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United Nations Office on Drugs and Crime

# Migrant Smuggling in Asia

A Thematic Review of  
Literature

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# MIGRANT SMUGGLING IN ASIA

**A Thematic Review of Literature**

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Cover photo: Courtesy of CBSA. The photo shows a ship that was used in a migrant smuggling operation from Asia to North America.

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# Migrant Smuggling in Asia

## **A Thematic Review of Literature**

A publication of the Coordination and Analysis Unit  
of the Regional Centre for East Asia and the Pacific

**United Nations Office on Drugs and Crime**



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# Abbreviations and Acronyms

ARCM	Asian Research Center for Migration
ARTWAC	Action Research on Trafficking in Women and Children
ASEAN	Association of Southeast Asian Nations
BBC	British Broadcasting Corporation
BEFARE	Basic Education for Awareness Reforms and Empowerment
BEOE	Bureau of Emigration and Overseas Employment
CASS	Chinese Academy of Social Sciences
CAU	Coordination and Analysis Unit of RCEAP, UNODC
CECC	Congressional-Executive Commission on China
CIA	Central Intelligence Agency
CIAO	Columbia International Affairs Online
CIS	Commonwealth of Independent States
COMCAD	Center on Migration, Citizenship and Development
CNY	Chinese Renminbi
CRS	Congressional Research Service
CTV	Canadian Television Network
DGSN	Direction Générale de la Sûreté Nationale (the Moroccan national security service)
EBDM	Enterprise for Business & Development Management
ERTV	Economic Rehabilitation of Trafficked Victims
EU	European Union
EUR	Euro
FATA	Federally Administered Tribal Areas
FDI	Foreign Direct Investment
FIA	Federal Investigation Agency
FSA	Foreign Service Agreements
GBP	United Kingdom Pound
GDP	Gross Domestic Product
GMS	Greater Mekong Subregion
HIV/AIDS	Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome
HRCP	Human Rights Commission of Pakistan
IBSS	International Bibliography of the Social Sciences

IDPs	Internally Displaced Persons
IIED	International Institute for Environment and Development
ILO	International Labour Organization
IMISCOE	International Migration, Integration and Social Cohesion
INGO	International Nongovernmental Organization
IOM	International Organization for Migration
IPSR	Institute for Population and Social Research
ISS	Institute of Social Sciences
IVTS	Informal Value Transfer Systems
KWAT	Kachin Women's Association Thailand
Lao PDR	Lao People's Democratic Republic
LTTE	Liberation Tigers of Tamil Eelam
MAIS	Multicultural Aust. & Immigration Studies
Migrant Smuggling Protocol	Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the UN Convention Against Transnational Organized Crime (2000)
MMK	Myanmar Kyat
MNA	Mon News Agency
MYR	Malaysia Ringgit
MOU	Memorandum of Understanding
MPS	Ministry of Public Security
MV	Maritime Vehicle
NARA	National Alien Registration Authority
NCRB	National Crime Records Bureau
NGO	Nongovernmental Organization
NHRC	National Human Rights Commission
NRM	National Referral Mechanism
NWFP	North West Frontier Province
OEC	Overseas Employment Corporation
OECD	Organisation for Economic Co-operation and Development
OFPRA	Office Français de Protection des Réfugiés et Apatrides (French Office for Protection of Refugees and Stateless Persons)
RTWG	Regional Thematic Working Group on International Migration Including Human Trafficking
RCEAP	Regional Centre for East Asia and the Pacific, UNODC

SAARC	South Asian Association for Regional Cooperation
SEPOM	Self-Empowerment Program for Migrant Women
SGD	Singapore Dollar
SIEV	Suspected Illegal Entry Vessel
THB TiP	Thai Baht Trafficking in Persons
Trafficking in Persons Protocol	Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the UN Convention Against Transnational Organized Crime
UAE	United Arab Emirates
UK	United Kingdom
UN	United Nations
UNAIDS	United Nations Programme on HIV/AIDS
UNDP	United Nations Development Programme
UNESCAP	United Nations Economic and Social Commission for Asia and the Pacific
UNFPA	United Nations Population Fund
UN.GIFT	United Nations Global Initiative to Fight Human Trafficking
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNIAP	United Nations Inter-Agency Project on Human Trafficking
UNIFEM	United Nations Development Fund for Women
UNODC	United Nations Office on Drugs and Crime
UNTOC	United Nations Convention against Transnational Organized Crime
USD	United States Dollar
USSR	Union of Soviet Socialist Republics
WVFT	World Vision Foundation of Thailand
YCOWA	Yaung Chi Oo Workers' Association

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# Executive Summary

## Objective and methodology

The *Migrant Smuggling in Asia: A Thematic Review of Literature* and the accompanying annotated bibliography offer a consolidation of findings contained in research literature that analyses migrant smuggling in Asia either directly or indirectly. **The review of the available body of empirical knowledge aimed to create an information base and identify the gaps in what is known about the smuggling of migrants around and out of the region.**

By consolidating the information currently accessible on migrant smuggling, the *Thematic Review of Literature* looks **to stimulate and guide further research that will contribute to informing evidence-based policies** to prevent and combat the smuggling of migrants while upholding and protecting the rights of those who are smuggled.

The United Nations Office on Drugs and Crime (UNODC) conducted the research in support of the Bali Process, which is a regional, multilateral process to improve cooperation against migrant smuggling, trafficking in persons and related forms of transnational crime.

**The systematic search for research literature in English, French and German covered an eight-year period (1 January 2004 to 31 March 2011) and 14 countries** (Afghanistan, Cambodia, China, India, Indonesia, Lao PDR, Malaysia, Maldives, Myanmar, Pakistan, Singapore, Sri Lanka, Thailand and Viet Nam). Primary research, such as the collection of statistics from national authorities, was not part of the project. The project began with a search of 44 databases, one meta-library catalogue, three institution-specific library catalogues and 39 websites of institutions that work on migrant smuggling. This resulted in 845 documents that were then closely reviewed against a set of further elaborated criteria. Ultimately, **154 documents were critically reviewed and formed the basis of this report.** Abstracts of those documents are provided in *Migrant Smuggling in Asia: An Annotated Bibliography*.

The systematic search also included literature regarding irregular migration and human trafficking flows

not only because migrant smuggling takes place within irregular migration but **to learn more about the relationship between migrant smuggling, irregular migration and human trafficking.**

## A highly fragmented information base: Knowledge gaps prevail

Of the 154 documents reviewed, 75 of them provided information about migrant smuggling, 117 provided information about irregular migration and 66 provided information about human trafficking. Keeping in mind that some countries within the research scope are major sources of migrant smuggling and irregular migration, these figures illustrate that **migrant smuggling has not attracted a critical amount of attention within the research community.**

**Accurate data on the extent of migrant smuggling either rarely exists or could not be accessed by researchers.** The reviewed literature reflects the paucity of and/or shortcomings in official quantitative data in many countries and the difficulties in accessing data that would allow a better grasp of both the extent of irregular migration and to what extent irregular migration is facilitated by migrant smugglers.

**The available research literature on irregular migration contributes only in a limited way to increasing the understanding of migrant smuggling due to a lack of clarity with the terminology.** Common is the use of terms that are not further defined, such as “illegal migrant”, “broker”, “agent” and “recruiter”. This ambiguity significantly has limited the capacity of the literature on irregular migration to clarify to what extent migrant smugglers facilitate irregular migration and how.

**The available research on migrant smuggling only focuses on a few types of flows or on a few thematic issues.** There is some dedicated research on migrant smuggling from Afghanistan and Pakistan (mainly to Europe and specifically the United Kingdom), on smuggling from India (to the United Kingdom), on smuggling from China to the United States and, to

a lesser extent, to Europe; and on the organizational forms of smuggling. Yet amazingly, there is very limited research on migrant smuggling: from Sri Lanka; to the Maldives; to Singapore; to and through Indonesia and Malaysia; from China to destinations other than the United States and European countries; from Viet Nam to countries other than the United Kingdom; and on migrant smuggling within the Greater Mekong Subregion. There is very limited research on thematic aspects, such as to what extent does migrant smuggling fuel human trafficking and irregular migration or who are the migrant smugglers. Most of the thematic research questions that guided this literature review could only be answered partially or an answer was based upon a thin body of information.

### **The good news: High-quality research on migrant smuggling is feasible**

**A number of research studies significantly contribute to increasing the knowledge about migrant smuggling.** Those studies used qualitative research methods, such as semi-structured interviews, observation and content analysis of documents. Other research drew on quantitative data that was already available or was generated for the purpose of the research, such as through household surveys (structured questionnaires). The research drew upon a variety of sources: smuggled migrants, migrant smugglers or experts were interviewed; regularization statistics, deportation statistics or statistics such as the number of facilitated illegal entries were analysed; data from criminal justice proceedings, such as files from investigations and prosecutions containing interrogations and/or telephone interceptions, were examined.

### **Findings by country**

Against this backdrop of an uneven, sketchy and limited information base, the following part summarizes the main findings about migrant smuggling with regard to the 14 reviewed countries:

#### **South-West Asia**

##### ***Afghanistan***

Irregular migration of Afghan citizens is largely organized by Pakistani and Afghan smugglers, while the actual smuggling services are carried out by citi-

zens of the transit countries. Due to the porous border with Pakistan and the Islamic Republic of Iran, these two countries serve as the de-facto starting points for the smuggling of Afghans. Main destinations are the Middle East, Europe, North America and Australia by land, sea and air. The use of look-alike documents and document swapping in transit airports are common practices in migrant smuggling by air. The smugglers offer a range of services relative to the purchasing power of their clients. For example, sea crossings to Oman or the United Arab Emirates cost between USD 300 and USD 700; for migrant smuggling by land to Europe, fees range between USD 4,000 and USD 6,000, while air smuggling to Europe can cost up to USD 24,000. Migrants going to the Middle East stay for a shorter period of time to work and then return to Afghanistan. Afghan migrants to Europe and Australia tend to stay long term in the destination; many negotiate and buy smuggling services en route, stage by stage. Others resort to smuggling services that are pre-organized “full-package solutions”.

##### ***Pakistan***

Pakistan is a major destination for irregular migrants from Afghanistan, Bangladesh and Myanmar. However, with the exception of Afghan irregular migration, the reviewed literature did not further focus on those flows. Irregular migration of Pakistani migrants is largely facilitated by smugglers. Routes and destination countries for smuggled Pakistanis are very similar to those for smuggled Afghan migrants. Most often Pakistani irregular migrants travel temporarily for work to Saudi Arabia and United Arab Emirates. Most are single men and on average 30 years old. Countries in the European Union, in particular the United Kingdom, are popular destinations for those who can afford it. Pakistani irregular migrants are mostly from North Punjab, North-West Frontier Province, Karachi and a few districts in Southern Punjab. The smuggling networks offer a range of services and operate in a highly professional way. Corruption and the use of fraudulent documents are common methods in all forms of migrant smuggling out of Pakistan, whether by land, air or sea. The use of guaranteed schemes in long-distance smuggling operations, such as to Europe, is an indicator of the level of professionalism, high profit margins and good success rates that smugglers enjoy; it also reflects increased competition and the need for smugglers to maintain a good reputation. In the first



half of the 2000s, migrant smuggling fees for a direct flight to the United Kingdom were between USD 13,000 and USD 14,000. More recent research indicates fees of between USD 18,000 and USD 26,000 for indirect flights to the United States via Bangkok.

## **West Asia**

### ***India***

Migrant smuggling from the states of Tamil Nadu and Punjab is extensive. It has also spread into the neighbouring states of Haryana, Himachal Pradesh and Jammu and Kashmir. From the southern state of Tamil Nadu, irregular migrants leave mainly for the Middle East and Asia and, to a lesser extent (around 25 per cent), to Europe. More than an estimated 20,000 migrants irregularly leave Punjab each year. Almost half of the annual departures of Punjab migrants allegedly head to Europe, in particular the United Kingdom. This reflects that irregular migration largely mirrors patterns of regular migration flows. Other destination countries include Australia, Canada, Japan, Malaysia, Republic of Korea, Singapore, South Africa, Thailand, United Arab Emirates and the United States. Smugglers in Tamil Nadu and Punjab often operate under the guise of travel or recruitment agencies. Indian smuggling networks are highly professional and realize substantial profits. They organize complex travel through various countries, obtain high-quality fraudulent documents, including genuine documents obtained on fraudulent grounds, and offer money-back guarantees. Often legally residing in transit countries, Indian smugglers ensure the overall coordination of the smuggling process in cooperation with non-Indians who facilitate the actual smuggling work in the transit countries. Reported fees range from USD 1,700 for destinations in the Middle East to USD 13,000 for Europe and even higher for North America.

### ***Maldives and Sri Lanka***

Empirically based research on migrant smuggling regarding the Maldives and Sri Lanka is completely lacking. According to one source, there are some 30,000 irregular migrants in the Maldives (an estimated 37.5 per cent of all working migrants); another source reported that an estimated half of the 35,000 Bangladeshis who entered the Maldives did so without authorization.

Migrants from Sri Lanka resort to various, often complex and long routes to their destinations. Tam-

ils, for example, are smuggled via India to countries in Europe. In addition to Greece, France, Italy and the United Kingdom, Canada is a common destination. Only media sources provide information about migrant smuggling via boat to Australia and Canada. Some media reports claimed that migrant smugglers charged up to USD 5,000 for a journey to Europe, Australia or Canada. Other media reports claimed that Sri Lankans had paid as much as USD 50,000 per person to be smuggled by boat to Canada.

## **South-East Asia**

### ***Indonesia and Malaysia***

Irregular migration from Indonesia mirrors regular migration patterns, with Malaysia as the primary country of destination. Malaysia is also a country of destination for irregular migrants from other countries, in particular Philippines. Research from 2009 and 2010 includes estimates of irregular migrants in Malaysia at between 600,000 to 1.9 million. Most of the irregular migrants are from Indonesia and Philippines, but they also come from Bangladesh, Cambodia, Lao PDR, Myanmar, Nepal and Thailand. Migrants are predominantly smuggled by land and sea into Malaysia. Between Indonesia and Malaysia, there is a great deal of overlap between regular and irregular labour migration, migrant smuggling and human trafficking. The volume of Indonesian victims of human trafficking found in Malaysia illustrates that irregular migration and irregular overstaying leave migrants vulnerable to exploitation and human trafficking. Even though the use of regular labour migration channels does not protect against abuse, exploitation and human trafficking, the reviewed literature underscores that upon arrival, irregular migrants are more vulnerable to trafficking than regular migrants. Regarding irregular migration from Indonesia to Malaysia, the geographic proximity, porous borders and well-established migration flows are factors in its popularity; it is driven by shortcomings in the regular labour migration system and is largely facilitated by migrant smugglers. Avoiding the relatively high costs associated with regular labour migration is pointed out as a major reason for migrants to choose irregular channels.

Indonesia and Malaysia are also transit countries for smuggled migrants from the Middle East, South-West and West Asia wanting to reach Australia by sea. Migrants using this route claim to seek asylum



or are refugees; insecurity and better economic prospects are major driving factors. Other motivating factors include family reunification and the lengthy wait for resettlement of refugees. Using Indonesia as the point of embarkation, some transit migrants enter directly by air. Migrants are also smuggled into Indonesia from Malaysia by land, sea and air — if direct entry into Indonesia is not an option. Corruption in both Indonesia and Malaysia is frequently cited as an important means to facilitate transit flows. Smuggling fees vary and reach up to USD 20,000. Fully pre-arranged smuggling services from the Middle East and West or South Asia through Indonesia to Australia are less expensive than the sum of services paid for piece by piece.

### ***Singapore***

Irregular migration to Singapore is estimated to be not significant in numbers. This is due to its geographic position and to the enforcement of strict migration policies that were put in place before migration to Singapore evolved. Research from the mid-2000s explains that Singapore was used as a transit point for migrant smuggling from Afghanistan, the Middle East and North Africa to Australia. Little information is provided about migrant smuggling from Malaysia to Singapore other than Bangladeshi, Chinese, Myanmar and Nepalese nationals are smuggled by boat.

### ***Cambodia, Lao PDR, Myanmar and Thailand***

Thailand is the major destination for irregular migrants from Cambodia, Lao PDR and, most heavily, Myanmar. Various estimates over the past decade indicate a steady increase of irregular migrants into Thailand. According to more recent estimates, some 2 million irregular Myanmar migrants (and around 140,000 Myanmar refugees) are in Thailand. Poverty, the lack of gainful employment and the prospects of higher earnings to support families back home are significantly motivating the decision to irregularly migrate. Well-established social networks that facilitate the process and stories of others' successful migration experiences are additional factors that encourage irregular migration from Cambodia, Lao PDR and Myanmar. Myanmar migration is also partially motivated by political factors and insecurity. Borders in the Greater Mekong Subregion can be crossed with ease. Migrants irregularly pass through official checkpoints and unauthorized border crossings with or without assistance. The use of

fraudulent documents is rare. There is petty corruption among law enforcement officials at the borders, and bribes are affordable. Although further research is clearly needed, it appears that much — if not most — of the irregular migration involves migrant smugglers. Irregular migrants pay fees for placement in jobs in Thailand. Smuggled migrants generally pay fees upfront; although in many situations, recruiters or employers in Thailand cover the cost for recruitment and transportation, which is then deducted from the migrants' salaries. Cambodians are smuggled by Cambodians, Laotians by Laotians and Myanmar migrants by Myanmar smugglers. Usually the mainly mono-ethnic smuggling networks extend into Thailand, though they also involve Thai citizens who closely cooperate with Thai employers.

