don't have the rule of law in their country, they don't have a constitution, they don't have basic rights. So the issue around the conscription law is only one aspect.

“ The regime in Eritrea is using the military necessity as a pretext to enslave people. ”

You have recently stated that the failure of the prevention policy with regard to refugees and migrants leads to a deterrent policy. Can you explain?

I mean the prevention, or the failure to prevent situations like authoritarian regimes, or poor governance, or even environmental change, or the prevention of violence, or the prevention of traffickers who kidnap migrants and refugees. The prevention of situations where people are totally abandoned. I'm talking about prevention of situations but also protection. The failure of protection and prevention in refugee camps for example. If we don't create a dignified life for refugees, if we don't give them access to education or help them to find jobs where they are then you don't have prevention and you don't have protection and so this leads to people moving. Then in turn this leads to death in the desert or in the Mediterranean Sea. Europe uses these deaths as a deterrent just as Israel use deaths in the Sinai as a deterrent, hoping that people will stop trying to reach Europe or Israel. They're thinking "OK, if some people die then the others will not come", but this logic doesn't work. In recent years many thousands of people have died in the Mediterranean and they are still coming.

You have linked the large number of refugees arriving in Europe to global imbalances and inequalities, could you elaborate?

The cause of the exodus is not only war. That is one cause, but look at the commercial agreements between the European Union and Africa. If you look closely at what the agreement contains you will see that this is a way to cause poverty in Africa because it's totally not balanced. I don't just mean in the agricultural sector but also in mining. It means the big multinational corporations pay very low amounts of money to take the natural resources from these countries. Even with very low pay, they exploit the local labour. They create the very situations that cause exodus.

But aren't many drivers also linked to poor governance and corruption in certain African countries. Don't they have to take responsibility for this themselves as independent sovereign states?

It's true we have some corrupt leaders and government officials but who comes to corrupt them? They don't go out to seek corruption, people come to corrupt them. What we're asking for is that the EU finds a more ethical way of dealing with African countries when doing business and commercial agreements. You are welcome, and we need these investments, but let's conduct agreements in a legal and more ethical way. In business everyone tries to get the best deal, but the problem is the best deal for European companies often results in damaging Africa. We need to ask who benefits from these deals most, whether it is in mining or agriculture or other sectors. Look at the demographics of Africa, the average age is around 15 years old, so you can imagine in ten years' time the millions of Africans who will need good jobs, who will need a future. If you don't satisfy them in some way, this means all these people will move around to see what they can get and when they look around they will see Europe!

Should the global North take responsibility for the failures of independent sovereign states which populations decide to leave?

As for the sovereignty question: what independence? What sovereignty? Are you sure these countries always have sovereignty? Many of them are controlled and influenced by other countries, either directly or indirectly. In some African countries foreign powers, Western powers, are able to change presidents or prime ministers or governments, especially when those countries don't act in the way that the Western countries would like them to. So this is not sovereignty. Take Eritrea. Western countries influenced the way

“It's one thing to be a freedom fighter in the mountains and another thing to lead a country. Eritrea was given no help. Isolation created the problems we now see there.”

the state was created, but why didn't the international community put instruments in place to prevent the Eritrean regime and especially the last war between 1998 and 2000 between Eritrea and Ethiopia? Where was the international community? Then if you isolate the people and the regime as they have, they will still find a way to survive. These leaders will find a way to keep their power and if you don't support them they will go their own way. Maybe a way the international community regrets. So why didn't the international community find a way to help bring democracy to

Eritrea? It's one thing to be a freedom fighter in the mountains and another thing to lead a country. Eritrea was given no help. Isolation created the problems we now see there.

Will externalization of the European borders be successful in reducing the number of refugees and migrants seeking to access Europe irregularly?

No. Now what we're seeing is just the response to European irresponsibility. You cannot put all your problems into the hands of Africans saying, "these people are from your country, from your continent so it's for you to take care of them" and give them some little money. For example, Europe gave nine billion euros to Turkey and then just two billion to the whole continent of Africa. Some of these countries are very vulnerable, they are not economically or politically strong, countries like Sudan, Niger or Chad. So this means that what you are doing is pushing back people who have in the first place left these countries because they didn't have any basic rights and opportunities. Europe is pushing them back to the countries that are fragile and have no care for these people in the first place, so externalization will not work. In fact, this is indirectly or directly a way to support the smugglers and traffickers because you close the door and so the traffickers then open many other windows.

“Now what we're seeing is just the response to European irresponsibility.”

You have called for the legalisation of migration from Africa to Europe. Do you see this as an unlimited provision for legal migration or would it need to be controlled?

It can be limited for what's needed. The opening of legal access to Europe is what is needed. We don't need to transfer all Africans to Europe! We also need to have projects and strategies for this. The majority of Africans do not want to move far from their home but if it is impossible to find some opportunity close to home, or even in a neighbouring country, then the person seeking a better life is obligated to look further afield. So Europe, the US, Canada and many other countries should invest resources — not just money but other resources — to help Africa use its own resources better so that we can transform our natural resources to the benefit of the people. This should take place alongside democracy and alongside basic rights as well as infrastructures, schools and universities, hospitals, roads, train stations. We need to create the dignified life in Africa for Africans, that's the way forward, but then even if they have all these things, if someone wants to go out and see what's in the rest of the world, they have that right too.

So do you see the right to migrate as a natural right?

Yes, I do think it is a right. I'm a priest I believe God made the world without any borders. So this is man's invention and, yes, it may be useful for groups of people to live peacefully together. So, OK, yes, we have the borders already, so for now let's keep them, but now we're in a situation where the borders are more important than human beings. Borders have become more important than the human life.

“ Borders have become more important than human life.”

If the more developed places in the world like Europe, the US and Canada do not come together to find a way to return back to those who are now in trouble in the rest of the world some of their privileges and their resources, then it will become very difficult. You have to remember that we are in a world with globalised communication and everybody is seeing how other people are living and they want to be part of it. They want to participate in and share the privileges and rights and benefits of the world. Remember the majority of migration in Africa is internal to Africa. The majority of migration is not to go out of Africa, and so if you help stabilise and help invest to democratise some of these countries, they will find a solution themselves to the migration question.

Both angels and demons?

The role and nature of migrant smugglers¹

In 2015, Europol and Interpol estimated that the journeys of 90 percent of the people in mixed migratory movements into the European Union were predominantly facilitated by members of a “criminal network of smugglers”, albeit ones organized in loosely connected networks.² A similar picture could be drawn from mixed migration routes in the Americas, Asia and Oceania. If this is a new age of migration, it is surely also a new age of migrant smuggling.

Smugglers have their detractors and supporters: there are arguments to applaud them and to damn them. Are migrant smugglers devilish profiteers of desperation or angelic service providers? Or is the reality altogether more mixed? This article briefly explores and challenges the politicised and partisan narratives and ethics used to explain and characterise migrant smuggling.

In through the back door

Over the three decades since the end of the Cold War, the world’s wealthiest and peaceful states have steadily developed increasingly restrictive entry controls. As they have done so, the world’s poorer and less secure people, those fleeing conflict and persecution, or seeking a better life, have had to adapt their methods of bypassing entry controls. “Unauthorized migration shifted from regular means of transport (planes and ferries) to smuggler boats and trucks.”³ Many refugees, fleeing war and persecution, “would never stand a chance of reaching safety without smugglers”.⁴ Responding to both government policies and restrictions, as well as to migrant and asylum seeker needs and desires, smugglers can be considered as the vectors shaping contemporary irregular migration.⁵

Many say most migrant smugglers are little more than travel agents, facilitators, handlers, saviours and dream-fixers providing a service to their clients. This perspective only reluctantly admits that there may be a few rotten apples and insists that where risk exists, it is not generated by the smugglers themselves but primarily

by the restrictive migration policies that force refugees and migrants to use smugglers.

Disingenuous battle lines

Presumably this narrative is an effort to counter the government-led United Nations Convention against Transnational Organized Crime and other initiatives aimed at tackling migrant smuggling. This battle is in its early stages, but it has been criticised from the start for deliberately demonising smugglers when the fault is said to really lie with the restrictive immigration policies that create irregular migration and the need for smugglers.

Governments may indeed be using the anti-smuggler rhetoric to distract from the real intention of preventing access and curtail irregular movements. However, to recast human smugglers as part of a benign system that merely assists migrants and refugees — absolving them of, or minimising, their culpability — is also not an honest appraisal.

Unwitting truths

Those in favour of restricting migration tend to over-emphasize negative and criminal aspects of migrant smuggling and often conflate migrant smuggling with human trafficking, creating a justification for harsher policies and crackdowns on migrant smuggling. However, the role of smugglers in violence against refugees and migrants does not *need* exaggeration. Available data clearly indicate that much of the abuse and violence (including deaths and rape) suffered by migrants and refugees *en route* comes at the hand of their smugglers.⁶ 4Mi data presented in Graph 8 show that on all routes, smugglers are responsible for 50 percent of all incidents of sexual violence, physical violence, robbery and kidnapping reported by respondents. This figure goes up to 76 percent along the Horn of Africa to North Africa and EU route. Only on routes where there is generally a lower

1 It is important to note that this essay is about smuggling (transporting and assisting migrants who seek and pay for services and does not refer to human trafficking (in which exploitation is a key feature). Although the distinction can sometimes be blurred, this categorization is to be borne in mind.

2 EUROPOL (2016) 'Joint Europol-INTERPOL Report Executive Summary' Available at: <https://www.europol.europa.eu/newsroom/news/europol-and-interpol-issue-comprehensive-review-of-migrant-smuggling-networks>

3 Spijkerboer, T. (2018) 'High Risk, High Return: How Europe's Policies play into the Hands of People Smugglers' The Guardian. Available at: <https://www.theguardian.com/world/commentisfree/2018/jun/20/how-europe-policies-accelerate-people-smuggling>

4 Gallagher, A. & Carling, J. (2017). 'Migrant smugglers are winning. Here's why' World Economic Forum. Available at: <https://www.weforum.org/agenda/2017/11/migrant-smugglers-are-winning-here-s-why/>

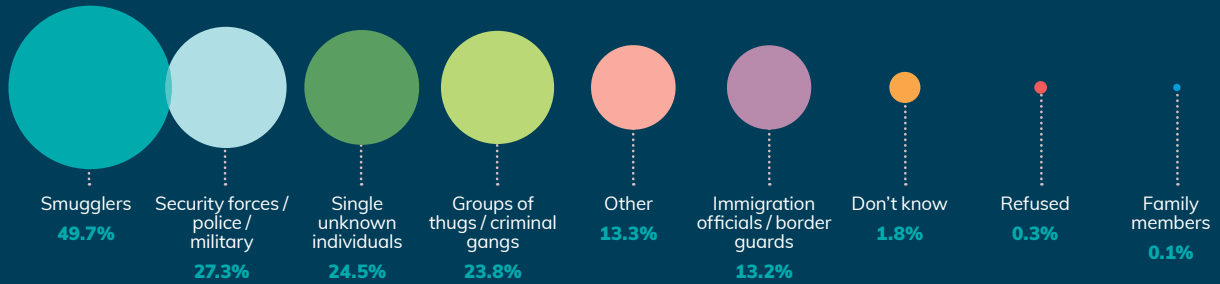
5 Reitano, T. (2017) 'What pricing tells us about the nature of the smuggling business' News Deeply. Available at: <https://www.newsdeeply.com/refugees/community/2017/06/09/what-pricing-tells-us-about-the-nature-of-the-smuggling-business>

6 Horwood, C. (2018). 'Devils and Angels' Unpublished conference paper presented at Border Deaths Conference, Amsterdam. June 26th 2018.

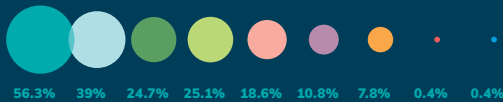
incidents

“Who was responsible for the incidents?”

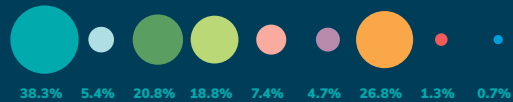
Total (7584 incidents)



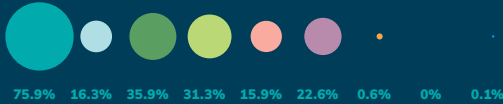
Afghanistan to Europe (231 incidents)



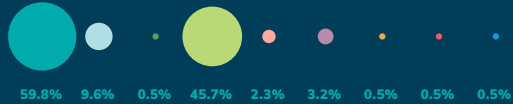
Afghanistan to South / South East Asia (149 incidents)



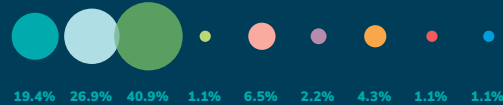
Horn of Africa to North Africa / Europe (3204 incidents)



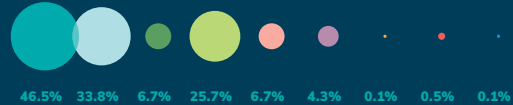
Horn of Africa to South Africa (219 incidents)



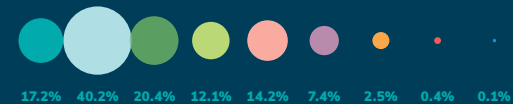
Horn of Africa to Yemen / Saudi Arabia (93 incidents)



West Africa to North Africa (1251 incidents)



West Africa to West & Central Africa (2437 incidents)



dependency on smugglers, such as the West Africa to West & Central Africa route, where refugees and migrants are still within the ECOWAS free movement area, are smugglers less responsible for violence against people on the move.

Similarly, data from the MEDMIG project based on a sample of 500 refugees and migrants interviewed in Europe shows that all of them partially or wholly used smugglers to undertake their journey. Critically, 76 percent directly experienced violence while nearly a third (29 percent) witnessed people die along the way. The perpetrators were reported as smugglers and state officials.⁷

Many causes of death

Looking at deaths of refugees and migrants specifically, although deaths occur due to physical hardship and fatal events or natural causes (including illness, suicide and general debilitation), often smugglers are directly implicated in these deaths by acts of commission and omission. When migrants are in the charge of smugglers, or when they have been abandoned or left stranded by smugglers, fatalities often occur due to: malicious neglect or abuse during smuggling; dehydration or hunger; and torture and murder at the hands of smugglers, traffickers and other criminals.

7 Crawley H., Düvell, F., Jones, K., McMahon, S. & Sigona, N. (2016) 'Destination Europe? Understanding the dynamics and drivers of Mediterranean migration in 2015' Unravelling the Mediterranean Migration Crisis (MEDMIG), Final Report. Available at: <http://www.medmig.info/wp-content/uploads/2016/12/research-brief-destination-europe.pdf>

The causes of death witnessed by 4Mi respondents across all routes (who reported a total of 1,134 incidents in which they witnessed the death of other refugees or migrants) included: sickness and lack of access to health services (40.6 percent), dehydration (23 percent), starvation (22.6 percent), vehicle accident (16 percent), harsh weather conditions (15.4 percent), excessive physical abuses (12.3 percent), shooting or knife attacks (11.8 percent) and suffocation (8.6 percent). On average, in about one third of these incidents respondents said the smugglers were responsible, with much higher percentages on some routes, such as the Horn of Africa towards North Africa/EU (49.6 percent) and to South Africa (64.3 percent). Moreover, these answers only apply to instances of direct responsibility for deaths as a result of violence, whereas cases of death as a result of suffocation, dehydration and starvation can also be the responsibility of smugglers.

Even when abuses against or killings of migrants and refugees are performed by non-smugglers, it was often the smugglers that sold or handed them over to other perpetrators, including state officials. In many cases migrants report that the smugglers work in tandem or collusion with the gangs, traffickers and state officials along the journey.

The missing and the drowned

Deaths have also occurred and/or may also be assumed to have occurred in the thousands of cases related to disappearances of migrants along their journey. These occur in diverse locations including, *inter alia*, the region around the US-Mexican border; mountain passes of the Balkans routes towards Europe; the Sahara Desert; Rohingya and Bangladeshis in the forests of Thailand; thousands of Ethiopian and Somali female migrants in Yemen since 2012; and those, mostly Eritreans, who disappeared while being trafficked in the Egyptian Sinai.⁸ Available data on refugees and migrants drowning are incomplete and partial, so actual numbers may be much higher, be they in the South China, Andaman, Caribbean, or Mediterranean (including the Aegean) seas, the Mozambique Channel (Comoros), the Gulf of Aden, the Bay of Bengal, the Strait of Malacca or other Pacific waters. In many cases, migrant deaths at sea are the result of forced overcrowding,⁹ insufficient supplies of fuel, exposure to fumes in enclosed spaces, bad engines

or unseaworthy vessels, and offshore abandonment or forced disembarkation (conducted by smugglers with the aim of avoiding detection).

Every year since 2015, more than 3,000 refugees and migrants are estimated to have perished while crossing the Mediterranean on crossings organized by migrant smugglers, with 5,143 deaths recorded in 2016. In 2018, up until the 1st of October, the number of migrant deaths in the Mediterranean stands at 1,733.¹⁰ While absolute numbers may be lower in 2018 than in previous years, this is primarily due the much lower number of people departing from Libya. In fact, the mortality rate (the number of dead/missing compared to the number of departures) increased sharply, from around 1.85 percent in 2015, to seven percent after mid-June 2018¹¹, to 19 percent September 2018.¹²

A unifying characteristic of the grim list of deaths mentioned above is the direct or indirect involvement of smugglers, even smugglers along some routes appear to be more implicated in violence and death than along others. Moreover, smugglers operate in a context of almost complete impunity, aided no doubt by the collusion of certain state officials.

Not all smugglers are the same

Even to ask whether smugglers are angels or demons is to gloss over the complex and diverse nature of the migrant smuggling business. There are many different types and roles within migrant smuggling. As shown in Graph 9, 4Mi respondents cite a wide range of services offered by their smugglers, including safe travel across borders, accommodation, transportation, provision of documents and “liaison” with authorities. On some routes, specific services are more important. For example, on the Afghanistan to South East Asia route, many respondents travelled by plane, in which cases the provision of documents was a crucial service for many. There are the initial recruiters or first contacts who often lead would-be migrants to negotiate with main organisers, often locally-known characters. In most cases the smuggler-facilitated journey is led by small-scale gangs which are linked in a loosely affiliated chain or simply opportunistic individuals in certain communities who advertise their services on social media.¹³ There are some links that are stronger or more prominent than

8 Horwood, C. (2018). 'Devils and Angels' Unpublished conference paper presented at Border Deaths Conference, Amsterdam. June 26th 2018.

9 The term 'forced overcrowding' is used here because many migrants tell of being coerced into overloaded and/or unsuitable boats at gun point or under the threat of violence.

10 IOM Missing Migrants Project. Available at: <https://missingmigrants.iom.int/>

11 Villa, M, Rob Gruijters, R. & Steinhilper, E. (2018) 'Outsourcing European Border Control: Recent Trends in Departures, Deaths and Search and Rescue Activities in the Central Mediterranean' University of Oxford Faculty of Law. Available at: <https://www.law.ox.ac.uk/research-subject-groups/centre-criminology/centreborder-criminologies/blog/2018/09/outsourcing>.

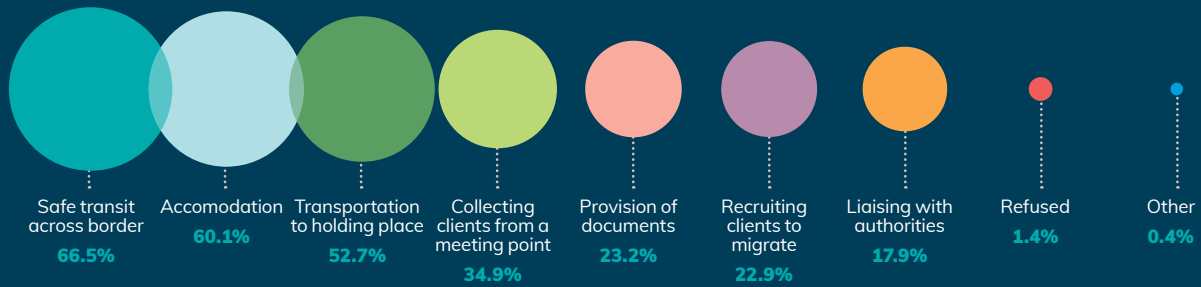
12 Villa, M. (2018) 'Sea Arrivals to Italy: The Cost of Deterrence Policies' Italian Institute for International Policy Studies. Available at: <https://www.ispionline.it/en/publication/sea-arrivals-italy-cost-deterrence-policies-21367>

13 Crawley, H., Düvell, F., Jones, K., McMahon, S. & Sigona, N. (2016) 'Destination Europe? Understanding the dynamics and drivers of Mediterranean migration in 2015' MEDMIG Final Report. Available at: www.medmig.info/research-brief-destination-europe.pdf

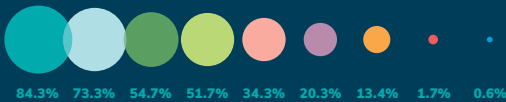
services

“What services did the smuggler offer?”

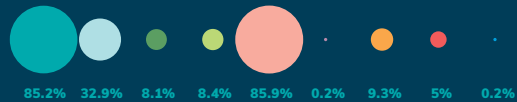
Total (5,199 interviews along 7 migratory routes)



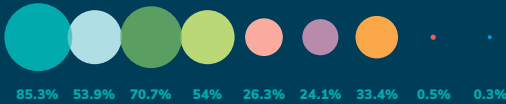
Afghanistan to Europe (172 interviews)



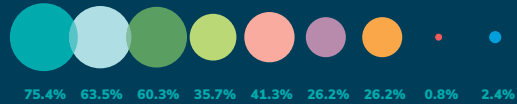
Afghanistan to South / South East Asia (419 interviews)



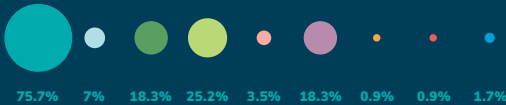
Horn of Africa to North Africa / Europe (1164 interviews)



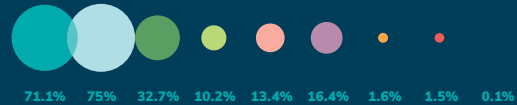
Horn of Africa to South Africa (126 interviews)



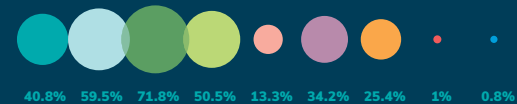
Horn of Africa to Yemen / Saudi Arabia (115 interviews)



West Africa to North Africa (1558 interviews)



West Africa to West & Central Africa (1645 interviews)



others, but overall the chain is formed by multiple players. On some routes, individual smugglers need to maintain their good reputation for repeat business, but other others do not. Often the smugglers only know, and have contact with, the adjacent link in the chain.

Chains of diminishing trust

Smuggling therefore comprises diverse networks that become more dangerous the further the migrant or refugee is from their place of origin. If the place of origin is where the initial contact between the would-be traveller and smuggler is formed, the relationship may be respectful and decent: the smuggler may be known in his or her community and by the families of those being

smuggled. It is once the journey starts and as those being smuggled are passed on to others that the trouble often starts: the “chain of trust” degrades¹⁴ as their journey takes them into new territory under the aegis of new, unknown links in the chain. It is here that severe violations including death/murder can occur. Perhaps there is a spatial aspect to violations where those smuggled increasingly represent commodities and their humanity reduces in the eyes of those dealing with them, whether they are smugglers or state officials. Evidently, after starting with more benign brokers, those smuggled are soon being rough-handed by people indifferent to their fate and intent on maximising their profits and taking whatever liberties they choose. This may take place in lawless countries in conflict such as Yemen and Libya

14 Van Liempt, I. (2007) ‘Navigating borders: Inside perspectives on the process of human smuggling into the Netherlands’ Amsterdam University Press.

but equally in countries such as Egypt, Mali and Sudan, where the authorities may collude with smugglers.

Smuggling works

Being honest about smuggling also entails recognising that, despite everything, smugglers mostly deliver on their promises. There are no hard statistics, but aside from those who perish along the way, are kidnapped or trafficked *en route*, are detained and/or deported, or who turn back (few in number) or decide to stop for some time along the way, most migrants and refugees do get to where they want to.¹⁵ And it is the smugglers who make it possible for most of them. Some 56 percent of 4Mi respondents said they agreed with the statement that smugglers helped them in achieving their goal of migrating to another country, including 14.9 percent who said they strongly agreed (see Graph 10). Moreover, as shown in these graphs, 41.7 percent of all respondents describe their smuggler as a professional smuggler and 31.2 percent as a travel agent. Only 9.2 percent describe their smugglers as criminal. Still, respondents also indicate they were misled by their smugglers about a number of crucial aspects of the journey, including the conditions of travel (27 percent), the routes (25.5 percent), cost (28 percent), safety and security along the route (17.7 percent) and conditions and regulations in destination countries (14 percent).

So one way or another, and often with terrible stories of violence, exploitation and near lethal experiences, migrants do arrive—and often close to where they wanted to arrive. The smuggler model delivers. Shrugging their shoulders when asked about violations along the way, this is also the response of many smugglers interviewed: smuggling works, their customers are satisfied, and that is how it continues. For the smuggled refugee or migrant, the relief of arrival is immense. The point of arrival may be the start of a new and long journey but arrival itself represents, in many cases, the pay-off of a major and risky individual and familial investment.

Angels and demons

While this article focuses on the significant abuses for which the smugglers are responsible, it recognizes that smugglers are also considered vital to hundreds of thousands of refugees and migrants seeking refuge and opportunity. For many they may be protectors, saviours and heroes, and many migrants who are successful may encourage their friends and relatives to use smugglers to achieve their aims. The truth is they have little choice. But for those interested in the protection of life and application of rights, the crimes of smugglers should also not be minimized or overlooked.

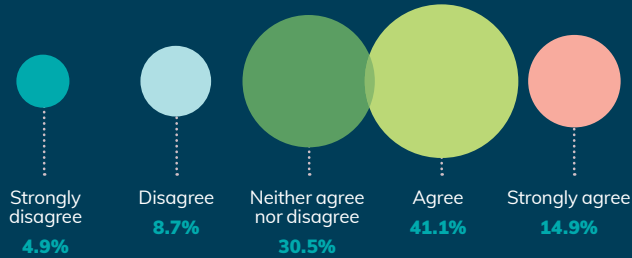
Whether blame for these crimes lies with migrants themselves or on the restrictions states impose on irregular migration — thereby increasing its attendant risks — is open to debate. The answer is probably a bit of both. What is clear is that, whatever additional efforts governments make to curtail smuggling, and whatever the reputational costs of such efforts, and no matter how successful governments claim these efforts are, smugglers and migrants will always find ways around them.¹⁶ Governments in destination states are unlikely to ever generate sufficient capacity or protection for migration (or the requisite political or public will) to meet demand, or to render legal migration options viable enough to dissuade people from using smugglers. Until that changes, smugglers, be they benign travel agents or callous exploiters — be they angels or demons — will always find a ready market for their services.

15 This assumption is based on the hundreds of thousands of migrants who have reached (and continue to reach) countries of destination in comparison to the number reasonably assumed (albeit without detailed data) to have been abandoned or to have to curtail their journey.

16 While Australia contends it has curtailed smuggling with its 'stop the boats' policy, its use of off-shore processing and its partnerships with South East Asian countries to prevent departures, evidence suggests that smugglers are turning to smaller craft and less travelled routes, with the associated increased dangers of both. See Benson, S. (2017) 'People Smugglers Downsize to Beat Barricade' *The Australian*. Available at: <https://www.theaustralian.com.au/national-affairs/immigration/peoplesmugglers-downsize-in-bid-to-beat-asylum-barricade/news-story/149610b3f255ea7167817407bed7b0b6>

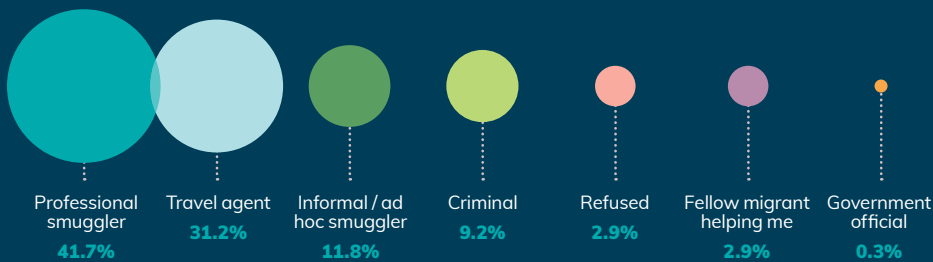
“To what extent do you agree with the following statement: the smuggler(s) I used, helped me in achieving my goal of migrating to another country?”

Total (5,196 interviews along 7 migratory routes)



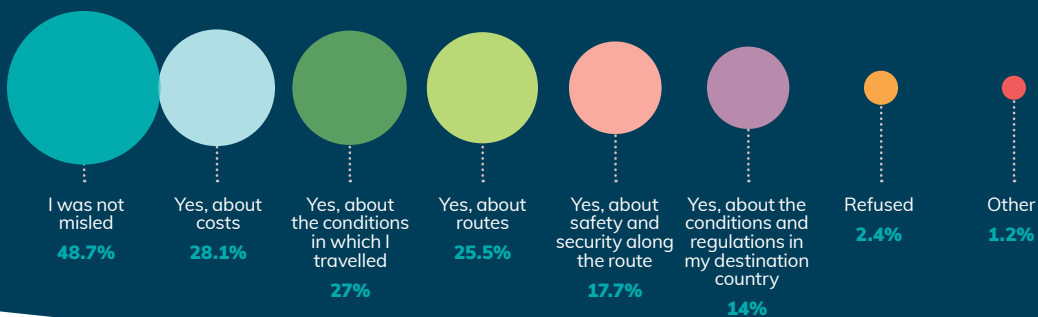
“How would you describe your smuggler?”

Total (5,214 interviews along 7 migratory routes)



“During your journey, do you feel your smuggler(s) intentionally misled you about the following?”

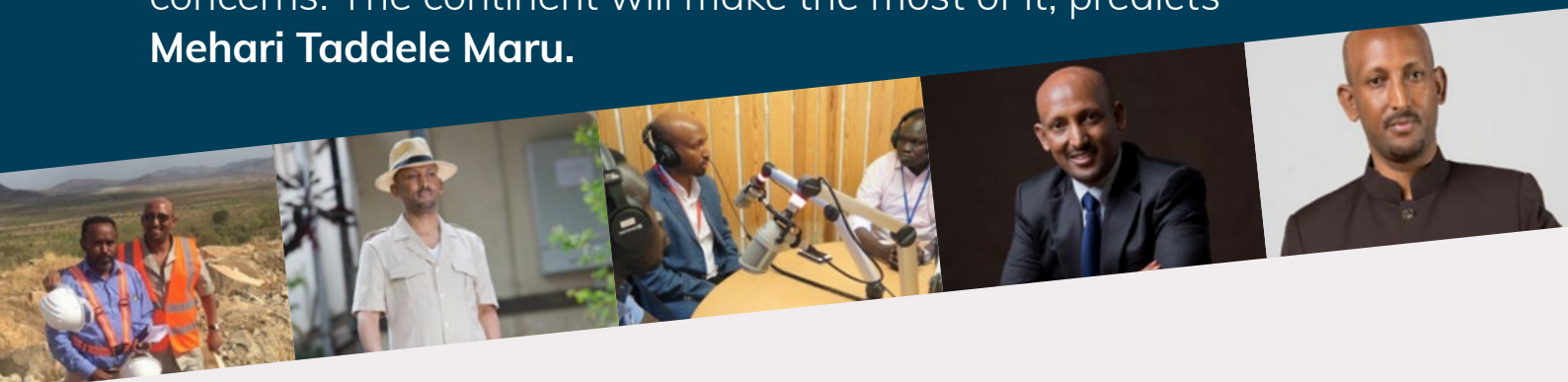
Total (5,199 interviews along 7 migratory routes)



Interview

Carpe diem

Current efforts to draft the global compacts on refugees and migrants offer a unique opportunity for Africa to raise its concerns. The continent will make the most of it, predicts **Mehari Taddele Maru**.



Dr Mehari Taddele Maru is an independent consultant specializing in security, migration and humanitarian issues. He has worked extensively with the United Nations, the Inter-Governmental Authority on Development, and the African Union, many of whose key policy documents on migration he drafted. He currently serves as the AU's lead migration expert and is a member of the AU's High Level Advisory Group on Humanitarian Affairs. He recently published a book¹ about Africa's landmark convention on internally displaced people.

Should we soon expect to see the establishment of free movement of persons in Africa, or an “African” passport?

These are all gradual processes, the only thing one can realistically expect is that they will be very progressive and that they will be developed at a quite relatively fast pace. But, no, it will still take some time. For example, concerning the free movement of persons, we have an AU protocol that has been presented, but even the ratification process of this protocol will take a long time.

Is this going to be modelled on the European Union?

Yes, all of this is modelled on the European Union. That's why when there's a problem in the European Union it's creates some hesitancy at AU level too.

If AU was successful in creating open borders and a universal passport in Africa, what impact do you think it would have on migration generally? Not just in terms of South-to-South movement but also South-to-North movement?

For some countries it won't necessarily make a lot of difference but with other countries it will have significant impact and we expect to see a lot of Africans looking for different and better opportunities in neighbouring countries and elsewhere within the continent. As you've said, the South-to-South movement is considerable in Africa and it doesn't take place without good reason: people find they can indeed establish better opportunities in other parts of Africa. Take for example Ethiopians. You do not see all of them trying to get to Libya in order to cross the Mediterranean to Europe; many of them are finding opportunities in Sudan itself. This is to say that not everyone is thinking about Europe as the only destination.

To what extent do African countries see the migration crisis as defined by Europeans as an opportunity for leverage in terms of their strategic relationship with the European Union?

They do, but only in rare cases. I mean, countries that have borders close to Europe as Col. Gaddafi did in Libya - he used that as leverage against the Europeans. You have to understand that most African

countries don't have a well-considered policy direction on migration at all, let alone to be able to use it as a leverage against the European Union. Of course, some countries can see that the European Union is a bit desperate, and they may ask for money in return for dealing with it, but this is not necessarily the result of a well-considered or well calculated strategy for dealing with migration issues.

“ **Not everyone in Africa is thinking about Europe as the only destination.** ”

Do you think that the African Union will face similar problems to the European Union if and when it comes to developing a united agreement around migration issues?

Yes, I think the African Union is currently facing similar problems when trying to get consensus among member states on migration issues, but the challenges are a bit different. In the African Union coming to an agreement is easier, partly because [member] states know that the oversight on implementation of the agreement is not very strict. In the European Union case it's the other way around: they find it difficult to find consensus around policy itself but, once the policy is decided, the implementation is followed through very well and the policies are binding for all. In the AU we don't have a problem with policy-making, we have a problem with policy implementation.

“ **In the AU we don't have a problem with policy-making, we have a problem with policy implementation.** ”

But how about the global compacts? It seems that states parties are coming to an agreement around the text of the compacts rather fast, which makes one wonder to what extent they will be implemented, considering that they are non-binding.

In the history of international politics and the UN, non-binding agreement often run the risk of being toothless, but that doesn't mean that they are useless. What we have seen is that even non-binding agreements are very useful in creating norms that then later become a standard. Often you have to start with setting a precedent, which then later may be turned into binding principles agreed between nations. For Africa, the compacts process is a good opportunity to air its concerns but it's Europe now that is finding it difficult to discuss these issues properly. These concerns around refugees and migrants have been on the table for a long time but it was Europe that wouldn't discuss them previously. It was the countries of destination that were not willing to discuss migration, not countries of origin. African countries have been more concerned

about displacement, especially internal displacement, as the responsibility for the internally displaced falls on their own shoulders. In my opinion the compacts process is a good opportunity, a unique opportunity, for Africa. Africans will use it to raise their concerns about migration and especially the handling of migrants in destination countries.

Why are there so few voices, so few public speakers from Africa on this critical debate?

I agree, but it's not the lack of African researchers on the ground. Many researchers are involved in research on internal migration as well as international migration, but the problem is they're not given platforms. This is for various reasons, including their inability to disseminate their findings as they lack the platform and resources and access to publishing their research. Many of them also lack the access to meetings and the kind of conferences that I'm often invited to, so it's really a resource and access issue.

“ **Because Europe is a different kind of democracy from those on the African continent, some African countries don't really feel the pressure to respond to request for deportation.** ”

Why are some African states not cooperating with returns and deportation of irregular migrants and failed asylum seekers?

It's true, but let me give you an example of a particular situation. In Ethiopia in 2015 we received around 179,000 Ethiopians forcibly returned from Saudi Arabia. This is a huge number but in the case of Europe, even though their democratic systems are threatened by populist right-wing politicians these days, the overall political climate is one of liberal democracy. In Saudi Arabia deportations of this size are taking place without due process, and this would never occur in the case of return of Ethiopians from Europe. In Saudi Arabia there were a lot of abuses including torture, detention, rape etc. Now, because Europe is a different kind of democracy from those on the African continent, some African countries don't really feel the pressure to respond to request for deportation. In addition to that, many African migrants in Europe refuse to give or to a confirm their genuine nationality and many African countries are not going to accept people that they cannot prove to be their own citizens. Of course, there is one more reason: when in the past some African countries cooperated with returns from Europe, especially from Scandinavian countries, they got a very bad public image at home so in some cases African countries cannot really see the benefit of accepting returnees or those that have been deported.

Considering demographics and the rise in population in sub-Saharan Africa, the continuing poor governance in many countries of the region, along with other factors, do you expect to see more movements in the coming decades?

I would say that it depends most importantly on the transformation that might take place in Africa. If there is sufficient transformation, I think that both for Africans themselves and for countries elsewhere in the world like in Asia, China, India, Europe and the Americas, Africa will be soon “the place to be”. It is happening already, we see this in various research I have been involved in on future scenario-building, and research on megatrends in Africa, that already indicate these trends. So basically, transformation will come not just because of Africa’s own efforts, but also thanks to those that want to invest in Africa. This will push for faster development in the continent, and the indication and hope is that this transformation will outpace any crisis. But of course, if this doesn’t take place, and crisis in the continent outpaces transformation then migration out of Africa will become a greater problem or dominant characteristic in the future.

It is evident that certain state officials collude closely with migrant smugglers and human traffickers, especially in transit countries throughout Africa. At the same time, their governments are currently making policy with the European Union. Can you comment on this apparent contradiction?

I think this is why we are saying that policy-making should come first, and legislation and criminalisation should follow. By having appropriate migration policies in place, it will be much easier to ensure that all aspects of migration can be developed, and the officials can begin to respect the rights of migrants travelling in their country. Without that, if you just concentrate on legislation and criminalisation, you actually give more power to prosecution, enforcement and border officials who exploit the system and you open lots of avenues for corruption and abuse, because the challenge is that you’re using the same officials without changing their attitudes and changing their behaviour.

“ The social anxiety that Europe is feeling due to the large influx of migrants from other countries is not the same in Africa. People do not feel that level of threat. ”

In Africa, where significant migration occurs, do Africans feel the same anxieties that are expressed by Europeans?

The social anxiety that Europe is feeling due to the large influx of migrants from other cultures - I mean the social and cultural threats they are feeling - is not the same in Africa. People do not feel that level of threat from migrants from other countries unless there is economic competition, as we have seen in the xenophobic attacks in South Africa. Only then they will respond and resist migrants, but otherwise they don’t see them as a threat in the same way as Europe.

“ some people - not people in government of course - but individuals, are saying ‘now this is our turn for colonization!’ ”

Do you think there’s some kind of relish as Africa watches Europe struggling ethically, politically, and even financially to know how to deal with the issue of migration? Is there some sense of historical justice or even economic justice as African leaders watch the impact in Europe of the migration and refugee “crisis”?

Yes, well, some people - not people in government of course - but individuals, are saying “now this is our turn for colonization!” You do hear that from time to time, that discussion exists, but these are just individuals and it’s not necessarily a well-formed opinion. So you have a vernacular opinion of people wondering why are the Europeans bothering us with this issue. After all, they bothered us so much in the past by coming to Africa! But more seriously, when you see the suffering and the death, this makes us very uncomfortable. When you see the suffering, and especially the girls and the sexual violence they face. To many girls, getting anti-pregnancy pills before they travel is more important than wondering where they will get water during the journey. Why? Because they know they will get raped. I think in Africa there isn’t a full appreciation, or care even, of the kind of suffering that migrants go through. For example, recently there was a drowning of 49 Ethiopians and it didn’t appear at all on the news in Ethiopia. This shows that migration itself and the impact on our people is still in a marginal place in the public discourse.

1 Mehari Taddele Maru (2014). *The Kampala Convention and Its Contributions to International Law: Legal Analyses and Interpretations of the African Union Convention for the Protection and Assistance of Internally Displaced Persons*. (Eleven International Publishing)

Photo credit: Oliver de Roos / AP / Shutterstock

A unique Central American iteration of mixed migration flows has been the mass movement of asylum seekers and migrants in 'caravans' starting in Central America and heading north through several countries towards the Mexico-US border. In this photo from the 18th October 2018, thousands of mainly Honduran migrants rush across the border towards Mexico, in Tecun Uman, Guatemala. Migrants broke down the gates at the border crossing and began moving toward a bridge into Mexico with the intention of seeking asylum in Mexico, but mostly USA, despite statements by President Trump to prevent them.



Agents of opportunity

Smugglers from five countries shed light on a booming business

This article draws on more than 300 in-depth interviews conducted by the Mixed Migration Monitoring Mechanism Initiative (4Mi) with smugglers across East, West, and North Africa as well as South Africa, to highlight some of the diversity of actors, activities and scales of operation involved in migrant smuggling in different contexts across Africa.¹

A business of many parts

Smuggling operations are made up of diverse sets of localised actors undertaking varied activities and often operating in coordination with others across borders.² These actors range from opportunistic traders taking advantage of demand for smuggling services along proximate mixed migration routes, to smugglers with international networks facilitating movement across multiple countries with fraudulent documents. The scope and scale of smuggling operations vary greatly between different locations, and, while trans-regional smuggling responds to broad global and regional trends, smugglers themselves are often deeply embedded in the contexts through which they assist people to move. Indeed, the opportunities for cross-border smuggling can often be best exploited by those embedded within relevant social and economic networks.³ Despite the centrality of smuggling to the movement of people across borders, particularly across Africa, and the high level of risk that is often involved with smuggler facilitated journeys, data on the ways in which smugglers operate and their motivations for smuggling remains limited.⁴

Through a continental *tour d'horizon*, this article explores how people's motivations for smuggling correspond

to their personal situations and the contexts in which they operate. It also highlights regional differences in smuggling operations across the African continent, in terms of their scale and who is involved. Smugglers' own views of the morality and legality of their activities are also included.

By international legal definition,⁵ migrant smuggling involves the exchange of financial or other material benefits for the provision of services relating to the illegal facilitation of people across borders. While most (66 percent) of those interviewed by 4Mi across Africa referenced financial gain as the primary reason for their engaging in smuggling, across the different locations where people were interviewed, there are important variations in the motivations that smugglers report, including the primacy of financial incentives for smuggling.

Agadez, Niger: A job on the side

Capitalizing on its strategic location and history as a transit point for goods and migrants between West and North Africa, Agadez has recently emerged as the main smuggling hub in West Africa for migrants attempting to cross into Libya and onwards to Europe on the Central Mediterranean route. Since the relative decline of the pastoralist, tourism and artisan handicrafts sectors in Agadez, the economy of the region has been largely reliant on informal mining activities (uranium and gold) and the increasing number of migrants who have arrived seeking assistance to travel across the desert to North Africa since 2011 and the onset of the Libyan crisis.⁶

1 Findings are based on 354 interviews with people from different nationalities working in the smuggling industry in various countries (90 in Egypt, 84 in Mali, 69 in Niger, 66 in Kenya, and 36 in South Africa), conducted between August 2017 and July 2018. 4Mi is the MMC/DRC data gathering mechanism as described on page 12 of this review.

2 For the purposes of this article, the word 'operation' encompasses the disparate elements of a smuggling system, including actors with diverse goals, who work together.

3 Von Lampe, K. (2012) 'Transnational organized crime challenges for future research' *Crime Law Social Change* Vol. 58 pp179-194, 182 Available at: https://www.researchgate.net/publication/257552793_Transnational_organized_crime_challenges_for_future_research

4 For a recent overview of available information about the smuggling of migrants globally see for instance: UNODC (2018) 'Global Study on Smuggling of Migrants 2018' Available at: https://www.unodc.org/documents/data-and-analysis/glosom/GLOSOM_2018_web_small.pdf; see also: McAuliffe, M. & Laczko F. (eds.) (2016) 'Migrant Smuggling Data and Research: A global review of the emerging evidence base' IOM. Available at: <https://publications.iom.int/books/migrant-smuggling-data-and-research-global-review-emerging-evidence-base>

5 '... the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of person into a State Party of which the person is not a national or a permanent resident' is prohibited under Art. 3, para. (a) of the Protocol against the Smuggling in Migrants by Land, Sea, and Air, supplementing the United Nations Convention against transnational organized crime. Full text available at: https://www.unodc.org/documents/middleeastandnorthafrica/smuggling-migrants/SoM_Protocol_English.pdf

6 Samuel Hall (2016) 'Selling Sand in the Desert - The Economic Impact of Migration in Agadez'. Available at: <http://samuelhall.org/wp-content/uploads/2017/08/IOM-The-economic-impact-of-migration-in-Agadez.pdf>

Mobility has always been an important part of the Agadez economy and recent estimates indicate that more than half of all households in Agadez have derived indirect income from the migration industry.⁷ Almost all (96%) of smugglers interviewed in Agadez said they thought smuggling was an important source of income for their communities and 91% said that they make more money smuggling than they could doing other jobs, or that it was easier than the other jobs they could do. Moreover, smuggling was rarely the only job amongst those interviewed, with Nigeriens also working informally as industrial labours, taxi drivers, or in the service industry but the reality is there are very few alternatives in the region and much of the smuggling is a direct response to the arrival of migrants and refugees looking for transportation and guide into and through the desert north of Agadez.

A number of smugglers of other nationalities based in Agadez indicated that they had begun to work for a smuggling network to supplement their income from hairdressing, cooking and working as a musician in a bar or after having returned from migrating to Libya themselves.⁸ In Agadez, therefore, motivations for engaging in smuggling appear tied to the emergence of smuggling as an important industry for the town and the wider region amid declining economic circumstances.

The importance of smuggling as a source of income for the community is also reflected in the smugglers perception of their smuggling activities. Almost all (87%) of the smugglers interviewed in Agadez did not think their smuggling activities were wrong, and all thought that they provided a good service to migrants. However, 93% indicated that there were laws in Niger that make smuggling illegal.

Timbuktu, Mali: 'We have no choice.'

Similarly, in northern Mali, the area at the centre of the insecurity and violence that has ravaged the country since 2012, the facilitation of irregular migration, alongside other forms of smuggling, is an important part of the socio-economic fabric of key transit towns.⁹ In these towns, where Gao is a leading smuggling hubs, contemporary smuggling practices build on a long history of facilitating intra-regional migration,¹⁰ but towns in Mali are not as structurally dependent, economically, on migration as the desert towns of Niger.

Smugglers interviewed in Timbuktu reported that they had been smuggling for an average of nine years. In Timbuktu, 98% of interviewed smugglers said they thought that smuggling was an important income source for their communities, with a number of smugglers commenting that although smuggling is a risky business, "it is an important source of income for the population" as "young people lack jobs..." and that "...smuggling is bad, but nowadays it is an important source of income for the youth of my country." A large majority (87%) of smugglers in Timbuktu indicated that they were engaged in smuggling as they could make more money than in other jobs, with 80% indicating that they also worked as labourers, farmers or taxi drivers in addition to smuggling. One smuggler commented that smuggling "... is very difficult, but we have no choice". Amid the region's ongoing conflicts, and with increased patrols by Algerian and Mauritanian authorities in the border regions, many said they thought that their smuggling work was becoming more dangerous. However, while smugglers talked of increased risks of smuggling, they also indicated that they would keep responding to demand; as migrants keep coming and business remains profitable, they will continue to smuggle: "My smuggling activity is dangerous lately, but very profitable..."

Despite these challenges, the majority (72%) of smugglers interviewed in Mali indicated that they thought that they provided a good service to migrants, and most (77%) smugglers said they did not think that smugglers exploit migrants. Almost all of those who indicated they did not provide a good service to migrants also thought that smugglers exploit migrants, and thereby indirectly included themselves as potential exploiters. Almost all (96%) smugglers said that they thought that the country had laws to make the smuggling of migrants illegal.

Cairo, Egypt: Not all about the money

In settings where there are relatively more livelihood options, for instance in the major transit cities along the migration routes in East and Southern Africa, the motivations that smugglers report are more diverse. In Cairo, just over half (54%) of the interviewed smugglers indicated that they started smuggling as they could make more money than in other jobs, and amongst Egyptian smugglers interviewed, only a third indicated that financial incentives were the main reasons for them to engage in smuggling. Other reasons included, the opportunity for adventure (29%) and less effort required than for other jobs (29%). A large percentage

7 Molenaar, F. et al. (2017) 'A line in the sand: Roadmap for sustainable migration management in Agadez' Clingendael CRU Report. Available at: https://www.clingendael.org/sites/default/files/2017-10/Roadmap_for_sustainable_migration_management_Agadez.pdf; see also Samuel Hall (2016) 'Selling Sand in the Desert, The Economic Impact of Migration in Agadez'. Available at: <http://samuelhall.org/wp-content/uploads/2017/08/IOM-The-economic-impact-of-migration-in-Agadez.pdf>

8 This and all subsequent comments and quotations attributed to smugglers are drawn from interviews conducted by 4Mi

9 Molenaar, F., & van Damme, T. (2017) 'Irregular migration and human smuggling networks in Mali' CRU Report, Clingendael. Available at: https://www.clingendael.org/sites/default/files/pdfs/irregular_migration_and_human_smuggling_networks_in_mali.pdf

10 Ibid. p6

(69%) of those interviewed in Cairo said that in addition to smuggling they were business owners, and 60% said that they started their engagement with smuggling by connecting migrants to smugglers before they began working directly for the network themselves. The average length of time that those interviewed reported that they had been working as smugglers was 2.8 years, significantly shorter than in Mali or Niger, suggesting that they were opportunistically responding to a more recent rise of demand for smuggling services. The awareness amongst interviewed smugglers of the illegality of their actions was high, with almost all indicating that they thought there were laws in Egypt making smuggling illegal. However, this awareness did not appear to affect their moral judgement of their activities, as, 90% of those interviewed did not consider their smuggling activities to be wrong.

Mandera, Kenya: First goods, then people in need

In the northern Kenyan town of Mandera, nestled in a nook formed by the borders with Somalia and Ethiopia, efforts by Nairobi to control its frontier with Somalia have fuelled a thriving and lucrative smuggling trade in a range of goods.¹¹ The Mandera Triangle hosts a very lively cross-border economy, and supports critical cross-border corridors for commerce and livestock in the region.¹² A number of smugglers interviewed in Mandera were involved in smuggling consumer goods before joining migrant smuggling networks. For example, one smuggler explained that while he was smuggling consumer goods he began interacting with migrants who were “desperate to cross the border”. A Somali man commented that he used to smuggle charcoal across the border to Mandera on a donkey cart before a friend approached him and asked if he would smuggle migrants’ heavy belongings and bags on his cart. Some in Mandera indicated that they had been involved in activities that brought them into contact with the smuggling of migrants and that they had later “joined the network”.

Others said:

“I was a business person. I had a small shop and used to buy goods across the border. This is where I found people who are in need of my assistance to make them cross the border...”

“I was an agent of a money transfer company in my home town and I used to receive remittances for the migrant and later joined the network.”

“I am an owner of a local guest house, most of the travellers come to my lodge, therefore smugglers used to ask me to accommodate the migrants till they get their remittance from relatives and later I became part of the network.”

One Somali woman indicated that she used a network she had built to recruit female maids for wealthy families in Nairobi to recruit women for a smuggling network. The smuggling of migrants across the proximate borders is thus well integrated into the local economic fabric of the town.

Short-haul clients

According to smugglers interviewed by 4Mi, while Mandera is an important transit space for migrants from Somalia and Ethiopia traveling greater distances to Nairobi and other African destinations, many people move across the borders from neighbouring communities into the town to access markets, hospitals and schools, often requiring assistance with transport and to avoid authorities. These cross-border movements take place in an area where there are significant vulnerabilities among local populations because of conflict and environment-related displacement, high unemployment and precarious food-security.

While the majority (64%) of those interviewed in Mandera saw smuggling as a side job, most (64%) primarily framed it in terms of helping migrants needing assistance rather than in purely financial terms. Smugglers, some of whom had previously migrated themselves, commented that they “provide services to those who are need of help”, including by taking them to health facilities if they are unwell, facilitating their release if they are detained, and helping them with transport. Some 70% of smugglers interviewed in Mandera also indicated that half or more of their clients were women, and all reported that some children were also present. As one Ethiopian smuggler phrased it, “I used to help fellow Ethiopians who are in transit to this town”. Unsurprisingly almost 100% of smugglers interviewed in Mandera indicated that they thought that they were providing a good service to migrants and did not think that smugglers exploited them. A large majority (83%) also indicated that they did

11 Otsiamo, M. (2018) ‘Porous Somalia border costing Kenya \$20m yearly’ The East African. Available at: <http://www.theeastafrican.co.ke/business/Porous-Somalia-border-costing-Kenya-20m-yearly/2560-4688728-suvvh7/index.html>; see also: EU Trust Fund (2016) ‘Cross-border Analysis and Mapping. Cluster 2: Kenya-Somalia-Ethiopia’ Available at: <https://www.soas.ac.uk/ref-hornresearch/research-papers/file115290.pdf>

12 EUTF (2016) ‘Cross-border Analysis and Mapping. Cluster 2: Kenya-Somalia-Ethiopia’ Available at: <https://www.soas.ac.uk/ref-hornresearch/research-papers/file115290.pdf>

not know whether Kenya had laws making the smuggling of migrants illegal.

Mandera is the only location in the 4Mi surveys where a majority of smugglers said helping migrants was the primary reason for smuggling, ahead of financial incentives. This highlights the need to carefully distinguish various types of smuggling, including in “humanitarian” environments where a significant number of those crossing borders might be asylum seekers and refugees in need of international protection. It also underlines the importance of taking into account the rights of refugees and the immediate needs of others made vulnerable by poverty and environmental disasters when considering enforcement against smuggling generally.¹³

Money, distance, and diversity of services

While the reasons smugglers cite for engaging in smuggling (and the ways in which they become involved) correspond closely to local context, the scale of their operations varies greatly, from simple single-border operations to complex ones capable of transferring migrants across multiple borders, including via air with illegally obtained and/or forged documentation.¹⁴ Smugglers interviewed in the regions of West and East Africa as well as the state of South Africa engage in a range of operations reflecting these forms, from sophisticated smuggling operations to more localised cross-border activities.

In 2017, the Global Initiative Against Transnational Organized Crime suggested that the reach of smuggling networks within Libya had expanded significantly, developing a tendency towards better-integrated networks able to move migrants increasingly efficiently across larger distances and a greater number of borders, particularly from East Africa. One of the crucial identified

indicators of an integrated network was the ability to quote a price or take payment for an entire journey, rather than for just a single border crossing or stage along the route.¹⁵ In the 4Mi data this is reflected in interviews with smugglers, particularly in East Africa and South Africa, where higher prices quoted by smugglers are associated with destinations much further away and the provision of false documents and air-travel.

Niger and Mali: One step at a time

In West Africa, according to available information, smugglers generally take migrants across borders into Libya and Algeria where they are picked up by smugglers from these countries who organise their onward travel.¹⁶ While it has been suggested that smuggling networks are organising longer journeys from places of origin through Agadez and Libya to the Mediterranean coast,¹⁷ it is not possible to verify this from 4Mi data, in which most smugglers (84%) said their network did not accompany migrants across the border.¹⁸ Most smugglers (58%) did however indicate that there was someone waiting for the migrants on the other side of the border to organise their onward transport. Almost all smugglers also specified that they smuggle migrants only to Algeria and Libya, with very few mentioning other destinations. In Mali, where almost all smugglers said they transport migrants to Algeria, Mauritania or Niger, 75% said that their network did not accompany migrants across borders, and only 10% said that someone was waiting on the other side of the border for the smuggled migrants. As one smuggler indicated “...our role is to transport them to the Algerian border and after they scramble.”

In Mali and Niger, the organisational capacity of the interviewed smugglers is also evidenced by the ways they organise their payments, with the overwhelming majority of smugglers (97% in Mali, 92% in Niger)

-
- 13 Koser, K. (2001) ‘The Smuggling of Asylum Seekers into Western Europe: Contradictions, Conundrums and Dilemmas’ in Kyle, & D. Koslowd-ki, R. (eds) ‘Global Human Smuggling: Comparative Perspectives’ Johns Hopkins University Press. Available at: http://repository.forcedmigration.org/show_metadata.jsp?pid=fmo:3349; For a complete discussion of ‘humanitarian smuggling’ see: Refugee Study Centre (2017) ‘Decriminalizing “humanitarian smuggling”’ University of Oxford Refugees Studies Centre. Available at: <https://www.rsc.ox.ac.uk/publications/research-in-brief-decriminalising-humanitarian-smuggling>
- 14 UNODC (2018) ‘Global Study on Smuggling of Migrants, 2018. Available at: https://www.unodc.org/documents/data-and-analysis/glosom/GLOSOM_2018_web_small.pdf
- 15 Micallef, M. (2017) ‘The Human Conveyor Belt: trends in human trafficking and smuggling in post-revolution Libya’ Global Initiative Against Transnational Organized Crime. Available at: <http://globalinitiative.net/report-the-human-conveyor-belt-trends-in-human-trafficking-and-smuggling-in-post-revolution-libya/>
- 16 Tinti, P. & Westcott, T. (2016) ‘The Niger-Libya corridor: Smugglers Perspectives — Could economic incentives help curb irregular migration to Europe?’ Institute for Security Studies. Available at: <https://issafrica.org/research/papers/the-niger-libya-corridor-smugglers-perspectives>; Micallef, M. (2017) ‘The Human Conveyor Belt: trends in human trafficking and smuggling in post-revolution Libya’ Global Initiative Against Transnational Organized Crime; Available at: <http://globalinitiative.net/report-the-human-conveyor-belt-trends-in-human-trafficking-and-smuggling-in-post-revolution-libya/>; UNHCR/Altai Consulting/IMPACT Initiatives (2017) ‘Mixed Migration Trends in Libya: Changing Dynamics and Protection Challenges’ Available at: <http://www.unhcr.org/publications/operations/595a02b44/mixed-migration-trends-libya-changing-dynamics-protection-challenges.html>
- 17 This is almost certainly true in the case of trafficking that is more integrated into European organized crime networks. See also: Micallef, M. (2017) ‘The Human Conveyor Belt: trends in human trafficking and smuggling in post-revolution Libya’ Global Initiative Against Transnational Organized Crime. Available at: <http://globalinitiative.net/report-the-human-conveyor-belt-trends-in-human-trafficking-and-smuggling-in-post-revolution-libya/>
- 18 This should not be taken as representative of all smuggling in Agadez, but rather reflects the nature of the sample and is indicative of one form of smuggling within the Agadez region.

indicating that they deal in cash and require payment on departure (87% in Mali, 85% in Niger). This suggests that those interviewed do not operate in wider-scale trans-regional networks, but rather that their methods reflect a hand-to-hand approach, in which migrants are passed on to other smugglers for their onward journey.¹⁹ Of course, these findings might also reflect the access of 4Mi enumerators to smugglers somewhat lower in the smuggling hierarchy, who are only involved in, or even only aware of, a few aspects of the operation, as opposed to more elusive higher-ups in the operation who have more oversight of its entirety, including the cross-border connections. Importantly, these smuggling activities build on a significant history of facilitated movement across the Sahara Desert and many of those assisted are regular or irregular circular migrants traveling to North Africa to work. In this case, the smuggling services function largely like a transport service in the absence of regular forms of transport and infrastructure, with people relying on their own networks for onward movement.²⁰

Egypt: You get what you pay for

In contrast, with regard to the networks operating with refugees and migrants from East Africa, interviewed smugglers indicated a much greater variation in the scope and scale of the smuggling operations. In Egypt for instance, there is significant variation in the destinations and services offered, which is reflected in the prices quoted by the smugglers. Those smugglers who quoted an average price of between \$100 and \$2000 for all of the smuggling services they provide almost exclusively indicated that they smuggle migrants from Eritrea, Ethiopia and Somalia into Egypt and Sudan, with very few mentioning destinations outside of these two counties. The most common services provided by these smugglers include safe transit across a border, collection from meeting points, transportation to a holding place and accommodation, and most work in networks of five to ten smugglers. The most commonly mentioned forms of transport were car, lorry and train (68%) and there was little evidence of linkages to other types of illicit smuggling.