The failure of formal migration systems in the region to meet the demand for migrant workers in Thailand is a major pull factor for irregular migrants. Those systems are characterized as complicated, time consuming and expensive. In 2007, for example, Thai employers requested 39,010 Cambodian workers under a memorandum of understanding that governs the Thai-Cambodian cooperation in labour migration, but only 6,143 workers were placed. Informal recruitment and job placement systems are cheaper and faster. In Lao PDR, for example, migrants pay between USD 490 and USD 590 for formal labour migration services and less than USD 190 for irregular migration services.

Irregular migrants are vulnerable to abuse, exploitation and human trafficking because of their irregular status. It is not clear to what extent Cambodian, Lao and Myanmar victims of human trafficking in Thailand were victims of a pre-organized human trafficking process that started in their respective countries. What is apparent from the literature is that the irregular status of migrants significantly contributes to migrants' vulnerability to human trafficking that begins after they arrive in Thailand; in other words, not all migrant victims of trafficking are victims of trafficking that started in their home country.

### ***Viet Nam***

More than an estimated 50,000 irregular Vietnamese migrants are in the United Kingdom. Around 100,000 irregular migrants live in other European countries, in particular in the Czech Republic, Germany and Poland. Additionally, more than 10,000

irregular migrants were found in the Republic of Korea. Typically, smuggling routes transit China and/or Russia and Eastern Europe before reaching Central and Western Europe. Vietnamese smugglers rarely outsource smuggling services to non-Vietnamese smugglers, although the research indicates that they cooperate with non-Vietnamese smugglers, such as Chinese and Czech nationals, in the smuggling of Chinese citizens. More recent irregular migration from Viet Nam to Europe originated in North Viet Nam, in particular in the provinces of Hai Phong and its neighbour Quang Ninh. Some Vietnamese irregular migrants go to Canada or the United Kingdom to work in illegal cannabis cultivation operations run by Vietnamese networks. However, the research in the United Kingdom underscores that the smugglers did not engage in the illegal cannabis cultivation. Smugglers offer end-to-end services from Viet Nam to the United Kingdom and frequently resort to fraudulent documents, including look-alike documents. Genuine documents are reportedly sold by Vietnamese migrants who have returned. Smuggling fees to the United Kingdom range from USD 19,700 to USD 24,600.

## East Asia

### *China*

Irregular Chinese migrants originate predominantly from the southern provinces of Fujian and Zhejiang, which have a history of outmigration. The north-eastern provinces of Liaoning, Jilin and Heilongjiang, however, have emerged more recently as sending regions also. Chinese irregular migrants are mainly driven by economic ambitions but in combination with other factors; networks, a history of migration, knowing somebody who migrated and the successful role models of returned migrants also motivate the decision to migrate. Diaspora communities function as a pull factor. Destinations of irregular Chinese migrants are neighbouring and Western countries: Hong Kong (China), Japan, Lao PDR, Myanmar, Republic of Korea, Taiwan Province of China and Viet Nam; European countries, with the United Kingdom as the top destination; Canada and the United States; and Australia and New Zealand. Central Asian and Eastern European countries serve as transit countries to Europe. Central America, Mexico and Canada are also transit countries for smuggling routes into the United States. There are only a few estimates regarding the numbers of Chi-

nese irregular migrants: 250,000 irregular Chinese migrants in Moscow in the mid-1990s, 72,000 in the Republic of Korea in 2002; 30,000–40,000 entered the United States annually from 2000 to 2005.

Even though some of the researchers acknowledged the possibility of bias through the methodology chosen, the research indicates that in general smugglers do not engage in criminal activities other than migrant smuggling. Research carried out in Italy, the Netherlands and United Kingdom found no evidence of Chinese smugglers engaged in human trafficking, for instance. Nonetheless, the research stresses that factors linked to irregular migration (fearing deportation, not able to report to the police when becoming a victim of crime), debts and the excessive working hours considerably raise the vulnerability of Chinese migrants to abuse, harsh and precarious living and working conditions, exploitation and human trafficking.

Chinese irregular migrants pay the highest smuggling fees in comparison with other populations of irregular migrants. Recent figures range from USD 18,500 to USD 31,300 for European destinations and from USD 60,000 to USD 70,000 for an arranged marriage into the United States. The less a potential migrant is personally connected to a smuggler, the higher the fee. Mutual trust is paramount. Both migrants and smugglers screen each other; smugglers want to determine if the possible migrants can pay, while migrants want to ensure that the smugglers will deliver the agreed service. Guaranteed schemes, such as only paying for successfully completed smuggling operations, are ways to attract migrants and build a good reputation. The smuggling of Chinese citizens is coordinated by a chain of Chinese smugglers based in China and transit countries in which they legally reside. Chinese smugglers might outsource smuggling services to other non-Chinese groups in transit countries. Together, they form a small, flexible network that changes according to business opportunities. Interaction between smugglers is mostly one on one. There is no single mastermind who fully controls the smuggling process.

# Policy recommendations for improving evidence-based knowledge

- 1) **Ensure adherence of all Bali Process member states to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children and the Protocol against Smuggling of Migrants by Land, Sea and Air, both supplementing the United Nations Convention against Transnational Organized Crime, and their effective implementation.** These Protocols provide the first internationally accepted definitions of human trafficking and migrant smuggling and are the primary international legal instruments addressing these criminal activities.
- 2) **Ensure that efforts to combat migrant smuggling are comprehensive (addressing protection needs alongside criminal justice and migration control imperatives), collaborative (ideally regional) and consistent** – as noted in the co-chairpersons' statement from the Fourth Bali Process Regional Ministerial Conference on People Smuggling, Trafficking in Persons and Related Transnational Crime.
- 3) **Underpin the regional efforts to combat migrant smuggling with a strong knowledge base, drawing on relevant and reliable information.** Policy development and implementation both need to be based on evidence.
- 4) **Develop research projects that focus on:**
  - a) Identifying and analyzing sub-types of migrant smuggling (typologies);
  - b) Identifying and analyzing characteristics of those involved in perpetuating migrant smuggling (the smugglers);
  - c) Identifying and analyzing characteristics, motivations and experiences (positive and negative) of the customers of migrant smuggling (migrants);
  - d) Clarifying the size of irregular migration flows and to what extent they are facilitated and motivated by migrant smuggler;
  - e) Assessing the impact and effectiveness of responses to migrant smuggling.
- 5) **Approach research on migrant smuggling not in isolation but alongside a broader consideration of related issues, such as protection needs.**
- 6) **Include irregular migration and migrant smuggling questions in national data collection systems and strengthen and harmonize those systems.**
- 7) **Encourage States to make use of the Voluntary Reporting System on Migrant Smuggling and Related Conduct (VRS-MSRC) in support of the Bali Process.** The Co-Chairs' Statement of the Fourth Bali Process Ministerial Conference on 30 March 2011 notes that, "Ministers agreed to strengthen engagement on information and intelligence sharing, underscoring the high value and utility that would derive from enhanced information sharing. In this regard, Ministers welcomed assistance from UNODC in establishing a voluntary reporting system on migrant smuggling and related conduct in support of the Bali Process".

Developed in a consultative process with law enforcement and immigration officials from South-West, South, South-East and East Asia, the Pacific, North America and Europe, the VRS-MSRC is an internet-based IT solution that facilitates the collection, sharing and use for analytical purposes of data on migrant smuggling and irregular migration. To be launched in July 2012, the VRS-MSRC securely and instantly provides state authorities with up-to-date information at the click of a button.

## Country Situation Overview

Against the backdrop of an uneven, sketchy and limited information base, the following part summarizes the available information contained in the 14 country chapters:

### South-West Asia

#### *Afghanistan*

There are only a few dedicated, empirically based research reports that contribute any understanding on the smuggling of Afghan citizens. The reviewed literature, however, does not include any comprehensive data on migrant smuggling or irregular migration.

According to the reviewed literature:

- **Irregular migration of Afghan citizens is largely facilitated by migrant smugglers** – with the exception of entering Pakistan and the Islamic Republic of Iran from Afghanistan due to the porous border with those countries. Migrant smuggling networks are based in Pakistan and the Islamic Republic of Iran, which are the countries from where the smuggling of Afghans to other countries initiates.
- **There are various factors that make it difficult to distinguish Afghan from Pakistani smuggled migrants.** Of the three million Afghan refugees who live in the neighbouring countries of Afghanistan, an estimated 2.2 million live in Pakistan. Before 2001, the use of fraudulent Pakistani passports was common in the smuggling of Afghan migrants, while after 2001, smugglers of Pakistani migrants to such destinations as Europe also resorted to using Afghan passports. Although many smugglers who operate in Pakistan are Afghans, Pakistanis smuggle both Afghan and Pakistani migrants.
- **Main destinations are the Middle East, Europe, North America and Australia.** The routes are described as: a) if not already in the Islamic Republic of Iran, from Pakistan to Iran; then from Iran through Turkey, into Greece by land or by sea, with the United Kingdom as the top destination in Europe, where, in 2008, 12,000 Afghan migrants applied for asylum; b) smuggling by sea, in particular via Oman and the United Arab Emirates, with countries of Central Asia as destination and transit countries; c) North America and d) Australia, often via South-East Asia.
- **Smugglers also use air routes, for example to Europe.** The use of look-alike documents and document swapping in transit airports, such as Dubai, are common practices.
- **Pakistani and Afghan smugglers have the prominent role in organizing the smuggling of Afghan migrants, while the actual smuggling services are carried out by citizens of the transit countries.** The smugglers offer a range of services in response to the demands and purchasing power of their clients. For example, sea crossings to Oman or the United Arab Emirates cost between USD 300 and USD 700; for migrant smuggling by land to Europe, fees range between USD 4,000 and USD 6,000, while air smuggling to Europe can cost up to USD 24,000.
- **Afghan irregular migrants are economically better off in comparison with the average Afghan citizen and tend to be male and young (18–35 years old).** They are mostly motivated by economic reasons and concerns for their safety. Due to the higher costs involved, smuggled migrants who choose Western destinations tend to be more highly educated than the average Afghan citizen. They intend to stay for longer periods or forever, whereas migrants going to the Middle East tend to stay for a shorter period of time to work and then return to Afghanistan.
- **Afghan migrants to Europe and Australia negotiate and buy smuggling services en route, stage-by-stage.** But they also resort to smuggling services that are pre-organized “full-package solutions”.

#### *Pakistan*

The reviewed literature relates that modern migrant smuggling of Pakistani citizens started in the 1960s

when the United Kingdom introduced more restrictive immigration policies under the 1962 Commonwealth Immigration Act. Despite the long history of migrant smuggling, there are only a handful of empirical research studies on the issue, and in particular, on migrant smuggling from Pakistan to the United Kingdom.

According to the reviewed literature:

- **Pakistan is a major destination for irregular migrants from Afghanistan, Bangladesh and Myanmar.** The number of irregular Afghan migrants and refugees in Pakistan is estimated at 2.2 million, although national statistics do not differentiate between irregular migrants and refugees. The number of irregular migrants from Bangladesh in Pakistan is estimated at around 1 million and from Myanmar at 100,000. Irregular migrants from Nigeria and Somalia also in Pakistan are estimated at 2,000 persons each. With the exception of Afghan irregular migration, the reviewed literature did not further focus on those flows. Pakistan functions as one of the countries from where smuggling of Afghan citizens initiates.
- **Irregular migration of Pakistani migrants is largely facilitated by smugglers.** In the absence of comprehensive data, the research provided indicators (although such estimates should be treated with caution): a total of 66,594 Pakistanis were deported to Pakistan between 2005 and 2008; 60,000 Pakistanis were deported home in 2003 and 2004; up to 500,000 migrants were smuggled out of Pakistan, largely to the Middle East but also to the Islamic Republic of Iran, Saudi Arabia and United Arab Emirates during the first half of 2000.
- **Smuggling of Afghans is very difficult to distinguish from the smuggling of Pakistanis.** Routes and destination countries for smuggled Pakistanis are very similar to those for smuggled Afghan migrants. Countries in the European Union, in particular the United Kingdom, are popular destinations. Pakistanis are smuggled by land through the Islamic Republic of Iran, Greece and Turkey. There are references to the mid-2000s and routes to Europe via Central Asia and to Russia via West and North Africa. Migrants are often smuggled by air, land and sea. The United Arab Emirates and Saudi Arabia are common destinations for “circular” (temporary) irregular migrants.
- **Pakistani irregular migrants are mostly from North Punjab, North-West Frontier Province, Karachi and a few districts in Southern Punjab.** Most often they migrate temporarily for work in Saudi Arabia and United Arab Emirates. Most are single men and on average 30 years old. Almost three quarters of them were employed before migrating.
- **Even though the typical migrant is not from the poorest households, being smuggled still represents an enormous financial burden.** Funds to cover the fees are mobilized through savings, selling property or other possessions or borrowing. Although largely motivated by economic reasons, the freedoms of the West and adventure are other reasons given for irregularly migrating.
- **Those who can afford it are smuggled by air.** Either they fly directly into a country of destination or they use indirect flights involving stopovers at such airports as Bangkok (Thailand), Casablanca (Morocco), Dhaka (Bangladesh), Istanbul (Turkey), Jeddah (Saudi Arabia), Johannesburg (South Africa), Kampala (Uganda), Kiev (Ukraine), Larnaca (Cyprus), Maputo (Mozambique), Port Louis (Mauritius), Moscow (Russia) or Riyadh (Saudi Arabia). Fees are high. In the first half of the 2000s, migrant smuggling fees for a direct flight to the United Kingdom were between USD 13,000 and USD 14,000. More recent research indicates between USD 18,000 and USD 26,000 for indirect flights to the United States via Bangkok.
- **The smuggling networks offer a wide range of services and operate in a highly professional way.** Corruption and the use of fraudulent documents are frequently used methods in all forms of migrant smuggling out of Pakistan, whether by land, air or sea. The use of guaranteed schemes in long-distance smuggling operations, such as to Europe, is an indicator of the level of professionalism, high profit margins and good success rates reached that smugglers enjoy; it also reflects increased competition and the need for smugglers to maintain a good reputation. In particular, the smuggling of Pakistanis



by air illustrates the high levels of professionalism because this method involves significant investment (for fraudulent documents and corruption) by smugglers while the fees are largely only collected in the case of success.

## South Asia

### India

India is a major source and destination country for irregular migration. And yet only a few research publications shed light on migrant smuggling from India, while migrant smuggling into and through India is not addressed at all. Very little is known about irregular migration and migrant smuggling between India and Bangladesh, Nepal, Pakistan and Sri Lanka. The literature draws on scattered sources of data, such as statistics on deported Indians recorded at airports, and field research samples.

According to the reviewed literature:

- **Irregular migration from the states of Tamil Nadu and Punjab is extensive.** Irregular migration has spread to new areas in Punjab and Tamil Nadu and into the neighbouring states of Haryana, Himachal Pradesh and Jammu and Kashmir, which until recently had not had large numbers of irregular migrants.
- **From the southern state of Tamil Nadu, irregular migrants leave mainly for the Middle East and Asia and, to a lesser extent (around 25 per cent), to Europe.** Migrants from Tamil Nadu are largely low-skilled labourers from rural areas with high unemployment.
- **Irregular migrants from the north-western state of Punjab are typically young men from richer agricultural families.** More than an estimated 20,000 migrants irregularly leave Punjab each year.
- **Almost half of the annual departures of Punjab migrants allegedly head to Europe, in particular the United Kingdom.** This reflects that irregular migration largely mirrors patterns of regular migration flows. Other important destination and transit countries in Europe are Austria, Belgium, Bosnia, Czech Republic, Finland, France, Germany, Greece, Hungary, Italy, Netherlands, Norway, Poland, Portugal, Spain, Sweden and Switzerland. Commonwealth of Independent States countries are important transit countries. Other destination countries include Australia, Canada, Japan, Malaysia, Republic of Korea, Singapore, South Africa, Thailand, United Arab Emirates and the United States.
- **It is not clear to what extent migrant smugglers participate in the movement out of India because many migrants legally enter destination countries and then become irregular.** Facilitating the legal entry on fraudulent grounds, if arranged for financial or material benefit, still constitutes migrant smuggling.
- **Smuggling routes from India to Europe are relatively the best researched.** By air and land, migrants are smuggled through Russia, Ukraine and Central Europe into Western Europe. In the past, migrants were smuggled by air, land and sea through West and North Africa into Western Europe. Bangkok is reported to be a transit hub for migrant smuggling, in particular by air, to countries in South-East and East Asia, Australia and New Zealand.
- **Smugglers in Tamil Nadu and Punjab often operate under the guise of travel or recruitment agencies.** Although there are smugglers who organize the actual travel, other smugglers specialize in recruiting clients.
- **Often legally residing in transit countries, Indian smugglers ensure the overall coordination of the smuggling process in cooperation with non-Indians** who carry out the actual smuggling work in the transit countries. Most Indian smugglers are male.
- **Indian smuggling networks are highly professional and realize substantial profits.** They organize complex travel through various countries, obtain high-quality fraudulent documents, including genuine documents obtained on fraudulent grounds, and offer money-back guarantees.
- **Reported fees range from USD 1,700 for destinations in the Middle East to USD 13,000 to Europe and even higher for North American destinations.** Although migrants are not always from the poorest households, investing in the smuggling of a family member is an enor-

mous financial burden. Families sell possessions or borrow to cover the fees.