For those smugglers who quoted prices of between \$2,000 and \$3,000, however, the destinations mentioned were almost entirely in Europe. In this price bracket, many smugglers (76%) reported offering documents and they also (26%) liaised/colluded with authorities. Indeed, two thirds of smugglers in this price bracket said their

networks could provide documents, including passports, IDs, visas and driver's licences. Another significant factor amongst those who quoted a higher price for their services was the linkages to other forms of organised crime, with 93% of smugglers who indicated that their networks charged migrants between \$2,000 and \$3,000 for their services also reporting their involvement in a range of illicit smuggling, including weapons (83%), money (87%), jewels/gold/silver (68%), drugs (77%), and consumer goods (58%).

South Africa: A question of scale

In South Africa, similar diversity can be seen in the scale, scope and price of smuggler operations. Those working in the country's border regions assisting migrants across the border from Mozambique and Zimbabwe quote \$0 (zero) to \$1,000 USD for their services. Smugglers directly assist people across the border for around \$300 to \$500, facilitating their crossing through connections with corrupt police officers who work with the immigration office. According to several smugglers, for an additional \$200, migrants can be transported across the border in police vehicles:

"I liaise with South African police service and transport the migrants with police vehicle. The cost is pretty higher when we transport people with police cars. If they can't afford they will need to walk about 2 hours which is very difficult, and migrants are treated in degrading way. The service I offer is good because the alternative isn't very safe. I only help migrants enter South Africa safely and I transport migrants personally once they come to the South Africa side of the border"

Those who indicated that the services of their network cost upwards of \$2,000 worked in networks providing various services including transportation, accommodation, liaising with authorities and the provision of documents. Smugglers confirmed that for approximately \$4,000, they would organise travel from the Horn of Africa into South Africa, providing documents and facilitating travel. Interestingly, this amount is close to the \$3,770 refugees and migrants from the Horn of Africa state that they pay to be smuggled the same route.²¹ Many smugglers commented that while smuggling is lucrative, the possibility of migrants being arrested along the journey

19 İçduygu A. & Toktas S. (2002) 'How do smuggling and trafficking operate via irregular border crossings in the Middle East? Evidence from fieldwork in Turkey' International Migration. Available at: <https://onlinelibrary.wiley.com/doi/abs/10.1111/1468-2435.00222>

20 Tinti, P. & Westcott, T. (2016) 'The Niger-Libya corridor: Smugglers Perspectives' Institute for Security Studies. Available at: <https://issafrica.org/research/papers/the-niger-libya-corridor-smugglers-perspectives>; Molenaar, F. & van Damme, T. (2017) 'Irregular migration and human smuggling networks in Mali' CRU Report, Clingendael. Available at: https://www.clingendael.org/sites/default/files/pdfs/irregular_migration_and_human_smuggling_networks_in_mali.pdf

21 MMC East Africa (2017) 'Smuggled South: an updated overview of mixed migration from the Horn of Africa to Southern Africa'. Available at: <http://www.mixedmigration.org/resource/smuggled-south/>

to South Africa means that their income is volatile. One Somali man explained:

“I befriended smugglers initially and I just saw I could do it, that is how I started. However, the other smugglers are no longer referring migrants to me. The migrants I transported in the last three months were all arrested. Local smugglers who help my migrants also extorted money which tarnished the reputation of my smuggling ability.”

Bound for Brazil

Twelve of those interviewed in South Africa indicated that for \$6,000 or more, they offered services by air to Brazil, with one man commenting, “I charge \$4,000 to migrants coming to South Africa and \$6,500 to migrants going to Brazil”. These international air trips are facilitated in various ways, with one smuggler noting that he has a relationship with a senior official at an airline who helps him gain contacts, and, using these, he facilitates the passage of migrants through Johannesburg’s international airport and onward to Brazil. If they are sent back by Brazil for not having the correct documents and are subsequently arrested in South Africa, he helps to secure their release. Another man indicated that he works as an interpreter and steals passports from the Department of Home Affairs before selling them to the smuggling network he works for. The most expensive trips from South Africa are those to the United Kingdom and Germany, with three smugglers indicated that for \$12,000 to \$14,000 they facilitate the passage of people from South Africa to the UK and Germany by air. One smuggler commented that he is “always on standby to collect migrants and take them to the airport when the opportunity to put them in the aeroplane is right. Sometimes it happens within one hour”.

Conclusion

This article has demonstrated the significant diversity characterising the smuggling of migrants across Africa, both of the individual actors, and of the scale and scope of the operations they are involved in. Drawing on primary data based on a large number of interviews with smugglers in a wide range of locations across the continent, it makes clear that while smuggling operations respond to and are actively implicated in broad regional and global trends, the actors that make up these operations are embedded within the locations through which they assist people to move. From the data, it is also possible to appreciate the significant diversity in the scale and scope of smuggling operations in different contexts, from simple cross-border activities to more complex cross regional and global operations involving the provision of falsified documents and air travel. In Egypt, more integrated and larger-scale operations were associated with other forms of illicit smuggling, while in South Africa there was evidence of both small-scale cross-border facilitation and trans-national operations.

Although more work needs to be done to understand the integration of different sized operations across borders in practice and the factors that lead to larger scale operations, these preliminary insights highlight that any response to the smuggling of migrants must take into account the specific contextual factors in different locations that give rise to smuggling and be based on an understanding of what different actors and operations involved in the smuggling of migrants are trying to achieve through their activities, as well as the scale of operations they are involved in.

Interview

A smuggler's story

While often seen as a livelihood necessity by clients and facilitators alike, migrant smuggling is a risky business, both financially and morally, explains one self-critical practitioner who operates in Mali.



“As long as there are migrants there will be smugglers.”

Adama¹ was born in 1962 in Gao, a central Malian town that for centuries has been an important hub in trans-Saharan trade. He has been involved in smuggling ever since leaving school in 1998. He spoke to 4Mi about his life and the world of migrant smuggling.

I got involved in smuggling to feed my family and prepare for the future of my children. Today I have two houses and two trucks, thank God. My country, Mali, is poor; all these people cannot get work, which is what pushes many people to be involved in smuggling activities.

“The work is very lucrative, but there are many risks.”

The work is very lucrative, but there are many risks. In 2012, things completely changed with the arrival of terrorists and armed groups². These armed groups were financed through smuggling, in all its forms. There was banditry, theft and armed robberies on the roads

targeting the population, who were looted, and whose women were raped and so endured unwanted births.

In our region, people migrate because of poverty, illiteracy, and lack of work. The northern part of Mali is a desert zone where there is no water. Children grow up without access to school. The lack of water is a problem for agriculture. People migrate towards Algeria, Libya, Côte d'Ivoire, Ghana, and almost all countries bordering Mali. Then there is also migration towards Western countries, crossing the [Mediterranean] sea from Morocco and Libya.

Many resort to migration to reduce the poverty of their family. However for others it can be a type of an educational adventure, because they learn a lot of new strategies. Others migrate with no intention of returning.

Most people who migrate don't manage to get to where they wish to go. Today, emigration is dangerous. This is because of armed groups of criminals who freely roam the Sahel. There is also a lack of water to drink in certain areas.

Many migrants are hurt or even die because people want to rob them or enslave them. This occurs mainly in Libya or Morocco. The border zone between Niger and Algeria is very dangerous. There is no water and there are many armed bandits.

I only temporarily host migrants: they come to be fed and housed, paying for food and housing during their stay.

[Smuggling] is purely a game of luck: you win, or you lose. I would not recommend anyone to engage in this business. Stay put and save what you earn. You can earn a lot as a smuggler, but one day you will lose everything and need to start all over again.

“ I feel disgusted by my work. The government and people who say that smugglers are morally corrupt are right. ”

I consider myself to be a criminal who is pushing brothers towards danger. Today I feel disgusted by my work. The government and people who say that smugglers are morally corrupt are right.

Smugglers are not all bad, but they have the same work – they are all smugglers. Some are bad and profit from and exploit migrants, others are not bad and are honest. In the end, the bad contaminates the good. As for migrants, some travel legally, others always need to hide because they are unable to travel legally. So as long as there are migrants there will be smugglers: they complement each other, often for better, and often for worse.

To be a smuggler is not illegal according to the law of our government, but the law prohibits work that is badly done, when there is fraud, lies, deceit, criminality, and so on. For the most part, the police and other state agents are complicit with the smugglers; they take advantage of the bad situation at the expense of the poor migrants.

I work a lot with the police. They provide the documents, such as laissez-passers, and lists of passing migrants, that allow me to perform my work well. I often give them presents to encourage them. It is a mutual arrangement that benefits us both, like two hands washing themselves, as we say.

Our government is not against migration, but it is against the harm endured by migrants during their journeys and in foreign countries. The government arrested many people to stop migrant suffering. It is in favour of the legalisation of migrants.

If I had to migrate, I would use the same services that I offer, and go through a smuggler.

“ For the most part, the police and other state agents are complicit with the smugglers; they take advantage of the bad situation at the expense of the poor migrants. ”

- 1 Adama is a pseudonym. His interview has been edited for clarity. The photo credit is Sven Torfinn / Panos, but the person represented is not Adama, but a man on a migratory route through the Sahara desert.
- 2 In 2012, National Movement for the Liberation of Azawad (MNL) started an insurgency in the northern region of Mali (namely Kidal, Timbuktu and Gao). The MNL was subsequently side-lined by various Islamic insurgent groups (including Ansar Dine, Al-Qa'ida in the Lands of the Islamic Maghreb (AQIM), and Movement for Unity and Jihad in West Africa (MOJW)). There were reports of serious human rights violations in the region, including torture, public flogging, amputations, sexual and gender-based violence, summary executions and arbitrary arrests. Despite a peace agreement signed in 20 June 2015, most provisions have not been implemented and armed violence has escalated in the region by jihadist groups such as the Macina Liberation Front (FLM). Terrorist and extremist groups are strengthening and the number of attacks continues to grow in an increasingly large part of the country (including growing conflict in central Mali). The limited ability of the Malian government to control its borders also favours the circulation of illicit goods and human trafficking.

Smugglers' voices

Quotes from 4Mi survey with smugglers

Please note: quotes have been edited for clarity to correct obvious errors only when necessary; some errors in syntax and grammar remain.

Djibouti

“We have strong connections in all countries along the route. We generally have agreements with the border guards, but not always. In case of problems we have to discuss with the local brokers near the border, from the local communities. Every person has his own job description. This is how our structure works.”

36-year-old Somali man

Egypt

“The reason that people are suffering across the journey is the involvement of the local authorities in the business. But we are trying to help the people whenever they need our help. I believe that we are helping the people to fulfil their interests.”

47-year-old Ethiopian man

“It is a business. It is profitable with little effort involved. I especially talk to male smugglers to take care of female migrants.”

45-year-old Ethiopian woman

Kenya

“Smuggling is a way of helping people in need. We offer them documentation, safe transit across the border, facilitate their release if arrested and take them to health facilities if they are sick. I was employed as a taxi driver in the first place and later as a home guard and it was during this time that I started to interact with this network.”

31-year-old Kenyan man

“I migrated myself from my home country. I settled in South Africa and used to hear the horror of people being detained, especially Somalis. As a Somali community leader, I used to collect money to facilitate their release but later I found it was wise rather to help those people to reach their destination country. And find easier ways that can be facilitated and we did. Thanks to God.”

46-year-old Somali man

“I have a small kiosk that sells drinks and snacks near the bus station so most of my customers are migrants who are new in town and are looking for links with bus conductors or other long-distance truck drivers. They all eat at my kiosk, so they meet here, and they reach an agreement. I keep the list and contacts until they leave Nairobi.”

40-year-old Kenyan woman

“The smugglers who deal with large number of migrants are less concerned about the wellbeing of their clients, all they care is to make money. When you deal with large numbers, most migrants suffer from hunger and suffocation especially. It is generally a risky business but also the most rewarding if you know how to connect with people, including the police, middlemen and brokers. When you do not have enough cash to bribe security officers, migrants ending up in jail becomes inevitable.”

39-year-old man

South Africa

“We get our connection from contacts in Cape Town who have a broker in Mogadishu. The contact in Ethiopia calls the contact in Mozambique who call us to collect the migrants at the South Africa side. If something goes wrong, we have good connections with local contacts and border authorities. We call them and we make sure that our group cross the border. After we receive the migrants we take the contact details of the families, back home or in South Africa, and we keep them somewhere along the border until fees are payed.”

34-year-old South African man

“The smuggling work I do is a very important one. I got involved in smuggling first because I used to pay bribes to police officers who work with the immigration officers under the instruction of my employer. Then I established personal relationships with police officers and smugglers who would refer the migrants to me. I then quit my job and became a smuggler.”

22-year-old Somali man

“I steal passports of refugees from the Department of Home Affairs and sell to anyone who is trying to migrate to Brazil and Europe. I am doing a good job for migrants because I am helping them get genuine passports so that immigration officials cannot recognize whether they are the rightful owners of the passport.”

34-year-old Somali man

Mali

“My smuggling activity is very much threatened by terrorism. I recruit and coordinate smugglers’ activities from here. I am involved in the migrant business to make ends meet at the end of the month.”

32-year-old Malian man

“We know that we are sending migrants into the mouth of the wolf, but we earn our livelihood through this.”

34-year-old Malian man

“We do not sell migrants, we help them fulfil their dreams.”

56-year-old Nigerian man

Niger

“The smuggling business is becoming dangerous. If they catch you, you go directly to jail. But the help of the state and the projects that they promised are all lies. So we are obliged to continue and take more risks if we want to feed our families back home.”

43-year-old Ghanaian man

“It’s a way to help migrants. The service we offer them is the most vital thing for them. As for me, I find myself useful in helping them.”

38-year-old Nigerian man

“I am not part of the smuggling business. All what I do is to rent my house to groups of migrants who are waiting to cross the border.”

32-year-old Nigerian woman

Photo credit: Samuel Aranda / Panos (2015)

Lesbos (Lesvos) island, Greece. A group of refugees who have just arrived by boat from Turkey walk through a village where tourists are having their lunch - emblematic perhaps, of the contrasting realities and inequalities that the debates concerning refugees and migrants evoke.



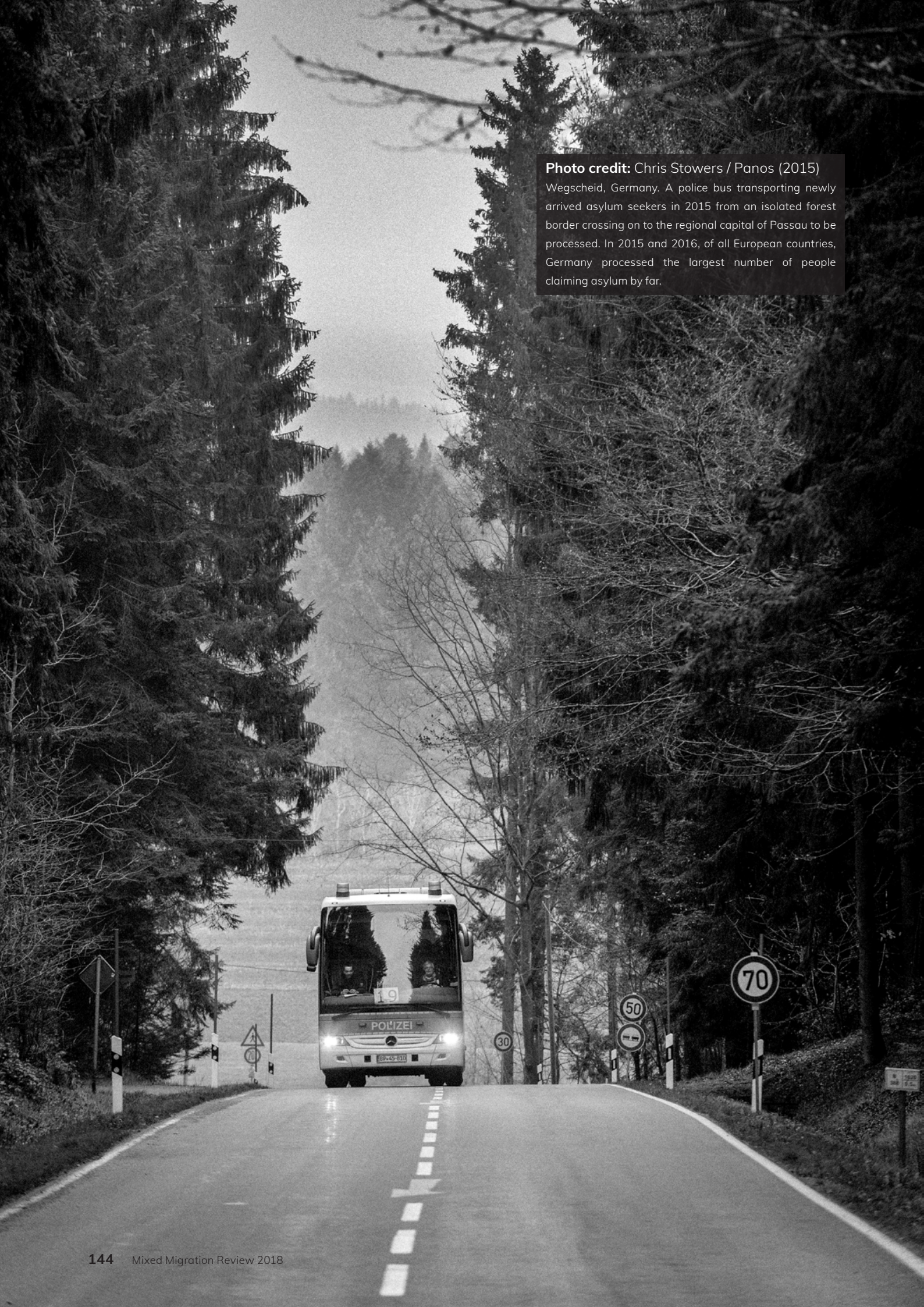


Photo credit: Chris Stowers / Panos (2015)

Wegscheid, Germany. A police bus transporting newly arrived asylum seekers in 2015 from an isolated forest border crossing on to the regional capital of Passau to be processed. In 2015 and 2016, of all European countries, Germany processed the largest number of people claiming asylum by far.

Section 4

The policy debate

How does the world deal with and debate mixed migration? This final section starts with a global overview of selected key policy and legislative developments and then assesses the extent to which the Global Compacts for Migration and on Refugees might make a difference.

The first essay in this section discusses whether international migration in a globalized world of increasing free movement of money, goods and services, constitutes the “unfinished business of capitalism”. The second essay examines the importance and potential impact of the Global Compacts, and the final essay asks whether mixed migration is such a complex phenomenon that it can be described as a “social mess” - exploring the tensions between idealism and realism, and between pragmatism and principles.

Managing flow

A legal and policy overview

A roundup of the major global, regional, and national policy developments in 2017 and 2018 that affected the rights of people in mixed migration movements and the related responsibilities and obligations of states.

Summary

At the **global** level in 2017, governments and international organisations led major international consultations to support the development of two separate agreements, or “**compacts**”, on migrants and refugees. In 2018, governments came together to negotiate the resulting drafts, and to shape the direction of global cooperation around the management of migration and the international refugee protection regime. The final drafts of the compacts were published towards the second half of 2018 and will be presented and adopted at the end of 2018.

In **Africa**, the African Commission on Human and Peoples’ Rights adopted a **resolution on mixed migration**. This followed media reports on the conditions of slavery endured by many African refugees and migrants in Libya. It also came in the wake of the expulsion of refugees and migrants from Algeria to Niger. The resolution encourages state parties to work with international partners to establish special mechanisms for the management of mixed migratory flows, particularly during repatriation operations. In addition, the African Union released the **Revised Migration Policy Framework for Africa**, with an action plan covering the period 2018-2027. While the framework is non-binding, it is designed as a reference to help governments and regional economic communities formulate and implement their own migration policies.

In **Asia**, the ten heads of state of the Association of Southeast Asian Nations (ASEAN) signed an **instrument aimed at protecting the rights of migrant workers**, including with regard to “abuses, exploitation and violence”. Because this agreement only covers documented migrant workers and those who become undocumented through no fault of their own it could potentially deny many of the most vulnerable workers access to their rights. The 45 member states of the **Bali Process** committed to preventing displaced persons from becoming victims of migrant smuggling and trafficking in

persons, and to support their voluntary, sustainable and dignified return.

In **Europe**, governments failed to achieve consensus on the reform of the **Common European Asylum System** at the European Council meeting in June 2018. Despite the significant reduction in the number of irregular border crossings into the EU in 2018 compared with the peak in October 2015, the meeting’s conclusions focused on: reinforcing existing EU initiatives to strengthen external borders; working with countries of transit, including Libya, to prevent the arrival of refugees and migrants in the EU; and supporting the return of migrants.

In **North America**, the US government introduced a range of **immigration policy measures** to make crossing the southwest border of the US more difficult for refugees and irregular migrants. They included restrictions on access to asylum for nationals of Central American countries, and steps that led to the large-scale separation of children from their parents at the border, prompting widespread condemnation in 2018.

Global

New York Declaration for Refugees and Migrants, and the Global Compacts

In September 2016, all 193 UN member states adopted the New York Declaration for Refugees and Migrants at the General Assembly in New York, signalling their recognition of the need for increased cooperation over, and a comprehensive approach to, human mobility that ensures the protection of those on the move and reinforces the international protection regime.¹ To this end, states committed to developing and adopting two complementary agreements: the Global Compact for Safe, Orderly and Regular Migration (GCM), and the Global Compact on Refugees (GCR). The GCM was subsequently developed through a process of intergovernmental negotiation, led by Mexico and Switzerland, with assistance from the UN Secretariat and the UN’s International Organization for Migration (IOM). The UN Refugee Agency, UNHCR, was given primary responsibility for developing the GCR, a key output of the Comprehensive Refugee Response Framework set out in the New York Declaration. The GCR was presented by

¹ See the New York Declaration for Refugees and Migrants. Available at: <http://undocs.org/a/res/71/1>

High Commissioner for Refugees Filippo Grandi at the UN General Assembly in 2018. While both compacts are legally non-binding, they outline states' common understandings and their commitments to cooperate in managing migration and refugee movements.²

The Global Compact for Safe, Orderly and Regular Migration³

Throughout 2017, a series of informal sessions and regional consultations were held around the world to inform states' understanding of the issues to be addressed in the GCM. In February 2018, following a series of stocktaking meetings, the co-facilitators released a zero draft, followed by various revisions over the course of six rounds of negotiations. Before the last round of negotiations in July 2018, the co-facilitators released a final draft of the compact, to which most countries agreed by consensus in July 2018.⁴ The notable exception was the US, which in December 2017 withdrew from the GCM, citing concerns about sovereignty.⁵ In late July, Hungary, despite having approved the final draft, announced that it would not be signing the compact.⁶ Other nations, including Australia, Canada and the Russian Federation, said they would review the compact and announce their decisions on whether they would join closer to the December conference in Morocco, where it is to be formally adopted.⁷

The GCM was widely heralded by the international community, with IOM praising the positive spirit of collaboration evident in its elaboration.⁸ Civil society

members have also welcomed the adoption of the final draft, expressing hope that when properly implemented, the compact will provide a sound framework for member states to govern migration in a manner which respects human rights and the rule of law.⁹ At the same time, some civil society groups have lamented the failure to agree on stronger language with regard to the non-criminalisation of migrants and those who provide support to them, and to access to basic services.¹⁰

The Global Compact on Refugees

UNHCR retained the primary responsibility for the production of the GCR and supported the wide participation of a range of state and non-state actors in its drafting throughout 2017. During the year, UNHCR held thematic discussions and stocktaking exercises with the participation of states and other stakeholders, along with a number of formal consultations in Geneva.¹¹ UNHCR published a zero draft of the GCR in January 2018 and in June 2018 concluded formal consultations, "with strong and broad support for the final draft".¹² At the final consultation, Assistant High Commissioner for Protection Volker Türk pointed to the difficult balance that needed to be struck between the voluntary nature of the compact and the request by major host countries for more predictable and equitable burden sharing. He said this request needed to be heeded when the GCR was put into operation, including through continued dialogue and the development of burden- and responsibility-sharing arrangements.¹³ Civil society members and academics have highlighted that a number of features in the GCR, including the convening of global refugee

2 Aleinikoff, T., & Martin, S. (2018) 'Making the Global Compacts work: What future for refugees and migrants?' Kaldor Centre for International Refugee Law. Available at: <http://www.kaldorcentre.unsw.edu.au/publication/policy-brief-6-making-global-compacts-work-what-future-refugees-and-migrants>

3 The GCM is explored in greater depth in the article, 'Making the non-binding bind' in section 4 of this review.

4 'Global Compact for Safe, Orderly and Regular Migration Final Draft, 11 July 2018'. Available at: https://refugeesmigrants.un.org/sites/default/files/180711_final_draft_0.pdf

5 Aljazeera (2017) 'US Withdraws from the UN Global Compact on Migration' Available at: <https://www.aljazeera.com/news/2017/12/withdraws-global-compact-migration-171203160804853.html>

6 DW (2018) 'Hungary joins US in refusing to UN's safe global migration compact' Available at: <https://www.dw.com/en/hungary-joins-us-in-refusing-uns-safe-global-migration-compact/a-44733306>; see also Risse, N. (2018) 'Countries Reach Agreement on Migration Compact, Seek to Build Momentum' International Institute for Sustainable Development. Available at: <http://sdg.iisd.org/news/countries-reach-agreement-on-migration-compact-look-to-build-momentum/>

7 Risse, N. (2018) 'Countries Reach Agreement on Migration Compact, Seek to Build Momentum', International Institute for Sustainable Development. Available at: <http://sdg.iisd.org/news/countries-reach-agreement-on-migration-compact-look-to-build-momentum/>

8 IOM (2018) 'IOM Director General Swing lauds 'historic' Global Compact for Migration' Press Release. Available at: <https://www.iom.int/news/iom-director-general-swing-lauds-historic-global-compact-migration>

9 'Joint Civil Society Statement at the Conclusion of Negotiations on the Global Compact for Safe, Orderly, and Regular Migration New York, July 13, 2018' Available at: http://madenetwork.org/sites/default/files/Statement%20of%20Civil%20Society%20at%20the%20Conclusion%20of%20Negotiations%20on%20the%20GCM%20Friday%20Statement_w%20signatories%20upto%2010%20August.pdf

10 Ibid.

11 Aleinikoff, T., & Martin, S (2018) 'Making the Global Compacts work: What future for refugees and migrants?' Kaldor Centre for International Refugee Law. Available at: <http://www.kaldorcentre.unsw.edu.au/publication/policy-brief-6-making-global-compacts-work-what-future-refugees-and-migrants>

12 UNHCR (2018) 'Statement by UN High Commissioner for Refugees Filippo Grandi on conclusion of formal consultation on the global compact on refugees' Press Release. Available at: <http://www.unhcr.org/uk/news/press/2018/7/5b3f6b934/statement-un-high-commissioner-refugees-filippo-grandi-conclusion-formal.html>

13 Türk, V. (2018) 'Closing remarks to the sixth formal consultation on the global compact on refugees' Available at: <http://www.unhcr.org/admin/dipstatements/5b3e38c77/closing-remarks-sixth-formal-consultation-global-compact-refugees.html>

summits, the creation of a support platform, and a commitment by UNHCR to help measure the impact of hosting refugees, could positively affect burden sharing.¹⁴

Africa

Resolution on Mixed Migration Flows, Challenges of Protecting Migrants and the Prohibition of Trafficking in Persons and All Forms of Violence in North and Sub-Saharan Africa¹⁵

Adopted by the African Commission on Human and Peoples' Rights in May 2018, this resolution condemned the trafficking in persons and the sale of migrants in particular, and highlighted police brutality and the deportation of women and unaccompanied children from Algeria. It called upon states to "adopt necessary measures to guarantee the protection of migrants, by coordinating their efforts in preventing trafficking in persons, forced labour and sexual exploitation." The resolution also called on countries in North Africa "to find solutions together with countries of origin, and to introduce and enforce alternative measures to detention" and encourages states parties to the African Charter to work with partners, "towards the establishment of special mechanisms for the management of mixed migratory flows, in particular during repatriation operations."

The Revised African Union Migration Policy Framework for Africa (2018-2027)

The African Union (AU) adopted the Migration Policy Framework for Africa (MPFA) in 2006, prompted by a recognition of increasing migration within and from Africa due to deteriorating political, environmental and socio-economic conditions on the continent, and the effects and opportunities of globalisation.¹⁶ After ten years of operation, the framework was revised in order to reflect the changing nature of migration trends and

patterns in Africa. The revised framework responds to current migration trends in Africa and aims to guide member states and regional economic communities (RECs) in managing migration.

The Revised MPFA recognises that "well-managed migration has the potential to yield significant benefits to origin and destination countries".¹⁷ The MPFA has eight key pillars: Migration Governance; Labour Migration and Education; Diaspora Engagement; Border Governance; Irregular Migration (including return, re-admission and re-integration); Forced Displacement; Internal Migration; and Migration and Trade. The MPFA provides comprehensive policy guidelines on these issues and includes an implementation action plan for the AU Commission covering the period 2018-2027. The framework does not provide resources for implementation or monitoring, as migration dynamics and government resources vary between states. While the framework is non-binding, it is designed as a reference for governments and RECs in the formulation and implementation of their own migration policies.

African Union Model Law for the Implementation of the African Union Convention for the Protection of and Assistance to Internally Displaced Persons in Africa¹⁸

Drawn up in April 2018, this model law is a comprehensive framework for the protection of internally displaced persons (IDPs) in "all situations ... irrespective of their causes."¹⁹ This is further elaborated in Articles 5 and 6 of the model law, which address the prevention of arbitrary displacement by both state and non-state actors (including private individuals), as well as displacement induced by climate change, environmental hazards, and other disasters.