- **Only one study offered evidence of smugglers intentionally involved in human trafficking.** More research is required.
- **Migrants are motivated by a combination of factors.** Unemployment and the prospect of higher wages are important, but networks and connections to relatives who work or once worked in destination countries are crucial. The decision to migrate is often a family one.

### *Maldives*

Hardly any information about migrant smuggling and Maldives was found.

According to the reviewed literature:

- **About 30,000 irregular migrants are in the Maldives (an estimated 37.5 per cent of all migrants working there).** Another source reported that an estimated half of 35,000 Bangladeshis who entered the Maldives did so without authorization.

### *Sri Lanka*

There is no dedicated empirical research on migrant smuggling from Sri Lanka. The information on regular and irregular migration from Sri Lanka contributes only sketchy details.

According to the reviewed literature:

- **Migrants from Sri Lanka resort to various, often complex and long routes.** In particular, Tamils are smuggled via India to destination countries in Europe. In addition to Greece, France, Italy and the United Kingdom, Canada is a common destination. Other routes to Europe described: transiting first through the United Arab Emirates to Kazakhstan by air and then entering Russia, Belarus or Poland with the objective of reaching Western Europe by land. Kyrgyzstan and Tajikistan were also mentioned as transit countries. Only media sources provide information about migrant smuggling via boat to Australia and Canada. Some media reports claim that migrant smugglers charge up to USD 5,000 for a journey to Europe, Australia or Canada. Other media reports claim that Sri Lankans

have paid as much as USD 50,000 per person to be smuggled by boat to Canada.

## **South-East Asia**

### *Indonesia and Malaysia*

Even though significant numbers of irregular Indonesian migrants are believed to be in various countries, the reviewed literature almost exclusively focused on irregular migration from Indonesia to Malaysia. Little information is available about other irregular migrations flows into Malaysia. Additionally, even though the smuggling of migrants from the Middle East and West and South Asia through Indonesia and sometimes Malaysia has attracted much media attention, not one dedicated research report was found that looked at this issue.

According to the reviewed literature:

- **Irregular migration from Indonesia mirrors regular migration patterns, with Malaysia as the primary country of destination.** Irregular migrants from Indonesia either enter Malaysia in an irregular way or they overstay their visa and become irregular. Similar patterns of visa overstay by Indonesian migrants are apparent in Hong Kong (China), Macao (China), Japan and the Republic of Korea.
- **Malaysia is also a country of destination for irregular migrants from other countries, in particular Philippines.** Research from 2009 and 2010 includes estimates of irregular migrants in Malaysia at between 600,000 and 1.9 million. Most of the irregular migrants are from Indonesia and Philippines, but they also come from Bangladesh, Cambodia, Lao PDR, Myanmar, Nepal and Thailand.
- **Migrants are predominantly smuggled by land and sea into Malaysia.** The role of Indonesian smugglers ends with the transportation stage, at which point Malaysian agents assume responsibility for overseeing job placement. Irregular migrants from Philippines are smuggled by sea. The land border between Thailand and Malaysia is crossed by car, on foot or by riverboat. The Golok River between Thailand and Malaysia is a common crossing point because it is a five-minute boat ride. Malaysia is a transit

country for migrant smuggling by boat to Singapore.

- **Between Indonesia and Malaysia there is a great deal of overlap between regular and irregular labour migration, migrant smuggling and human trafficking.** Some Indonesian migrants legally enter Malaysia and become irregular by overstaying their visa; others enter through irregular channels. Most migrants, who were either irregular from the beginning or became irregular in Malaysia, have resorted to the assistance of informal recruitment agencies or brokers – some of them unknowingly. Some migrants think they are legally migrating but in fact are given fraudulent or inaccurate documents at some point in the process.
- **The volume of Indonesian victims of human trafficking found in Malaysia illustrates that irregular migration and irregular overstaying leave migrants vulnerable to exploitation and human trafficking.** Even though the use of regular labour migration channels does not protect against abuse, exploitation and human trafficking, the reviewed literature underscores that upon arrival, irregular migrants are more vulnerable to trafficking than regular migrants. In addition, debts can result in increased vulnerabilities. Only one study provides information on a Filipino group who was involved in both migrant smuggling and human trafficking.
- **Although most irregular Indonesian migrants are male, there is an increasing feminization of both regular and irregular migrants, with women coming in particular from rural areas in Java, Lombok and Sumatra.** Indonesian migrants are driven by poverty and limited job opportunities. Regarding irregular migration from Indonesia to Malaysia, the geographic proximity, porous borders and well-established migration flows are factors in its popularity. Other migrants who are smuggled into Malaysia from Bangladesh, Cambodia, Lao PDR, Nepal, Philippines and Thailand are motivated by economic factors, while migrants from Myanmar also seek asylum.
- **Irregular labour migration from Indonesia to Malaysia is driven by shortcomings in the regular labour migration system and is largely facilitated by migrant smugglers.** The literature — due to lacking focus on migrant smuggling — does not use clear terminology for migrant smugglers. The described processes make clear that brokers, recruiters or agents qualify as migrant smugglers because they facilitate travel and job placement in an irregular way for financial or material gain. These agents are usually part of networks that operate in Indonesia and Malaysia. The services they provide are seen as more trustworthy and less expensive and time consuming than migrating through formal recruitment agencies. Avoiding the relatively high costs associated with regular labour migration is pointed out as a major reason for migrants to choose irregular channels.
- **Recruiters, brokers or agents who facilitate irregular migration to Malaysia are described as respected figures at the village level.** Residing in the home community of migrants, they are known by the migrants, who trust them because they have acquired a good reputation in facilitating irregular job placements.
- **Depending on the distance, the price for being smuggled from Indonesia to Malaysia ranges from USD 25 to USD 200,** according to a source dating to the early 2000s. The same research compared those costs to regular migration costs, which at that time amounted to USD 325. Migrants cover the costs by selling assets or borrowing from relatives or moneylenders. The smugglers are either paid up front or through monthly deductions from a migrant's salary. Some smugglers have direct connections with Malaysian employers.
- **Smuggling services range from providing fraudulent documents to facilitating illegal entry and are provided by both formal and informal recruitment actors.** In Indonesia, migrants are typically recruited in their village. The recruiters or other agents arrange travel (including illegal entry or seemingly legal entry based upon fraudulent means), irregular job placement and accommodation in Malaysia. The agents of irregular migration are described as highly organized and mimicking the services of licensed agents, albeit in an irregular way. Recruiters in villages may work for both licensed and unlicensed agencies, and formal recruitment agen-



cies can be involved migrant smuggling because they also facilitate labour migration through irregular means.

- **A well-developed industry in Indonesia facilitates the procurement of fraudulent documents.** Genuine documents, including travel documents, identification cards and birth certificates, are falsified or are obtained on fraudulent grounds and/or through corruption to meet the official requirements for regular labour migration.
- **Indonesia and Malaysia are also transit countries for irregular and smuggled migrants from the Middle East and West and South Asia wanting to reach Australia by sea.** Migrants using this route claim to seek asylum or are refugees; insecurity and better economic prospects are major driving factors. Other motivating factors include family reunification and the lengthy wait for resettlement of refugees.
- **Before being smuggled by boat to Australia, transit migrants use different routes and migrant smugglers, albeit to varying degrees.** Using Indonesia as the point of embarkation, some transit migrants enter directly by air. Transit migrants are also smuggled into Indonesia from Malaysia by land, sea and air — if direct entry into Indonesia is not an option. For example, stricter visa regulations for ethnic Hazaras from Afghanistan into Indonesia led to a rerouting through Malaysia.
- **Corruption in both Indonesia and Malaysia is frequently cited as an important means to facilitate transit flows, such as protecting smuggling operations from disruption, migrants from interception and smugglers from prosecution.** There is also reference to the direct involvement of some members of Indonesian authorities in smuggling operations.
- **Transit migrant smuggling through Indonesia and Malaysia from the Middle East, and West and South Asia seems to be largely facilitated by smugglers from the regions of origin.**
- **Smuggling fees vary and reach up to USD 20,000.** Fully pre-arranged smuggling services from the Middle East and West and South Asia through Indonesia to Australia are less expensive

than the sum of services paid for piece by piece. For example, accumulated fees for the full journey from the country of origin via Malaysia and/or Indonesia can reach up to USD 20,000 while pre-arranged door-to-door services are available for an estimated USD 12,000. One research document noted that an estimated 60 percent of Afghan and Pakistani migrants resorted to pre-arranged, end-to-end smuggling, while others made their own arrangements with smugglers along the way.

### *Singapore*

There is no dedicated research on migrant smuggling from, through or to Singapore. The literature on irregular migration does not contribute a great deal of information on the issue.

According to the reviewed literature:

- **Irregular migration to Singapore is estimated to be not significant in numbers.** This is due to its geographic position and to the enforcement of strict migration policies that were put in place before migration to Singapore evolved.
- **Singapore is a destination and transit country.** Research from the mid-2000s reports that Singapore was used as a transit point for migrant smuggling from Afghanistan, the Middle East and North Africa to Australia. Little information is provided about migrant smuggling from Malaysia to Singapore other than Bangladeshi, Chinese, Myanmar and Nepalese nationals are smuggled by boat.
- **There is only anecdotal information about fees.** A Malaysian smuggler was prosecuted in Singapore who had charged SGD 2,000 (USD 1,200) for transportation by boat from Malaysia to Singapore. To protect smugglers from apprehension by authorities, the passengers had been forced to swim the last 2 kilometres to shore.

### *Cambodia, Lao PDR, Myanmar and Thailand (as a country of destination)*

There is no dedicated research on migrant smuggling to Cambodia, Lao PDR, Myanmar or Thailand. Viet Nam is an exception. The research has predominantly focused on migrant smuggling from Viet Nam to Europe, in particular to the United Kingdom. Specific and comprehensive data on migrant smuggling

is lacking for all five countries. Although there is a significant body of research regarding irregular migration and human trafficking to Thailand, the role of migrant smuggling in facilitating irregular migration and/or contributing to human trafficking in the Greater Mekong Subregion has not attracted significant attention. There is a clear need to conduct integrated research on migrant smuggling, human trafficking and irregular migration.

According to the reviewed literature:

- **Thailand is a major country of destination for irregular migrants from Cambodia, Lao PDR and, most importantly, Myanmar.** Various estimates over the past decade indicate a steady increase of irregular migrants in Thailand. The vast majority — more than 80 percent — of Lao migrants go to Thailand, while a small number are in Cambodia, China, Myanmar and Viet Nam. Cambodian irregular migrants were also found in the Republic of Korea, Malaysia, Saudi Arabia and Viet Nam.
- **One indicator for the scale of irregular migration is regularization statistics.** Under the Thai Government's 2004 irregular worker registration process, 1,280,000 irregular workers registered from Cambodia, Lao PDR and Myanmar. Of them, 168,000 were from Cambodia and 181,614 from Lao PDR.
- **According to more recent estimates, some 2 million irregular Myanmar migrants and around 140,000 Myanmar refugees are in Thailand.** In addition to Thailand, other destination countries for Myanmar irregular migrants and refugees include Pakistan and Malaysia. Around 100,000 irregular migrants are in Pakistan and several thousand refugees in Malaysia. Regarding Myanmar migrants, the reviewed literature almost exclusively focuses on irregular migration flows to Thailand and provides only sketchy information about transit smuggling through Thailand to Malaysia, which is often reached by sea.
- **Most Cambodian and Lao migrants — both regular and irregular — are young, poor and low-skilled.** They are from rural areas and have a low level of education. Typically, they range in age from 17 to 35 years.
- **A variety of factors impact the decision to migrate.** Poverty, the lack of gainful employment and the prospects of higher earnings to support families back home are significantly motivating the decision to irregularly migrate. Well-established social networks that facilitate the process and stories of others' successful migration experiences are additional factors that encourage irregular migration from Cambodia, Lao PDR and Myanmar. In Lao PDR and Myanmar, the difficulties (time and costs involved) in obtaining travel documents also contribute to the decision to irregularly migrate.
- **Cambodian, Lao and Myanmar irregular migrants in Thailand are reported to work in sectors with a demand for low-skilled workers, such as fisheries, seafood processing, manufacturing, agriculture and domestic work.** Female Lao migrants make up more than 50 percent of the Lao irregular migrants and predominantly work as domestic workers in Thailand.
- **Myanmar migration is partially motivated by political factors and insecurity in addition to the dominating economic push-and-pull factors.** Most Myanmar migrants come from rural areas. They include the ethnic groups of Arakanese, Burman, Indo-Myanmar, Kachin, Karen, Kayah, Mon, Gurkha (Nepalese), Shan and Tavoyan. Most are single and aged between 12 and 55 years, with low levels of education.
- **Borders in the Greater Mekong Subregion are porous and can be crossed with ease.** Migrants irregularly cross official border checkpoints and unauthorized border crossings with or without assistance. Border rivers are crossed in boats. Migrants also legally cross borders but do not meet other conditions for a regular stay in Thailand, thus becoming irregular. Migrants are also smuggled by sea from Myanmar to southern Thailand (Ranong Province). The use of fraudulent documents is rare. There is petty corruption among law enforcement officials at the borders, and bribes are affordable.
- **It is not clear to what extent irregular migration is facilitated by profit-seeking smugglers due to the lack of a significant research focus on migrant smuggling.** Information on Cambodia, Lao PDR and Myanmar either directly or through indicators points out that those who facilitate the recruitment of workers, irregular movements across the border and within Thai-

land, the illegal stay and job placements do so for material or financial benefit. While further research is clearly needed, it appears that much—if not most—of the irregular migration involves migrant smugglers.

- **Irregular migrants pay fees for being recruited and placed into jobs in Thailand.** Migrants pay fees up front. Alternatively, recruiters or employers in Thailand cover the cost for recruitment and transportation, which is then deducted from the migrants' salaries. Various fees cited include: USD 97 for irregularly migrating to Thailand from Cambodia; USD30 to USD 150 paid to Cambodian recruiters; a profit of USD 10 to USD 15 per facilitated Cambodian-Thai border crossing in the Cambodian border town of Poipet; USD 140 to USD 186 for transporting migrants from Lao PDR into Thailand; USD 3 to USD 15 per person smuggled across the Lao-Thai border; USD 2.50 per irregular migrant for bribing police officers at checkpoints along transit routes from Myanmar into Thailand; USD 315 to USD 472 for irregular migration from Myanmar and job placement in Thailand; USD 5 to USD 12.50 paid by Thai employers per recruited migrant worker.
- **Cambodians are smuggled by Cambodians, Laotians by Laotians and Myanmar migrants by Myanmar smugglers in cooperation with Thai smugglers.** Usually the mainly mono-ethnic smuggling networks extend into Thailand. They involve Thai citizens who closely cooperate with Thai employers.
- **Often referred to as brokers, recruiters, facilitators and intermediaries, the smugglers are likely to be known to migrants or to somebody known by the migrants.** This is well documented for agents facilitating irregular migration from Cambodia, Lao PDR and Myanmar to Thailand. Recruiters recruit migrants or are approached by migrants. Social networks, kinship and friendships factor in heavily in facilitating contacts to irregular migration agents in the recruitment phase.
- **Social networks are reliable sources of information and encourage trust.** Trust and reputation are important factors in choosing irregular migration agents who generate more business if their reputation is reliable. To be recommended by migrants who have already used their services weighs heavily in gaining trust.
- **Agents of irregular migration often are migrants or former migrants who have worked and lived in Thailand.** Brokers and recruiters who are known to the prospective migrants are also reported to work as intermediaries for informal recruitment agencies, in particular in Cambodia and Lao PDR.
- **Informal recruitment agencies and independent agents cooperate with Thai employers with a need for low-skilled labourers and seem also to have advantageous relationships with law enforcement officials.** For example, informal recruitment agencies are well established in the Lao PDR-Thailand border areas; the recruiters are based in Lao PDR and Thai counterparts set up the work opportunities. Myanmar labour recruiters are part of networks that operate on both sides of the Myanmar-Thailand border. In around 10 per cent of cases examined by an ILO researcher, Thai law enforcement officers were involved in the job placement of Cambodian and Lao irregular migrants.
- **Informal recruitment agencies and agents offer in essence the same services as formal recruitment agencies.** This entails travel across the border, information about work and living conditions, job placement, accommodations and transferring remittances.
- **Migrants who have a personal relationship with their smuggler have a better chance of successfully migrating.** Those who resorted to informal recruitment agencies are more vulnerable to abuse and exploitation during their journey and at their Thai workplace.
- **The failure of migration policies and formal migration systems in the region to meet the demand for unskilled and low-skilled migrant workers in Thailand is an important pull factor for irregular migrants.** The systems are characterized as overly complicated, inefficient, time-consuming and expensive. In 2007, for example, Thai employers requested 39,010 Cambodian workers under a memorandum of understanding that governs the Thai-Cambo-

dian cooperation in labour migration, but only 6,143 workers were placed. Similar figures were found for Lao PDR. There are no legal labour migration channels for Laos seeking household employment in Thailand. Under the formal migration system, it is difficult for migrants to change jobs. This perceived lack of flexibility is another reason informal arrangements are more attractive.

- **Formal migration is not a guarantee against abuse, exploitation or becoming a victim of human trafficking.** Many Cambodian and Lao migrants do not trust formal recruitment agencies.
- **Informal recruitment and job placement systems are cheaper, faster and more efficient.** In Cambodia, formal recruitment agency costs are reported to range between USD 409 and USD 709 for job placement services, pre-departure training, medical exams, passport and visa fees and travel costs. Irregular migration through a smuggling network costs about USD 97 per migrant. In Lao PDR, migrants pay between USD 490 and USD 590 for formal labour migration services and less than USD 190 for irregular migration services.
- **Irregular migrants are vulnerable to abuse, exploitation and human trafficking because of their irregular status.** There is significant overlap between irregular migration, migrant smuggling and human trafficking in the Greater Mekong Subregion. Cambodia, Lao PDR and Myanmar are important sending countries of irregular migrants in Thailand. Many victims of human trafficking in Thailand are from Cambodia, Lao PDR, and Myanmar.

It is not clear to what extent Cambodian, Lao and Myanmar victims of human trafficking in Thailand were victims of a pre-organized human trafficking process that started in their respective countries. What is clear from the literature is that the irregular status of migrants significantly contributes to migrants' vulnerability to human trafficking that begins after they arrive in Thailand; in other words, not all migrant victims of trafficking are victims of trafficking that starts in their home country. The outcome of irregular migration – the irregular status – seems to fuel a form of

human trafficking that only starts in the country of destination, such as Thailand. Thus, migrant smuggling is a significant facilitator of irregular migration, contributing to the pool of irregular migrants vulnerable to human trafficking.

#### *Thailand (as a country of origin)*

There is no dedicated research on migrant smuggling from Thailand.

According to the reviewed literature:

- **Japan (more than 100,000 Thai irregular migrants), Malaysia (more than 100,000 Thai irregular migrants) and the Republic of Korea (around 10,000 Thai irregular migrants) were destination countries.**
- **Most irregular migrants entered the destination countries legally but then overstayed.** This practice was reported for Japan, Singapore and Taiwan Province of China. To what extent they were facilitated by migrant smugglers was not clarified.
- **Much of the overseas Thai migrant population is male and comes from poor areas in Thailand's North and North-East.** They are attracted by the prospects of higher earnings in other countries of South-East and East Asia.

#### *Viet Nam*

Only a few sources address migrant smuggling from Viet Nam, with an almost exclusive focus on migrant smuggling to Europe, in particular the United Kingdom.

According to the reviewed literature:

- **More than an estimated 150,000 irregular Vietnamese migrants are in Europe.** Some 50,000 Vietnamese migrants are estimated to be legally in the United Kingdom; recent research assumes that an even larger number of migrants are there in an irregular situation. Around 100,000 irregular migrants live in other European countries, in particular in the Czech Republic, Germany and Poland. Additionally, more than 10,000 irregular migrants were found in the Republic of Korea.
- **Typically, smuggling routes transit China and/or Russia and Eastern Europe before reaching Central and Western Europe.** Mi-



grants smuggled to the Czech Republic, for example, most frequently travelled to Russia by plane, then travelled by truck across Ukraine to Slovakia and finally to the Czech Republic.

- **Vietnamese smugglers rarely outsource smuggling services to non-Vietnamese smugglers.** The research also indicates that Vietnamese smugglers cooperate with non-Vietnamese smugglers, such as Chinese and Czech smugglers, in the smuggling of Chinese citizens.
- **More recent irregular migration from Viet Nam to Europe originates in North Viet Nam, in particular in the provinces of Hai Phong and its neighbour Quang Ninh.** Irregular migrants are motivated by the prospects of higher earnings.
- **Some Vietnamese irregular migrants go to Canada or the United Kingdom to work in illegal cannabis cultivation operations run by Vietnamese networks.** Prospective migrants in Hai Phong province are well informed about such work opportunity.
- **There is no evidence indicating that Vietnamese migrant smugglers are involved in other criminal activities.** The research on migrant smuggling to the United Kingdom underscores that those who are involved did not engage in the illegal cannabis cultivation.
- **There is some evidence that migrant smugglers have used violence to enforce smuggling agreements.** Payments were either made in advance or upon arrival. Fees were mobilized by families. The research explained that families known to smugglers can pay off the smuggling fee over a longer period of time.
- **The relationship between smugglers and migrants is characterized as a business relationship in which both sides honour their agreement, with smugglers seeking out new clients in Viet Nam by exaggerating the wages and quality of life abroad.**
- **Smugglers offer end-to-end services from Viet Nam to the United Kingdom and frequently resort to fraudulent documents, including look-alike documents.** Genuine documents are reportedly sold by Vietnamese migrants

who have returned. Smuggling fees to the United Kingdom range from USD 9,700 to USD 24,600.

## East Asia

### *China*

In comparison with the other reviewed countries, a relatively large body of research documents address migrant smuggling from China. These reports, however, almost exclusively focus on migrant smuggling from China to the United States or to Europe, whereas Chinese migrants live in nearly every country around the globe: for 2001, the ethnic Chinese migrant community totalled an estimated 37.7 million people.

According to the reviewed literature:

- **There are no accurate estimates on the magnitude of irregular Chinese migration or migrant smuggling.** Irregular migration is largely facilitated by smugglers.
- **Irregular Chinese migrants originate predominantly from the southern provinces of Fujian and Zhejiang, which have a history of outmigration.** The north-eastern provinces of Liaoning, Jilin and Heilongjiang, however, have emerged as sending regions also. Most Chinese irregular migrants in the United States and the United Kingdom are from Fujian. Zhejiang Province is a major sending region of irregular migrants to continental Europe.
- **Chinese irregular migrants are mainly driven by economic ambitions, in combination with other factors.** Networks, a history of migration, knowing somebody who migrated and the successful role models of returned migrants also motivate the decision to migrate. Diaspora communities function as a pull factor. Irregular migration from rural areas is also motivated by China's dual social security system that treats rural residents less favourably than urban residents.
- **Destinations of irregular Chinese migrants are neighbouring and Western countries:** Hong Kong (China), Japan, Lao PDR, Myanmar, Republic of Korea, Taiwan Province of China and Viet Nam; European countries, with the United Kingdom as the top destination; Canada and the United States; and Australia and

New Zealand. Central Asian and Eastern European countries serve as transit countries to Europe. Central America, Mexico and Canada are also transit countries for smuggling routes into the United States.

- **There are only a few estimates regarding the numbers of Chinese irregular migrants:** 250,000 irregular Chinese migrants in Moscow in the mid-1990s, 72,000 in the Republic of Korea in 2002; 30,000–40,000 entered the United States annually from 2000 to 2005.
- **Chinese migrant smugglers do not engage in other criminal activities.** Even though some of the researchers acknowledged the possibility of bias through the methodology chosen, the research indicates that in general smugglers do not engage in other criminal activities not related to migrant smuggling. Research carried out in Italy, the Netherlands and United Kingdom found no evidence of Chinese smugglers engaged in human trafficking.
- **Irregular channels increase Chinese migrants' vulnerability to abuse, exploitation and human trafficking.** The research stresses that factors linked to irregular migration (fearing deportation, not able to report to the police when becoming a victim of crime), debts and the excessive working hours (which add to the sense of isolation and reinforce dependence on local Chinese communities) raise the vulnerability of Chinese migrants to abuse, harsh and precarious living and working conditions, exploitation and human trafficking.
- **Chinese traditional organized crime syndicates appear not to be involved in migrant smuggling.** Migrant smugglers appear devoid of previous involvement in other forms of crime. There is a relative absence of violence within and between migrant smuggling groups.
- **Smugglers are “ordinary” citizens who often pursue other jobs in addition to migrant smuggling.** They are usually male, although women are also involved. The most famous female migrant smuggler is Jin Ping Chen, known as Sister Ping, who was estimated to have smuggled 150,000–175,000 Chinese migrants into the United States before she was caught and convicted.
- **Chinese irregular migrants pay the highest smuggling fees in comparison with other populations of irregular migrants.** Recent figures range from USD 18,500 to USD 31,300 for European destinations and from USD 60,000 to USD 70,000 for an arranged marriage into the United States. The less a potential migrant is personally connected to a smuggler, the higher the fee. In addition to savings, the money is borrowed from friends, families or moneylenders. Research in France found that most migrants had to borrow money, and the average period to repay migration debt was two years.
- **The relationship between migrants and smugglers is a business relationship that usually ends with paying the fee soon after arrival.**
- **Mutual trust is paramount.** Both migrants and smugglers screen each other; smugglers want to determine if the possible migrants can pay, while migrants want to ensure that the smugglers will deliver the agreed service. Sophisticated payment schemes help protect migrants against sham smugglers.
- **Smugglers typically rely on a good reputation and thus “care” to deliver on their clients' expectations.** Guaranteed schemes, such as only paying for successfully completed smuggling operations, are ways to attract migrants and build a good reputation. Accordingly, violence against migrants appears exceptional, often only in the context of enforcing payment.
- **The smuggling of Chinese citizens is coordinated by a chain of Chinese smugglers based in China and transit countries in which they legally reside.** Chinese smugglers might outsource smuggling services to other non-Chinese groups in transit countries. Recruiters in China put migrants in touch with organizers. Together, they form a small, flexible network that changes according to business opportunities. Interaction between smugglers is mostly one on one. There is no single mastermind who fully controls the smuggling process.
- **Recruiters either advertise their services and proactively seek new clients or they are approached by the migrants.** Once agreement has been reached, prepayments secure the prospective migrants' commitment and cover the

basic costs. Since the late 1990s, according to the research, some smuggling groups have not required any prepayment but advance all the costs and are only paid once the migrants have safely reached the destination.

- **Chinese smuggling networks act in a highly sophisticated way, orchestrating complex operations and movements across various countries and continents by land, sea and air.** The smuggling networks are quick in adapting to changing visa regimes and counter-measures. For example, in response to US law enforcement crackdowns, smugglers changed from direct maritime smuggling into the United States to more complex routes, transiting through either Latin America or Canada.
- **When necessary and possible, migrant smugglers use fraudulent documents and bribe officials.** One research publication concludes that the increased costs for bribing Chinese officials are an indicator of the success of Chinese counter-measures.

# Introducing the Research Methodology

## Background

The UNODC conducted the research in support of the Bali Process, which is a regional, multilateral process to improve cooperation against migrant smuggling, trafficking in persons and related forms of transnational crime. In February 2002 initiated at the “Regional Ministerial Conference on People Smuggling, Trafficking in Persons and Related Transnational Crime” held in Bali, Indonesia, in 2011 the Bali Process brings together participants from more than 50 countries and several international organizations. Key activities under the auspices of the Bali Process have included Ministerial meetings to discuss and address key challenges, and technical workshops on issues designed to improve the regional response to migrant smuggling and trafficking in persons. The Bali Process is co-chaired by the Governments of Indonesia and Australia.

UNODC undertook the research with the objective of improving the information position of the Bali Process about migrant smuggling. The research focused in particular on fourteen countries: Afghanistan, Cambodia, China, India, Indonesia, Lao PDR, Malaysia, the Maldives, Myanmar, Pakistan, Singapore, Sri Lanka, Thailand and Viet Nam (the project countries).

## Research objectives

The research had three key objectives:

- (1) identify existing knowledge about migrant smuggling with regard to the project countries;
- (2) summarize and synthesize existing knowledge about migrant smuggling, thereby making it easier for decision makers to access key data and information; and
- (3) identify knowledge gaps, thereby making it easier to clearly identify research priorities.

To achieve these objectives, a research project was planned and carried out that involved several stages including a systematic search for relevant literature, its review, the preparation of an annotated bibliography, and the preparation of this report

synthesizing key findings from across the review of the literature.

## Conceptual framework

The research was conducted within the framework established by the *United Nations Convention against Transnational Organized Crime* (UNTOC), supplemented by the *Protocol against the Smuggling of Migrants by Land, Sea and Air* (Migrant Smuggling Protocol) and the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children* (Trafficking in Persons Protocol). As such, migrant smuggling is understood to mean:

the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State of which the person is not a national or permanent resident;

and

enabling a person who is not a national or permanent resident to remain in the State concerned without complying with the necessary requirements for legally remaining, through any illegal means (see further, Articles 3(a) and 6(1)(c) of the Migrant Smuggling Protocol).

Trafficking in persons is understood to mean:

the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs



(see further, Article 3 of the Trafficking in Persons Protocol).

Where the person is under 18 years of age, no deceptive means are required (see further, Article 3(c) and (d) of the Trafficking in Persons Protocol).

### Research methodology

The research drew heavily on the research methodology documented in Gozdzia and Bump (2008), a study that involved a systematic review of the existing literature on trafficking in persons. To ensure the research was conducted systematically, the research team developed a Research Protocol that provided detailed guidance on all of the various steps in the process, including:

- the list of bibliographic databases, libraries and websites to search;
- criteria for the initial searches;
- criteria against which to assess relevance for inclusion in the annotated bibliography;
- data storage;
- categories of analysis for the annotated bibliography; and
- categories of analysis for the thematic review.

This Research Protocol was updated from time to time when necessary.

Consistent with the methodology detailed in Gozdzia and Bump (2008), a decision was taken at an early stage to focus on identifying empirically-based literature (that is, studies that base their findings on direct or indirect observations to analyse a problem or test a hypothesis and reach a conclusion). Studies that were, for example, literature reviews or political commentary were excluded. This decision reflected the project's objectives, which were to identify actual knowledge about migrant smuggling, rather than untested points of view or political opinions. In practice, this approach had some strengths and weakness (see below, **Lessons learned and limitations**).

The literature search involved two main stages:

- an *initial search* of all of the nominated databases, catalogues and websites to identify a library of

sources that were *possibly* relevant to the criteria, and

- a *close review* of the sources identified in the initial search, to identify which sources were definitely within the criteria.

As it was considered likely that the literature review would generate many results, a decision was taken to use a bibliographic database program, to record the results of searches. This allowed relatively quick and accurate capture and recording of bibliographic data through direct export, thereby minimising the need for manual data entry.

A list of bibliographic databases, libraries and websites to search was developed, in consultation with senior reference librarians from the Australian National University and the Australian Institute of Criminology. The intention was to allow maximum coverage of as many sources as possible, with minimal duplication. The resulting list includes 44 databases, one meta-library catalogue, three institution specific library catalogues, and 39 websites covering the major institutions and organisations globally that work on migrant smuggling. The full list is at **Annex A**.

### Initial search

The first stage of the bibliographic search was conducted, with the various databases and websites divided between four researchers. Two researchers focused on finding research literature in the English language. One researcher focused on locating research literature in the French language, and one in German. During this stage, the researchers focused on identifying sources that were *possibly* within criteria, based on a quick scan of the title and abstract.

In this first stage, the search criteria were fairly broad (see **Diagram 1**). This was in an effort to overcome the initial challenge that, for example, information about smuggling practices from Indonesia might well be located in a report that appeared to be about the working conditions of domestic workers in Lebanon. Broadly, the search criteria covered migrant smuggling, irregular migration and trafficking in persons but there were different date ranges for these, as noted in **Diagram 1**.

## Diagram I: Search criteria for initial bibliographic and other searches

## Migrant smuggling:

- title, subject or key words include migrant smuggling (possible variants: people smuggling, human smuggling, alien smuggling, smuggling of migrants, etc.);
- published after 1 January 2004; and
- the content of the document results from *empirical research*.

## Irregular migration:

- title, subject or key words include irregular migration (possible variants: irregular migrants/immigrants, illegal migration/migrants/immigrants);
- title, subject or key words include: Asia, Afghanistan, Cambodia, China, India, Indonesia, Lao, Myanmar, Malaysia, Maldives, Pakistan, Singapore, Sri Lanka, Thailand, and/or Viet Nam;
- published after 1 January 2004; and
- the content of the document results from *empirical research*.

## Trafficking in persons:

- title, subject or key words include trafficking in persons (possible variants: people or human trafficking, slavery);
- title, subject or key words include: Asia, Afghanistan, Cambodia, China, India, Indonesia, Lao, Myanmar, Malaysia, Maldives, Pakistan, Singapore, Sri Lanka, Thailand, and/or Viet Nam;
- published after 1 January 2008; and
- the content of the document results from *empirical research*.

These criteria were summarized in tabular form to assist the researchers to systemize their searches (see **Annex B**).

The researchers submitted their results to a lead researcher, who did some manual checking and also ran some test searches on various databases, to see if any gaps in their searches could be identified. Further to some gaps identified, additional searches were done, including in Trove (National Library of Australia), Google Scholar (as this captures most research material available), and on the International Organization for Migration (IOM), International Labour Organization (ILO) and International Centre for Migration Policy Development websites. The research results were then compiled, and further duplicates were identified and deleted.

The resulting dataset included 845 sources, around 300 of which were notionally allocated for potential inclusion in the annotated bibliography. These 300 sources were then divided between the four researchers by country, so that each source could be closely reviewed for relevance against the criteria for inclusion in the annotated bibliography.

***Close review, allocation of key words and preparation of annotated bibliography***

Each of the 300 sources on the initial short list were located and read by the research team, and assessed for relevance against the criteria in **Table 1**. As a result of this process, 189 sources were notionally determined to be relevant to the project's criteria. The researchers then allocated key words for each of these sources within the bibliographic database that reflected the criteria, thereby creating a library within which key sources could be located quickly and easily (for the full list of key words, see **Annex C**). The researchers prepared a critical review for each of the sources considered relevant, reflecting the criteria outlined in the Research Protocol.