The model law prescribes minimum standards for humanitarian assistance of IDPs,²⁰ and requires state and non-state actors to take responsibility for the prevention of conditions that may lead to internal

14 Aleinikoff, T. & Martin, S (2018) 'Making the Global Compacts work: What future for refugees and migrants?' Kaldor Centre for International Refugee Law. Available at: <http://www.kaldorcentre.unsw.edu.au/publication/policy-brief-6-making-global-compacts-work-what-future-refugees-and-migrants>; see also, Danish Refugee Council, Save the Children, Norwegian Refugee Council, International Rescue Committee (2018) 'Key Recommendations to a Final Draft of the Global Compact on Refugees'. Available at: https://drc.ngo/media/4585168/ngo-4-recommendations-to-a-final-draft-gcr_may18.pdf

15 African Commission on Human and Peoples' Rights (2018) 'Resolution on Mixed Migration Flows, Challenges of Protecting Migrants and the Prohibition of Trafficking in Persons and All Forms of Violence in North and Sub-Saharan Africa' Available at: http://www.achpr.org/sessions/62nd_os/resolutions/398/

16 Tsion, T.A. (2017) 'Migration Policy Frameworks in Africa' Institute for Security Studies. Available at: <https://reliefweb.int/report/world/migration-policy-frameworks-africa>

17 African Union (2017) 'The Revised Migration Policy for Africa and Plan of Action (2018-2027)' Available at: https://au.int/sites/default/files/newsevents/workingdocuments/32718-wd-english_revised_au_migration_policy_framework_for_africa.pdf

18 African Union (2018) 'African Union Model Law for the Implementation of the African Union Convention for the Protection of and Assistance to Internally Displaced Persons in Africa' Available at: <http://www.refworld.org/docid/5afc3a494.html>

19 Ibid. Article 3(2).

20 Ibid. Chapter VIII.

displacement.²¹ It places particular emphasis on the inclusion of displacement induced by projects carried out by public or private actors.²² It also stipulates that all IDPs enjoy equal rights to effective remedies, the enjoyment of fundamental human rights, as well as full access to judicial organs, administrative and mediation mechanisms and national human rights mechanisms irrespective of the circumstances of their displacement.²³

The ECOWAS Strategic Framework for Strengthening National Child Protection Systems to Prevent and Respond to Violence, Abuse and Exploitation against Children in West Africa

In adopting this strategic framework in October 2017, members of the Economic Community of West Africa States (ECOWAS) committed themselves to take measures to protect children from forms of abuse, focusing on five priority areas: violence against children, including sexual, physical and emotional violence; child marriage; child labour; civil registration and vital statistics; and children on the move.

The framework breaks down the commitment to protect children on the move into eight strategic themes: identification; emergency care; study of the personal situation of the child; family tracing and assessment of the family and environmental situation of the child; alternatives for placement of children outside their families; social and professional reintegration of the child; monitoring and follow-up; and family and community support.

Children across West Africa are particularly vulnerable to various human rights violations, including the right to identity, child marriage and exploitation in the context of complex migration routes.

Somalia National Development Plan

In July 2018, Somalia released its national development plan.²⁴ In a bid to reduce irregular migration, the plan focuses on short-term labour contracts through the establishment of a national body that “can identify skills sets of young Somalis, can negotiate with nations looking for these skills sets and establish the agreements providing for the normal, short-term labour migration.”²⁵ Private sector recruitment firms will also be permitted to connect Somalis with foreign labour opportunities.

The plan also aims to facilitate the repatriation of refugees and migrants wishing to return to Somalia. It identifies entitlements and support that will be available to returnees, including short-term assistance packages.²⁶

Asia

ASEAN Consensus on the Protection and Promotion of the Rights of Migrant Workers²⁷

In November 2017, the ten heads of state of the Association of Southeast Asian Nations (ASEAN) signed this consensus as a follow-up document to the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers adopted in 2007. The consensus commits member states to “pursue a constructive, non-confrontational and cooperative approach to enhance the protection and promotion of the rights of migrant workers.” It reaffirms a commitment to crucial migrant rights, including access to justice, freedom of movement, fair treatment and appropriate remuneration in the workplace, and transfer of earnings. Sending states committed to preventing overcharging of recruitment fees while receiving states committed to protecting migrant workers from “abuses, exploitation and violence.”²⁸ The consensus only covers migrant workers who are documented and those who become undocumented through no fault of their own, potentially denying many of the most vulnerable workers access to their rights.²⁹

21 African Union (2018) ‘African Union Model Law for the Implementation of the African Union Convention for the Protection of and Assistance to Internally Displaced Persons in Africa’ Available at: <http://www.refworld.org/docid/5afc3a494.html> Article 12.

22 Ibid. Chapter V.

23 Ibid. Chapters VI, IX.

24 Federal Republic of Somalia (2018) ‘National Development Plan 2017-2019, 9 July 2018’ Available at: <http://www.refworld.org/docid/5b4315554.html>

25 Ibid., 9.7.7.

26 Ibid.

27 ASEAN (2017) ‘Consensus on the Protection the Promotion of the Rights of Migrant Workers’ Available at: <http://asean.org/storage/2017/11/ASEAN-Consensus-on-the-Protection-and-Promotion-of-the-Rights-of-Migrant-Workers1.pdf>

28 Ibid.

29 Son, J. (2018) ‘ASEAN’s Double Vision of Migration’ Heinrich Boll Stiftung South East Asia. Available at: <https://th.boell.org/en/2018/02/04/aseans-double-vision-migration>

Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime

In August 2018, Indonesia hosted the seventh ministerial conference of the Bali Process.³⁰ Established in 2002, this forum brings together 45 countries with a combined population of 4.5 billion people. It aims to address practical issues related to smuggling, trafficking in persons and related transnational crime. Member states at the 2018 ministerial conference committed to preventing displaced persons becoming subjects of smuggling and trafficking, and to support their voluntary, sustainable and dignified return.³¹

In August 2017, the inaugural **Bali Process Government and Business Forum** took place in Perth, Australia, in an effort to combat human trafficking, modern slavery, forced labour and other exploitation. At the meeting, business leaders adopted the Perth Forum Work Plan for 2017/18³² to guide the development of recommendations for governments in areas of ethical employment, transparency in supply chains, and safeguards and redress mechanisms.³³

Pilot project to allow refugees in Malaysia to work

In February 2017, Malaysia announced a pilot project to allow an initial group of 300 Rohingya refugees to work in its plantations and manufacturing sectors. While the project was welcomed by UNHCR for its potential to improve the quality of refugee protection,³⁴ civil society groups raised concerns about its wider application, warning that the absence of proper protection mechanisms could undermine the potential of labour migration to become a complementary pathway for refugees in Malaysia.³⁵

Afghanistan Return and Reintegration Response Plan

Afghanistan published its Return and Reintegration Response Plan for 2018, covering the reintegration and inclusion of returnees and IDPs.³⁶ The plan specifically addresses the issue of land allocation and recovery, guaranteeing the eligibility of returnees and IDPs for land allocations, with preference given to their province of origin. The plan establishes a land bank that will hold state land for allocation. Similar to Somalia's National Development Plan (see above), the Afghan plan makes no distinction between categories of returnees, nor does it afford differential treatment to groups based on the nature of their initial displacement.

The plan also identifies areas that require improvement, including state efforts to ensure accountability of returnee response activities, and longer-term durable solutions at the provincial levels.

Oceania

Durable limbo

On the 23rd of October 2018, UNHCR called on the Australian government to "take urgent action for all refugees and asylum seekers in Papua New Guinea (PNG) and Nauru" warning that "lives are at immediate and critical risk."³⁷

Under Australia's Operation Sovereign Borders³⁸ policy, people who arrived by boat after July 2013 to seek asylum in Australia were transferred to Regional Processing Centres (RPCs) in Papua New Guinea's (PNG) Manus Island and the Pacific island state of Nauru.³⁹ In November 2017, all detainees in the Manus Island RPC were moved to transition centres following a PNG

30 See <https://www.baliprocess.net/>

31 Bali Process (2017) 'Declaration of The Seventh Ministerial Conference of The Bali Process n People Smuggling, Trafficking In Persons And Related Transnational Crime.' Available at: <https://www.baliprocess.net/UserFiles/baliprocess/File/BPMC%207%20Ministerial%20Declaration-Final.pdf>

32 Bali Process, Government and Business Forum (2017) 'The Perth Forum Work Plan for 2017/2018.' Available at: <https://www.baliprocess.net/UserFiles/baliprocess/File/Perth%20Forum%20Work%20Plan.PDF>

33 See <https://www.baliprocess.net/bali-process-government-and-business-forum/>

34 UNHCR (2017) 'UNHCR Lauds government work scheme for refugees' Press Release. Available at: <http://www.unhcr.org/uk/news/latest/2017/2/59128a4f7/unhcr-lauds-government-work-scheme-for-refugees.html>

35 Song, J (2018) 'Labour Migration as Complementary Pathways for Refugees in the Asia Pacific' Lowy Institute. Available at: <https://www.lowyinstitute.org/publications/labour-migration-complementary-pathways-refugees-asia-pacific>, see also: Wake, C (2016) 'Turning a blind eye: The policy response to Rohingya refugees in Malaysia' Overseas Development Institute. Available at: <https://www.odi.org/publications/10648-rohingya-refugees-unhcr-livelihood>

36 Islamic Republic of Afghanistan (2018) 'Return and Reintegration Response Plan (2018)'. Available at: <http://www.refworld.org/docid/5b2a46f74.html>

37 UNHCR (2018) 'UNHCR appeals to Australia to act and save lives at immediate risk' Available at: <http://www.unhcr.org/news/press/2018/10/5bcd438b7/unhcr-appeals-australia-act-save-lives-immediate-risk.html>

38 Australian Border Force – 'Operation Sovereign Borders' Available at <https://osb.homeaffairs.gov.au/>

39 Refugee Council of Australia (2018) 'Recent Changes to Australian Refugee Policy' Brief. Available at: https://www.refugeecouncil.org.au/wp-content/uploads/2018/07/Recent_changes_201807.pdf

Supreme Court ruling that detaining asylum seekers in the RPC was illegal and unconstitutional.⁴⁰

Under Sovereign Borders, those determined to be refugees are supposed to be resettled to third countries. Although PNG in theory offers permanent settlement and citizenship pathways to refugees under its National Refugee Policy⁴¹, significant barriers remain in practice.⁴² Refugees on Nauru are offered temporary protection in Nauru and only offered permanent protection if they choose to resettle in Cambodia.⁴³ Australia and Cambodia signed a relocation agreement for the refugees on Manus Island in September 2014, under which refugees could choose to be resettled in Cambodia. But only seven refugees have taken this option, almost all of whom have since left the country.⁴⁴

In November 2016, Australia signed a deal with the United States for the resettlement of 1,250 refugees from Manus Island and Nauru, and after several delays, departures began in September 2017.⁴⁵ As of August 2018, 378 people had been transferred from PNG and Nauru to the US, with the Australian government acknowledging that many other asylum seekers will remain in detention on the two islands after the full quota have been resettled in the US.⁴⁶ Although New Zealand has offered to resettle refugees held in offshore detention, the Australian government has repeatedly declined, citing concerns that such refugees would be able to travel to Australia as New Zealand citizens were they to be granted protection there.⁴⁷ In October 2018, Australia showed signs of relenting but only on the condition that those resettled in New Zealand would be subject to a life-time ban on travel to Australia.⁴⁸

UNHCR's October 2018 entreaty to Australia, which proposed the "immediate evacuation of refugees and asylum seekers" on the two islands, was just the latest in a long series of similar appeals. The previous month,

the president of the Australian Medical Association urged the government to take urgent action to remove families and children from Nauru, and to effect "a change in policy" due to the "humanitarian emergency", citing the "devastating effects of long-term detention and uncertainty on the physical and mental health of asylum seekers".⁴⁹ In 2016, UNHCR medical experts found that 80 percent of those transferred to the two islands had high levels of depression, anxiety and post-traumatic stress disorder, "the highest recorded in the medical literature."⁵⁰ In October 2018, after being ordered by the Nauru government to cease providing medical services (including mental health services) to Naurians and refugees, Médecins Sans Frontières (MSF) called for the immediate evacuation of asylum seekers and refugees from the island because of the alarming number of suicide attempts and incidents of self-harm among refugee and asylum seeker men, women and children indefinitely detained there.⁵¹ MSF highlighted the number of children suffering traumatic withdrawal syndrome to the extent that they were unable to eat, drink, or even walk to the toilet.⁵² As of mid-2018, 12 people had died on Nauru and Manus Island, mainly resulting from inadequate healthcare and suicide, including from self-immolation.⁵³

Europe

The European Agenda on Migration

The European Agenda on Migration, unveiled in May 2015, covers a wide range of activities relating to the management of migration and asylum at the regional level in the EU. It is structured around four pillars: reducing incentives for irregular migration; border management; EU asylum policy; and a new policy on legal migration. It has formed the basis for key EU policy

40 ABC News (2017) 'Manus Island: PNG authorities move in and tell men to leave detention centre' Available at <http://www.abc.net.au/news/2017-11-23/police-move-in-to-manus-island-detention-centre/9183044> and Asylum Insight (2017) 'Papua New Guinea Arrangement' Available at <https://www.asyluminsight.com/papua-new-guinea-arrangement#.W5rRwuhKjIU>

41 Papua New Guinea Immigration & Citizenship Service Authority – 'National Refugee Policy' Available at: <http://www.immigration.gov.pg/refugees/102-refugeepolicy.html>

42 Refugee Council of Australia (2018) 'Recent Changes to Australian Refugee Policy' Brief. Available at: https://www.refugeecouncil.org.au/wp-content/uploads/2018/07/Recent_changes_201807.pdf.

43 Ibid.

44 Ibid.

45 Ibid.

46 SBS News (28 August 2018) 'Tenth group of refugees fly out of PNG to be resettled in US'. Available at: <https://www.sbs.com.au/news/tenth-group-of-refugees-fly-out-of-png-to-be-resettled-in-us>

47 Ainge Roy, E. (12 April 2018) 'Australia asked New Zealand to keep refugee offer on table, documents show' The Guardian. Available at: <https://www.theguardian.com/world/2018/apr/12/australia-wants-new-zealand-to-keep-refugee-offer-on-table-documents-show>

48 Murphy, K. (2018) 'Labor says it's prepared to agree to NZ travel ban to get children off Nauru' The Guardian. Available at: <https://www.theguardian.com/australia-news/2018/oct/23/labor-says-its-prepared-to-strike-deal-with-coalition-to-get-children-off-nauru>

49 Murphy, K. (2018) 'AMA president calls for urgent transfer of refugee families from Nauru' The Guardian. Available at: <https://www.theguardian.com/australia-news/2018/sep/20/ama-president-calls-for-urgent-transfer-of-refugee-families-from-nauru>

50 UNHCR (2018) 'UNHCR appeals to Australia to act and save lives at immediate risk' Available at: <http://www.unhcr.org/news/press/2018/10/5bcda38b7/unhcr-appeals-australia-act-save-lives-immediate-risk.html>

51 MSF (2018) 'MSF Calls for immediate evacuation of asylum seekers and refugees from Nauru'. Available at: <https://www.msf.org.uk/article/msf-calls-immediate-evacuation-asylum-seekers-and-refugees-nauru>

52 Ibid.

53 Refugee Council of Australia (2018) 'Recent Changes to Australian Refugee Policy' Brief. Available at: https://www.refugeecouncil.org.au/wp-content/uploads/2018/07/Recent_changes_201807.pdf

initiatives including the hotspot approach, the **Migration Partnership Frameworks with Third Countries**, and the significant strengthening of **Frontex**, the European Border and Coast Guard Agency.⁵⁴ Under the Agenda on Migration, the EU has focused on: externalising migration management through cooperation with third countries, placing particular emphasis on returns; securing EU borders by enlarging Frontex's mandate and funding; and supporting countries of first arrival through policy, funds and personnel. There have also been efforts to build cooperation around reforming the asylum system within the EU. Although the scope of the Agenda on Migration is quite comprehensive, a lack of progress on cooperation between member states has led its implementation to be narrowly concentrated on border control and on engagement with countries of origin and transit to prevent people in an irregular situation arriving at the EU's external borders.

Hotspots

Under the hotspots approach, the European Asylum Support Office (EASO), Frontex, and Europol work on the ground to support states of first arrival, notably Greece and Italy, to identify and register incoming asylum seekers and migrants.⁵⁵ In May 2018, the EU Commission raised concerns about conditions in the Greek hotspot facilities, citing severe overcrowding and problems in the provision of adequate shelter for unaccompanied children, with over 2,000 minors on the waiting list for shelter.⁵⁶ The EU is providing funding to Greece to support the upgrading of hotspot infrastructure and to meet other migration-related challenges. More than 1,300 Frontex staff are deployed in Greece.⁵⁷

In Italy's hotspots, as of May 2018, some 430 Frontex experts were supporting the work of the Italian authorities, alongside EASO and Europol staff.⁵⁸ The EU continues to provide substantial financial assistance to Italy to support its response: since 2015 the EU Commission has allocated 202.44 million euros to Italy in emergency assistance, on top of 654.7 million euros under national programmes for 2014-2020.⁵⁹ In 2018, Italy announced its intention to open three additional hotspot facilities in Calabria and Sicily.⁶⁰

Since launching the Agenda on Migration, the EU has been intensifying the external dimension of its migration policy, to the point where foreign policy has become a key feature of the EU's migration management.⁶¹ New initiatives under the Agenda that build on the engagement of the EU and its member states with countries of origin and transit include the **EU-Africa Migration and Mobility Dialogue**, the **Rabat and Khartoum processes**, as well as the **Valletta Summit and Action Plan** of 2015.

EU-Turkey Statement

The 2016 EU-Turkey Statement⁶² to end irregular migration flows from Turkey to the EU, ensure improved reception conditions for refugees in Turkey and open up organised, safe and legal channels to Europe for Syrian refugees⁶³ is arguably the centrepiece of Europe's engagement with third countries on migration, despite it not technically being a measure of the European Union as an institution, but rather an agreement undertaken by its member-states.⁶⁴ The EU Commission stated in May 2018 that the EU-Turkey Statement "remains of paramount importance in reducing irregular and dangerous crossings to the Greek islands...."⁶⁵ In 2018, the EU approved the second tranche of three billion euros to support Syrian refugees in Turkey through the Facility for Refugees in Turkey.⁶⁶

54 European Commission (2015) 'Managing migration better in all aspects: A European Agenda on Migration' Press Release. Available at: http://europa.eu/rapid/press-release_IP-15-4956_en.htm

55 Borton, J. & Collinson, S. (2017) 'Responses to Mixed Migration in Europe: Implications for the humanitarian sector' Overseas Development Institute. Available at: <https://odihpn.org/wp-content/uploads/2017/12/NP-81-web-file.pdf>

56 EU Commission (2018) 'Progress Report on the Implementation of the European Agenda on Migration'. Available at: https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/20180516_progress-report-european-agenda-migration_en.pdf

57 Ibid.

58 Ibid.

59 EU Commission (2018) 'Managing Migration: EU Financial Support to Italy' Available at: https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/20180615_managing-migration-eu-financial-support-to-italy_en.pdf

60 EU Commission (2018) 'Progress Report on the Implementation of the European Agenda on Migration' Available at: https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/20180615_managing-migration-eu-financial-support-to-italy_en.pdf

61 Collet, E. & Ahad, A. (2017) 'EU Migration Partnerships: A Work in Progress' Migration Policy Institute Europe. Available at: <https://www.migrationpolicy.org/research/eu-migration-partnerships-work-progress>

62 The impact of the EU-Turkey statement is explored in greater depth in 'Keeping track' in Section 1 of this review.

63 European Commission (2018) 'EU-Turkey Statement: Two years on' Available at: https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/20180314_eu-turkey-two-years-on_en.pdf

64 See: General Court of the European Union, Cases T-192/16, T-193/16 and T-257/16 NF, NG and NM v. European Council, Order of 28 February 2017 (available at: <http://bit.ly/2IWZPrr>) in Borton, J. Collinson, S. (2017) 'Responses to Mixed Migration in Europe: Implications for the humanitarian sector' Overseas Development Institute. Available at: <https://odihpn.org/wp-content/uploads/2017/12/NP-81-web-file.pdf>

65 EU Commission (2018) 'Progress Report on the Implementation of the European Agenda on Migration' Available at: https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/20180516_progress-report-european-agenda-migration_en.pdf

66 Ibid; see here for an up-to-date overview of the Facility: https://ec.europa.eu/neighbourhood-enlargement/news_corner/migration_en

EU Migration Partnership Framework

The EU's Migration Partnership Framework with third countries, introduced in June 2016, aims to leverage the wider diplomatic engagement of the EU with countries of origin and transit in order to reduce irregular arrivals in the EU and increase returns of irregular migrants to countries of origin.⁶⁷ The partnerships forged under this approach rely largely on conditional/transactional funding and policy negotiations between the EU and partner countries, with the EU discussing the use of “negative” policy incentives for non-cooperation with the EU's migration-related goals.⁶⁸ Since its inception, progress on the goals of the Partnership Framework with the five priority countries (Ethiopia, Mali, Niger, Nigeria and Senegal) has been limited, particularly around returns.⁶⁹ While the EU has had some success supporting the authorities in Niger to curtail transit migration, the lack of progress is largely due to a misalignment between the priorities of the EU and those of partner countries; a lack of sensitivity on the part of the EU to the broader needs and contexts of partner countries; and a strong focus on short-term goals, despite the rhetoric of “addressing root causes”.⁷⁰ The EU has consistently sought to broaden the scope of its activities with new countries of origin, including in 2017 through high level missions and the deployment of liaison officers to countries in West Africa, including Guinea, Côte d'Ivoire and the Gambia, and by supporting Egypt to manage and prevent irregular migration, trafficking in persons and smuggling of migrants.⁷¹

EU Emergency Trust Fund for Africa

Closely associated with the Migration Partnership Framework is the EU Emergency Trust Fund for Africa, announced at the Valetta Summit in 2015. As of May 2018, the Trust Fund had approved projects with a value of almost 2.6 billion euros, divided between the

three windows: Sahel/Lake Chad (1,293 million euros, 79 programmes); Horn of Africa (820.3 million euros, 50 programmes); and North of Africa (335 million euros, 14 programmes). In 2018, the EU announced that a significant funding gap was likely to occur throughout the year.⁷²

Actions on the Central Mediterranean route

2017 and 2018 saw some significant developments in the engagement of the EU and its member states with countries along the Central Mediterranean route. In January 2017, the Joint Communication on the Central Mediterranean Route focused closely on engaging with third countries, most importantly Libya,⁷³ but also Tunisia, Egypt and Algeria, as well as on improving the rates of return for irregular migrants and failed asylum seekers.⁷⁴

In July 2017, the EU Commission released an **Action Plan** on measures to support Italy, including by: reducing pressure on the Central Mediterranean route; stepping up implementation of EU migration policy with Italy; and making progress on negotiations on the Dublin proposal as a matter of urgency.⁷⁵ Measures to be taken under the plan included: drafting a code of conduct for NGOs involved in search and rescue activities; stepping up actions “to enhance the capacity of Libya to control borders,” including the southern border, with support from projects funded through the EU Trust Fund; stepping up actions in Mali and Niger to prevent movement north; stepping up implementation of the Partnership Framework “using both positive and negative leverages (...) including the use of visa leverage as appropriate” along with a strong focus on returns through assisted voluntary return from Libya and Niger; and expediting return procedures of rejected asylum applicants.⁷⁶ Following the extension of the mandate of EUNAVFOR

67 Collet, E. & Ahad, A. (2017) 'EU Migration Partnerships: A Work in Progress' Migration Policy Institute Europe. Available at: <https://www.migrationpolicy.org/research/eu-migration-partnerships-work-progress>

68 Ibid.

69 EU Commission (2017) 'Fifth Progress Report on the Partnership Framework with third countries under the European Agenda on Migration' Available at: https://eeas.europa.eu/headquarters/headquarters-homepage/31673/fifth-progress-report-partnership-framework-third-countries-under-european-agenda-migration_en

70 Collet, E. & Ahad, A. (2017) 'EU Migration Partnerships: A Work in Progress' Migration Policy Institute Europe. Available at: <https://www.migrationpolicy.org/research/eu-migration-partnerships-work-progress>

71 EU Commission (2017) 'Fifth Progress Report on the Partnership Framework with third countries under the European Agenda on Migration' Available at: https://eeas.europa.eu/headquarters/headquarters-homepage/31673/fifth-progress-report-partnership-framework-third-countries-under-european-agenda-migration_en

72 European Commission (2018) 'Progress Report on the Implementation of the European Agenda on Migration'. Available at: https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/20180516_progress-report-european-agenda-migration_en.pdf

73 For more details, see 'Keeping track' in Section 1 of this review.

74 European Commission (2017) 'Joint Communication to The European Parliament, The European Council and The Council Migration On The Central Mediterranean Route Managing Flows, Saving Lives'. Available at: <https://publications.europa.eu/en/publication-detail/-/publication/6e6590bb-e2fa-11e6-ad7c-01aa75ed71a1/language-en>

75 European Commission (2017) 'Action plan on measures to support Italy, reduce pressure along the Central Mediterranean route and increase solidarity.' Available at: https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/20170704_action_plan_on_the_central_mediterranean_route_en.pdf

76 Ibid.

MED's Operation Sophia in July 2017, it has continued to train the Libyan Coastguard and Navy.⁷⁷

European Council meeting

In June 2018, a widely anticipated European Council meeting called for further measures to reduce irregular migration. Coming in the context of a significant reduction in the number of irregular border crossings into the EU from a peak in October 2015, the Council's conclusions focused on reinforcing existing EU initiatives to strengthen external borders; work with countries of transit, including Libya, to prevent the arrival of migrants and refugees in the EU; and support the return of migrants.⁷⁸ Discussion on the reform of EU asylum rules continued to stall (despite five out of seven legislative proposals being close to finalisation) as a consensus on key reforms of the Dublin Regulation(s) was not reached, reflecting the deep divisions within the EU on the fair allocation of asylum applications among member states.⁷⁹ While two ostensibly new approaches were referenced in the conclusions — Disembarkation Platforms and “Controlled Centres” in the EU — details of their proposed functioning in practice remains unclear.⁸⁰

Americas

US executive orders and a presidential proclamation

In January 2017, soon after taking office, US President Donald Trump issued **Executive Order 13769** “Protecting the Nation from Foreign Terrorist Entry into the United States”. The executive order, which came into effect immediately and suspended entry into America for nationals from Iran, Libya, Somalia, Sudan, Syria and Yemen, faced significant legal challenges from the outset, resulting in its eventual suspension by the

courts.⁸¹ In March 2017, the president signed a new **executive order (13780)**, removing Iraq from the list of banned countries, delaying the implementation date of the previous executive order, and adding an exception for individuals with existing authorisation to arrive in the US.⁸² The courts also halted the second executive order before it came into effect, although in June 2017 the Supreme Court permitted its partial implementation.⁸³ In September 2017, President Trump issued a proclamation placing “certain restrictions, limitations, and exceptions” on the entry of nationals from Chad, Iran, Libya, North Korea, Syria, Venezuela, and Yemen, effectively restricting the entry of all immigration from all but one of these seven countries.⁸⁴ The courts again temporarily halted this third move, until in June 2018 the Supreme Court ruled that it was legal under the US Constitution and federal law. In April 2018, Chad was removed from the countries on the list.⁸⁵

US government ‘zero tolerance’ policy for illegal entry on the southwest border

In April 2018, the US government instituted a “zero tolerance” policy for illegal entry across the southwest border of the US, prompted by concerns over a rise in arrivals there in 2018 to levels seen prior to the anomalous dip that followed President Trump's election. Under the new policy, the US Justice Department was instructed to prosecute without exception everyone US Customs and Border Protection apprehended crossing the southwest border illegally. Consequently, adults apprehended at the border were transferred to the custody of US Marshals, tried in criminal courts, sent to federal jails or prisons to serve their sentences, and then handed back to US Immigration and Customs Enforcement (ICE) for removal from the country.⁸⁶ Given that children apprehended at the border could not be legally held in criminal detention facilities, they were inevitably separated from their parents and placed in separate shelters, before being put onto different legal tracks, making family reunification difficult after their parents' criminal proceedings.⁸⁷ The

77 European Commission (2018) 'Progress Report on the Implementation of the European Agenda on Migration'. Available at: https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/20180516_progress-report-european-agenda-migration_en.pdf

78 European Council (2018) 'European Council conclusions, 28 June 2018.' Available at: <http://www.consilium.europa.eu/en/press/press-releases/2018/06/29/20180628-euco-conclusions-final/>

79 Ibid.

80 IOM (2018) 'IOM-UNHCR Proposal to the European Union for a Regional Cooperative Arrangement Ensuring Predictable Disembarkation and Subsequent Processing of Persons Rescued at Sea' Press Release. Available at: <https://www.iom.int/news/iom-unhcr-proposal-european-union-regional-cooperative-arrangement-ensuring-predictable>

81 Pierce, S., Bolter, J. & Selee, A. (2018) 'U.S. Immigration Policy Under Trump: Deep Changes and Lasting Impacts' Migration Policy Institute; Washington. Available at: <https://www.migrationpolicy.org/research/us-immigration-policy-trump-deep-changes-impacts>

82 Ibid.

83 Ibid.

84 Presidential Proclamation available at: <https://www.whitehouse.gov/presidential-actions/presidential-proclamation-enhancing-vetting-capabilities-processes-detecting-attempted-entry-united-states-terrorists-public-safety-threats/>

85 US Department of Homeland Security (2017) 'Fact Sheet on the President's Proclamation' available at: <https://www.dhs.gov/news/2017/09/24/fact-sheet-president-s-proclamation-enhancing-vetting-capabilities-and-processes>

86 Chishti, M., & Bolter, J (2018) 'Family Separation and 'Zero-Tolerance' Policies Rolled Out to Stem Unwanted Migrants, But May Face Challenges' Migration Policy Institute. Available at: <https://www.migrationpolicy.org/article/family-separation-and-zero-tolerance-policies-rolled-out-stem-unwanted-migrants-may-face>

87 Ibid.

zero tolerance policy was partly intended to deter the increasing percentage of families from Central America among the irregular arrivals to the US since 2015. In June 2018, the separations were halted by a judge in a federal court in the Southern District of California, who ordered that the 2,500 separated children be reunited with their parents. While increased detention times for families has been raised by the government as an alternative deterrent to separation, the ICE family detention facilities only have the capacity to hold 2,700 people at a time, precluding the use of such detention as a deterrent.⁸⁸

US restrictions to asylum

A decision by the US attorney general in June 2018 effectively made it more difficult for asylum seekers fleeing private crimes (including domestic and gang violence) to claim asylum in the United States.⁸⁹ The ruling states that an “applicant seeking to establish persecution based on violent conduct of a private actor must show more than the government’s difficulty controlling private behaviour. The applicant must show that the government condoned the private actions or demonstrated an inability to protect the victims...” and that, generally, “claims by aliens pertaining to domestic violence or gang violence perpetrated by non-governmental actors will not qualify for asylum”.⁹⁰ The ruling primarily affects the increasing number of asylum seekers arriving from Central America in recent years seeking protection from extremely high rates of violence and insecurity.⁹¹