The lead researcher and a second member of the research team checked the initial set of 189 critical reviews, which together constituted a draft annotated bibliography. This process identified some further duplication and also the inclusion of some sources that were not based on empirical research. For a number of sources, it was unclear whether the source was based on empirical research (for example, in

Table 1: Relevance criteria for short listing and the creation of the annotated bibliography

Relevance = Empirical research + A + B.		
A. The source addresses one or more of these issues:	Description	B: AND the issue relates to one or more of these geographic areas
Irregular migration	movement that takes place outside the regulatory norms of the sending, transit and receiving countries	West Asia
Trafficking flows: quantity or direction	numbers/quantity of trafficked persons being moved, or direction of these movements	South Asia
Migrant smuggling	facilitating the illegal entry/stay of another for profit, and document offences to achieve this	South-East Asia
Key concepts	discusses concepts of migrant smuggling, trafficking in persons, or irregular migration and their usefulness	East Asia
Methodology	research methodologies used in research on irregular migration and/or migrant smuggling	Afghanistan
Quantitative assessment	size of irregular migration and/or smuggling	Cambodia
Routes	geography of irregular migration and/or smuggling	China
Profiles of smugglers	geographical, demographic, socio-economic characteristics of smugglers, or their motivations	India
Profiles of irregular migrants	geographical, demographic, socio-economic characteristics of irregular migrants, or their motivations	Indonesia
Profiles of smuggled migrants	geographical, demographic, socio-economic characteristics of smuggled migrants, or their motivations	Lao PDR/Laos
Smuggler-migrant relationship	how migrants portray or perceive smugglers; or the nature or quality of the relationship; or factors that impact on that relationship	Maldives
Organization of smuggling	the organizational or business structures in smuggling operations; relationships between actors in smuggling operations; involvement in other criminality; specialisation and/or professionalism of smugglers; influences on organization	Myanmar/Burma
Modus operandi of smuggling	methods of recruitment, payment, transfer of criminal proceeds, transportation, use/misuse of documents in smuggling process, role of corruption; factors that result in changes to modus operandi of migrant smuggling	Malaysia
Fees and payment for smuggling	fees paid, factors that determine fees, how are fees raised and actually transferred/paid for migrant smuggling.	Pakistan
Human social costs of smuggling	death toll, trauma, stranded migrants; socio-economic impact of mobilizing fees for smuggling; increasing vulnerability to trafficking	Singapore
Factors that fuel irregular migration	push and pull factors for irregular or smuggled migrants; the risks and rewards for those who facilitate the process (ie: what motivates or discourages people from getting involved in smuggling)	Sri Lanka
		Thailand
		Vietnam/Viet Nam

several cases, a footnote or other citation would refer to ‘interviews’ but no further information about the research process was provided). At this point, it was decided to be more inclusive than exclusive, so borderline sources were included.

This process resulted in a final set of 154 sources, each of which met the research criteria noted in **Table 1**, to varying degrees. Of these 154 sources, 66 provided information about trafficking flows, 75 of these sources provided information about migrant smuggling, and 117 provided information about irregular migration (see **Table 2**). Note that some sources provide information about more than one of these criteria. Each of these sources is written up in the annotated bibliography in this report.

### *Thematic reviews*

The research team used the 154 sources identified as the basis of the regional chapter, and the country chapters that appear in this report. These reports analyse the information that is available in these sources by theme. The regional chapter focused on examining the content of the entire library from the perspective of the following questions:

- How are migrant smuggling, trafficking in persons and irregular migration conceptualized in the literature? Are these concepts in line with the definitions of these terms found under UNTOC and the Protocols?
- What methodologies are being used in research on migrant smuggling and irregular migration?
- What information is available about stocks and flows of irregular and smuggled migrants?
- What is known about the profile of migrant smugglers?
- What is known about the profile of irregular and smuggled migrants?
- What is known about the nature or characteristics of relationships between migrant smugglers and smuggled migrants?
- How are those involved in migrant smuggling organized? For example, do they operate alone, in small groups or loose networks?
- What is the modus operandi of migrant smuggling?
- What is known about migrant smuggling fees and their mobilization?
- What is known about the human and social costs of migrant smuggling?

- What are the factors that are thought to fuel irregular migration and migrant smuggling?

The country chapters focused on examining the content of the sources in the library that related to these particular countries, from the perspective of answering the following questions:

- What information is available that helps to quantify the size of irregular migration, migrant smuggling and trafficking in persons?
- What are the main routes used in irregular migration and migrant smuggling?
- What is known about the profile of migrant smugglers?
- What is known about the profile of irregular and smuggled migrants?
- What is known about the nature or characteristics of relationships between migrant smugglers and smuggled migrants?
- What is known about the organization of migrant smugglers?
- What is known about the modus operandi of migrant smuggling?
- What is known about the fees charged for migrant smuggling and methods of payment?
- What is known about the human and social costs of migrant smuggling?
- What are the factors that are thought to fuel irregular migration and smuggling?

The regional chapter and the country chapters also identify critical gaps in the existing knowledge base.

### **Lessons learned and limitations**

The initial database and website searches were undertaken by four researchers, coordinated by a fifth person — the research team leader.

The methodology used, a systematic literature review, was appropriate given the project’s objectives of completely mapping out the state of current knowledge on migrant smuggling. However, this methodology was also time consuming. For example, more time than planned was used by trying to consolidate the various bibliographic databases compiled by the individual researchers into a single central database.

A review of the sources initially included in the annotated bibliography confirmed the challenge

of drawing the line between empirical and non-empirically based research. As a result, a number of non-empirical sources were initially included. It is likely this was mostly remedied by the subsequent manual checking of individual sources by the research team. However, it is also the case that it was very difficult or impossible to judge whether or not some sources reflected a research process. As such, it is likely that some non-empirical sources have been included in the final data-set, and some empirically-based sources may have been excluded.

It was not possible in the time available to cross-check the entire set of sources that were initially identified and reviewed by the researchers and rejected as being outside of criteria. Given the volume of material that was being reviewed, it is highly likely that there were at least some sources that were discarded as not relevant, that probably should have been included.

It was not anticipated in the research methodology that most empirically-based sources would nonetheless include information that drew primarily on the existing literature. As such, it was often the case that while the research findings in the source itself were empirically based, the particular section of the source that discussed a relevant topic (such as ‘profile of smugglers’) was in fact based on a review of the literature.

### Structure of the report

This report is divided into two publications.

The first publication contains the **Thematic Review of Literature** and is structured into 15 chapters. **Chapter One “Cross-country findings by thematic issues”** draws on all of the literature identified in the review. As there are so many disparate sources, this chapter is necessarily broad, providing illustrative examples of key points noted in the literature. The other 14 chapters are country chapters that review in-depth the identified literature for each of the 14 countries, by reference to key themes.

The second publication contains the **Annotated Bibliography**. This includes a summary of each of the sources identified by the research, and a set of key words for each source. It is hoped that this will make the task of identifying relevant literature on particular aspects of migrant smuggling more efficient.

### References

- Gozdziak, E., and Bump, M. (2008). *Data and Research on Human Trafficking: Bibliography of Research-Based Literature*. Institute for the Study of International Migration, Walsh School of Foreign Service, Georgetown University.





## Chapter One: Cross-country findings by thematic issues

### Introduction

This project sought to better understand the state of knowledge about migrant smuggling in Asia. For present purposes, Asia was defined to include fourteen countries: Afghanistan, Cambodia, China, India, Indonesia, Lao PDR, Malaysia, the Maldives, Myanmar, Pakistan, Singapore, Sri Lanka, Thailand and Viet Nam. In particular, this project sought to understand two key questions:

- What information do we already have from existing research that sheds light on the incidence, nature and mechanics of migrant smuggling?
- What are the critical gaps that should be filled by future research?

Answering these questions, even for fourteen countries is an ambitious undertaking. It requires an examination not only of the literature on migrant smuggling as it relates to each of the fourteen countries but also of the literature on related issues, such as trafficking in persons and irregular migration. It also requires an examination of the literature about transit and destination countries. This is precisely what was undertaken for this project.

The research methodology followed by this project, a systematic literature review, is described in the preceding chapter in this report. This review identified 154 sources that shed light on the topics under examination. This chapter is based on an examination of each of these 154 sources from the perspective of answering the following questions:

- How are migrant smuggling, trafficking in persons and irregular migration conceptualized

in the literature? Are these concepts in line with the definitions of these terms found under UNTOC and the Protocols?

- What methodologies are being used in research on migrant smuggling and irregular migration?
- What information is available about stocks and flows of irregular and smuggled migrants?
- What are the major routes involved in irregular migration and migrant smuggling?
- What is known about the profile of migrant smugglers?
- What is known about the profile of irregular and smuggled migrants?
- What is known about the nature or characteristics of relationships between migrant smugglers and smuggled migrants?
- How are those involved in migrant smuggling organized? For example, do they operate alone, in small groups or loose networks?
- What is the modus operandi of migrant smuggling?
- What is known about migrant smuggling fees and their mobilization?
- What is known about the human and social costs of migrant smuggling?
- What are the factors that are thought to fuel irregular migration and migrant smuggling?

The literature on each point is summarized in this chapter.

### *Limitations*

The sources relied upon in drafting this chapter are disparate. In addition to covering a wide range of topics, there is considerable variation in their length and depth of focus. For example, the shortest source identified in the review is four pages in length,



while the longest is several hundred pages. While all sources included in the literature review were assessed as being empirically-based, there is still room for considerable variation within this category. For example, some sources provide little or almost no information about their research methodology, referring only to ‘interviews’, sometimes with unspecified persons about unspecified matters. In contrast, other sources provided a detailed write up of their methodology and include copies of the research instruments that were used, a practice that allows a greater degree of scrutiny of their method and validity of their findings.

There are clear gaps in the coverage of some topics for some countries. For example, there are a large number of sources in the library that relate to trafficking in persons in the Mekong sub-region (particularly Cambodia, Lao PDR, Myanmar, Thailand and Viet Nam, with less information focused on China) and relatively few that are specific to migrant smuggling in that sub-region (see **Table 2**). Further, there are a large number of sources that provide information about irregular migration. However, in many instances, the discussion is very general and makes no distinction between irregular migration that is facilitated by a third party and irregular migration that might be entirely self-directed. As such, it is

very difficult to draw too many conclusions from these sources with regard to migrant smuggling.

### How are migrant smuggling and trafficking in persons conceptualized in the literature?

Of the sources included in this review (n = 154), 66 provided information about ‘trafficking flows’, 75 provided information about ‘migrant smuggling’, and 117 addressed ‘irregular migration’ (some sources covered more than one category). For the breakdown of topic focus by country, see **Table 2**. The discussion that follows considers the issue of how these categories are conceptualized in the literature. How are these terms defined? Are these terms being used consistently? Is there a degree of conceptual clarity in how these terms are used?

A close reading of the sources that directly address migrant smuggling and/or trafficking in persons confirms that the majority made explicit reference to definitions of these terms in the Migrant Smuggling Protocol and/or the Trafficking in Persons Protocol. Within the trafficking sources, only one source (Phetsiriseng, 2003) referred to an older definition of trafficking in persons. However, it appears that the research undertaken for this source was conducted

Table 2: Overview of topics covered by sources, by country

Country	Number of hits: country	Number of hits: country and ‘trafficking’	Number of hits: country and ‘smuggling’	Number of hits: country and ‘irregular migration’
Afghanistan	24	8	21	17
Cambodia	24	17	7	16
China	60	19	35	43
India	38	20	20	26
Indonesia	25	13	11	20
Lao PDR	22	15	7	18
Malaysia	23	15	11	16
Maldives	2	2	0	0
Myanmar	28	15	9	25
Pakistan	24	11	17	20
Singapore	11	8	3	6
Sri Lanka	21	12	8	16
Thailand	51	27	14	41
Viet Nam	20	10	8	15

(Source: project’s bibliographic database of all sources that met research criteria.)



before Trafficking in Persons Protocol entered into force. One source referred to the definition of severe trafficking in persons taken from United States law (Blackburn et al., 2010). Several sources referred in addition to national legal definitions of trafficking in persons in the countries being studied (for example, the national laws of Pakistan).

As defined in the Migrant Smuggling Protocol, the concept of migrant smuggling potentially applies to both those who facilitate illegal *entry* for profit but also those who facilitate illegal *stay* or *residence* for profit. For the most part, the literature equates migrant smuggling with those who facilitate illegal entry, and focuses less on those who facilitate irregular stay.

While there was a high degree of reference in the trafficking sources to the definition of trafficking in persons found in the Trafficking in Persons Protocol, there was some variation in how it was interpreted. For example, one study described itself as focused on trafficking in persons but appeared to focus primarily on facilitated migration, probably more accurately described as migrant smuggling or irregular migration. Another study referenced the Trafficking in Persons Protocol but appeared to misunderstand its operation in practice.

Migrant smuggling is a form of facilitated irregular migration. As such, it is reasonable to expect that information about migrant smuggling practices might be found in sources that examine irregular migration. However, a close examination of the sources included in this review suggests that this is not necessarily the case. While the literature on irregular migration certainly provides valuable context and background information within which discussions of migrant smuggling must be situated, in many instances the issue of whether or not any part of the migrants entry or stay was facilitated by a third party for profit was simply not examined. As a result, these sources provided less information about migrant smuggling than might be expected.

A number of the studies reviewed referred fairly broadly to practices such as irregular or illegal migration, often in the context of discussions about labour migration. In some instances, very clear definitions of key terms were provided, and sub-categories of analysis were identified, with the

result that the research findings could be readily interpreted (see for example, Basic Education for Awareness Reforms and Empowerment (BEFARE), 2009). However, in a number of sources, key terms such as ‘illegal migrant’ and ‘illegal worker’ were left undefined and appeared to be used interchangeably, even though they are not necessarily synonymous. In a number of sources, it was difficult to work out if the irregularity being discussed related to *movement across borders*, *residence*, *employment* or possibly all of the above. Furthermore, a number of sources referred broadly to the involvement of paid intermediaries (e.g.: agents, recruiters, facilitators, brokers) but it was often unclear whether these intermediaries played a role in relation to the irregular movement, stay, employment or all of the above. This lack of clarity limited the capacity of the literature to provide information about the extent to which migrant smuggling facilitates irregular entry or stay.

As noted in the literature reviewed, there are many challenges associated with attempting to use legally based, dualist categories of analysis such as illegal/legal or irregular/regular migration in research. These categories potentially cover so many different practices and situations, and migrants tend to move in and out of these categories. Illegality can occur if the relevant processes are not followed in the sending country, but it can also refer to migrants whose status is illegal from the perspective of the destination country, either because the migrant has not complied with the entry requirements or conditions attached to residency and employment. Ahmad (2008c) notes that in some cities such as Karachi, the rural-urban movement also produces a kind of illegality from living in unauthorized settlements. Similar forms of ‘illegal’ or unauthorized movements were also referred to in the literature about China, where rural-urban migration is subject to regulation. As such, the status of being ‘illegal’ or irregular is not fixed but changes over time and is contingent on circumstances.

Furthermore, the lines between what is legal and what is illegal might be unclear even to those most directly involved in the migration process. For example, several studies noted that even when migrants try to follow legal migration processes (particularly those involved in giving effect to bilateral labour migration agreements) it can be very difficult to avoid a range

of illegal practices. This might result from having to pay bribes to corrupt officials in the country of origin, or using a licensed recruitment agent who then outsources the migration process to third parties. As a result, the reality is that even migrants who attempt to follow legal processes might end up engaging in some illegal practices (see for example, Silvey, 2007; Rudnyckyj, 2004; Chantavanich, 2008).

While there are many challenges associated with using legalistic, dualistic categories in an analysis of the complexities of migration, it is necessary if an effort is to be made to understand migrant smuggling. By definition, migrant smuggling involves an element of illegality (more specifically, facilitated illegal entry or stay). As such, research that seeks to examine migrant smuggling must also seek to engage with the issue of the line between legality and illegality.

### What methodologies are being used in research on migrant smuggling and irregular migration?

The majority of the sources included in this literature review (95) are based on qualitative research methods, particularly *semi-structured interviews*, *ethnographic and other field observations* and to a lesser extent, *content analysis of documents*. A smaller but nonetheless significant number of sources included in this review are based on mixed research methods (49). For example, a number of sources relied on data obtained through household *surveys or questionnaires*, alongside data obtained from semi-structured interviews. Only a small number of the sources included in this review are based on exclusively quantitative research methods (6) (see for example: Akee, 2010; Gupta, 2009; Sarkar, 2008).

The different studies relied on a variety of data sources, reflecting their different objectives. Studies that sought to understand either the migrant experience or motivations for migration focused primarily on obtaining data from migrants themselves. Studies of this nature can help to shed light on the reality of the lived experience of being a smuggled migrant, an experience that can be hidden behind stories of apparent financial success. For example, Ahmad interviewed both smuggled and non-smuggled irregular Pakistani migrants in the UK to understand their contemporary living and working experiences. His study allows the reader to vividly understand the

lived experience of being an irregular migrant. His research suggests that whereas earlier waves of (what we might now call irregular) migrants were able to move upwards socially and economically, and were often accompanied by their families, today's irregular migrants are entrapped in situations characterised by survival, a cycle of debt, uncertainty and separation from family. Due to the precariousness of their situation:

The pressure on them to utilize every minute they have on Western soil is immense. (Ahmad, 2008a, p. 310)

As a result of their irregular situations, these migrants tend to only find work in businesses that are vulnerable to failure, so they spend any spare time finding their next job. Consequently, they are tired, sleep deprived and working anti-social hours. Ahmad described a bleak situation of almost entirely male “uninvited guest-workers” who “walk to work from lonely single beds in grotty rented rooms” and spend thousands of hours interacting with “nameless, faceless people they will never know” in insecure service positions in ethnic enclaves. (Ahmad, 2008a, p. 314)

Several studies that sought to understand either the people or processes involved in smuggling migrants relied on data from criminal justice processes (for example, case files from investigations and prosecutions). Research of this nature enables the development of typologies (or sub-categories) of migrant smuggling, reflecting the considerable variation in the organization of migrant smuggling, the services that are on offer, and the different motivations that clients have for migrating.