US rescissions of temporary protection

Created in 2014 in response to the rapid increase in the number of Central American children arriving in the US, the **Central American Minors Refugee and Parole Program** allowed parents from El Salvador, Guatemala or Honduras lawfully present in the US to request a resettlement interview for their children. Some 1,500

children and family members had arrived in the US under the scheme, but 2,700 children who had been conditionally approved to enter the US had their approval rescinded when the Trump Administration ended the program in August 2017.⁹²

The US secretary of homeland security may grant **Temporary Protected Status** (TPS) to nationals of a foreign country if conditions there (including armed conflict and environmental disasters) temporarily prevent them from returning safely. Under the terms of the TPS, beneficiaries are permitted to work, cannot be removed from the US, and may be granted temporary travel authorisation.⁹³ Renewals of such provisions are dependent upon the US government continuing to assign TPS to the country in question.⁹⁴ Since taking office in early 2017, the Trump administration has terminated the TPS designation for El Salvador, Haiti, Honduras, Nepal, Nicaragua and Sudan, affecting an estimated 310,000 people (98 percent of TPS beneficiaries) by January 2020.⁹⁵

The **Deferred Action for Childhood Arrivals** programme provides work authorisation and protection from deportation to some 700,000 individuals who arrived in illegally the US as children. In September 2017, the Trump administration announced its intention to rescind the program, meaning that all persons under the program would lose protection within two years.⁹⁶ Since this announcement, a series of court rulings and challenges has complicated the process and created significant uncertainty as to the future of the program.⁹⁷

US protection for migrants

The **US Disaster Relief and Emergency Assistance Act** has been in effect since February 2018.⁹⁸ The law provides for a range of benefits to be made available to those (regardless of immigration status) affected

88 Ibid. See also Pierce, S. Bolter, J. Selee, A. (2018) 'U.S. Immigration Policy Under Trump: Deep Changes and Lasting Impacts' Migration Policy Institute. Available at: <https://www.migrationpolicy.org/research/us-immigration-policy-trump-deep-changes>

89 Pierce, S. Bolter, J. Selee, A. (2018) 'U.S. Immigration Policy Under Trump: Deep Changes and Lasting Impacts' Migration Policy Institute; Washington. Available at: <https://www.migrationpolicy.org/research/us-immigration-policy-trump-deep-changes>

90 US Department of Justice (2018) 'Interim Decision #3929 Matter of A-B-, Respondent Decided by Attorney General June 11, 2018' Available at: <https://www.justice.gov/eoir/page/file/1070866/download>

91 Human Rights Watch (2018) 'Why Families Flee Central America to the United States'. Available at: <https://www.hrw.org/news/2018/06/25/why-families-flee-central-america-united-states>

92 Rosenberg, M. (2017) 'U.S. ends program for Central American minors fleeing violence'. Reuters. Available at: <https://www.reuters.com/article/us-usa-immigration-minors/u-s-ends-program-for-central-american-minors-fleeing-violence-idUSKCN1AW2OZ>; S. Bolter, J. & Selee, A. (2018) 'U.S. Immigration Policy Under Trump: Deep Changes and Lasting Impacts' Migration Policy Institute. Available at: <https://www.migrationpolicy.org/research/us-immigration-policy-trump-deep-changes>

93 US Citizen and Immigration Services 'Temporary Protected Status' Available at: <https://www.uscis.gov/humanitarian/temporary-protected-status>

94 S. Bolter, J. & Selee, A. (2018) 'U.S. Immigration Policy Under Trump: Deep Changes and Lasting Impacts' Migration Policy Institute. Available at: <https://www.migrationpolicy.org/research/us-immigration-policy-trump-deep-changes-impacts>

95 Ibid.

96 US Department of Justice (2017) 'Attorney General Sessions Delivers Remarks on DACA' Available at: <https://www.justice.gov/opa/speech/attorney-general-sessions-delivers-remarks-daca>

97 S. Bolter, J. & Selee, A. (2018) 'U.S. Immigration Policy Under Trump: Deep Changes and Lasting Impacts' Migration Policy Institute. Available at: <https://www.migrationpolicy.org/research/us-immigration-policy-trump-deep-changes>

98 US Department of Homeland Security (2018) – 'Robert T. Stafford Disaster Relief and Emergency Assistance Act, Public Law 93-288 as amended, 42 U.S.C. 5121 et seq., and Related Authorities (2018)' Available at: <https://www.fema.gov/media-library/assets/documents/15271>

by disaster, including unemployment assistance, emergency grants to assist low-income migrants and seasonal farmworkers, food commodities, relocation assistance, and legal services. Under section 408 of the act, federal assistance may be provided to individuals and households who are displaced as a result of damage caused by a major disaster.

Policy responses to the Venezuela situation in Latin America

Despite ongoing efforts, a coordinated regional response to the unprecedented outflow of Venezuelans into neighbouring countries has not yet materialized. Instead, governments have adopted a range of individual policy responses.⁹⁹ In March 2018, UNHCR applauded countries in Latin America for having introduced alternative care arrangements, including visa and temporary residence permits guaranteeing Venezuelan nationals access to basic rights including health care, education and employment.¹⁰⁰ Brazil, Colombia, Chile and Peru have created special legal arrangements for Venezuelans, while Argentina and Uruguay have arrangements in place allowing Venezuelans to apply for legal residence under the **Mercosur Residency Agreement**. In Ecuador, Venezuelans can access legal residency through the **UNASUR visa scheme**.¹⁰¹ Although problems accessing these visa policies have been highlighted, as of 31 August, 2018, UNHCR estimated that 727,865 Venezuelans were living under “other forms of legal stay”,

many of them (262,535) in Colombia.¹⁰² In July 2018, the **Colombian government adopted Decree Number 1288**, regularizing under a Special Permit of Permanence (PEP) some 440,000 registered Venezuelans who had entered Colombia regularly but who were subsequently residing in an irregular situation.¹⁰³

Amid a continuing large-scale flow of people out of Venezuela, and in the absence of a regional response, in 2018 there were signs that countries in the region were beginning to restrict Venezuelans' ability to access legal protection in third countries.¹⁰⁴ In February, Colombia announced an expansion of its border control efforts, with stricter migratory controls on its border with Venezuela, and a suspension of new daily entry cards for Venezuelans.¹⁰⁵ **Brazil also declared a state of emergency** and deployed troops to border areas adjacent to Venezuela. In early August, Brazilian authorities temporarily closed part of the border with Venezuela, citing a lack of resources to respond to the influx into northern Brazil. The closure was however overturned shortly afterwards by the Brazilian Supreme Court.¹⁰⁶ In August, Ecuador and Peru enacted new measures requiring Venezuelans to present valid passports in order to enter their countries, so as to decrease the number of people eligible to cross their borders.¹⁰⁷ However, in September, in recognition of the difficulties in obtaining or renewing passports in Venezuela, representatives from 11 Latin American governments signed a joint declaration to allow Venezuelans to enter their countries with expired travel documents.¹⁰⁸

99 Human Rights Watch (2018) 'The Venezuelan Exodus: The Need for a Regional Response to an Unprecedented Migration Crisis' Available at: <https://www.hrw.org/report/2018/09/03/venezuelan-exodus/need-regional-response-unprecedented-migration-crisis>; See also Huang, C. & Gough, K. (2018) 'The Venezuelan Migrants Crisis: Forging a Model for Regional Response' Centre for Global Development. Available at: <https://www.cgdev.org/sites/default/files/venezuelan-migrant-crisis-forging-model-regional-response.pdf>

100 UNHCR (2018) 'As Venezuelans flee throughout Latin America, UNHCR issues new protection guidance' Available at: <http://www.unhcr.org/news/briefing/2018/3/5aa793c14/venezuelans-flee-throughout-latin-america-unhcr-issues-new-protection-guidance.html>

101 Brenner, Y. & Frouws B. (2018) 'Forced to leave: Comparing Destination Options of Venezuelans and Syrians' Mixed Migration Centre. Available at: <http://www.mixedmigration.org/articles/forced-to-leave-comparing-destination-options-of-venezuelans-and-syrians/>; see also; Freier, L. & Parent, N (2018) 'A South American Migration Crisis: Venezuelan Outflows Test Neighbors' Hospitality' Migration Policy Institute. Available at: <https://www.migrationpolicy.org/article/south-american-migration-crisis-venezuelan-outflows-test-neighbors-hospitality>; Freier, L. (2018) 'Understanding the Venezuelan Displacement Crisis' E-International Relations. Available at: <https://www.e-ir.info/2018/06/28/understanding-the-venezuelan-displacement-crisis/>

102 UNHCR 'Operational Portal – Refugee Situations' Available at: <https://data2.unhcr.org/en/situations/vensit>.

103 UNHCR (2018) 'The United Nations in Colombia welcomes the measure adopted by the Colombian Government to regularize the situation of more than 442,000 Venezuelans' Press Release. Available at: <http://www.acnur.org/noticias/press/2018/8/5b647b194/el-sistema-de-las-naciones-unidas-en-colombia-saluda-la-medida-adoptada.html>

104 Brenner, Y. & Frouws B. (2018) 'Forced to leave: Comparing Destination Options of Venezuelans and Syrians' Mixed Migration Centre. Available at: <http://www.mixedmigration.org/articles/forced-to-leave-comparing-destination-options-of-venezuelans-and-syrians/>

105 Polanco, A. & Boadle, A (2018) 'Colombia, Brazil tighten borders as Venezuelan crisis deepens' Reuters. Available at: <https://www.reuters.com/article/us-venezuela-colombia/brazil-tighten-borders-as-venezuelan-crisis-deepens-idUSKBN1FS2VW?il=0>

106 USAID (2018) 'Venezuela Regional Crisis: Fact Sheet #4' Available at: https://www.usaid.gov/sites/default/files/documents/1866/venezuela_cr_fs04_08-10-2018.pdf

107 USAID (2018) 'Venezuela Regional Crisis: Fact Sheet #5' available at <https://reliefweb.int/sites/reliefweb.int/files/resources/09.11.18%20-%20USG%20Venezuela%20Regional%20Crisis%20Fact%20Sheet%20%235.pdf>; see also Brenner, Y. & Frouws B. (2018) 'Forced to leave: Comparing Destination Options of Venezuelans and Syrians' Mixed Migration Centre. Available at: <http://www.mixedmigration.org/articles/forced-to-leave-comparing-destination-options-of-venezuelans-and-syrians/>

108 Ibid.

Middle East

Regularization of urban Syrian refugees in Jordan

In early March 2018, the Ministry of Interior in Jordan, in association with UNHCR, began a program to regularize the status of Syrian refugees living in urban areas without permits. Within Jordan, Syrian refugees need government permission to leave the refugee camps and live in towns or cities. Without such permission, they face arrest and transportation back to the camps. The regularization will allow Syrian refugees living in urban areas who left the camps without permission before July 2017 to register as refugees with UNHCR and then regularize their status with the Jordanian police. Up to 50,000 Syrian refugees could benefit.¹⁰⁹ Within a few weeks of the programme's start, 22,000 refugees had signed up.¹¹⁰

Deportations from Saudi Arabia

In March 2017, Saudi Arabia announced the launch of the A Nation Without Violations campaign, which gave irregular migrant workers 90 days to regularize their status or to leave the country without penalties. Those who failed to abide by the deadline risked arrest and deportation.¹¹¹ Since the amnesty period expired, Saudi Arabia has been conducting raids and inspecting work sites across the kingdom,¹¹² and, as of January 2018 had detained some 455,900 persons, including many women, with 104,488 deported, 74,180 awaiting deportation and some 78,000 handed instant fines but not detained.¹¹³

According to media reports, in the first three months of 2018, Saudi Arabia deported 17,000 Yemeni refugees back to Yemen, raising fears for the 700,000 Yemeni workers in Saudi Arabia.¹¹⁴

Temporary legal status for Syrian refugee children in Lebanon

In March 2018, Lebanon's General Security Agency issued a regulation allowing Syrian refugee children without a Syrian passport or national identity card to obtain temporary residency on presentation of their Syrian individual status record.¹¹⁵ The regulation applies to those who have reached the ages of 15 to 18 since entering Lebanon, and whose individual status records are no more than two years old. It will make it easier for such children to attend school and to gain access to other services and to enjoy greater freedom of movement.¹¹⁶

109 Human Rights Watch (2018) 'Jordan, Step Forward, Step Back for Urban Refugees' Available at: <https://www.hrw.org/news/2018/03/25/jordan-step-forward-step-back-urban-refugees>

110 Ibid.

111 Brenner, Y. & Frouws B. (2018) 'Forced to leave: Comparing Destination Options of Venezuelans and Syrians' Mixed Migration Centre. Available at: <http://www.mixedmigration.org/articles/forced-to-leave-comparing-destination-options-of-venezuelans-and-syrians/>

112 Sadek, G. (2018) 'Saudi Arabia: Authorities Launch New 'Nation without Violators' Campaign Targeting Illegal Foreign Workers' Global Legal Monitor: Library of Congress. Available at: <http://www.loc.gov/law/foreign-news/article/saudi-arabia-authorities-launch-new-nation-without-violators-campaign-targeting-illegal-foreign-workers/>

113 Global Detention Project & Migrant-Rights.org (2018) 'Joint Submission to the UN Committee on the Elimination of Discrimination against Women (CEDAW) 69th session on Saudi Arabia.' Available at: https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/SAU/INT_CEDAW_NGO_SAU_30032_E.pdf

114 Nenehay, S. (2018) 'U.N. urges Saudi Arabia not to deport Yemeni migration to war zone' Reuters; Frouws, B. (2017) 'Mass deportations looming: Saudi Arabia gears up to expel millions of migrants... Again.' Mixed Migration Centre East Africa and Yemen

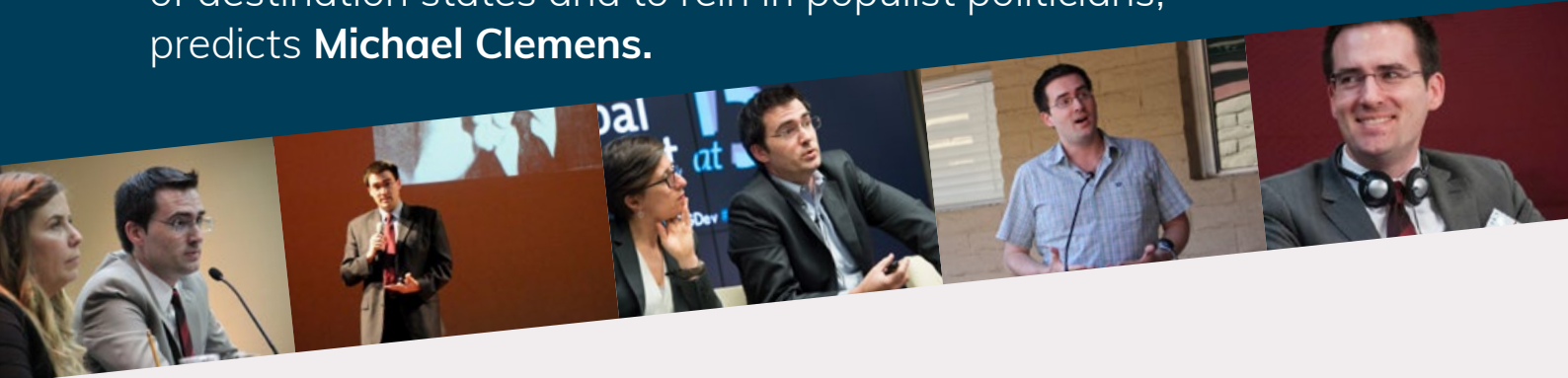
115 Human Rights Watch (2018) 'Lebanon: Positive Step for Refugee Children' Press Release. Available at: <https://www.hrw.org/news/2018/04/17/lebanon-positive-step-refugee-children>

116 Human Rights Watch (2018) 'Lebanon: Positive Step for Refugee Children' Press Release. Available at: <https://www.hrw.org/news/2018/04/17/lebanon-positive-step-refugee-children>; Mixed Migration Centre (2018) 'Monthly Trend Analysis: Middle East and Eastern Mediterranean, April 2018'. Available at: <http://www.mixedmigration.org/wp-content/uploads/2018/08/ms-me-1804.pdf>;

Interview

More to come, more to do

As developing countries get richer, migration flows will increase, making it all the more important to understand the valid concerns of destination states and to rein in populist politicians, predicts **Michael Clemens**.



Michael Clemens is an American development economist. He is a senior fellow at the Center for Global Development (CGD), a Washington D.C.-based think tank, where he co-directs its work on migration, displacement, and humanitarian policy.

It has been said that “migration is the unfinished business of capitalism”. Do you think that the capitalist system can survive as we know it if migration is restricted? Will it become distorted and uneven?

The experience of history is that forms of capitalism and globalisation have not come close to substituting for migration in the way that many people predicted, and particularly during recent years where we saw a significant global expansion of capitalism. This should offer us a great deal of scepticism that other forms of economic linkages between, for example, sub-Saharan Africa and the rest of the world, will reduce migration in our lifetimes.

“ Migration is critical to forming networks of international trade and investment and technology transfer. ”

If legal migration continues to be restricted and irregular migration restrained, will the world just miss opportunities migration offers or will it be worse, perhaps a more dangerous, unstable world?

Absolutely, it will be a tremendously poorer world and not at all just for the people who thereby cannot move. Economists have shown that migration is critical to forming networks of international trade and investment and technology transfer.

You have talked about “unlocking the power of human mobility”, but recently the reaction to human mobility and prospect of more human mobility seems to have unlocked forces that run counter to the liberal values which the global north claims to champion. What’s going on?

Yes. What’s clear from history is that liberal values apply to different groups at different times. The same person who may be very concerned about social welfare for the most vulnerable people in Denmark, for example, may in the same breath advocate draconian measures to prevent people from coming to Denmark.

It’s not so much that people do not have liberal values but that they apply them to particular circles and what’s particularly noticeable over longer periods of time is how much those circles have moved tremendously and could move in the future. When people cross those lines, certain forces can be unleashed, like the bi-partisan nationwide movement to exclude several generations of Chinese in the United States, in practice from 1882

through 1965. You could say that this was something latent in the population that was unleashed by migration and therefore the responsibility of "migration" but retrospectively, now that the United States is full of Chinese Americans making all sorts of positive economic, social, cultural and other contributions, we can see this was not the case.

How do you explain the forces that oppose migration and even refugees?

To have pragmatic concerns about maintaining one's culture, to be xenophobic, and to be racist are three entirely different things. There are some people for whom these overlap and there are some large numbers of people for whom they do not overlap at all. There are lots of people with simple pragmatic concerns about the labour market, about cultural change, about fiscal drain and so forth. These are factual questions. And, yes, with the issue of Syrian refugees coming to the US, for example, there are large numbers of people who express opposition to that, not out of some inherent feeling of superiority over a Syrian Muslim, but out of a fear of the pragmatic consequences of their coming. Additionally, they may have confidence in the ability of other measures to guarantee security and prosperity for those people without their coming to the US.

But what I do know is that historically there is a tendency across many countries to drastically overestimate our ability to spread prosperity amongst the poorest and most vulnerable people of the world in the places where they are. At the same we have a tendency to vastly over-estimate the effects of immigrants on culture, fiscal institutions, labour markets and other aspects in destination countries. Many politicians have made their careers in the past by massively overstating the threat and had a strong incentive to inflame these kind of fears – and the same is happening today.

“ To have pragmatic concerns about maintaining one's culture, to be xenophobic, and to be racist are three entirely different things. ”

I want to be clear that those voters who oppose migration are absolutely not necessarily racist people or people acting in a racist way. They have concerns but often their concerns may be exaggerated or be taken advantage of by ambitious politicians subtly or indirectly promoting racist ideas who can have spectacularly successful careers. It's tremendously easy now for leaders to invoke cultural fear based on nothing, based on no fact, based on hypothetical scenarios, and massively convince people that migrants are this threat. We are living through a bizarre and dark period and I don't see it getting any better soon.

Do you feel the pressures on the world today such as demographic changes, high levels of displacement, environmental stress, regional inequality and even ideological divides, point to a context that is significantly different from past migration contexts?

The current situation is clearly more politically explosive due to the ideas that are commonly accepted and policies that have widespread support. What I don't see is an objective basis of the large differences. Take the example of the Hungarian revolution of 1956, where suddenly 180,000 Hungarian refugees poured into Austria in the space of a few month. That was three percent of the Austrian population and a country that was still recovering from war and much weaker than the Austria of today. This is a larger burden than that which arrived in Germany in 2015.

“ At the same we have a tendency to vastly over-estimate the effects of immigrants on culture, fiscal institutions, labour markets and other aspects in destination countries. ”

In Austria at that time a decision was made not to demonise the Hungarian refugees – of whom many were Jews and Communists – as a threat to Austrian culture or source of violence, even violent revolution: not to place them in a large camp, and not to force them to return but, instead, the decision was to immediately resettle them amongst a wide coalition of western nations. So, the children of those refugees did not waste away un-integrated and vilified in a refugee camp. The point is they could have made it a disaster, but they decided not to, so what's different between then and now is the difference in "ideas", not volume of people.

Migration transition theory suggests that as countries get richer, higher numbers of people will desire and have the capacity to migrate. What's your view on this?

People are certainly going to move in larger numbers as people in poorer parts of the world, particularly in parts of Africa, get richer. There is almost no country over the past half century that has sustainably economically developed without an increase in migration. They are going to go somewhere, and militarisation of borders and anti-migrant policies can shape where they can go, but that more of them are going to leave is almost unquestionable, unless some drastic change between migration and development occurs in the future. The turning point is far off; the poorest fifth of the world's countries will take over two centuries to get to that point, so it's not going to come in our lifetime.

In a Dutch newspaper earlier this year, you mentioned there will be 800 million new young Africans entering the labour market in the next 30 years. You speak about increased regular labour migration, skills matching, etc. but with these kind of demographic projections, isn't demand always going to outstrip supply?

Certainly. World Bank research suggests that only a quarter of those 800 million new sub-Saharan workers will find work in their country of origin. Three quarters will be in subsistence agriculture or informal urban work. So it's absolutely clear that many millions will attempt to move somewhere. The only question for those people is where they will move, and whether they will move on regular or irregular terms. Knowing this, Europe has the chance now to handle much better than the US did in the 1980s, pursuing a policy focused almost entirely on enforcement rather than management of migration. In that setting, the result was large waves of irregular Mexican workers entering the US economy – even though the economy needed them – and causing conditions that almost certainly led to the political outcomes and conflicts we see today.

“It's tremendously easy now for leaders to invoke cultural fear based on nothing and massively convince people that migrants are this threat.”

Europe could pursue a different path, recognizing the absolutely inevitable large supply of potential migrants by complementing its enforcement efforts with other policies to manage and shape migration. Two critical ingredients are actively investing in migrants' skills prior to migration, so that those who come to Europe arrive with the skills to integrate quickly and contribute quickly, and actively fostering new migration destinations within the African region.

Is artificial intelligence and automation the unquantifiable elephant in the room in the economic development debate? How might this impact the aspirations of future migrants seeking overseas employment?

It's very clear that some of the key jobs that some of the migrants have always done are going to be drastically reduced, the most obvious area concerns commercial driving – taxis and trucks. These are things that human beings may no longer do in the foreseeable future and they are filled with immigrants. That particular technological change will doubtless be a major negative shock to those labour markets.

But the same shocks that affect some markets may well open new opportunities in others. It hard to

draw conclusion around this at this stage. It is also clear that even as technological change reduces the demand for some types of migration, it could increase migration pressure by raising the supply of some kinds of migrants. For example, when richer countries have machines that make more of their clothing, this will reduce the number of jobs in developing countries to make clothing for export, and thus job opportunities in migrant-origin countries.

With respect to the global compacts on migration and refugees, is it correct to say there is a major divide between the aspirations of the draft texts of the compacts and the current and future policy reality?

It's both correct and incorrect. It is incorrect in so far that the final text will not have large calls for large new migration; it's certainly not feasible that destination countries get together and promise additional slots for migration. No, it is a compact for safe, orderly and regular migration. That can be very small or very large numbers. The worldwide movement to restrict the number of migrants both regular and irregular is by no means in conflict with that objective.

At the same time, it's correct in that many of the things that signatories will be committing to do, like providing technical skills to migrants in the Global Skills Partnership, could be seen as facilitating migration. I would argue that they shape migration in positive ways and could happen at low levels of migration and high levels of migration but obviously the public perception is that it could encourage more migration and that is radically at odds with the political environment. The magnitude of the migration challenge, however, means that there is no practical alternative to policies that shape migration in positive ways, to some degree. So this disconnect between reality and the “policy environment” cannot endure indefinitely.

“We are living through a bizarre and dark period and I don't see it getting any better soon.”

According to UNHCR, the asylum space for refugees and asylum seekers is at an all-time low. Are they being penalised because they are part of irregular mixed flows or is there something else going on?

Absolutely. The current systems of asylum claims and other forms of survival migration are so far over-matched by circumstance that something needs to rise from the ashes to replace them. So far, it is entirely unclear what will come to replace them but also quite clear the compacts on migration and forced migration

have very little prospect of building the tremendous overhaul that's needed.

Just from the US perspective, I observe how the arbitrariness of the asylum system for refugees from one president to the next, has de facto dismantled the refugee resettlement system and de facto eliminated Syrian refugees from the inflow. Separately, and long before the current US administration, the acceptance rates for asylum claims that come before US judges vary between roughly five percent and 95 percent depending on which judge the cases are randomly assigned to. So it has become an arbitrary system that has too little systematic or factual basis.

More generally, the current system and legal framework is also inadequate to address the mixed nature of the flows in that an individual may be seeking asylum on the basis of a number of mixed drivers or circumstances that all are relevant to their case. And this will become more apparent as survival migration gets bigger.

Is irregular and smuggler-dominated mixed migration disproportionately influencing politics and having a detrimental impact on our understanding and reaction to the bigger issue of international migration?

Yes, 100 percent. The current US administration, for example, campaigned on and doubled down on inflammatory and baseless statements about irregular migrants. In the midst of that, this [current] administration proposes cutting legal migration by half. That proposal certainly enjoys more support due to the administration's systematic campaign to create fear of irregular migrants but affects a group of people that has nothing to do with irregular migrants. Ironically, the policy of decimating regular migration channels is very likely to exacerbate irregular migration.

Photo credit: Samuel Aranda / Panos (2015)

Gevgelija, Macedonia. Refugees board a train bound for Serbia at the Greek-Macedonian border, near the village of Gevgelija. From Greece, most refugees and migrants in mixed flows made their way through the Balkans to the Hungarian and Croatian borders and from there, onwards to Austria and Germany where most claimed asylum, many successfully.



The free market paradox

Is migration capitalism's unfinished business?

After decades of steady, technology-enhanced globalisation, it is still far easier to move money and goods than people. A new quantitative assessment by the European Commission of the structural factors that shape migration finds that while global trade and GDP continues to rise year by year, migration remains stable at between 3 and 3.4 percent of the global population.¹ So, is migration, the globalisation of mobility, the unfinished business of capitalism?

Supply and demand

Mixed migration flows comprise refugees as well as migrants seeking better lives, opportunities, and jobs in destination countries. Labour migration, in particular when irregular, is therefore part of the mixed migration phenomenon. Clearly, when legal migration is restricted, unmet demand for labour in destination countries and excess labour supply in origin countries are among the factors that cause people to join mixed migration flows.

International migrants, whether arriving regularly or irregularly, generally seek and find work in their destination countries, in both formal and informal sectors. Yet in spite of the obvious connections between migration and capitalism, the relationship between the two lacks conceptual and practical clarity.

Capitalism — in which private ownership and decisions about investment and the use of goods prevail over public ownership — is neither a finished project nor without its flaws and pitfalls. Capitalism has been the defining mode of production characterising the twentieth and twenty-first centuries' forward march of globalization. The global push towards more liberal trade policies, coupled with the spread of technology and culture through globalization's lowering of barriers, makes the world smaller. Migration

as a global phenomenon is both a consequence and a driver of globalization and the associated turbulence in world politics.² The challenges posed by migration are among many of capitalism's outcomes that lead some to wonder whether the system is sustainable in the long term.

Missing out on \$78tn?

For some, "migration is capitalism's unfinished business".³ Put simply, this means that if capitalism is to work fully, migration must be allowed to occur freely; therefore it eventually *will*, as long as capitalism remains the way in which the world does business. Others see migration rather as a form of resistance to the inequalities and exploitative tendencies inherent in global capitalism.⁴ Conceptually, capitalism exalts free trade and has pulled down international barriers in many areas, allowing goods and money to flow relatively unhindered between most nations.⁵ Regional free trade areas, or customs unions, foremost among them the European Union, deliver freedom of movement for goods, capital, services and labour.

Labour can abstractly be thought of as a mobile factor of production, and its movement might be optimal for capitalism to operate to its fullest extent, creating a perfect match between labour supply and demand on a global scale in the most efficient way. As suggested in *The Economist*, a world of free movement would be \$78 trillion richer. Workers become much more productive when they move from a poor country to a rich one where they can join a labour market with ample capital, efficient companies, and a predictable legal system.⁶ "Labour is the world's most valuable commodity — yet because of strict immigration regulation, most of it goes to waste."⁷

1 Migali, S., et al. (2018) 'International Migration Drivers' European Commission Joint Research Centre. Available at: http://publications.jrc.ec.europa.eu/repository/bitstream/JRC112622/imd_report_final_online.pdf

2 Papastergiadis, N. (2018) 'The Turbulence of Migration: Globalization, Deterritorialization and Hybridity' Wiley and Sons.

3 Melamed, C. (2015) 'Migration is capitalism's unfinished business: it cannot and should not be stopped' Overseas Development Institute. Available at: <https://www.odi.org/comment/9538-migration-capitalism-s-unfinished-business-it-cannot-and-should-not-be-stopped>

4 Lopez, E. (2017) 'Migration as Resistance to Global Capitalism: From Cause to Action in the Migration of Central American Children to the United States, Summer 2014' in Perspectives on Global Development and Technology, Brill, Vol 16 Issues 1-3, 2017, pp34-59

5 Delgado Wise, R. (2017) 'Capitalism, Migration and Development' Autonomous University of Zacatecas. Available at: https://www.researchgate.net/publication/312312510_Capitalism_Migration_and_Development

6 The Economist (2017) 'A world of free movement would be \$78 trillion richer' Available at: <https://www.economist.com/the-world-if-/2017/07/13/a-world-of-free-movement-would-be-78-trillion-richer>.

7 Caplan, B. & Vipul Naik, V. (2015) 'A radical case for open borders' in Powel, B. (2015) 'The economics of immigration: market-based approaches, social science, and public policy' Oxford University Press. Available at: <https://www.econbiz.de/Record/a-radical-case-for-open-borders-caplan-bryan-douglas/10011377354>

Heavy footprints

In reality, open borders are a political non-starter and hardly any politician would argue for them. Some people fear open borders mean their countries would see the arrival of unmanageable numbers of foreigners, which may threaten the system that made their country worthwhile moving to in the first place.⁸ Migrant labourers have social, cultural and political footprints that inevitably make their mobility more than just an economic matter. As such, the freedom of movement for labour is the most complicated of the EU's sacrosanct four freedoms. The motives for migration might be an element in capitalist economics — as argued above — but the consequences of human mobility go beyond the logic and rationality of economic theory and have always generated significant public debate.

In principle, capitalists should be able to freely choose between *all* potential workers, considering all the advantages and disadvantages of nationals and foreigners. Companies move production to where the cheaper workforce is available or, in cases where the nature of the business makes relocation impossible or undesirable, they seek cheaper workers to come to the production site. Recognising this, most states have immigration programmes for high-skilled migrants. For example, Apple and Google need tech engineers, so the US has H1B visas; the EU needs engineers and scientists, so the Blue Card is developed; the UK needs doctors, so the Tier 2 visa is deployed.

Wanted: seats at the table

Nonetheless, it is governments that develop policy. Dialogue with the private sector is often problematic when, politically, migration is so controversial.⁹ Moreover, while categories for skilled immigration are developed to respond to professional shortages, those who need fruit pickers, gardeners, road builders, nannies and other less skilled workers are generally less successful in having migration policy adapted to their needs.¹⁰ There might be seasonal work visas, but generally there are restrictions and concerns about overstaying or other legal issues. Yet there is work available, and refugees and migrants in mixed migration flows know that informal employment opportunities do exist, and, with the help of smugglers, they will try to access them. At times when

political expediency leads governments to decide that immigration is less palatable, even the highly skilled, whose professional capabilities are needed, might find they are turned away.¹¹

The *International Migration Drivers* report of September 2018, reaffirms that the economic context of destination countries, i.e. the availability of jobs there, has a positive relationship with mobility of workers from lower- and middle-income countries.¹² Academics have long identified fluctuations in both legal and illegal immigration as being closely associated with the business cycle in receiving countries. If the demand for migrant labour is not met by supply in the form of regular migration channels, migration will not stop, but migrants will come irregularly. Only sustained economic recessions tend to significantly curb immigration. In other words: the only way to really reduce immigration is to 'wreck' the economy.¹³

Brexit as backlash

As they navigate the political tensions between labour demand and migration, governments often turn a blind eye to the presence of large numbers of irregular migrant workers. Even where governments have agreed freedom of movement, as in the EU's Schengen Area, preconceptions about the reasons for mobility, as well as its associated rules and benefits, can generate unrest within the national population, and, by extension, political backlash. Brexit is a good example of this, as is the rise in populism and growth of right-wing anti-migration parties throughout Europe in recent years, and especially since the surge of irregular arrivals of both refugees and migrants since late 2014.

Migrants who arrive irregularly often take on some of the more strenuous, menial, and low-paid jobs which most native workers avoid, but which are essential to certain sectors in any economy.

Spirals of distrust

Short on other options, many irregular migrants hoping to participate in capitalist economies end up joining refugees in applying for asylum. When so many asylum seekers come from non-refugee producing countries — or countries not in conflict — and when so many are subsequently rejected, the spiral of distrust and disquiet

8 The Economist (2017) 'A world of free movement would be \$78 trillion richer' Available at: <https://www.economist.com/the-world-if-/2017/07/13/a-world-of-free-movement-would-be-78-trillion-richer>.

9 World Economic Forum (2013) 'The Business Case for Migration' Available at: http://www3.weforum.org/docs/GAC/2013/WEF_GAC_Migration_BusinessCase_Report_2013.pdf

10 See, for example, Frank, M. (2017) 'Can America's Farms Survive the Threat of Deportations?' The Atlantic. Available at: <https://www.theatlantic.com/business/archive/2017/06/can-americas-farms-survive-the-threat-of-deportations/529008/>

11 Siddique, S. (2018) 'Thousands of UK visa applications by doctors refused, figures show' The Guardian. Available at: <https://www.theguardian.com/uk-news/2018/jun/12/uk-visa-applications-doctors-thousands-refused-figures-show-nhs>

12 European Commission (2018) 'International Migration Drivers' Available at: https://ec.europa.eu/europeaid/news-and-events/international-migration-drivers_en

13 De Haas, H. (2011). 'The only way to reduce immigration is to wreck the economy' Blog post. Available at: <http://heindehaas.blogspot.com/2011/11/only-way-to-reduce-immigration-is-to.html>.

often grows in destination countries. (“Are they really who they say they are?”) Migrants may find no escape from this spiral: if they come only to seek asylum and have no clear interest in working, they risk being labelled as “welfare profiteers.” But if they aspire not only to a safer life but also to work, and thereby contribute to the economy of the country that offers them protection, then their sincerity as asylum seekers is called into question. All of this has deep political and social consequences extending well beyond the bounds of an efficiently operating economic system.

Given the conceptual and practical relationships between capitalism and migration, will capitalism succeed in finishing its business? Will governments loosen immigration controls so that workers can go to where the jobs are, and then freely share their gains, through remittances, with family and communities in countries of origin? For capitalism to really work as a global economic system, its proponents would be expected to be the loudest voices for removing barriers to migration and letting the market have its way. But are they?

Freedom has its limits

It turns out that in many countries the very right-wing parties that embrace capitalism, free markets, and the free flow of capital and goods, and which support multinational corporations, are often conservative when it comes to migration, or even strongly opposed to it. Conversely, political parties on the left of the political spectrum — such as social democrats — are usually “softer” on migration and migrants from a humanitarian or humanistic point of view and are more critical of capitalism and big business. At the same time, left-wing parties are also generally more concerned with the position of native workers and usually have close ties with trades unions. Those who might adopt a social-democratic political standpoint but question a capitalist economic approach might be concerned that the system, pulling poorer migrants from the periphery to the centre, is perpetuating the ‘oppression of the masses’.¹⁴

Access to national welfare systems for immigrants is an additional point of contention for many. Whether the welfare system is what actually attracts migrants — the so-called “welfare magnet” hypothesis — is unclear: a recent overview study concluded that the empirical literature does not provide a conclusive answer as to whether the hypothesis is valid.¹⁵

Left-right; right-left

The above further shows how migration really is the unfinished, or even undecided, business of capitalism. When it comes to movement of people, this does not easily fit into pro- versus anti-capitalism positions. More generally, as Katharina Natter and Hein de Haas have argued,¹⁶ it is clear there is no neat right-left divide on migration policy. They find that in the 1960s, it was mainly the political right, influenced by industry lobbies in need of migrant labour, who were in favour of guest-worker immigration to Western Europe. Left-wing parties were more critical and concerned about undermining the position of native workers. Supporters of economic market liberalism on the right favour immigration, while cultural conservatives on the right oppose it. Cosmopolitans and humanitarians on the left defend migrant rights, while economic protectionists on the left are more conservative about migration.

Any democratic state’s willingness to have a relatively open immigration policy is therefore constrained by political and popular opinion about the desirability of admitting newcomers to the state and to communities. Even if many studies show that immigration can be beneficial to society in various ways,¹⁷ some degree of fear of change or of the socio-cultural impact of migration, or in some cases plain xenophobia, seem to prevail.

The challenge ahead

Perhaps rather than being unfinished, capitalism as a project is inadequate or insufficient. Capitalist economies — alongside social-democratic politics and socially-oriented welfare programmes based on equality — are enjoyed by a country’s citizens, who are not always eager to share their benefits with newcomers, despite the strong humanitarian principles that are also present within most of these societies. This combination of systems, values, and different perspectives affects how to view and deal with mixed migration, including people seeking peace and safety as well as opportunities and a better life. The ongoing challenge will be to reconcile these cultural, social, economic and humanitarian interests, both of the societies in destination countries and of the people in mixed migration flows who move for a variety of reasons. So far, capitalism as an economic system has not yet been able to provide the answer.

14 See, for example: Collins, F. (2016) ‘Migration, the Urban Periphery and the Politics of Migrant Lives’ *Antipode*. Vol 48 No 5

15 Jakubiak, I. (2017) ‘Migration and Welfare Systems – State of the Art and Research Challenges’. *Central European Economic Journal*. Available at: <https://content.sciendo.com/view/journals/ceej/ahead-of-print/article-10.1515-ceed-2017-0004.xml>.

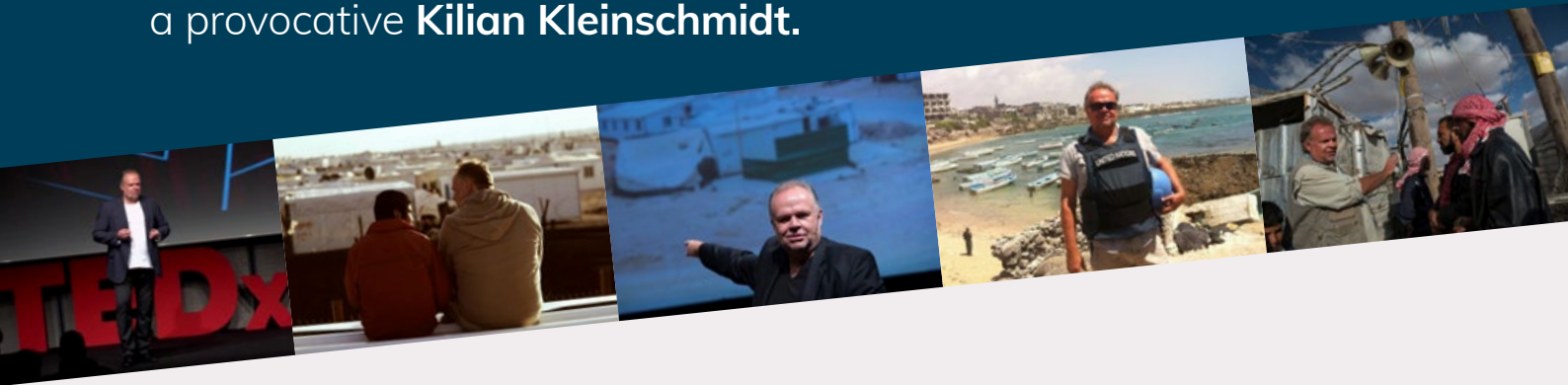
16 Katharina Natter, K. & Hein de Haas, H. (2018) ‘There’s No Hard Right–Soft Left Divide on Migration Policy’ *News Deeply*. Available at: <https://www.newsdeeply.com/refugees/community/2018/07/25/theres-no-hard-right-soft-left-divide-on-migration-policy>

17 See, for example: IMF (2016) ‘Migrants bring economic benefits for advanced economies’ *Blog post*. Available at: <https://blogs.imf.org/2016/10/24/migrants-bring-economic-benefits-for-advanced-economies/#more-15085>

Interview

In praise of ‘mixity’

We’d all be better off if people were free to move toward their best opportunities and to make the most of their abilities, argues a provocative **Kilian Kleinschmidt**.



Kilian Kleinschmidt is a German entrepreneur and former UNHCR official who served as the director of the Za’atari refugee camp in Jordan. After a 25-year career with the UN, he founded the aid consultancy organisation Switxboard: Innovation and Planning Agency. He has also served as an advisor on refugee and migration matters to the Austrian Ministry of the Interior, as the prime minister of Austria and the German minister for development. He has published three books, given numerous public lectures, including TED talks.

You often use the term “desperation migration”. Is this a rejection of, and a response to, the dichotomy of the formal definitions of “refugee” and “migrant”?

Absolutely. Firstly, if you look at the whole picture of migration, refugees are a minor part of it. People are on the move because where they are, where they used to be is not liveable anymore. A large number move without reason, according to the refugee definitions. So the legal term “refugees” for me is a sub-category of the whole debate, the whole narrative. So the question of who has an ethical and moral right to move remains unresolved in the public debate and I don’t think we are on track to resolve it. So we still give the moral right to refugees to move, but we don’t give the moral right to anyone else to move unless they are wealthy.

You frequently emphasise the role of technology and connectivity. This connectivity exposes people to other worlds, other opportunities, other possibilities. To what extent are people motivated by aspirations not strictly associated with “desperation”?

This is how the world has evolved, because people

always try to improve their conditions. Because people have the aspiration and have the energy to move on and attempt access what they consider to be a more advanced and progressive environment, and this has to be recognised. And this brings progress and change. We should be supporting it and we should be managing it. The more people can make choices the better! It’s not a question of being simply passive, but transformation of populations is something to be supported. It’s part of necessary change and evolution.

“ The question of who has an ethical and moral right to move remains unresolved in the public debate and I don’t think we are on track to resolve it. ”

The authors of “Refuge” suggest refugees are best served near their home countries. Some argue that this lets the wealthy countries off the hook. Did you agree with their analysis?

Of course it’s a very neo-colonial approach to the whole

thing saying the Africans should stay in Africa, the Asians should stay in Asia. Mixity is happening and must happen. Distance is becoming less relevant in our world. As for “best served”, well, I think we know that in the past, whether it’s the Greeks, the Irish, the Germans and Italians and so on, they moved throughout the world to where the opportunities were. No, I think the world is best served if people move to where opportunities are and use their capacities at full speed instead of being prevented. And that is of mutual interest.

You often talk about the responsibility of the wealthy and the rich countries of the global North to meet the needs and demands of refugees and desperate migrants. Don’t the countries of origin, where governance may be poor, or even predatory, bear some responsibility for displaced citizens as well?

Of course they also have responsibility, but the best way to get those responsible out of their job and to change those situations is connectivity. The growth of virtual communities and increased connectivity already greatly helps the developing world to leapfrog out of their negative situations and corrupt structures, which have mostly been built and strengthened through colonialism and post-colonial trade [as well as] military and aid relations. The more people are connected to different parts of the world, the more civil society is empowered through connectivity. Access to information is central to this. Of course, this is being heavily challenged as we speak by some examples of manipulation of social media, but this is where I join with others in saying there is nothing better than better connectivity to reach transparency and accountability. In a way it’s our hope, the last hope to get rid of corrupted systems and dysfunctional government everywhere.

“ There is nothing better than better connectivity to reach transparency and accountability.”

Evidence suggests that most of the deaths and violations of refugees and migrants are directly or indirectly linked to human smugglers themselves. Are smugglers just a symptom of a wider problem or is there some virtue in fighting human smugglers?

Many of these smuggling networks are extremely nasty, and of course it is deplorable, but smugglers are service providers, service providers in the sense that there is a demand. And the supply is the smuggler. If the supply were an airline or a ferry across the Mediterranean rather than a dinghy boat, that would be much better. But there are so few means and ways of migrating legally, so smugglers are filling a gap - they’re doing the job. If there was no demand they wouldn’t do that. Yes, lots of people are jumping into these opportunities and making this incredible money which we are all

complaining about, which is of course going into the wrong hands, but this is all evidence of how we are not managing the problem. Most European countries don’t have proper immigration and labour migration policies. Just look at the incredible labour demand in Europe, it creates an immense pull factor.

You have spoken often of the transformative, revolutionary role of the million refugee and migrant “heroes” who “voted with their feet” and came to Europe in 2015. Two years on, and with more restrictive borders, more controls, fences and externalisation, how would you assess the impact of that event?

Well, I remain an optimist and we are struggling against populist statements, right-wing violence and policies right now. For example, the efforts and millions paid to Niger, and other states for patrols in the desert in North Africa to prevent people moving, may have a short-term effect curbing numbers, but it’s simply not going to work and it’s putting more lives at risk. Current policies are failing and they will continue to fail and are an error in history, but what I’m worried about, to be honest, at the same time, is that the people and institutions who are most sympathetic to migrants, who want to see good management and who are against restrictions and border closures, haven’t really come up with a real robust counter-proposal and a narrative beyond the protection of the vulnerable.

“ Current policies are failing and they will continue to fail and are an error in history.”

Politically, we see a shift to the populist right in many places, with the immigration question being at the core of constituents’ choices at the ballot box. How do you maintain your optimism that the world is thinking differently about these issues?

Well, I’m continuing to argue that this is exactly what we needed to wake up. It’s OK that we now see what many people really think. Now we actually see the problem; before we were hiding it. This is why I call those million or more people who walked into Europe and those who died in the ocean “heroes”. Because of their arrival we see our own social deficit and our own weaknesses. Remember we are in Europe, which had an incredible reconstruction effort after the Second World War, with very innovative and successful social and financial inclusion programmes. That social model needed to integrate millions of displaced and refugees then and rebuild an economy that had in the [previous] decade been gradually dismantled, and nobody noticed that we [have now] lost the social model we were all so proud of. The arrival of one-and-a-half million people in such a short period helped us to discover that it had vanished and that we have become vulnerable. Suddenly, we

are seeing things, and even in the capitalist beautiful new world there is poverty and people are struggling. It has also exposed the weakness of the European project. Finally, it has showed us that aid doesn't work. The whole concept of humanitarian aid and development aid and so on doesn't work and that's why now "they" are coming to "us" and are no longer happy with underfunded charity. This is something I am emphasising as strongly as possible.

“ The whole concept of humanitarian and development aid doesn't work, and that's why now 'they' are coming to 'us' and are no longer happy with underfunded charity. ”

And what about borders and national sovereignty? Do you feel borders should be open and that movement should be unrestricted?

For many of us of course the borders are already open. Historically, there was this openness, but as these units became countries and even empires - some shrinking, some expanding over time - in the end it's clear that what really matters to all of us is our immediate environments, our communities. How a human being feels when they wake up each day: if there is energy, water, safety, etc. And who is providing that? It's not the nation state. It's increasingly your local community, structured through local administrations, that will decide how people are coming out of poverty or environmental stress. The nation state is somewhat becoming irrelevant.

From your perspective, what would the future look like if people really were free to move? Is it viable to manage?

There's roughly a billion people on the move as we speak, because that's the reality, if you take the refugees, the migrants, those moving from the country to the city, those in slums. Firstly we see and will see very few of them in Europe. So, to some extent Europe needs to see the problem not from their perspective but from the perspective of African states and how they will manage. We need to make sure that we move Africa from crisis to opportunity. There is a huge amount going on right now and much of it is being led by African states themselves. But more than anything people are going to the cities. Five million people move into cities every month. The critical thing to recognise is that people are already on the move.

Conversely, what vision would we face if borders remain as they are, or if international borders, especially blocs of borders, became yet more restrictive?

Well, if it was to continue it would create further great global differences. It would promote lots of tensions and contradictions and war eventually. Of course, locks and borders can exist but overall there needs to be fluidity. In the past, any castle was only able to survive by having the gates open. It needed to trade and exchange. As long as regions are very, very different, that cannot work. So the question is how can we best - that's "we" globally, collectively - how can we contribute building the capacity of the remaining parts of the world which need to move forward?

Your perspective is far more holistic and global, and your analysis of root causes of displacement suggests a vast panorama requiring nothing less than a seismic change. Is it realistic or naïve?

Yes, the reality is that hundreds of millions of people move and have to move. Where they move to requires a new, radical rethinking. I've been provocative and quite often criticised, but I don't care. See, the Emirates, they host seven million migrants out of nine million people. Nobody has refugee status, but probably half of these seven million come from conflict or very disadvantaged regions in the world. Syrians are there, Iraqis, Somalis, and Pakistanis from tribal areas, or Kashmiris. At Za'atari [refugee camp] I had men working in Dubai, while their families stayed in the camps. They were extremely happy to have work there, so just imagine in terms of population size if you would have ten new working and living spaces of the size of the Emirates created in Africa, while remaining very critical of working and governance issues in the UAE. But think of the use of special zones to create better and innovative governance which become the pilot lab within their regions allowing millions to access safe spaces for working and living, generating income and trade. I'm talking about sustainable development zones (SDZ), and this is what we are thinking about for Libya, Ethiopia or other countries with urbanisation and displacement issues. What about Somalia, and having these kinds of projects all over Africa?

“ I've been provocative and quite often criticised, but I don't care. ”

Actually, money is not the issue. It's a bold decision that is needed, a bold vision. There is big movement of people and what we really need to think about is what do people want. Look at the Ethiopians, they are thinking of creating 3,000 towns, instead of everybody coming to Addis. Think about Bangladesh which has not only one million Rohingya refugees but 25 million local people having to move from the coastal region because of climate change. There is a need to launch multi-billion-dollar projects being initiated to transform situations, and this is where the aid and development sector is so backward and not accepting that others

may be better placed to take the lead while contributing in ensuring the protection of the most vulnerable to make sure the SDGs do not remain just a vision.

“ the aid and development sector is so backward and not accepting that others may be better placed to take the lead.”

In 2016 you welcomed the New York Declaration and the move towards global compacts: do you still feel so optimistic?

Well, firstly and unfortunately, they missed the opportunity to treat the issue in a more holistic way. I mean the division into two compacts, I don't see as positive. I think it has disunited people who are working on issues to do with the movement of people. You know, the UNHCR and IOM division of roles, which is increasingly confused. And in the current political environment it's questionable whether we will have anything more than something with the status of a "reference" rather than really changing something. I'm measuring everything that's being done against what is the real impact on the life of someone out there. Meanwhile UNHCR is fighting hard to maintain its relevance, trying not to rock the boat and keep their organization as the main one in charge of refugees, while de facto only few people achieve a full refugee status, but rather remain in limbo for years.

And we finally need to get over that narrative of the poor, vulnerable refugee in need of donations, which the humanitarian sector has been maintaining, and which is so threatening to everyone and fuels the populist movements. The idea of supporting people is basically creating dependency, and blocks receiving communities and the newcomers to move forward. We have to get away from this. The story that only a returning refugee is a good refugee is a narrative we have to move away from. After all, evolution happened as we moved, were displaced, mixed and ultimately started new lives.

1 Betts, A. & Collier, P. (2017). *Refuge – Transforming a Broken Refugee System*. Allen Lane/Penguin Random House.

Making the non-binding bind

A critical analysis of the Global Compact for Migration

The Global Compact for Safe, Orderly and Regular Migration (GCM) and the Global Compact on Refugees (GCR) are products of the 2016 New York Declaration for Refugees and Migrants¹ and are due to be formally adopted in 2018. Together they are meant to represent a new phase in multilateral efforts to get to grips with two facets of global mobility. Yet given that the GCM is a voluntary, non-binding agreement, the key question is: will it be just another talking shop, or will it make a real difference, and if so, how?

"I don't know whether it will be good enough. But I know we cannot afford not to try to make it work."

Agnes Callamard², Special rapporteur of the Human Rights Council on extrajudicial, summary or arbitrary executions

How we got here

The development of the GCM has been a state-led process, with the United Nations ambassadors of Switzerland and Mexico acting as co-facilitators, and the UN's International Organization for Migration (IOM) working to mobilize states and stakeholders, including civil society organisations. The final draft that was agreed upon during the 6th round of UN member state negotiations in New York was the outcome of a consultative process that included: a series of regional and thematic consultations throughout 2017; a stocktaking conference in December 2017 in Puerto Vallarta, Mexico; and six rounds of negotiations in New York, based on the outcomes of the consultations as well as a report by the UN secretary-general ("*Making Migration Work for All*"³). All UN member states participated in the negotiations, with the exception of the United States, which decided to pull out of the process shortly before the stocktaking

conference in Mexico. The final draft of the GCM is set to be formally adopted at an inter-governmental conference in Marrakesh, Morocco from 10-12 December 2018.

The final document includes 23 objectives — each containing a broad commitment and a range of detailed actions considered to be relevant policy instruments and best practices — as well as a section on implementation, and another on follow-up and review.⁴ The objectives can be grouped into six main areas: improvement of data and information; mechanisms to address the drivers of migration; measures to protect migrant rights; avenues of regular migration; steps to curtail irregular migration and provide border security; and options to encourage (re) integration of migrants and promotion of development.⁵

Favourable reception

The GCM has been received favourably by states and stakeholders.⁶ Despite some backtracking on certain aspects — e.g. detention of children, access to services, and firewalls — the fourth draft delivered a greater emphasis on human rights, for example by adding a clear non-retrogression clause (to ensure that adoption of the GCM could never lead to renegation of previously-adopted instruments of human rights law) and a reference to *non-refoulement*.⁷

The Office of the United Nations High Commissioner for Human Rights (OHCHR) described the GCM as "an important starting point for improved global migration governance that puts migrants and their human rights at the centre. While not perfect, the GCM is a balanced and principled human rights document that provides a significant opportunity to address the challenges associated with today's migration, and to strengthen human rights protection for migrants".⁸

1 UNGA (2016) 'New York Declaration for Refugees and Migrants' UNGA Resolution. Available at: http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/71/1

2 A full interview with Agnes Callamard appears on page 64 of this review.

3 UNGA (2017) 'Making migration work for all' Report of the UN secretary-general. Available at: <https://refugeesmigrants.un.org/report-secretary-general-making-migration-work-all-0>

4 'Global Compact for Safe, Orderly and Regular Migration' Available at: https://refugeesmigrants.un.org/sites/default/files/180713_agreed_outcome_global_compact_for_migration.pdf

5 Aleinikoff, A. & Martin, S. (2018) 'Making the Global Compacts work: What future for refugees and migrants?' UNSW Sydney/Zolberg Institute on Migration and Mobility/Kaldor Center for International Refugee Law. Available at: http://www.kaldorcentre.unsw.edu.au/sites/default/files/Policy%20brief_6%20final.pdf

6 Ibid. See also: 'Joint Statements of Civil Society in the Negotiations for a Global Compact for Safe, Orderly and Regular Migration' of 13 March 2018 (available at: https://www.ituc-africa.org/IMG/pdf/civil_society_joint_statement_final_180313_eng.pdf) and 13 July 2018 (available at: https://www.icmc.net/sites/default/files/documents/statement_of_civil_society_at_the_conclusion_of_negotiations_on_the_gcm_friday_statement_draft3_final.pdf).

7 Mixed Migration Centre (2018) 'Review of the Global Compact for Safe, Orderly and Regular Migration – Draft Rev 2, May 2018' Available at: http://www.mixedmigration.org/wp-content/uploads/2018/07/policy_gc_review_draft_rev2.pdf

8 OHCHR (2018) 'OHCHR informal analysis of the Global Compact for Migration - Final Draft' Available at: <https://www.ohchr.org/Documents/Issues/Migration/GCMInformalAnalysis.pdf>

The GCM has its detractors. Civil society said in a joint statement it regretted no stronger language could be achieved on: not criminalizing migrants and those who provide support to them; firewalls between enforcement authorities and entities providing services to irregular migrants; and access to basic services and labour rights for irregular migrant workers.⁹ Furthermore, the GCM (and the GCR) has been criticized for ignoring internal migration and internally displaced people.¹⁰

Trouble with two

Some have argued that working from the outset towards two separate compacts, instead of one comprehensive agreement covering all aspects of human mobility (including internal displacement) needlessly established two different tracks, and that such binary thinking was based on a distinction between refugees and migrants that belies the reality on the ground: people in both categories often travel along the same routes and face similar vulnerabilities.¹¹ Observers warned this separation may entrench a tendency to “silo” law and practice in two areas that are in fact intrinsically linked.¹²

“I think it has disunited people who are working on issues to do with the movement of people... the UNHCR and IOM division of roles, which is increasingly confused. And in the current political environment it's questionable whether we will have anything more than something with the status of a “reference” rather than really changing something.”

Kilian Kleinschmidt¹³, German entrepreneur and former UNHCR official

For others, such as academic Alexander Betts, there's method in the duality: “The compacts are playing quite different roles: the GCR attempts to fill a gap in an existing regime by ensuring more predictable responsibility-sharing; the GCM is one of the first building blocks in the

creation of an embryonic global migration governance system.”¹⁴

From paper to practice

Will the GCM make a difference, and if so, how? In a fragmented and fragmenting world, and in an area as politically sensitive as migration, it remains to be seen to what extent voluntary agreements will be sustainable and effective.

Some have described the non-binding nature of the GCM as a missed opportunity.¹⁵ Others see this feature as a blessing: “there are limits to how far legal frameworks can deliver on a phenomenon as politically charged and complex as global migration, where the appetite for international cooperation is limited.” A “pragmatic voluntary agreement like the GCM can come in handy, as a platform for negotiations, deals and dialogue”.¹⁶

UN Special Representative for International Migration Louise Arbour concurs: “When people tell me they deplore the fact that the Compact will be legally non-binding, I often point out to them that we already have legally binding agreements that have not produced good responses and, by contrast, the Global Compact, as a non-legally-binding document, is more akin to the Sustainable Development Goals, which are also not legally binding, but [are] much more helpful as a policy-making tool.”¹⁷

Others have also postulated that despite its non-binding status, the GCM could have considerable normative impact by becoming an important soft-law instrument which would help guide states' behaviour.¹⁸

Implementation is what matters most now. Over the course of the negotiations, the GCM text became increasingly specific in its sections on “implementation” and “follow-up and review” which grew to including

9 Joint Civil Society Statement at the Conclusion of Negotiations on the Global Compact for Safe, Orderly, and Regular Migration, available at: https://www.icmc.net/sites/default/files/documents/statement_of_civil_society_at_the_conclusion_of_negotiations_on_the_gcm_friday_statement_draft3_final.pdf.

10 Micinski, N. (2018) 'Implementing the Global Compact for Migration - The Role of States, UN Agencies, and Civil Society' Friedrich Ebert Stiftung. Available at: <http://library.fes.de/pdf-files/iez/14547.pdf>; Crock, M. & Benson L. (2018) 'Central issues in the protection of child migrants' in: Crock, M. & Benson, L. B. (eds, 2018) 'Protecting Migrant Children - In Search of Best Practice' Edward Elgar Publishing. Available at: <https://www.elgaronline.com/view/edcoll/9781786430250/9781786430250.xml>.