For example, Neske (2006) undertook expert interviews and systematically examined the content of judicial dossiers for 51 migrant smuggling cases that were prosecuted in Germany. These dossiers included not only the police reports and judgements of the court but also records from interrogations of smugglers and smuggled migrants, and translated telephone interceptions. Collectively, these 51 dossiers provided data about several hundred smugglers and 20,000 migrants. Neske examined the files from the perspective of collecting data on 44 variables, covering the initiating and steps in the smuggling process, modes of transport, role

of document fraud, method of payment and fees paid, the influence of ethnic groups and whether the smugglers had any connection to other criminal fields. The combination of elements led to the identification of three main typologies (with various sub-categories) of migrant smuggling, each of which involves distinct forms of organization, migrants and risk. The three typologies are (see Neske, 2006, pp. 138–152):

- *“Individual smuggling with a high degree of self-responsibility”*: In these cases, individuals travel on their own, mostly legally and by public transport. At a certain point in their journey, they cannot proceed without assistance so they may engage the services of a local smuggler who guides them across the border on foot, or get assistance to remain undetected from a taxi driver or other service provider. This type of smuggling is described as “poverty smuggling” as it is carried out by those who have no financial or logistical options to try another way.
- *“Visa smuggling as a pure service”*: In this category, migrants seek the assistance of a service provider (“travel agents”) to get a visa through fraudulent means (for example, the service provider takes care of the “cover” for the journey, such as issuing a fraudulent business invitation). In this category, visas are obtained at the start of the journey, and migrants then travel independently.
- *“Pre-organized stage-to-stage smuggling”*: In this category, migrants conduct almost the entire journey accompanied by smugglers. The routes may be the same as those used in the other categories but the organization is different, with various “stage coordinators” used along the entire route. There are different sub-types within this category, largely reflecting the motivation and intention of the smuggled migrants. These are:
  - In *“stage to stage smuggling from crisis areas”*, the smuggler and migrants typically come not only from the same country, but the same region in that country, and relatives or family members may have influential positions among the smugglers. The fact that these journeys involve travel over thousands of kilometres (not simply getting to a refugee camp) reflects the specific situation of

those being smuggled: they are typically members of the middle class with a high level of education, and they tend to flee in the early stages of war breaking out when it is still possible to liquidate their assets. Family, relatives and acquaintances play a significant role in the smuggling process, and trust as a means of coordination is vital. Fees however, are still charged for this kind of smuggling.

- In *“large scale stage to stage smuggling to bring individuals at a later date”*, the same ethnic background is shared by smugglers and migrants but some stages and services are outsourced to “fellow countrymen”, who act as “stage coordinators”. The group that uses this service tends to be young men who are expected in the country of destination, and the people commissioning the smuggling are the migrants themselves. Profit, rather than family or kinship, is the dominant motivator of this kind of smuggling. Those involved in the process may be recent migrants themselves.
- In *“large scale migration with pioneers sent ahead”*, the people commissioning the migration are not the migrants themselves but their family or village, typically suffering poor living conditions, without any members as yet in the West. Migrants in this group are almost exclusively individual travellers, with a low level of education, a low social status and they come from an “underprivileged background”. People smuggled in this way know they have to work in the destination country to pay off debts but typically, the conditions under which they have to work are not known to them. These “pioneer” migrants do not have connections in the destination country so are perhaps the most vulnerable to exploitation, as they do not have an existing social network to rely on for support in their destination.

Significantly, Neske began this study intending to draw on data obtained through interviews with smuggled migrants but abandoned this approach. He notes that:

With respect to the internal organization of smugglers – both with regard to the individual stages as well as to a potential level above them – it became apparent, however, after two interviews conducted with great effort that the knowledge of the migrants is generally very small. (Neske, 2006, p. 131)

Neske further quotes Sciortino who has observed that asking a “person who has been smuggled into the country about the organization of the smuggling process would be like asking a customer in a supermarket about the organizational structure of the store” (Neske, 2006, p. 131).

Research that focuses on developing categories and sub-categories of migrant smuggling has many practical applications. Firstly, it may allow policies and resources to be targeted with more precision. For example, the response required to target those who opportunistically transport a person across a border in a taxi or on a motorbike may be very different to the strategies required to target those involved in providing large scale stage to stage smuggling. Secondly, the development of typologies (or sub-categories) may help to shift the debate from a point where ‘migrant smuggling’ is discussed as if all forms of migrant smuggling are the same, to a point where the different sub-categories can be individually examined and assessed. This may even help to build consensus on issues such as the need for a greater law enforcement response to the more predatory forms of migrant smuggling. As Uehling has noted:

[T]here are important distinctions to be drawn between the activities of internationally organized criminal gangs and the scores of micro-practices that comprise human smuggling, that while often illegal in the formal sense, are not in fact driven by the structural logic of a unified purpose. (Uehling, 2008, p. 855)

Unfortunately, in some of the research reviewed for this study, very little or no attempt was made to differentiate between the multiple different ‘micro-practices’ that fall within the larger categories of ‘migrant smuggling’ or ‘irregular migration’. As such, it was often difficult or impossible to differentiate between what were in fact self-managed movements

of people, and other practices that were organized by third-parties either for humanitarian reasons or profit. This significantly limited the capacity of the existing body of literature to provide relevant information about the individuals involved in the operation of, and the impact of, migrant smuggling practices.

From the literature reviewed, it is clear that geography and local context play an important role in determining particular research methods and data sources. For example, while it might be possible to replicate the kind of study undertaken by Neske in countries with a strong and well-organized criminal justice system (primarily destination countries), it probably would not be feasible to undertake such a study in a context that did not match these conditions (primarily source and transit countries). For example, Silvey (2007) spent time in Terminal 3 in Jakarta, Indonesia, an airport terminal that is specifically designed and designated for migrant workers departing from and returning to Indonesia. She observed the process of returning migrants who were being interviewed by government officials about their earnings and their experience overseas, among other things. Answers were recorded on a standardized form, which might be thought of as a potential source of key data about the migration experience. However, according to Silvey, there were many irregularities in how the forms were completed.

In contexts where government data holdings may be limited or constrained, researchers may need to seek data from a broader range of sources. This is reflected in the reviewed literature, much of which is based on data obtained directly from migrants and others involved in the migration process, as well as officially-provided data.

A small number of studies draw on data obtained from migration facilitators, recruiters, agents and ‘smugglers’ obtained through direct interviews and observations (see for example, Koser, 2008; UNODC, 2011; Zhang & Chin, 2004; Zhang et al., 2007; Zhang, 2008). It appears that researchers have had some success in obtaining data from migrant smugglers themselves. For example, Koser sought to interview migrant smugglers, in order to better understand the financial aspects of the trade. He notes that:

[I]t was relatively easy to identify smugglers – in some cases they advertised their services quite openly. In addition, most smugglers I approached did not seem reluctant to admit that they provided migration services. On the other hand, only five were willing to provide any detailed information about how they operated. (Koser, 2008, p. 9)

While a number were approached and refused, Koser (2008) was able to interview five smugglers and five more agents variously involved in the process, such as forgers and intermediaries.

Other researchers appear to have had a high level of success not only in identifying smugglers but in obtaining detailed, lengthy interviews with significant numbers of migrant smugglers. For example, data for a study on the gendered nature of migrant smuggling included interviews with 129 smugglers (Zhang et al., 2007). Interviews were conducted in three primary sites: New York City, Los Angeles and Fuzhou (China). As noted in the study:

Research participants were recruited through our personal contacts and those of our research assistants. (Zhang et al., p. 706)

The authors note that all interviews were conducted in the native language of the participants, and ranged from formal interviews to informal interviews over dinner tables or other social gatherings “where formal inquiries into the smuggling business were neither feasible nor socially acceptable” (Zhang et al., 2007, p. 706). The authors note that in all cases, the participants were informed of the identity of the interviewers and no deception was used. The authors noted that:

Because of the pervasive fear of detection by law enforcement agencies and suspicion of our research purposes, we encountered many difficulties in persuading prospective research participants to come forward. Still, we collected more firsthand data with far greater specificity on the organizational and operational characteristics of Chinese human smuggling than any previous researchers procured. (Zhang et al., 2007, p. 706)

A number of the studies examined relied on data

from regularization process such as amnesties for irregular migrant workers (see for example, Sciortino & Punpuing, 2009; Martin, 2009). This data is only available in certain countries. Of the fourteen countries covered by this study, it was noted that Malaysia and Thailand have had various amnesties and registration processes for irregular migrants, over periods of more than 10 years. Data obtained from amnesties contributes to understanding the stocks of irregular migrants present in these countries. However, this data has limitations, typically reflecting the various government restrictions on who is and who not permitted to be regularized. Further, data from amnesties can become out of date quickly, as amnesty programs may “form an incentive for new migrants to come in the same way, hoping or believing they will gain legal status in the future” (Heckmann, 2004, p. 1106).

The actual process of a country engaging in a regularisation process can also provide valuable opportunities for researchers to collect primary data from hard to find populations, such as irregular and smuggled migrants. For example, in 2005, researchers approached irregular migrants who turned up at the Thai Department of Labour to register under a regularization process, and requested interviews (Thongyou & Ayuwat, 2005). Through this approach, the researchers were able to recruit 276 (previously irregular) migrants to participate in their study, and thereby access data from a relatively large sample of an otherwise hidden population.

### **What information is available about stocks and flows of irregular and smuggled migrants?**

There are major challenges associated with estimating the stocks and flows of hidden populations, such as irregular and smuggled migrants. These challenges are not specific to the Asian context. As noted by Battistella:

Virtually every research paper on irregular migration deplors the lack of reliable data on the subject since, by its very nature, it eludes established data collecting systems. Accurate statistics are rarely available and, at best, one generally has to make do with estimates, and at worst with wild guesswork. The data are often influenced by the methodology utilized and



sometimes by the agenda of those reporting on the subject. (IOM, 2008, p. 207)

With these challenges in mind, it is not surprising that the literature reviewed for this project does not contain accurate estimates of key statistical indicators of irregular migration or migrant smuggling. The nature of the information that is available is discussed below.

### *Stocks and flows of irregular migrants*

In some of the fourteen project countries, there are pockets of key, national level quantitative data, typically from a national census (such as the census of Afghans conducted in Pakistan, discussed below) or regularisation processes (such as those periodically conducted in both Malaysia and Thailand), that is relevant to estimating the stocks of irregular migrants living in that country.

For example, Thailand has engaged in various registration and other regularization programs for irregular migrant workers, since 1992. In the 2004 regularization process, approximately 1.3 million (previously irregular) migrant workers and their dependents signed up for an identity card, the first step in the regularization process (Sciortino & Punpuing, 2009). While this data provides valuable insight into the size of the irregular migrant population in Thailand, it must also be viewed with caution. Firstly, as noted in several of the studies reviewed, not all migrants were either willing or able to participate in the various regularization processes (for example, because of fees or other practical barriers). Secondly, as noted above, data from regularization processes can become rapidly out of date (Heckmann, 2004).

The literature on Pakistan also includes some data on stocks of irregular migrants located in that country but it is apparently variable in currency, quality and coverage. In Pakistan, there is recent, reliable data about the size and characteristics of the Afghan population living in Pakistan. In 2005, the Pakistan government and UNHCR undertook a census of Afghan nationals in that country. This census, which identified a population of 3 million Afghans living in Pakistan, was followed by a registration process, in which more than 2 million Afghans were registered. According to BEFARE, this data allowed the

UNHCR to build a better statistical profile of Afghan migrants living in Pakistan. In contrast, similarly reliable information is simply not available for the other large populations of irregular migrants living in Pakistan. As such, it is necessary to refer instead to smaller-scale estimates of the numbers, for example, of Bengalis and Myanmar living in individual cities such as Karachi. While statistics about stocks of irregular migrants living in Pakistan are presented in various reports, according to BEFARE,

[t]he only baseline for the illegal migrant population [in Pakistan] is the Shigri report that is based on a survey of illegal migrants in Karachi conducted in 1998. However, the methodology and approach of the report is unavailable. (BEFARE, 2009, p. 28)

Further, existing estimates do not differentiate between “actual migrants” and “offspring of migrants” living in Pakistan (BEFARE, 2009, p. 43). This impacts on the capacity of the data to shed light on actual movements of migrants (flows). The reasons for this lack of data are complex. According to BEFARE (2009), it reflects the lack of a central government agency tasked with this responsibility but also the fact that civil society organizations have not begun to focus on irregular migration issues. BEFARE notes that while there are around 20 civil society organizations focused on anti-trafficking in persons activities, far smaller numbers (5) have a focus on irregular migration and/or migrant smuggling.

Overall, a review of the existing literature suggests a severe lack of quantitative data about irregular migration stocks and flows in relation to all countries studied, but particularly Afghanistan, Cambodia, China, Indonesia, Malaysia, Maldives, Myanmar, Pakistan, Singapore, Thailand and Viet Nam. While there are certainly difficulties in estimating stocks and flows of irregular migrants (an issue discussed further below), the existing research suggests that in most contexts, it should be possible, with sufficient time, effort and resources, to develop at least “approximate data” that can help inform policy and responses (Mehdi, 2010, p. 2). This would likely need to involve a mix of both qualitative and quantitative approaches, such as the ethno-survey approach (see further, Massey & Capoferro, 2004). There would also seem to be opportunities to link together data from source countries with data from major



destination countries (for example apprehension and deportation data).

In a small number of the countries studied, namely India and Thailand, researchers have sought to fill the gap in information about irregular migration flows (and more specifically incidence of migrant smuggling) by drawing on supplementary data such as data from interceptions of irregular migrants, deportation proceedings, and field data. For example, in one study, the researcher examined data about deportations of Indian nationals through Chennai airport (Saha, 2009). This did not indicate the incidence of irregular migration but it does provide useful information about the origin of smuggled migrants within India, and preferred routes and destination countries (see further, India country study, this volume). Similarly, in Thailand, there are several recent studies that draw on data from a range of government sources, alongside a review of the existing research literature (see for example, Sciorino & Punpuing, 2009).

Several studies noted that similar research, drawing on deportation data, could be undertaken in other contexts. For example, Azam notes that in the absence of good data about the size of irregular migration originating from Pakistan, it would be useful to have a close look at statistics on deportation of Pakistani nationals. According to Azam, the relevant Pakistani department provides some deportation statistics however they are fairly opaque. Azam recommends that:

Arrangements need to be worked out with [the Federal Investigation Agency] for collection and reporting of the data on deportees and interceptions on more meaningful indicators, nationality (for interceptions only), gender, age groups, promised job abroad (for interceptions and deportees arrested at the border of destination country), reason for deportation, and any adverse conditions of employment abroad (for deportees who had been working abroad). [the Federal Investigation Agency] should also be able to distinguish and report on the trafficked victims, people smuggled and other illegal migrants among those intercepted and deported. (Azam, 2009, p. 55)

BEFARE (2009, p. 83) notes that the number of “Pakistani smuggled persons deported per year”

would be a useful baseline indicator of migrant smuggling flows from that country. However, that baseline is currently not available due to a lack of reliable data.

A number of the studies reviewed note the numerous difficulties associated with quantifying stocks and flows of irregular migrants. One fundamental challenge relates to the difficulties of identifying precisely who is irregular and who is not, and for what purpose. As noted by IOM in the World Migration Report, the legal frameworks that govern immigration, residence and employment of migrants are typically intricate. This means that in practice, there may not be clearly defined dichotomies of ‘legal/illegal’, ‘regular/irregular’. The report notes the complex situation in the UK, where there are 80 different types of entry and immigration statuses, and each type of immigration status is associated with specific conditions (for example, students can work 20 hours per week but no more, etc.).

The complexity of these rules and conditions means that there are a potentially significant number of migrants who are legally resident (i.e. with “leave to remain in the U.K.”), but working beyond the employment restrictions attached to their immigration status. (IOM, 2008, p. 202)

The IOM (2002) suggests it is useful to bring in the notion of semi-compliance, and to distinguish between three levels of compliance. Compliant migrants are legally resident and working in full compliance with the employment restrictions attached to their immigration status. Non-compliant migrants are those without the right to reside in the host country. Semi-compliance indicates a situation where migrants are legally residing but working in violation of some or all of the employment restrictions attached to their immigration status. This level of disaggregation is not yet being made in the literature for the fourteen project countries.

In addition to the conceptual problems involved in measuring irregular migration, there are various challenges related to data. Heckmann (2004) provides a valuable overview of the various forms of data that are available to assist those wanting to understand the scale of irregular migration (and the subset of migrant smuggling). For example, he notes that

census data and data from regularization processes (such as amnesties) provide some guidance on *stocks* of irregular migrants in a country. Comparisons of changes in stocks of irregular migrants over time can allow for estimates of *flows*. In addition, other data, such as criminal justice data from apprehensions and deportations, and even data from asylum applications can provide useful indicators of the size of *flows* of irregular migration. However, the existence of such data depends largely on nationally and historically specific conditions. In short, some countries will have some or all of this data, and others will have very little. For example, in the German context, there are strong entry and exit procedures, and there is reliable data on apprehensions, asylum applications, and criminal offences. These indicate trends in irregular migration, and allow for the estimation of the size of irregular populations and migrant smuggling (Heckmann, 2004). These conditions are simply not present in the majority of countries covered by this study.