11 See for example the various assessments of the GCM by the Mixed Migration Centre, available at: <http://www.mixedmigration.org/resource/mmc-policy-statements-global-compact/>

12 Crock, M. and Benson L. B. (2018) 'Central issues in the protection of child migrants' in: Crock, M. and Benson, L. (eds, 2018) 'Protecting Migrant Children - In Search of Best Practice' Edward Elgar Publishing. Available at: <https://www.elgaronline.com/view/edcoll/9781786430250/9781786430250.xml>

13 A full interview with Kilian Kleinschmidt can be found on page 166 of this review.

14 A full interview with Alexander Betts can be found on page 84 of this review.

15 News Deeply (2018) 'Expert Views: Good and Bad News in the Draft Global Migration Compact' Available at: <https://www.newsdeeply.com/refugees/community/2018/02/14/expert-views-good-and-bad-news-in-the-draft-global-migration-compact>

16 Foresti, M. (2018) 'Long Live Multilateralism: Why the Global Compact for Migration Matters' News Deeply. Available at: <https://www.newsdeeply.com/refugees/community/2018/07/19/long-live-multilateralism-why-the-global-compact-for-migration-matters>

17 A full interview with Louise Arbour's can be found on page 174 of this review.

18 For a detailed elaboration on the normative implications and possible impact on the human rights of migrants of the GCM, see: Gammeltoft-Hansen, T. et al (2017) 'What is a Compact? Migrants' Rights and State Responsibilities Regarding the Design of the UN Global Compact for Safe, Orderly and Regular Migration' Raul Wallenberg Institute of Human Rights and Humanitarian Law. Available at: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3051027

concrete commitments to set up a capacity building mechanism and to establish the International Migration Review Forum (set to meet every four years) as the primary intergovernmental global platform for states to discuss and share progress on the implementation of all aspects of the GCM.¹⁹ The adopted text also includes clear proposals on how to link the GCM to other entities, such as the Global Forum on Migration and Development (GFMD)²⁰ and Regional Consultative Processes.²¹

Hurdles ahead

Potential challenges in the implementation remain. For example, the proposed capacity building mechanism — which is aimed at strengthening national migration agencies, and consists of a connection hub, a start-up fund, and a global knowledge network — needs a clear mandate, adequate funding, and expert staff to achieve its goal.²² In general, not much is known yet about how the GCM's implementation will be funded.

New mechanisms

This new phase of global migration governance could better anchor migration within UN structures.²³ Indeed, one of the outcomes of the GCM is the establishment of the UN Migration Network which succeeds the Global Migration Group. IOM will serve as the coordinator and secretariat for the network, which will have a clear focus on effective and system-wide support for implementing the GCM and will report to the UN secretary general.²⁴ Exactly how the network will be set up (thematically and structurally with UN agencies), involve civil society and the private sector, ensure a regional focus, and achieve

coordination and coherence is not clear yet either.²⁵ Still, some commentators believe the Migration Network, and the coordination and leadership it is expected to deliver, will be crucial for the implementation of the GCM.²⁶

Another key to successful implementation will be a strong mechanism for monitoring, review and accountability.²⁷ The GCM proposes to have an International Migration Review Forum (IMRF) which will include a reporting and stocktaking exercise, including evaluations of national plans and progress. That the forum is only set to meet every four years (starting in 2022) has elicited doubts that it could become an effective mechanism to monitor progress in achieving the GCM objectives or to hold states accountable for meeting their voluntary commitments.²⁸

Migration and development

The GCM text states that the compact is rooted in the 2030 Agenda for Sustainable Development, and that it aims to leverage the potential of migration for the achievement of all 17 Sustainable Development Goals (SDGs).²⁹ This provides another opportunity for meaningful change through implementing the compact.³⁰ However, unlike the SDGs, the GCM does not include any indicators or milestones against which states could measure their progress, an omission some commentators hope to see rectified.³¹

Where there's a will...

Whether the compact will make a difference ultimately depends on the political will of states to implement their commitments and, especially given the GCM's

-
- 19 Global Compact for Safe, Orderly and Regular Migration. Available at: https://refugeesmigrants.un.org/sites/default/files/180713_agreed_outcome_global_compact_for_migration.pdf
- 20 The GFMD is a voluntary, informal, non-binding and government-led process open to all UN member and observer states to advance understanding and cooperation on the mutually reinforcing relationship between migration and development.
- 21 Regional consultative processes on migration (RCPs) are state-led, ongoing, regional information-sharing and policy dialogues dedicated to discussing specific migration issue(s).
- 22 Micinski, N. (2018) 'Implementing the Global Compact for Migration - The Role of States, UN Agencies, and Civil Society' Friedrich Ebert Stiftung. Available at: <http://library.fes.de/pdf-files/iez/14547.pdf>
- 23 Betts, A. & Kainz, L. (2017). 'The history of global migration governance' University of Oxford Refugees Studies Centre. Available at: <https://www.rsc.ox.ac.uk/publications/the-history-of-global-migration-governance>.
- 24 United Nations (2018) 'Implementation Will Be Ultimate Proof of Success, Deputy Secretary-General Tells Delegates in Talks on Global Compact for Migration' Press release. Available at: <https://www.un.org/press/en/2018/dsgsm1183.doc.htm>
- 25 At the time of writing this report the UN Migration Network was not yet established. A UN framing meeting to establish the network was planned for mid-October in Geneva.
- 26 Micinski, N. (2018) 'Implementing the Global Compact for Migration - The Role of States, UN Agencies, and Civil Society' Ebert Stiftung. Available at: <http://library.fes.de/pdf-files/iez/14547.pdf>
- 27 Aleinikoff, A. & Martin, S. (2018) 'Making the Global Compacts work: What future for refugees and migrants?' UNSW Sydney/Zolberg Institute on Migration and Mobility/Kaldor Center for International Refugee Law. Available at: http://www.kaldorcentre.unsw.edu.au/sites/default/files/Policy%20brief_6%20final.pdf
- 28 Micinski, N. (2018) 'Implementing the Global Compact for Migration - The Role of States, UN Agencies, and Civil Society' Ebert Stiftung. Available at: <http://library.fes.de/pdf-files/iez/14547.pdf>; Aleinikoff, A. & Martin, S. (2018) 'Making the Global Compacts work: What future for refugees and migrants?' UNSW Sydney/Zolberg Institute on Migration and Mobility/Kaldor Center for International Refugee Law. Available at: http://www.kaldorcentre.unsw.edu.au/sites/default/files/Policy%20brief_6%20final.pdf
- 29 For full details of the SDGs, see: <https://sustainabledevelopment.un.org/?menu=1300>
- 30 ODI (2018) 'Migration and the 2030 Agenda for Sustainable Development' Available at: <https://www.odi.org/sites/odi.org.uk/files/resource-documents/12422.pdf>
- 31 Micinski, N. (2018) 'Implementing the Global Compact for Migration - The Role of States, UN Agencies, and Civil Society' Ebert Stiftung. Available at: <http://library.fes.de/pdf-files/iez/14547.pdf>

voluntary nature, on states holding themselves and other states accountable.³² The compact clearly confirms the sovereign right of states to determine their national migration policy as well as their prerogative to govern migration within their jurisdiction in conformity with international law.³³ Action plans at state level will therefore be key to the implementation of the GCM, as states will be the main implementers of its objectives and commitments.³⁴

In the months between the agreement on the final text and the formal adoption in Morocco in December 2018, some states (Hungary, Australia, Austria) — despite their loudly-voiced worries about irregular migration — have threatened to follow the US and withdraw from the whole process, even though that attempts to develop an internationally shared vision of what migration should look like and how that vision could be achieved. It should be recalled that the GCM was a reaction to the large movement in recent years of refugees and migrants

to Europe and to related worries around security and criminality. This is reflected in the text, which focuses on the factors that compel people to move, as well as on migrant smuggling and human trafficking. These are all issues that require international cooperation and the GCM provides a platform to do that.³⁵ Failing to cooperate on them might have a strong negative impact on all countries affected by migration, including destination countries, and would decrease the capability to better manage migration in all its aspects.

Despite some of the challenges listed above, the GCM includes various concrete suggestions (such as the capacity building mechanism) and structures for better cooperation and coherence (such as the UN Migration Network). While it is too early to assess whether the compact will make a difference, these concrete systems to ensure meaningful implementation, follow-up, review and accountability will be crucial.

32 Aleinikoff, A. and Martin, S. (2018) 'Making the Global Compacts work: What future for refugees and migrants?' UNSW Sydney/Zolberg Institute on Migration and Mobility/Kaldor Center for International Refugee Law. Available at: http://www.kaldorcentre.unsw.edu.au/sites/default/files/Policy%20brief_6%20final.pdf

33 'Global Compact for Safe, Orderly and Regular Migration' Available at: https://refugeesmigrants.un.org/sites/default/files/180713_agreed_outcome_global_compact_for_migration.pdf

34 Micinski, N. (2018) 'Implementing the Global Compact for Migration - The Role of States, UN Agencies, and Civil Society' Ebert Stiftung. Available at: <http://library.fes.de/pdf-files/iez/14547.pdf>

35 Gallagher, A. (2018) '3 reasons all countries should embrace the Global Compact for Migration' World Economic Forum. Available at: <https://www.weforum.org/agenda/2018/08/3-reasons-all-countries-should-embrace-the-global-compact-for-migration/>

Interview

Stick to the facts

The current discourse around migration suffers from a “disconnect with reality,” laments **Louise Arbour**, warning that the only hope of making the right policy decisions rests with getting back to grips with empirical truths and stepping back from stereotypes.



Louise Arbour, CC GOQ, is a Canadian lawyer, prosecutor and jurist. She is currently the UN special representative for international migration. Arbour's previous posts include: UN high commissioner for human rights; justice of the Supreme Court of Canada and of the Court of Appeal for Ontario; prosecutor of two UN International Criminal Tribunals (for the Former Yugoslavia and Rwanda); and president and CEO of the International Crisis Group. She made history with the indictment of a sitting head of state, Yugoslavian president Slobodan Milošević, as well as by mounting the first prosecution of sexual assault as a crime against humanity.

In your framing of migration issues where does mixed migration — irregular complex flows — fit in? The numbers are relatively low, but at a policy level how important is it?

First of all, I think mixed migration was probably at the heart of the crisis in Europe in 2015. It created the impetus for the New York Declaration that then became the Global Compact for Safe, Orderly and Regular Migration. So, in a sense it captures the acute difficulties in human mobility that come with large displacements of populations with mixed and different migratory experience. This brings to the forefront several things, one of which is humanitarian, where saving lives has to be a priority, and this is non-negotiable. Mixed migration evokes first of all populations in transit, as opposed to stocks of existing migrants who might have been in destination countries for a long time on a regular or irregular basis. They are often in very precarious, vulnerable conditions with different types of legal status

and legal entitlement, so it also evokes a humanitarian response, the necessary status-determination process, and then appropriate policies.

How damaging has the often sensationalized coverage by media and politicians been to the wider cause of migration and refugees?

Well it cuts both ways. There are several aspects that can be quite damaging to the elaboration of appropriate policy, and there are other parts, in a perverse way, that are actually quite helpful. I think there's no question in terms of mobilising certain elements of interest from the public around people in distress: these images have generated a level of empathy that can allow policy makers to make courageous and correct policies. On the more complicated side, maybe a more negative side, it has over-exaggerated the aspect of migration that is transitory. We forget that when we talk about migration we talk about people who have finished their

migratory routes, and, in particular, regular migrants who are already established in communities but still require a lot of attention, particularly with respect to decent work standards and protection from xenophobic attitudes. This becomes completely obscured by the drama of large flows of population and so it presents migration always as a matter of emergency and crisis. In fact, lots of migration policies have to be made on the basis of a more sober appreciation of stocks of migrants or the desirability of attracting labour force in a regular manner, so it's important to always place migration in a proper context for policy-making purposes.

“ Dealing with smugglers generates a lot of confusing dialogue and narratives that obscure sober decision-making and policy-making. ”

With regard to migration globally, do you think an elephant in the room is the impact of climate change? How do you think the uncertainty around the potential impact will affect the migration discourse?

On the basis of everything we know, we have to say that this will be an additional factor that will contribute to forced displacement. Of course, historically, forced displacement has been associated with conflict and war, and it carried with it entitlement to international protection. Other forms of forced displacement don't carry these types of entitlements with them. For example, forced displacement from extreme poverty, and now climate change. With respect to sudden-onset natural disasters, we do have some co-operative frameworks in place, and means of mobilising resources. Although of course with the increase in numbers the pressure will become more intense as natural disasters like earthquakes and tsunamis increase. What is much more problematic is the slow-onset disasters, where the lack of choice means people will be forced to leave. But that's going to be a lot harder to get international solidarity.

How do you assess the intentions of many governments to combat migrant smuggling and disrupt the smugglers' business model? Are smugglers the problem, or a symptom of another problem?

Dealing with smuggling is in fact one of the areas where we do have an international legal framework. So when people tell me they deplore the fact that the Compact will be legally non-binding, I often point out to them that we already have legally binding agreements that have not produced good responses and, by contrast, the Global Compact, as a non-legally-binding document, is more akin to the Sustainable Development Goals, which are also not legally binding, but [are] much more helpful as a policy-making tool. Again, dealing with smugglers

generates a lot of confusing dialogue and narratives that obscure sober decision-making and policy-making. The interchangeability of the terms trafficking and smuggling is of course not very useful in understanding the problem, because it tends to elevate the seriousness of the anti-smuggling initiatives [through] linking [smuggling] to human trafficking. Of course, it is linked in some cases but confusing the issues does a disservice to the complex nature of human mobility, where people assist others to cross international borders. In the Second World War, those people who assisted others to escape persecution who later became refugees are not remembered as smugglers, but as heroes. But all this is easily obscured by confusing the terminology. However, there are some instances of outrageous and organised criminal networks that show utter contempt for human life, who are predatory and very dangerous. But in other instances, at the other end of the scale, you have humanitarian rescue which should never be characterized in that way. So there's a danger in the stereotyping of all smugglers.

“ In the Second World War, those people who assisted others to escape persecution, and who later became refugees, are not remembered as smugglers, but heroes. ”

Migrant smugglers have been shown to be directly and indirectly responsible for much of the death and violence against refugees and migrants in mixed flows, yet many emphasize their role as facilitators and enablers of refugees and migrants. In your view, are they angels or demons?

I think it's much more complex. You may recall in the Global Compact that if there was one part where member states were unanimous it was in getting greater data and research. I think on this we will never get sophisticated responses if it's based on stereotypes or assumptions. We should not ideologically divide between where the smugglers are angels or demons. There are some of both of course, and the demons have to be addressed very seriously, with much more sophisticated research and analysis on the cause-and-effects as I have repeatedly emphasized. In the Compact, the opening of legal pathways is one of various instruments to reduce irregular migration. There are many who respond that now it will just open more opportunities for smugglers and their activities. These statements have to be challenged empirically, I think, based on the appropriate research. I think it's a plausible working hypothesis that, if it was possible, people would move to legal safe channels, rather than spend exorbitant sums and [risk their] lives with smugglers.

Some observers warn that liberal democracy, and the values of progressive open societies, are under

threat with the rise of popular politics with a strong anti-migration agenda. What do you think of this idea?

First of all, democracy is always at risk from its best features being turned against it. It's the duty and the nature of the democratic enterprise to prevent this, and we have seen the same kind of discourse in relation to discussions around terrorism. I believe the greatest risk to democracy is for democracy to turn against itself and to self-destruct in response to external challenges. There's no question that in authoritarian regimes where you can silence voices you don't agree with you have a much better control of the opposition. I think in a democracy we don't have that luxury of silencing those who, frankly, don't have anything very intelligent to say. They still have a right to peddle their views, but we have to do a lot better than we're doing now in challenging some of the stereotypes and mythology that surrounds the issue of migration because otherwise we are going to lose the policy debate if we cannot regain control of reality.

“ I believe the greatest risk to democracy is for democracy to turn against itself and to self-destruct in response to external challenges. ”

What we're seeing now is a public discourse that ten or 15 years ago would have been difficult to imagine. The most problematic part is not so much opinions that people embrace, but the basis on which they embrace those opinions. For example, most surveys show that people vastly exaggerate the number of migrants they think are living in their own countries, and they exaggerate the number of them who are unemployed or involved in criminality. This is a disconnect with reality. If we cannot regain control of the facts, then we have zero hope of gaining control of the policies that are needed to be put in place.

For example, Europe is facing for decades to come some very severe shortages in human resources. This is a reality. How can Europe best position itself to import a foreign workforce on a temporary or permanent basis? It is very difficult to develop the right policies to do that if there's no sound grasp of what the reality is. We need to step back from ideological conflict and regain control of the facts on which sound policy can be based.

Some governments have worked to negotiate and agree on a very positive Global Compact for Migration at the same time as developing policies seemingly at odds with the Compact. How do you reconcile this apparent contradiction?

I think you get the right discourse and the right outcomes if you can step back from assumptions

and stereotypes and you confront reality. I think the conversations in New York were conducted on a much more sober, respectful, factual and evidence-based basis and anchored in a framework of international law, leveraging international principles, human rights law and international humanitarian law. So when you have the conversation within these kind of sober parameters you get a very different outcome.

But are there two parallel worlds: the multilateral world, where progressive commitments are agreed, and the real world, where only some governments act contrary to these commitments?

Possibly, and to some extent, but I would like to be more optimistic and hope that these more sober discussions will eventually penetrate national discourse and government departments and push back against more stereotypical views. However, I do think there is cause to celebrate [the fact that] that states do find the space to come together and talk more rationally and more cool-headedly about these issues.

Instead of one compact focusing on human mobility as a whole, there are now two separate compacts. How can we avoid this further fuelling unhelpful binary thinking between the “deserving” refugee and the “undeserving” migrant?

Actually, I think it was very important to have two separate compacts. What is unhelpful is characterizing refugees as deserving and migrants as undeserving; that's something we've always pushed back against. I think it is important to have the two different tracks because refugees are entitled to international protection as a matter of international law and domestic law and we need to reserve them that space. At least 25 million refugees currently need that entitlement and the implementation of their protection. Even if the refugee regime is not perfect, we need to take care not to do anything to erode their current situation. By contrast, the 258 million migrants globally come in many different iterations. The level of voluntariness can never be assumed, nor to what extent they are seeking a better life, or [whether] in fact they actually had no alternative. There's a huge variety between migrants globally, so there's a huge difference between refugees and migrants, and it's important that we preserve those distinctions.

How do you see the role of NGOs and civil society in the GCM? Did they contribute and make a real difference in the process?

Absolutely. Although this was a member state process, there was wide open space for civil society and public engagement for multiple stakeholders. NGOs and others were very important in bringing a variety of perspectives and experience. The contributions were not just from the NGO movement but also the labour

movement, from the law-and-order side, and so forth. The NGOs on the humanitarian side emphasised the special interest of women and children, for example, so it was a very rich level of communication and participation. I think Marrakesh¹ may be a defining moment for multi-stakeholder engagement with the Compact. Not just in their presence but also assisting with the implementation. Obviously, concerning humanitarian aspects of migrants and refugees, NGOs are very big players, but also, local government, local cities and mayors have played and will play an important part. They are all critical players.

What do you think will really change as a result of the GCM?

I think the Compact will be very much the beginning of the process. Importantly, we now have the United Nations very engaged with migration as a really central issue. IOM has now joined the United Nations family as of last year and there's a lot of energy in the different agencies involved in the [UN] Migration Network, and motivation to work together. Frankly, I think the process of getting us this far has already brought the conversation among policy makers and political decision makers onto a much more rational, fact-based footing. Even last year, when we talked to European decision-makers about the idea of opening more legal pathways it was considered laughable. They told us "we are drowning in refugees. This is not the time to talk about legal pathways for others." But now there's much more of a sophisticated recognition of the necessity to have these parallel tracks. So the process itself has already brought a lot of benefits. If you look at the Compact itself there are 23 objectives, numerous initiatives that are proposed — not imposed, but proposed — but if any

of them in the short-, medium-, and longer-term start being implemented I think we're on a much better course to deal with something that has been with us for a very long time and is likely to increase in the future.

“ We have to do a lot better than we're doing now in challenging some of the stereotypes and mythology that surrounds the issue of migration. ”

Finally, migration has a massive role in the discussion around global economics, globalisation and capitalism itself. Some say migration is the unfinished business of capitalism?² What do you think?

Well, for a long time I thought that progress is linear, but now I'm more persuaded that it is cyclical, so I'm not so sure capitalism still has some unfinished business, or even if it has finished any aspects of the enterprise! But, if you look at the link between migration and development — which I think is really critical — if you look at the Sustainable Development Goals, migration is featured all over the document. But very specifically looking at SDG's 10th goal, which of all the Sustainable Development Goals, all 17 of them, I am the most surprised was ever agreed to by the member states. It's the objective of reducing inequalities between countries. I don't know how capitalism fits in with that objective, but I think it's an extremely worthwhile goal to target the reduction of inequalities. And migration is very much part of that enterprise.

1 Marrakesh, Morocco is where the Global Compacts will be signed in December 2018, along with the launch of new initiatives and programmes as a result of the Compacts.

2 For a longer discussion of this issue, see the essay, "The free-market paradox" in this report.

Getting to grips

Is mixed migration the ultimate ‘social mess’?

The debate around mixed migration has become highly polarized. Several articles and interviews in this report, as well as current public discourse, media coverage, and changes in the global political context, offer clear evidence of this. It often seems that on one side of the debate there are those with a more principled perspective who prioritize solidarity, the upholding of the rights of people on the move, and the obligations of states in applying principles according to national, regional and international legislation. And that on the other, there are those who believe that political and social realities necessitate a more pragmatic approach.

Hark the silent majority

Human rights organizations feature on the “principles” side of the debate, while populist governments and conservative groups inhabit the other — although even traditionally centrist parties are increasingly adopting a more conservative discourse on migration in order to attract voters. There are those sometimes described as idealists, or even radicals, who advocate open borders, versus those who argue the only realistic and pragmatic option is to control migration.

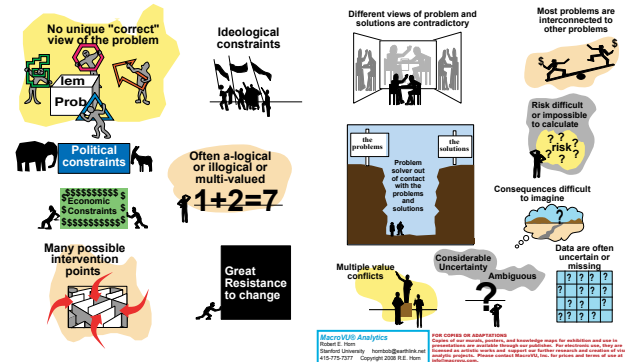
Yet even presenting this debate as one between principled idealists and pragmatic realists is an oversimplification. It falsely assumes all people fall neatly on one side or the other. It is more likely the two poles are mainly occupied only by vocal minorities, while the silent majority lies somewhere in between.

Mixed migration is such a complex phenomenon, especially in terms of how to respond to it, that it could be described as a “social mess”. The concept of social mess, introduced by the political scientist Robert Horn¹, refers to political-social problems that are so complex and ambiguous that they have no real solution. In aiming to shed further light on what it is that makes mixed migration such a polemical issue, this article applies the social mess concept to better frame and comprehend its characteristics.

Characteristics of social mess²

Horn identified the following characteristics of a social mess:

Characteristics of Social Messes Also Called “Wicked” or “Ill-Structured Problems”



Source: R.E. Horn, Stanford University (Used with appreciation)
<https://web.stanford.edu/~rhorn/a/kmap/mess/uc3CharacteristicsMesses.pdf>

This article explores a selection of these characteristics that are most relevant to analysing the complexities of mixed migration, namely:

- Absence of a unique “correct” view of the problem
- Most problems are connected to other problems
- Considerable uncertainty and ambiguity
- Ideological and cultural constraints, multiple value conflicts
- Radically different views of the problem, contradictory solutions and numerous possible intervention points
- Political constraints
- Uncertain or missing data
- Problem solver(s) are out of contact with the problems and potential solutions

1 Horn, R. & Weber, R. (2007). New Tools for Resolving Wicked Problems, Mess Mapping and Resolution Mapping Processes. Available at: http://www.strategykinetics.com//New_Tools_For_Resolving_Wicked_Problems.pdf

2 This article draws heavily on a 2015 article on the Dutch media outlet De Correspondent whose editor-in-chief, the philosopher Rob Wijnberg applied the concept of social mess to the European refugee crisis: Wijnberg, R. (2015) ‘Waarom de vluchtelingenkwesie een goud-wit-zwart-blauw jurkje is’ (‘Why the refugee issue is a gold-white-black-blue dress’) Available (in Dutch only) at: <https://decorrespondent.nl/3537/waarom-de-vluchtelingenkwesie-eeen-goud-wit-zwart-blauw-jurkje-is/409481001270-014bf2ff>

1) Absence of a unique 'correct' view

This is clearly the case with mixed migration. What exactly is the problem? Migration in itself is not a problem. Rather, it is an inherent feature of human society and history, and often has many beneficial outcomes for migrants themselves, countries of origin and destination countries. Is it the number of people in mixed migration flows? Taking Europe as an example, even though the numbers decreased sharply since 2016, a sense of crisis has persisted, so, no, it not just about numbers. Is it that people in mixed migration flows come to destination countries with a different set of norms and values? Or that they come to take the jobs of native workers, or are underemployed and so do not contribute sufficiently to the economy? Again, no: when we look at the United States, Canada or Australia — all popular destination countries for refugees and migrants — we see countries that have been almost entirely built by successive waves of migration.

While it is impossible to point to one *single* problem, mixed migration is causing, or is at least associated with, *several* problems. There are large numbers of deaths at sea and on overland routes, and extreme levels of abuse — including physical abuse, kidnappings, sexual abuse, torture, and killings — of people on the move in mixed migration flows. The primary mode of movement in mixed migration is irregular, which raises various questions about national border management, security, sovereign right of nations, as well as immigration and multicultural policies. Irregular movement also fuels criminality, in the form of a multi-billion-dollar migrant smuggling industry. It is associated with widespread collusion and corruption of state officials in transit and destination countries, which erodes the authority and integrity of states. The mixed composition of the flows leads an increasing number of people to question the motives of those within them, and to increasingly open calls for an adjustment, or even an abandonment, of the 1951 Refugee Convention. This threatens asylum space.³ And due to the polemical nature of the discussions around migration, minority and single-issue populist forces in politics are gaining more and more traction⁴. Moreover, the impact of irregular mixed migration on politics in liberal democracies is causing deep concern, effecting significant changes in many countries, and threatening the cohesion of political and economic blocs, most notably the European Union.

2) Most problems are connected to other problems

All the problems described above are interrelated. Furthermore, the issue of mixed migration is related to an almost endless list of other, sometimes deeper, and at least equally complex issues. In the case of migration and forced displacement, this list includes: armed conflict (including inter-communal conflict); trade in arms and oil; geopolitics; globalization; climate change; colonial histories; corruption and poor governance; unemployment; economy; and socio-structural and socio-economic changes.⁵ There has been a growing interest in policy circles in the drivers and root causes of unsafe, irregular migration.⁶ These too are related to and overlap with the abovementioned issues. All this complicates constructive discussion of mixed migration and obstructs efforts to address it.

3) Uncertainty and ambiguity

Mixed migration is a social mess because it is not clear-cut. By definition, its flows include a wide variety of people with mixed motivations. It includes refugees and asylum seekers fleeing war and persecution, and migrants seeking better lives and opportunities. However, as described in the introduction to this review, migrants who left their home countries *voluntarily* may also be fleeing situations of insecurity, while refugees are also seeking better lives and opportunities. How are we to distinguish between refugees and migrants in these mixed movements, or to define who needs international protection and who does not? What is to be done with those who, under international law, are *not* in need of international protection? While international law, including refugee law, provides some answers, these answers leave a gap when it comes to many more ideological and value-driven questions.

4) Ideological and cultural constraints, multiple value conflicts

Legislation often determines whether someone arriving irregularly in a destination country is granted international protection. But how does this align with

3 Betts, A. & Collier, P. (2017) 'Refuge: Transforming a Broken Refugee System' p266. Penguin Random House.

4 Galston, W. (2018), 'The rise of European populism and the collapse of the center-left' Brookings. Available at: <https://www.brookings.edu/blog/order-from-chaos/2018/03/08/the-rise-of-european-populism-and-the-collapse-of-the-center-left/>

5 Wijnberg, R. (2015) 'Waarom de vluchtelingenkwesitie een goud-wit-zwart-blaauw jurkje is'. Available at: <https://decorrespondent.nl/3537/waarom-de-vluchtelingenkwesitie-een-goud-wit-zwart-blaauw-jurkje-is/409481001270-014bf2ff>

6 Fratzke, S. & Salant, B. (2018). 'Moving Beyond Root Causes. The complicated relationship between migration and development' Migration Policy Institute. Available at: <https://www.migrationpolicy.org/research/moving-beyond-root-causes-complicated-relationship-between-development-and-migration>

fairness? Why should one person be more deserving of such protection than another? Who are policy makers to decide that someone who felt compelled to leave his home country and took the risk to embark on a long and dangerous journey does not have the right, or deserve, to stay in their destination country? While everyone on the move believes their reasons for doing so are justified, when these are based on economic factors they can expect to receive less sympathy from the host population in their destination.

What about migrants who moved to Libya primarily for economic reasons but then move on to Europe because of the deteriorating security and abuse of migrants in Libya?⁷ What about recognized refugees who leave refugee camps or urban areas where they enjoy international protection and some material support but lack decent livelihood opportunities, dignity and hope? Do they have a greater right to settle anywhere in developed countries than the millions in the global South who live below the poverty line but have a near-zero chance of being granted asylum because they are not fleeing war or persecution? In other words, why should physical safety trump economic safety when it comes to meriting international protection?

Migration and refugee issues touch upon many other broader aspects of life, such as identity, culture, faith, ideology, ethics, values, society, history, solidarity and compassion. But is this solidarity with — and compassion for — those far away who come to one's country, or those nearby who are worried about migration?

The highest of stakes

The fundamental, indeed existential, problem for governments and advocates alike is that discussion around migration policies is not just technical as it is in other policy areas, even those that inspire passion in some. It is of an entirely different category to, say, an efficient national transportation network, or a well-managed healthcare system with a sufficient number of hospital beds, or decent education. Migration is not just about numbers crossing borders. It quickly becomes a matter of culture, social values, access to services, jobs, (i.e. issues that touch everyone) and human rights. For the refugees and migrants themselves, the stakes are even higher: they are increasingly a matter of life or death.

Ideological positions also play a prominent role in the debate around borders and free movement, one where idealists might clash with realists. There are those who reject the very concept of nation states and believe in the ideal of free movement globally.⁸ There are those in favour of free movement because of the perceived injustices of the world's current border regime,⁹ in which those born in prosperous states enjoy prospects unknown to many in poorer parts of the world.¹⁰ Similarly, there is the argument that Western states have profited from colonial relationships with many of the countries where migrants are coming from, and that Western countries still set the rules of the global economy to their own advantage.¹¹

Freedom's limits

Those on the other end of the spectrum might point out that the Universal Declaration of Human Rights¹² only enshrines the right of freedom of movement *within* states, and the right to leave your country, but that there is no fundamental right to enter *another* country. Or they might simply dismiss arguments in favour of free movement and open borders as the utopian fantasies of philosophers or unrealistic and naïve idealists. A July 2018 article in the UK's *Daily Telegraph* newspaper¹³, for example, argued that "to maintain social cohesion, you need to control immigration. To control immigration, you need strong borders. And to have strong borders, you need to be prepared to adopt tough policies."

However, even in the debate around open borders and free movement, it is not only social-cultural values and ideological arguments that play a role. It can be basic economic arguments as well. According to the economist Michael Clemens¹⁴ there would be "trillion-dollar bills on the sidewalk" for our global economy if only we removed the existing barriers to free movement of people on a global scale. According to Clemens, policies that restrict emigration are the "greatest single class of distortions in the global economy", and their removal may have a positive impact "much larger than those available through any other shift in a single class of global economic policy".¹⁵

Others argue that sustained migration is simply a matter of survival for many rich countries. According to the United Nations Department of Economic and Social Affairs' International Migration Report 2017, "between

7 Amnesty (2017) 'Libya: European governments complicit in horrific abuse of refugees and migrants' Available at: <https://www.amnesty.org/en/latest/news/2017/12/libya-european-governments-complicit-in-horrific-abuse-of-refugees-and-migrants/>

8 Jones, R. (2016) 'Violent Borders: Refugees and the Right to Move', Verso.

9 Anderson, B., Sharma, N. & Wright, C. (2009), 'Editorial: Why No Borders', *Refuge*. Available at <https://refuge.journals.yorku.ca/index.php/refuge/article/view/32074/29320>

10 Aitchison, G. (2016), 'Do we all have a right to cross borders?' *The Conversation*. Available: <https://theconversation.com/do-we-all-have-a-right-to-cross-borders-69835>.

11 Engerman, S. & Sokoloff, K. (2002) 'Factor Endowments, Inequality, And Paths Of Development Among New World Economies, Working Paper 9259' NBER Working Paper Series. Available at: <http://www.nber.org/papers/w9259.pdf>

12 See <http://www.un.org/en/universal-declaration-human-rights/>

13 Timothy, N. (2018) 'Liberals have lost the argument on the migrant crisis. Now Europe needs to get tough' *The Daily Telegraph*, <https://www.telegraph.co.uk/politics/2018/07/04/liberals-have-lost-argument-migrant-crisis-now-europe-needs/>

14 See interview with Michael Clemens on page 158 in this review.

15 Clemens, M. (2011), 'Economics and Emigration: Trillion-Dollar Bills on the Sidewalk?' *Journal of Economic Perspectives*. Available at <https://pubs.aeaweb.org/doi/pdfplus/10.1257/jep.25.3.83>

2000 and 2015, positive net migration contributed to 42 percent of the population growth observed in Northern America and 31 percent in Oceania. In Europe, instead of growing by two percent, the size of the population would have fallen by one percent in the absence of a net inflow of migrants.”¹⁶

5) Different views, contradictory solutions, multiple intervention points

How mixed migration should be addressed; why, where and how to intervene; and pinpointing the problem to be solved, are all areas where the pragmatic realist and the principled idealist might clash most fiercely.

Several examples clearly show how difficult it is to strike a balance between being pragmatic and being principled, and how often one comes at the expense of the other. Not necessarily in the idea, but clearly in the implementation.

For those in peril

As described earlier in this report, one of the most pressing problems associated with mixed migration is the high number of deaths at sea. There are diametrically opposed ideas about how to reduce or altogether stop such fatalities. Some argue that if you open borders and create legal migration channels anyone would be able to board a safe ferry or airplane and so there would be no need for dangerous sea crossings.¹⁷ But how realistic and politically feasible is such a “solution”? Aren’t those who advocate for the rights of people on the move and who want to end deaths at sea also morally obliged to come up with proposals that stand a chance of getting implemented? Or is it sufficient to advocate for principles and ideals that might not be implemented soon?

On the other hand, there are those who argue that irregular migration should be stopped. That, for example, fast returns of those ineligible for asylum or other forms of legal stay would deter and discourage people from

undertaking dangerous crossings and thereby end deaths at sea.¹⁸

The price of pragmatism

For example, Australia, faced with a high number of deaths at sea, adopted a pragmatic approach by introducing a “stop the boats” policy under its Operation Sovereign Borders in combination with well-managed, regular labour migration, and a high number of resettlement places for refugees. (Australia ranks high among the countries taking in the largest share of resettled refugees, both absolutely and per capita.¹⁹) In doing so, Australia has been successful at ending irregular maritime migration and, by extension, ending all migrant and refugee deaths in Australian territorial waters. However, it has also breached international legislation by not allowing asylum seekers who reached Australian territory to apply for asylum.²⁰ Moreover, Australia has sent asylum seekers to detention centres in Papua New Guinea and Nauru, where they housed in poor conditions and where a range of abuses have been reported.²¹ Clearly, by adopting a “pragmatic” approach, Australia did end the tragedy of migrant deaths at sea, but it also compromised on its principles and replaced one tragedy with another.

In a slightly different example, the EU has tried to control refugee and migrant flows between Turkey and Greece and to end deaths at sea through the EU-Turkey deal. While the number of such deaths did indeed decrease,²² the deal has left thousands of migrants stuck on the Greek islands in inhumane living conditions, leading to preventable deaths *within* the European Union. The architects of the EU-Turkey Statement would argue that, if correctly implemented, the deal would offer the most humane way of ending deaths at sea and of sharing the burden of refugees in Turkey, while avoiding the disastrous conditions on Greek islands.²³

Germany’s backlash

In the midst of the so-called migration and refugee crisis in Europe, Germany initially took on a principled approach by welcoming a large number of refugees and saying it could handle the volume.²⁴ However, there has

16 UNDESA (2017) 'International Migration Report 2017' Available at: <http://www.un.org/en/development/desa/population/migration/publications/migrationreport/docs/MigrationReport2017.pdf>

17 MSF (2017) 'How to stop the rising tide of death in Mediterranean' Available at: <https://www.msf.org/migration-how-stop-rising-tide-death-mediterranean>

18 Knaus, G. & Dalhuisen, J. (2018) 'Europe's Migration problem isn't over yet' Politico. Available at: <https://www.politico.eu/article/europe-summit-migration-problem-isnt-over-yet-angela-merkel/amp>

19 Doherty, B. (2018) 'Australia takes the most refugees since start of humanitarian program' The Guardian. <https://www.theguardian.com/world/2018/feb/10/australia-takes-the-most-refugees-since-start-of-humanitarian-program>

20 Foster, M. (2016) 'Turnbull's asylum seeker ban violates Australia's human rights obligations' The Conversation. Available at: <https://theconversation.com/turnbulls-asylum-seeker-ban-violates-australias-human-rights-obligations-68475>

21 Amnesty International (2016) 'Australia: appalling abuse, neglect of refugees on Nauru' Available at: <https://www.amnesty.org/en/press-releases/2016/08/australia-abuse-neglect-of-refugees-on-nauru/>

22 European Commission (2018) 'EU-Turkey Statement: Two years on' Available at: https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/20180314_eu-turkey-two-years-on_en.pdf

23 A full interview with Gerald Knaus appears on page 74 of this review.

24 AFP (2015) 'Germany on course to accept one million refugees in 2015' Available at <https://www.theguardian.com/world/2015/dec/08/germany-on-course-to-accept-one-million-refugees-in-2015>

been a backlash. Chancellor Angela Merkel lost much support in the 2017 federal elections²⁵ and xenophobic sentiment has been on the rise across Germany, with anti-migration and refugee demonstrations.²⁶ As a result, Germany's approach has changed to become more pragmatic. Germany was one of the driving forces behind the EU-Turkey deal, and Angela Merkel toured several countries in Africa in 2017 and 2018 — including Niger, Algeria, Senegal, Ghana and Nigeria — to discuss cooperation on migration.²⁷ Merkel's open-door decision has been described “the right mistake” in a situation in which every possible policy choice was in some way an error.²⁸

In short, it is difficult to do it right, and solutions can appear contradictory. It is not always clear where exactly to intervene. Should people be discouraged from leaving their countries of origin in the first place? Should the flows of refugees and economic migrants be “de-mixed”? If so, should this be done as close as possible to countries of origin? Should interventions focus on *why* people are leaving and fleeing their countries? Should the focus be on conflict-resolution and peacebuilding to avoid forced displacement? Or on improving conditions in refugee camps to avoid onward movement? Or should destination countries invest in regular labour migration and increase resettlement places for refugees, in order to change the modality of movement from “unsafe and irregular” to “safe and regular”? Or should interventions primarily be focused on arrivals, in terms of investments in quality integration for those who can stay, and on fast, dignified and sustainable returns for those who cannot?

Where to start?

A comprehensive approach to mixed migration should probably answer all these questions and more, but where to start? Currently, examples from across the world point to a tendency where “control” takes primacy over the desire to uphold principles. Not just liberal humanitarian values in general, but specific, agreed principles,

and stipulations of international protection. The US government's approach to people irregularly crossing its southern border with Mexico,²⁹ including its “zero tolerance” policy, which has led to family separations and widespread detentions; Australia's Operation Sovereign Borders and placement of boat migrants in detention on Nauru and Manus Island; and European governments' handling of people trying to cross the Mediterranean, their increasing denial of access to ports and bans on NGO rescue boats,³⁰ are all illustrations of this tendency.

There are brutal contradictions between solutions that are being developed and agreed upon and the reality of daily practice. The Global Compact for Migration includes in Objective 8 a commitment to “cooperate internationally to save lives and prevent migrant deaths”.³¹ Yet September 2018 saw the highest death rate *ever recorded* in the Mediterranean. Almost one in every five people attempting the crossing from Libya died or went missing that month.³² This tragic statistic resulting from the current approach to migration and protection is a far cry from the ideals agreed upon during the compact's negotiations.

6) Political constraints

To some extent, this lack of comprehensive approaches is caused by the political constraints that many governments in destination countries face. Migration has become a topic to win or lose elections over. Populism is on the rise and in many countries populist parties have migration as their top agenda item.³³ Meanwhile, more mainstream political parties wrestle with how to appease voters by adopting more restrictive policies and discourse on migration. Even if evidence points to the overall positive contribution of migration³⁴ or to the fact that many destination countries need migrant labour,³⁵ politicians feel increasingly constrained to embrace the positive aspects of migration.

25 Galston, W. (2018) 'The rise of European populism and the collapse of the center-left' Brookings. Available at <https://www.brookings.edu/blog/order-from-chaos/2018/03/08/the-rise-of-european-populism-and-the-collapse-of-the-center-left/>

26 Siebold, S. (2018) 'Anti-immigrant protesters chant "Resistance!" in German city after killing' Reuters. Available at <https://www.reuters.com/article/us-germany-protests/anti-immigrant-protesters-chant-resistance-in-german-city-after-killing-idUSKCN1LF009>

27 Deutsche Welle (2018) 'Merkel pushes for investment to curb migration in Africa tour' Available at <https://www.dw.com/en/merkel-pushes-for-investment-to-curb-migration-in-africa-tour/a-45285461>

28 Bierman, W. (2018) 'The Tragedy of Angela Merkel: Opinion' The New York Times. Available at: <https://www.nytimes.com/2018/06/29/opinion/wolf-biermann-merkel-refugees.html>

29 Domonoske, C. & Gonzales, R. 'What we know: family separation and “zero tolerance” at the border' National Public Radio. Available at: <https://www.npr.org/2018/06/19/621065383/what-we-know-family-separation-and-zero-tolerance-at-the-border>

30 Euractiv & AFP (2018) 'Italy says it will seize two NGO migrant rescue ships' Available at: <https://www.euractiv.com/section/future-eu/news/italy-says-it-will-seize-two-ngo-migrant-rescue-ships/>

31 Global Compact on Migration (2018) Available at: <https://www.un.org/pga/72/wp-content/uploads/sites/51/2018/07/migration.pdf>

32 Villa, M. (2018) 'Sea Arrivals to Italy: The Cost of Deterrence Policies' Italian Institute for International Policy Studies. Available at: <https://www.ispionline.it/en/publication/sea-arrivals-italy-cost-deterrence-policies-21367>

33 Kirchgaessner, S. (2018) 'Matteo Salvini: from far-right fringe player to strongman leader' The Guardian. Available at <https://www.theguardian.com/world/2018/jun/15/matteo-salvini-from-far-right-fringe-player-to-strongman-leader>

34 Citi GPS: Global Perspectives & Solutions (2018) 'Migration and The Economy: Economic Realities, Social Impacts & Political Choices' Available at https://www.oxfordmartin.ox.ac.uk/downloads/reports/2018_OMS_Citi_Migration_GPS.pdf

35 European Political Strategy Centre (2017) '10 Trends Shaping Migration' Available at: https://ec.europa.eu/epsc/sites/epsc/files/epsc_-_10_trends_shaping_migration_-_web.pdf

7) Uncertain or missing data

There are many unknowns, and there is still limited data on mixed migration, partly because of its irregular nature. How many people are on the move in mixed migration flows? How many people reside in countries of destination irregularly? Over the course of 2015 and 2016, regular claims were published about the hundreds of thousands, or more than a million, migrants apparently waiting in Libya to cross the Mediterranean to Europe.³⁶ Nobody knows the actual number, though with arrivals in Italy between 95,000 and 180,000 per year between 2015 and 2017³⁷, clearly “hundreds of thousands” was an overestimation. There are many other examples where the volume of (potential) migration is being overestimated. According to the Gallup World Poll, there are more than 700 million people in the world expressing a desire to migrate, with the highest percentage in sub-Saharan Africa. However, far fewer are actively *planning* to migrate, and fewer still have taken specific steps to embark on journeys.³⁸

There are also examples where the volume of future migration has been *underestimated*. Migration from Eastern European countries to the United Kingdom is a good example.³⁹ In other words, there are limited data to rely on when it comes to preparing and developing longer term migration policies. Statistics on irregular migration are generally missing from regular and official migration statistics, including the data from the UN Department of Economic and Social Affairs (UNDESA) and the World Bank. In 2013/14, Saudi Arabia started a campaign to deport irregular migrants. According to UNDESA statistics, there are around 20,000 Ethiopian migrants in Saudi Arabia, which was the figure used by the Ethiopian government and other actors to prepare for the reception of deportees. Over the course of four months, Saudi Arabia deported 170,000 Ethiopians, most of whom had travelled to Saudi Arabia irregularly and did not feature in official migration data.⁴⁰

Conclusion: burst your bubbles

This article explored whether mixed migration has become a “social mess”. It has. But applying the concept of social mess does not provide answers or solutions to the many difficult questions raised by mixed migration. It does not provide guidance on where to stand on the continuum between principles and pragmatism, or between realism and idealism.

It does help us, however, to understand that presenting mixed migration as a single “problem” that we need to “solve” is a simplification of reality. Just like presenting the choice as one between idealism and realism, or between principles and pragmatism, is an unhelpful simplification. The social mess concept also helps to grasp that not all those presenting views from the extremes of the continuum are uninformed naïve idealists at one end, or inhumane pragmatists at the other. Their perspectives are often more nuanced.

The debates and the searches for comprehensive approaches and policies are not well-served by dismissing others’ arguments out of hand. The challenge is to find the right balance between pragmatic approaches that manage to uphold principles and values. Or between principled approaches that are feasible and can be pragmatically implemented. Sometimes compromises may need to be made, just as democratically elected coalition governments need to strike a balance between the interests of many different segments of society.

Those who seek the pragmatism of exclusionary solutions need to be more realistic and accept that we have principles for a reason. Those who seek only a principled position also need to be more realistic and find a way, not to surrender their principles, but to go back to some of the basics and see how they can be adapted to the reality of the current situation.

-
- 36 Hughes, C. (2018) ‘Half a million refugees gather in Libya to attempt perilous crossing to Europe’ The Guardian. Available at <https://www.theguardian.com/world/2015/jun/06/merkel-at-odds-resettle-refugees-europe-migration>; Drury, I. (2017) ‘More than one million migrants hoping to cross to Europe are ‘in the pipeline’ in Libya’ Available at: <https://www.dailymail.co.uk/news/article-4365870/Over-ONE-MILLION-migrants-pipeline-Libya.html>.
- 37 Data from the UNHCR data portal on the Mediterranean. Available at: <https://data2.unhcr.org/en/situations/mediterranean>
- 38 IOM (2017) ‘Measuring Global Migration Potential, 2010–2015’ Available at: https://publications.iom.int/system/files/pdf/gmdac_data_briefing_series_issue_9.pdf
- 39 Tran, M. & Mason, R. (2014) ‘Office for National Statistics says net immigration was underestimated’ The Guardian. Available at: <https://www.theguardian.com/uk-news/2014/apr/10/ons-net-immigration-underestimated>
- 40 RMMS (2014) ‘The Letter of the Law: regular and irregular migration in Saudi Arabia in a context of rapid change’ Available at http://www.mixedmigration.org/wp-content/uploads/2018/05/007_letter_of_the_law.pdf

Interview

The legacies of empire

Mohammad A. Chaichian discusses modern migration dynamics through a lens of historical colonial conquests, as well more recent military adventures.



A professor of Sociology, Dr Mohammad Chaichian joined Mount Mercy University in the US in 1994. He holds master's degrees in Architecture and Urban Planning, and a PhD in Sociology. Dr Chaichian has published three books¹ and numerous articles on contemporary Iran, immigration issues, urban political economy, and race relations, and has conducted workshops and given talks about the Middle East, particularly the Palestinian-Israeli conflict.

You have said that imperial walls and barriers that are constructed and maintained are seldom located on actual territorial frontiers. To what extent do Europe's emerging strategies of externalising border controls illustrate your analysis?

Well, for sure empires function differently than other large-scale economic cooperation entities such as the EU. Although the European Union is governed by a political entity (the European Commission), it is still far from becoming a solid economic and political force, particularly related to matters of foreign policy. That is why different European countries have different policies regarding their own national interests that at times may not be in line with those of the EU, particularly related to each country's demand for migrant labour. Thus, the EU is a complex case as far as its territorial frontiers are concerned. For one thing, I don't consider the EU as an empire but rather containing certain member countries with post-colonial imperial intentions (such as Great Britain and France) and other minor players (such as Belgium, Spain and Italy - particularly in Africa). It is for this same reason that fences and barriers are erected in various locations, while a vast stretch of borders is still unprotected. I can also think of several cases where fences are erected beyond a nation's political

boundaries (if we assume they must be the actual territorial frontiers):

- The recently dismantled "Calais Jungle" that warehoused migrants who intended to go to Britain; the "juxtaposed controls" arrangement between France, Belgium and Great Britain to block their Channel crossing (via the tunnel) in the Port of Calais on French soil; and the half a mile-long barrier in Calais, designed to stop refugees from boarding lorries heading for Britain, with British government picking up the tab - this is a good example.
- Another case is Spain's fortification of its African territories of Ceuta and Melilla, both fenced off along the Moroccan border to prevent sub-Saharan African and recently Syrian refugees to scale the formidable fence to the Spanish territories. And by the way, the EU pays for the fence.
- Finally, border fences between Greece (which is an EU member) and Macedonia (not an EU member), and Macedonia and Serbia (both non-EU countries) are also good examples of displaced frontiers of the EU.

Your book refers to walls and barriers created by blocks of power or imperial powers in the past using examples from history like Hadrian's Wall, the Great Wall of China and the Berlin Wall. To what extent can the global north (especially North America, Europe and Australia or Japan) trying to restrict migration in a globalised world be seen as a modern iteration of those examples?

Very good question. In my book I have included two examples of contemporary imperial barriers: the 700-mile fence along the US-Mexico border, and the security wall erected by Israel between Israel proper and the occupied Palestinian territories. The former is a classic example of imperial walls and/or barriers, and the latter is also valid, as to some extent I consider Israel's military presence in the Middle East as an extension of the US (imperial) economic interests in the region. I also have to make the point that the barrier along the US-Mexico border is increasingly serving as a temporary and ineffective tool to prevent refugees, not from Mexico, but from El Salvador, Guatemala, and Honduras. Thus, here we also see integration of the three Central American economies with that of the United States, although invisible and often ignored by the right-wing American politicians, with the actual frontier being thousands of miles south of the existing barrier!

Your book on globalisation, migration and colonial domination was published in 2014, just before the momentous events in Europe in relation to migration and irregular arrivals (the so-called "migration crisis") and the election of Donald Trump. If you wrote the book now would these events have changed your analysis about the US-Mexican border?

I would answer "yes and no". Let's first look at the US-Mexico border fence/barrier. 2009 was the year the last sections of most of the 700-mile long fence were completed, and there was a heated debate in the United States about pros and cons of building the "wall". We have to remember that the two nations' border stretches for about 2,000 miles! Back then, the fence was the brainchild of the Republican Party's feeble-minded approach to halt immigration from Mexico to the United States, without realization of the ways American domination in North America's economy has negatively affected the Mexican economy, leading to the inevitable waves of South-North migration, mostly from Mexico's rural regions. My field observations along the US-Mexico border clearly supported the argument for the wall's ineffectiveness, as border crossers were constantly breaching the new fence, and its only effect was to force immigrants to walk longer stretches of border and enter the US from unprotected but more dangerous sections along the border.

When in 2009 the Obama administration inherited the wall, it began deporting more people than any other administration: about 2.5 million undocumented

immigrants were deported during the 2009-2015 period alone. This at a time when, by 2015, apprehension of Mexicans along the border fell to near-historic lows. What it all means, is that because of the 2007-2008 economic recession in the US, fewer jobs were available to migrant workers, and the Obama administration did what other administrations have been doing for decades during hard economic times: deport more migrant workers.

“ The Obama administration did what other administrations have been doing for decades during hard economic times: deport more migrant workers. ”

Regarding the election of Donald Trump in 2016, I would say that his support of the wall is more rhetorical than logical, and he is picking up what the right-wing politicians had left before Obama's presidency. So, I would say that my approach to the US-Mexico border fence would have been the same.

And so what about your analysis on Europe?

Well, Europe's "migration crisis" is in a class of its own as far as international migration is concerned. The European Union is not an imperial force, as it is comprised of many politically and economically incongruent national entities. The Union's future coherency and viability therefore will depend on the extent of its ability to prevent defections, such as the Brexit prospects in 2019. I hope I am not mistaken, but a few other nations, such as Italy, Denmark, Sweden, Hungary, Ireland, and even France come to my mind as possible candidates to put a crack in the EU. In addition, based on available data, I see the EU's migration crisis only affecting core countries of the original NATO alliance in Europe (with Germany being the last joining member before the formation of the Warsaw Pact), which excludes all new members after the Soviet Union's demise. On this last issue, and at the risk of over-generalization, I would like to make two observations:

“ I see the EU's migration crisis only affecting core countries of the original NATO alliance in Europe. ”

First, due to NATO-member countries' participation in the invasion/occupation of Iraq, Afghanistan, Libya and even Syria, the displaced populations in the Middle East and Africa have developed a collective consciousness of who the main "culprits" have been in contributing to their misery. Thus, once being economically disadvantaged and/or territorially displaced, migrants

Interview

Mohammad A. Chaichian

from these regions find themselves as being “entitled” to seek refuge in those countries that caused them harm.

Second, any cursory review of the migration paths of new waves of immigrants from the Middle East to Western Europe will tell us that the former Eastern European nations such as Bulgaria, Romania, Macedonia, Serbia, Hungary, and Slovakia (some of them current NATO members) are mostly paying the cost of erecting fences and barriers along the migration routes to prevent migrants reaching Western European countries. Yes, I would have definitely included a study of “Europe’s fences & barriers” in my book.

You talk of borders as demarcation lines between two socio-political entities, but in today’s more securitised world, has the demarcation become more a contested space around culture and values?

Well, you are asking a multi-faceted question, which makes it hard to respond in a few sentences, but I will give it a try! First, imperial and colonial conquests have always led to the emergence of ethnic, or perceived racial, fault lines, leading to racist and ethno-centrist classification of the colonizers and the colonized, always done by the former group. This we can clearly see happening in France with the way French of Maghrebi origins (former French colonial subjects and new migrants from Algeria, Morocco and Tunisia) are being discriminated against despite the fact that France does not recognize ethnic and racial groups and categories, and all individual citizens are considered as French.

Of course, the fact that majority of the French of Maghrebi origin are also Muslims has added another dimension to racist and ethno-centrist tendencies in France based on Islamophobia, with its legislation banning the headscarf and most recently the burkini.

A second, and more important, factor is the new post-WWII phase of globalization, mostly since the 1970s, that has facilitated free flow of capital, labour (both skilled and unskilled), goods and services, and knowledge and information in order to integrate nations and people across political boundaries within a global capitalist economy. This has effectively eroded political boundaries between nations and weakened a sense of belonging among immigrant populations who have moved to the EU or North America as the porous international boundaries, and new forms of communication such as social media, have allowed immigrants to stay connected and maintain their social and cultural ties with their “motherland”. This I believe is vastly misunderstood by the “centre” countries, as they consider the immigrant-citizens’ persistent loyalty and allegiance to their countries of origin, or the “periphery”, as an assault to nationalist sentiments. In most cases these can be described as new nativist sentiments, as seen in France and now in the United States during Donald Trump’s presidency.

You also have written that walls and barriers inevitably serve to enforce and maintain ethnic-national inequalities and promote racism and race. In this current context of an increasingly multicultural and globalised world, is this analysis sufficient to understanding current efforts to restrict migration and especially irregular migration?

Barriers are only tools, and are always erected by nations or groups that are the dominating force in order to guard and protect their wealth, culture, and whatever else they consider to be of superior value vis-a-vis their neighbours, or anyone who they consider as the “other”. Even a cursory reading of the history of colonization and empire-building will tell us that racist/ethno-centrist tendencies always emerge after the initial contact between the invaders and the invaded.

I must also add that we have to consider “multi-culturalism” (as we know it in the West) as the cultural arm of the new phase of globalization. More clearly, the new phase of globalization and erosion of national boundaries has forced us to become “multi-culturalists” and pledge equal respect for diverse cultures and values, without reducing or eliminating economic and political inequalities at national and global levels that are at the core of globalization.

“ I do not see any prospects for turning back the tide of South-North migration. The genie is out of the bottle. ”

Finally, you write of walls and barriers being something of a last resort, and actually the signalling of “total integration of territories and people”. You also say they will become obsolete and are doomed to be torn down. If this is true, how will the world or specific blocks (Europe? North America?) look when this happens, and how long do you think it will take?

This is another tough question! As social scientists and historians, we do not have a crystal ball to see the future trajectories of societies or the world. But walls and barriers may have a short-term deterrence effect. However, as is evident in the continued wave of migration from Central American countries and Mexico to the United States, the ineffectiveness of the concrete wall in Calais (France) and continued resistance of the Palestinians against Israel’s occupation of the Palestinian territories, all the erected barriers/fences have proven to be ineffective in the long run.

We must be ready for this new global reality that is mostly the product of imperial ambitions and colonial interests. Related to the European example, the best answer I can give you at this point is that what we see

in terms of forced integration of immigrant populations to European countries should be considered as the “new normal”. That is, unless there is a concerted effort to change course related to globalization of capitalism, I do not see any prospects for turning back the tide of South-North migration. The genie is out of the bottle, so to say!

1 Most recently: Chaichian, Mohammad A. (2014). *Empires and Walls: Globalization, Migration, and Colonial Control*. (Haymarket Books)



Photo credit: Carlos Spottorno / Panos (2014)

Mediterranean, near Lampedusa, Italy in March 2014. Onboard the Italian Navy frigate Grecale in the Mediterranean Sea, south of the island of Lampedusa, some of the 219 refugees and migrants rescued by the navy from their open boat sit huddled on deck. The refugees and migrants included Pakistanis, Syrians, Moroccans, Nigerians, and Nepalis and had left the coast of Libya the night before. The smuggling gang, who arranged their journey, supplied them with a satellite phone and told to contact the Italian authorities, to organise their rescue, once they reached international waters. The Grecale was on service, as a part of operation 'Mare Nostrum' looking for boats making the hazardous crossing from Libya. By 2018 the number of rescue vessels significantly reduced. The proportion of those who have died or gone missing in the Mediterranean in 2018 has spiked dramatically.

Photo credit: Adam Dean / Panos (2017)

Kutapalong refugee camp, Cox's Bazar, Bangladesh. A Rohingya refugee family prepares dinner in their tent. In late 2018, following announcements that Myanmar and Bangladesh intend to return many of the almost one million refugees in Bangladesh, some refugees were trying to flee the area. Rohingya refugees in Bangladesh have in recent years joined migrants from Bangladesh in mixed flows, with smugglers using sea-going vessels.



Back cover photo credit: Espen Rasmussen / Panos (2015)

Lesvos, Greece. Two men who have just arrived on the Greek island of Lesvos use foil blankets to get warm and dry as they watch two inflatable boats with Syrian refugees approaching the beach coming from the Turkish coast. From March 2016, after the EU-Turkey deal was signed, the movement from the Greek Islands to Greek mainland (and on into Europe) became curtailed. Since then, the islands became overcrowded with detention facilities been deplored by many for their dire conditions, insecurity and limited services.



Eighteen years after the term “mixed migration” was introduced, the newly-created Mixed Migration Centre presents this first in a regular series of global annual reports - the **Mixed Migration Review 2018**.

Viewing the contemporary mobility of refugees and migrants through the analytical lens of “mixed migration” facilitates a deeper understanding of the variety of motives, legal statuses and vulnerabilities of people who cross national borders, as well as the policy dilemmas they provoke.

The **Mixed Migration Review 2018** provides an overview of the latest evidence, research-based thinking, and specialist comment on the sector. Through thematic essays, policy summaries, and a dozen interviews with sector experts, it aims to promote understanding and stimulate discussion of a complex and increasingly politicised field.

For a full electronic copy of the **Mixed Migration Review 2018**, extensive data from the Mixed Migration Monitoring Mechanism initiative (4Mi), and additional commentary, visit our website at: www.mixedmigration.org