A lack of data can reflect a lack of systems and processes but it may also reflect deeper attitudes and beliefs about irregular migration and migrant smuggling. For example, Hugo and Stahl (2004) noted that the movement of workers from Indonesia to Malaysia is the largest undocumented flow in the region. Rather than being hidden, the origins of the workers are well known, as are the departure points, routes and operators. Local officials generally assume that labour migration is the only way for the local population to earn an income so they are not highly motivated to intervene. A similar culture of tolerance has been noted in other countries.

### *Incidence of migrant smuggling*

It is important for policy makers to have an insight into how much irregular migration is entirely self-managed and self-directed and how much of it is facilitated by third parties for profit. A review of the literature confirms that this information is not presently available for any of the fourteen countries studied. This is a major gap in the research literature.

The data that is available tends to involve estimates of annual incidence of migrant smuggling in particular destination countries, such as the United States, the UK and certain countries in the European Union (EU). For example, with regard to China,

Zhang (2007) notes that it is estimated that some 30 – 40,000 Chinese migrants are smuggled into the United States each year. In the literature examined, various estimates of incidence of smuggling of Chinese nationals were also noted for the Netherlands and Germany (see for example, Neske, 2007; Soudijn, 2006). While important, these estimates are one part of a much larger picture. As noted in the literature, Chinese nationals are smuggled to many countries throughout the world, through a variety of routes. For example, the literature notes large stocks of Chinese irregular migrants living in the Republic of Korea and Russia. However, estimates of the incidence of migrant smuggling to these countries from China were not found in the literature reviewed.

In a number of the countries studied for this project, there was simply no information available in the reviewed literature with regard to estimated incidence of migrant smuggling (Afghanistan, Cambodia, Indonesia, Lao PDR, Malaysia, Maldives, Singapore, Sri Lanka, Thailand, Viet Nam). In some contexts, this reflects the many difficulties of quantifying a phenomenon that may be hidden, tolerated or even venerated, and inter-mingled with other migration practices such as asylum seeking and trafficking in persons. For example, Koser (2008) notes a number of reasons why it is difficult to even ‘guestimate’ the number of Afghans who have been smuggled either from Afghanistan, or more commonly from Pakistan (see further, country study, Afghanistan this volume). However, in a number of the countries studied (Cambodia, Lao PDR, Myanmar, Thailand) the reviewed research simply does not differentiate between irregular migration and migrant smuggling as distinct categories. Similarly, while there is significant research on migration (regular and irregular) involving Indonesia and Malaysia, this has yet to focus explicitly on the issue of incidence of migrant smuggling.

Having noted the dearth of information about incidence of migrant smuggling from most if not all of the fourteen project countries, it should be noted that this study did not seek to locate and examine government data (for example, annual reports of immigration departments or similar government statistics). It is likely that for some countries, a review of existing data holdings would help to fill some of the gaps noted above. If such data does

exist, the question becomes why is this data not finding its way into the research-based literature? It is possible that the answer reflects either restrictions on access to this information for external researchers, or perhaps a lack of research focus on this issue.

### **What are the major routes involved in irregular migration and migrant smuggling?**

As noted by Battistella, any effort to identify the major routes used in irregular migration (and migrant smuggling) is quickly challenged by the reality that there are so many different routes and possibilities:

Maps that try to depict such routes often appear as an intricate web of arrows and dots, with limited explanatory power. (IOM, 2008, p. 209)

This section does not endeavour to identify the major routes followed by either irregular or smuggled migrants from, through or to the fourteen countries examined in this review. Instead the reader is referred to the individual country chapters which examine this issue in a more geographically specific context.

From a review of the existing literature, it is clear that the routes used in migrant smuggling do not necessarily follow a geographically logical path (see for example, Monzini, 2004). For example, a migrant might be smuggled from Sri Lanka through West Africa to Europe, or from China to the United States via Indonesia. These apparently convoluted routes reflect what might perhaps be described as the path of least resistance, or perhaps the path of opportunity. Routes are heavily influenced by: the legal environment (for example, the entry restrictions of the various countries of destination differ by point of departure or nationality of applicant); the strength of border control measures and the shifting changes in this capacity; the location and existence of key collaborators (for example, corrupt officials in particular airports or producers of high quality documents living in particular cities) and geography (for example, the sea route to Italy, Spain and Greece provides potential points of entry to the borders of the EU).

The literature reviewed for this chapter gives many examples of migrants who travel many thousands

of kilometres out of their way, to maximise their prospects of success. For example, while a prospective migrant living in Fujian Province in China might have difficulty getting a visa to enter the United States if they apply at home, they may have more success if they travel to Indonesia, establish a false identity and business history in Indonesia, and then apply for a tourist visa from Indonesia, having established the existence of substantial property and business holdings in Indonesia.

### **What is known about the profiles and motives of migrant smugglers?**

There were very few sources in the literature reviewed that provided empirically-based information about the profile of migrant smugglers through reference, for example, to demographic and social variables. The research that is available focuses on those involved in smuggling of Chinese nationals to the United States (Zhang & Chin, 2004; Zhang et al., 2007; Zhang, 2008) and to the Netherlands (Soudijn, 2006; Soudijn & Kleemans, 2009); the smuggling of migrants to Germany (Neske, 2007); from India to Europe (Saha, 2007, 2009; UNODC, 2009); from Pakistan to Europe (Human Rights Commission of Pakistan (HRCP), 2010), and through the West African route to Europe (UNODC, 2011). Key data used in these studies includes interviews with migrant smugglers and criminal justice data.

Information about the profile of those involved in smuggling migrants to, from or through other countries covered by this study (Afghanistan, Cambodia, Indonesia, Lao PDR, Maldives, Malaysia, Myanmar, Singapore, Sri Lanka, Thailand and Viet Nam) is entirely lacking. As a result, there is almost no information available about the profile of those involved in some highly significant migrant smuggling routes.

The research that is available provides invaluable information about the profile and motives of migrant smugglers but only in some contexts and locations. For example, the research of Zhang and Chin provides considerable insight into the profiles of those involved in smuggling Chinese nationals into the United States. Their research was based on, among other sources, interviews with 129 migrant smugglers both in the United States and in

China, with participants identified initially through personal networks and then through snowball sampling techniques (Zhang & Chin, 2004; Zhang, 2008). Their research suggests that the migrant smugglers were ordinary citizens (primarily men but also women), whose contacts and connections provided them with an opportunity to profit from migrant smuggling. Migrant smugglers come from diverse backgrounds but tend to work in sectors that suggest a level of comfort with risk and enterprise; they may be small business owners, independent contractors, or commission based employees, who engage in aspects of migrant smuggling as a side-line (Zhang & Chin, 2004).

The research of Soudijn (2006) on those involved in smuggling of Chinese nationals into the Netherlands provides an interesting contrast, both from the perspective of its data set and its findings. This study was based primarily on an examination of court files (88 cases involving 172 individuals) rather than interviews with smugglers. As noted by Soudijn, data in court files relates primarily to the needs of the criminal justice process, so it has strengths and weaknesses. From a review of these files, Soudijn was able to identify the sex, age, nationality, ethnicity and country of residence of the defendants but not other variables, such as marital status, educational background or employment status. Nonetheless, the findings on these points are important. For example, Soudijn noted that of 172 defendants involved in smuggling Chinese nationals into the Netherlands, 44 were non-ethnic Chinese (of which 32 are categorized as European, and 12 as Asian). Therefore, about a quarter of the smugglers involved in smuggling Chinese customers were not themselves Chinese, suggesting the limits of ethnically-based conceptions of organized crime. Soudijn also noted that about 13% of the smugglers in his sample were ethnic Chinese women. While these women constituted a minority, some held significant roles, with five of them described as organizers of large scale-transport.

In seeking to understand the profile of migrant smugglers, it is important to be mindful that many different roles and responsibilities might be captured within the umbrella category of 'migrant smuggler'. For example, Soudijn (2006) identified that of 172 defendants prosecuted for migrant smuggling in the Netherlands, 22 of these were 'organizers', 88

were 'transporters', 2 were 'passport falsifiers', 10 were 'enforcers', 3 were 'corrupt officials', 43 were 'supporting personnel', and 10 had unknown roles due to limitations of the files. Soudijn observed that smugglers had niche roles held for long periods of time. Zhang and Chin (2004) observed similar niche roles, held for long periods of time. This suggests the need for research to focus not just on the profile of 'migrant smugglers' but also on the profile of the various service providers. For example, a person involved in falsifying passports may have a very different profile to a person who simply drives migrants across a border.

It is clear that social networks play a significant role in the migrant smuggling process, and this impacts on the profile of both smugglers and smuggled migrants. However, the research suggests that the nature and strength of these social relationships varies considerably. For example, drawing on data from the German context, Neske noted that where smuggling involves 'stage to stage' smuggling of whole families from crisis areas, the role of *immediate* family networks is emphasized:

Both groups [smugglers and migrants] not only possess the same ethnic background and, as a rule, come from the same region, but relatives or family members frequently take the influential positions among the smugglers. (Neske, 2006, p. 147)

The connections are less immediate in other forms of smuggling, such as stage-to-stage smuggling of individuals, primarily young men, for employment within pre-existing social networks. In these instances, the smugglers and the migrant might be from the same ethnic background but there are no personal or familial relationships. The smugglers have typically lived abroad for a long time, so they have the networks and connections needed to facilitate the various phases of migration between the country of origin and destination.

Key forms of social networks include family links but also those that result from shared ethnic and linguistic backgrounds. This is not to suggest that all smuggling crimes are facilitated by 'co-ethnic' smuggler-migrant relationships. As noted by Soudijn and Klemans (2009), a key risk of the 'ethnic organised crime' model is that characteristics

of ethnic homogeneity and closure are emphasised, while other factors such as ethnic heterogeneity and inter-ethnic cooperation are neglected. They argue that ideas of 'ethnic specialization' tend to identify particular ethnic groups with particular crimes. Based on an analysis of Chinese organised crime, Soudijn and Kleemans argue that a focus on social networks and situational context would offer improved insights into the operations of organised criminal groups. Their analysis closely resonates with the analysis by Zhang and Chin (2004).

There is some research that notes the relevance of prior experience of the migration process to becoming a smuggler, even if this experience is as an 'unsuccessful' migrant. In other words, those involved in migrant smuggling may themselves have had experience as smuggled migrants. For example, research in the West African context notes that:

... a significant number of the people who make money from irregular migrants are themselves irregular migrants, but ones who have been in a single location long enough to acquire substantial local knowledge. Some of the most experienced migrants are those who have been intercepted by the authorities in the course of an earlier journey and forcibly returned to West Africa, from where they have recommenced their journey, sometimes as many as three or four times. In this way, they have built up expertise over a period of sometimes several years, and they may turn this expertise to profit by offering services to novice migrants. (UNODC, 2011, p. 30)

Similar observations are made in relation to the way smugglers start their businesses in the Afghan-Pakistan context (UNODC, 2010), and also in relation to the Chinese migrant smugglers studied in Fujian, China and the United States. For example, Zhang (2008) notes that around one third of the sample of smugglers he interviewed entered the smuggling business through 'knowing others already working in that business'. This included participants who initially became acquainted with smugglers through their own experiences of being smuggled.

The research confirms that grey or black-market economies may spring up around border areas,

creating opportunities for locals living along key routes or border crossings to engage in the many and varied micro-practices associated with migrant smuggling. For example, in the West African context:

Others who help migrants with border crossing and other logistical requirements in return for payment are local residents who may be accustomed to making money from any source available, quite often in violation of the law. (UNODC, 2011, p. 30)

This includes the former nomads in the Sahara who have lost livestock in the great droughts of the 1970s and never recovered their old way of life. They now have developed other ways of making a living, most notably, through transportation.

Thus equipped, former nomads live by transporting over long distances any merchandise offered to them, including people. In many cases they work with police and border officials who are prepared to facilitate their movements in return for payment. Formally speaking, this constitutes the illegal practice of bribery and corruption with a view to evading State laws regarding the transport of people or goods across frontiers – smuggling. (UNODC, 2011, p. 30)

The reviewed research on the profile of migrant smugglers, along with the reviewed research on the relationship between migrants and smugglers, suggests that at least in some contexts, there may be little social stigma associated with being a migrant smuggler. For example, in research on the Afghan and Pakistan context, UNODC (2010) notes that according to those interviewed, being a migrant smuggler is perceived as being less morally bad than being involved in drugs. In some contexts, migrant smugglers may even be regarded highly. For example, Zhang and Chin (2004) have noted that some Chinese human smugglers are highly regarded as trusted figures in the community. Furthermore, Zhang and Chin noted that the smugglers they interviewed did not perceive themselves as criminal, even though they knew their work was illegal. They saw themselves as business people who helped others and worked with their friends.



### What is known about the profile of irregular and smuggled migrants?

The literature review identified a large number of sources that provide information about the profile of irregular and smuggled migrants. For example, a search within the 154 sources in this project's bibliographic database on 'profile of smuggled migrants' generates 29 hits, and a search on 'profile of irregular migrants' generates 39 hits.

The research suggests that it is most useful to examine the profile of irregular and smuggled migrants locally rather than globally, and to look beyond mere demographic factors. The categories of irregular and smuggled migrants are umbrella terms that cover various large and potential disparate groups of individuals, even within a single country or ethnic group. For example, Clarke discussed the situation of Myanmar 'illegal migrants' in Thailand. He notes that the significant numbers of Myanmar migrants living irregularly in Thailand have some common characteristics: for example, they have to remain invisible to survive, as coming to the attention of the authorities may result in deportation or prosecution. However, beyond this, there are significant differences in the characteristics of the various populations of Myanmar irregular migrants living throughout Thailand:

For example, in Mae Sot, illegal Burmese migrants outnumber Thais by a ratio of 3:1, whereas in Phuket Thais outnumber Burmese 4:1 (Clarke, 2009, p.1070)

Further, Clarke (2009) suggests that Mae Sot has the largest number of migrants who arrive without any support network, compared to Ranong which has the largest number of migrants who travelled with family members. Further, the majority of migrant workers in Ranong have worked in other areas of Thailand previously, whereas those in Mae Sot have not. Most migrant workers in Ranong are employed in the fishing industry, while the most common occupation in Mae Sot is factory work.

In terms of the gender and age profile of irregular and smuggled migrants, it appears that in some contexts, both men and women are migrating irregularly, either facilitated by smugglers or independently. This appears to be the situation across the Greater

Mekong Subregion (GMS), where porous land-borders make irregular migration relatively easy. For example, in 2004, Thongyou and Ayuwat (2005) conducted a survey of Lao (initially irregular) migrant workers who attended a labour registration process in Thailand. Of the 276 Lao workers recruited for the survey, the majority of workers in the sample were women (73% or 202 of 276). Most of the women were young, with 58% being under 24 years of age, and a third being under 20 years of age. The youngest respondent was 14 years of age, which is just below the legal minimum working age in Thailand (15 years). The major factor that caused them to migrate was poverty.

In contrast to the situation in the GMS, it appears that the profile of irregular and smuggled migrants originating in South Asia is predominantly male. For example, Ahmad (2008c) notes that labour migration flows from (and also within) Pakistan almost exclusively involve young men. As a result, considerations of masculinity and male agency are important to 'making sense' of migration. To examine this issue, Ahmad conducted interviews with 60 Pakistani migrants in London, Italy and Pakistan. He concluded that for young men in Pakistan today, the desire to migrate (legally or irregularly) is not simply about economics. Migration, regular or irregular, is imbued with a certain 'masculine glamour', with returnees having a higher social status than when they left. To be excluded from the ranks of returnees restricts access to a bride and extends the wait for a suitable match. With increased restrictions on opportunities for regular migration, and the growth in the smuggling industry, irregular migration is viewed by young Pakistani men as a commodity that can and must be purchased at almost any cost. According to Ahmad:

Migration ... is no longer simply a means to accumulate capital and consume; it is an end in itself, the realization of which requires considerable levels of accumulation and significant levels of material investment and risk. For certain constellations of young Pakistani men who now live above subsistence, migration is itself the ultimate product and status symbol. (Ahmad, 2008c, p. 141)

While economics is not the only consideration, the literature certainly provides many examples of



contexts where irregular and smuggled migrants are motivated by economic considerations and by the apparent successes of those who have migrated before them. For example, Saha undertook field visits to certain villages and districts within India from which large number of Indian deportees had originated from. He noted that it is difficult to specify reasons why certain districts reported large cases of irregular migration, whereas others did not. However, he concluded that high unemployment and “the general attitude of youth from the area, that migration to the other countries is perhaps the best alternative” were critical factors (Saha, 2009, p. 27). He noted the situation of two brothers from a district, who had the same level of high school education. One managed to migrate irregularly to the UK and was earning about USD 1,000 per month, whereas his brother stayed behind and was earning about USD 50 a month in a local petrol station, and even then, this work was hard to find. Saha noted that in the villages he visited, remittances had led to improvements in the status of the families of migrants in just a few years. Further, some irregular migrants also learnt valuable skills while they are overseas, training as plumbers or carpenters. Accordingly, irregular migration was viewed as a legitimate pathway:

Thus, the phenomenon of irregular migration was not considered to be a stigma amongst the families of the migrants, provided it was successful. The social structure of the village, which had been traditionally based on caste, landholding, family background and educational achievements, has now changed into one which distinguishes between families having members in other countries and families which do not. (Saha, 2009, pp. 27–28)

It is clear from the research that populations of irregular and smuggled migrants may include those seeking better economic opportunities but also those seeking to escape persecution (see for example, Pro Asyl, 2007). The research suggests that the factors that motivate migrants to engage in irregular migration (whether facilitated by a smuggler or not) will likely have a significant impact on their ‘choice’ of service providers, routes, modalities and destinations. For example, research about migrant smuggling in the Afghan-Pakistan context suggests that migrants driven by *poverty* make very different

decisions and follow different paths to those driven by *ambition* or a desire to *escape conflict*. For those driven by poverty:

Being smuggled closer to home is the cheapest option and safer for those who have limited capacity to repay loans and risk dealing with financial shocks. Once a family or friend establishes the route, a revolving door opens and that opportunity can be maximised time and time again. The poorest of economic migrants will be attracted to the prospect of a wage in their neighbouring countries or the labour-importing economies of the Gulf. (UNODC, 2010, p. 8)

These migrants favour the cheap ‘no frills’ routes overland or sea. They travel by foot or bus. In contrast:

Migrants motivated by ambition – rather than absolute poverty – tend to invest more in finding a smuggler with a good reputation. (UNODC, 2010, p. 9)

Finally, movement motivated by fear involves an entirely different cost-benefit calculation:

First, it encourages migrants to liquidate their assets, which along with insecurity makes it unlikely that they will return, at least not for any length of time. Second, there is a greater probability that the whole family will seek to move, rather than individuals, and that they will do so simultaneously. They therefore tend to gravitate towards more sophisticated criminal providers, for example those who can arrange good fraudulent documents and air travel to final destinations. Third, as a result of these two tendencies, migrants are on average willing and able to pay higher prices. (UNODC, 2010, p. 10)

### **What is known about the nature or characteristics of relationships between migrant smugglers and smuggled migrants?**

The literature review identified a relatively small number of studies that directly examined the characteristics of the relationships between migrant

smugglers and smuggled migrants (see for example, Zhang, 2008). However, a review of the literature covering factors such as the profile of migrant smugglers, and the organization of smuggling also provides relevant insights on this point.

The research suggests that social networks are critical to the migrant smuggling process. However, there can be considerable variation in the *nature and level of connections* within these social networks, with relationships between immediate family members at one end of the spectrum, and third parties introduced by friends or acquaintances met along the migration route at the other end. Similarly, it appears that there is considerable variation in the *quality* of these relationships, with some exhibiting positive characteristics (such as trust, mutual support, care and respect) while others exhibit more negative characteristics (such as a propensity to abuse and exploit) (see generally, Heckmann, 2004).

In some contexts, it appears that the line between social networks (that is, the links that are maintained between people who migrate and residents, relatives and friends in the country of origin) and paid intermediaries (who may or may not be appropriately characterized as migrant smugglers) are blurred. Where the distances between the country of origin and destination are short, these relationships may remain relevant throughout the whole migration experience and have certain protective characteristics. For example, Thongyou and Ayuwat examined the social networks that were involved in the irregular migration and employment of Lao workers in Thailand. For the migrant workers interviewed for this study, their social networks had helped them travel, find a job and enter Thailand illegally. As noted by Thongyou and Ayuwat:

In some instances, it is often relatives and neighbours who work as job placement agents for agents in Thailand. Because of the dangers involved in illegal migration, agents usually depend on social networks to recruit new workers. It is easier for women and their families to make decisions regarding migration, if these are based on face-to-face relationships. This reflects the nature of ethnic Lao village social relations that are based on merit, clientage and personal relationships. (Thongyou & Ayuwat, 2005, p. 8)

The research confirmed that the “same close relatives and friends who were the agents who assisted them in travelling across the border, also assisted in transferring remittances and in arranging for return travel” (Thongyou & Ayuwat, 2005, pp. 11–12). Migrants also look to people in these same social networks for support and assistance in times of trouble. This study did not examine financial transactions that took place within these relationships. However, it seems reasonable to assume that at least some of the local Lao agents would have been paid a commission for at least some of the services provided, thereby potentially bringing them within the technical definition of migrant smuggling.

The research suggests that in some contexts, prospective migrants and their families may take a degree of comfort from working through their locally established social networks. However, in reality, the networks they rely upon are unable to provide protection from harm or exploitation. For example, Rudnycky notes that local ‘brokers’ are crucial to facilitating transnational labour migration from Indonesia:

This is a local patronage figure who is usually respected in a community, such as a village head, a successful local businessman or even a religious leader. (Rudnycky, 2004, p. 414)

Brokers may also provide small loans to migrants, and put them in contact with recruitment companies in Jakarta. While in theory there are regular labour migration channels from Indonesia, in practice the lines between ‘illegal’ and ‘legal’ labour recruitment are very blurred (see for example, Silvey, 2007). In that sense, the local broker may (knowingly or unknowingly) be connecting the migrant to intermediaries involved in various illegal and highly exploitative practices (see for example, Human Rights Watch, 2004). Rudnycky notes that while in some ways the initial relationship between the migrants and brokers reflect traditional notions of patron-client relationship, there are important differences:

... if there is a problem these brokers may not be as accountable as patrons in conventional localized relations of reciprocity. Asep, a local NGO activist with the group Cianjur Watch

remarked that “after a broker lends the money and sends them to Jakarta, that’s it. If there is a problem they do not know what to do ... (Rudnyckyj, 2004, p. 415)

Thus, while prospective Indonesian migrants and their family may assume that local brokers will ensure their security, in reality, “the brokers’ ability to do so is by no means certain” (Rudnyckyj, 2004, p. 415).

The research suggests that trust and reputation are important to the migrant smuggling business model in many, if not all contexts. The research suggests this impacts on the characteristics of the relationships between smugglers and their clients. In some contexts, it appears that this results in relationships between smugglers and migrants that are quite positive, in the sense that there is a shared interest both in the migration project but also in the migrant’s safety. In these contexts, the communities and migrants involved may not view smugglers as criminals but as legitimate service providers who provide opportunity. For example, in the US context, Zhang and Chin noted that:

... both immigrants and smugglers considered transnational human smuggling more of a “good deed” than a crime. (Zhang & Chin, 2004, p. 10)

In the context of smuggling between China to Taiwan Province of China, Chin notes that:

... snakeheads are highly respected by local residents because they have assisted their fellow villagers to become wealthy by joining the illegal migration waves finding jobs in Taiwan. (Chin, 2008, p. 103)

In the context of migrant smuggling from China to the Netherlands, Soudijn and Kleemans suggest that migrant smuggling can be characterized as a form of “co-production”, where it is the combined efforts of the migrants, their social environment and the smugglers who seek to circumvent migration laws (Soudijn & Kleemans, 2009, p. 462). The authors note that in the Dutch context, those involved in investigating migrant smuggling may commence an investigation expecting to uncover a cesspool of abuse but typically find nothing of the sort. Trust

and reputation are the key to the migrant smuggling business, and violence is not part of the modus operandi. While smuggled migrants who arrive in the Netherlands will undoubtedly be working very hard, the smugglers themselves are not involved in any exploitation.

The literature also notes that in some contexts, various financial ‘guarantees’ and other practices have developed that can help shift some of the risk of failure back onto the smuggler. It is possible that this results in a higher level of protection for smuggled migrants in the process. For example, in the context of migrant smuggling from Pakistan to the UK, Koser notes that:

... prospective migrants and their households reduced their risks by depositing payments with a third party, and in effect negotiating a ‘money back guarantee’ with smugglers. (Koser, 2008, p. 19)

Similarly, research in the Indian context notes that when a migrant fails to reach their intended destination country, they can and do, contact local sub-agents for a full refund of the money paid by him (UNODC, 2009). A failure to repay the money owing may lead to involvement of the police:

The sub-agent in such a situation informs the migrant that the money paid by him had to be paid to the agent and he is no longer in possession of that money. In some situations the money is paid directly by the migrant to the agent. If repeated requests made by the migrant for the refund of money yield no results, he may threaten to report the matter to the police. The sub-agent in such a situation pursues with the agent and in 80 per cent of cases the money is refunded, deducting the costs already incurred in sending the migrant to the transit country etc. In situations where all negotiations between the migrant and the sub-agent fail, a complaint is usually filed with the police. (UNODC, 2009, p. 57)

While the literature does suggest the existence of what might be described as positive or relatively equal relationships between smugglers and migrants, there are also numerous examples in the literature of smuggler-migrant relationships that are characterized

by severe power imbalances, and abuses of that power. In the most extreme instances, the migrants become themselves no longer willing participants in the 'co-production' that is migrant smuggling but themselves victims of various crime ranging from theft, kidnapping, extortion even slavery. For example, in the Indian context, Saha (2007) notes examples where smugglers vanished with their clients' passports and money, or abandoned them in the forest. In the China-Myanmar context, the literature notes many examples of Myanmar women who, upon crossing the border into China with their broker, are handed to another broker for transfer to highly exploitative situations within China such as forced prostitution and forced marriage (see for example, KWAT, 2008). These situations are discussed further below under the section on human and social costs of migrant smuggling.

### What is known about the organization of migrant smugglers?

The literature review identified more than 30 studies that provide commentary on how migrant smuggling is organized within certain markets and along certain routes. However, there is considerable variation in the depth of inquiry within the various sources. As suggested by Heckmann, some of the literature on smuggling uses vague terms rather loosely:

... smuggling industry, networks of smugglers, migrant merchants, mom-and-pop smugglers, organized crime, or crime that is organized, to name a few. (Heckmann, 2004, p. 1115)

There are a small number of studies that have examined these issues very closely, and with great precision. In particular, a small number of studies have sought to examine whether the organization of migrant smuggling matches traditional thinking around 'organized crime' (see in particular, Zhang & Chin, 2004; Zhang, 2008; Neske, 2006; Heckmann, 2005; Soudijn, 2008). While there are various descriptions of 'organized crime', this concept has traditionally been associated with criminal organizations that exhibit certain characteristics: the existence of some form of central control, a hierarchy with leaders and followers, and the use of violence, to name a few. If this model is considered from a law enforcement perspective, it follows that if the central

organizers can be removed, the entire organization will likely collapse.

The research of Zhang and Chin casts doubt on the relevance of the traditional organized crime model to migrant smuggling, at least in the context of smuggling between China and the United States. According to their findings, those involved in smuggling large numbers of Chinese nationals into the United States did not match traditional notions of 'organized crime'. For example, while some of their sample of migrant smugglers operated in small groups, forty percent of their sample did not consider themselves to be part of an organization or group:

These subjects had no problem saying they were working with friends or business associates, but they did not think their social circle possessed any qualities of an organization. They were more likely to consider themselves as free agents. (Zhang & Chin, 2004, p. 7)

Even though the researchers talked to some successful smugglers, none of them considered themselves as occupying a central or dominant position in the various smuggling networks. They described themselves as working with their friends:

No one was found who had absolute control over an entire smuggling operation. Organizations appeared to possess multiple layers, with the inner core consisting of only a few close associates; these associates each had their own network of contacts, who in turn might have further contacts. (Zhang & Chin, 2004, p. 8)

As such, there were no central 'organized crime groups' but rather a series of networks, who worked together from time to time, as needed. This research suggests that the 'enterprise model' of criminal organization best describes Chinese human smuggling operations. That is:

This model describes flexible and adaptive networks that expand or contract as needed to deal with the uncertainties of the criminal enterprise. The participants are organized only for the purpose of carrying out the illicit activities. (Zhang & Chin, 2004, p. 12)

Findings about the organization of migrant smuggling may have significant implications for law enforcement. For example, UNODC (2010) has noted that in the Afghan-Pakistan context, the smuggling routes used by the masses (as opposed to more expensive, end-to-end smuggling) involve *nodes* connected by *flexible networks*. As a result, there may be no single centre of gravity that could be knocked out by law enforcement.

Some of the research does suggest that the organization of migrant smuggling may align more closely to traditional understandings of organized crime than is suggested by the research of Zhang and Chin. For example, Soudijn undertook an analysis of information obtained through wiretaps in the case files of migrant smugglers. From this, he was able to discern separate smuggling groups that had a level of continuity. A key characteristic of these groups was that an organizer managed the money:

The organizer pays the other suspects for certain services and can therefore be placed as the top of the organization. This in turn leads to the assumption that the organizer issues orders to other suspects, who are given specific tasks to perform. (Soudijn, 2006, p. 81)

This case analysis also suggested that violence did occur in the smuggling world, and some involved in the smuggling groups did consider that these groups involved a hierarchical command structure. Soudijn concluded that:

All things considered, the evidence strongly suggests a hierarchical structure. There are smuggling groups that operate with a fixed complement of personnel for long periods of time, maintain a division of tasks, clustered by ethnicity, geographically limited to one specific location and do not avoid using violence. (Soudijn, 2006, p. 83)

Soudijn notes that his findings, like those of Zhang and Chin, may be influenced by his data. Whereas the research of Zhang and Chin was based on interviews with smugglers identified through personal networks and snowball sampling, the research of Soudijn was based on analysis of police records including wiretaps, which are mostly likely to reveal information about

highly organized forms of crime. As noted by Zhang and Chin, it is possible that their sample, based on field interviews with smugglers identified through personal networks and snowball sampling, did not identify the “more organized and closely guarded groups” (Zhang & Chin, 2004, p. 11).

The research of Neske (2006) and Heckmann (2005) in the German context also focuses on the organization of migrant smuggling. Through the development of key typologies of migrant smuggling (discussed above), their research sheds light on the different forms of social organization that sit behind the various migrant smuggling services. For example, where the service merely involves the provision of a fraudulently obtained visa, the ‘organization’ may include for example, just one person in the country of origin (the focal point) and one in the country of destination (who is responsible for issuing a fraudulent letter of invitation). As Heckmann notes:

A network of two individuals or a small organizing unit is enough for the purpose. (Heckmann, 2005, p. 5)

In contrast, where the service involves bringing a person from (for example) Afghanistan to Germany, the organizational structure that sits behind this operation is quite different. Their research suggests that:

... it is not one large organization who does these operations, but a network of organisations, an inter-organisational network. (Heckmann, 2005, p. 8)

Zhang has examined the nature of the relationships between migrant smugglers that allow these networks to function. He notes that like other entrepreneurs, migrant smugglers use their network of social contacts and personal resources to engage in profit-seeking activity. He describes human smuggling operations as operations among peers, noting that these require minimal organization structure and limited hierarchy. However, unlike peer groups that might be involved in legal activities, they rarely engage in teamwork. Factors such as the constant fear of arrest and the hazardous business environment have the result that:

Their relations with each other are usually secretive and entail mostly one-on-one,



or dyadic, transactions. Each individual snakehead develops and maintains an additional circle of contacts and resources that are also clandestine in nature and dyadic in format. (Zhang, 2008, p. 144)

This organizational structure has a number of advantages: for example, direct communications ensure clarity of agreement; small group interactions expedite information gathering, improve communication and facilitate decision making; and it ensures maximum security with minimal exposure to law enforcement (Zhang, 2008).

In summary, the detailed research on the organization of offending is limited to just a few markets and locations (primarily the smuggling of Chinese nationals into the US and to or through the Netherlands; and the smuggling of any foreign nationals into Germany) (see in particular, Zhang & Chin, 2004; Zhang, 2008; Neske, 2006; Heckmann, 2005; Soudijn, 2008). However, these particular studies are extensive and they examine the conditions in significant markets and countries of destination. Considered together, these studies confirm that there is variety in the organization of offending, some of which is organized in unique ways. Some migrant smuggling is carried out by what can safely be described as organized criminal groups, in the sense that these groups have continuity, clear roles and responsibilities, they are centrally organized with a structure of command and control, and they may have recourse to violence (see for example, the research of Soudijn, 2006). However, some migrant smuggling services, including those involving complex travel across long distances, are provided not by groups but by individuals operating as free agents in niche roles across loosely affiliated peer networks (see for example, Zhang, 2008). By engaging in one-on-one transactions, those involved in the network can ensure clear communication, provide their niche service and access the services of other niche service providers, while still insulating themselves from law enforcement.

### **What is known about the modus operandi of smuggling?**

There is considerable diversity in the modus operandi of migrant smuggling. These differences reflect

various factors such as: the distances travelled, the varying levels of difficulty in accessing certain countries, the geography (whether there are land or sea borders) and the type of smuggling service being provided (for example, whether the migrant's journey is largely self-directed with particular services purchased en route, or fully covered end to end).

### ***Recruitment of customers***

The research confirms that prospective migrants and smugglers come together in many different ways. Some prospective migrants actively seek out the services of smugglers. For example, a migrant who is organizing their own travel step by step will simply ask around in the cities and towns along the route, and find service providers as they go. Depending on the location and context, this may be relatively straightforward. For example, research in the African context notes that communities of migrants (in various stages of their journeys) have sprung up in every town on the main migration routes, especially in North Africa, and these are serviced by local smugglers:

[C]onnection men in North African ports, *passeurs* in Agadez and Gao and burgers in Kano are often former migrants who have discovered that they can make a good living as professional smugglers of migrants. (UNODC, 2011, p. 32)

The West Africa/North African route is used primarily by African migrants but during certain periods of time, it has also been used by migrants from South Asia, particularly Bangladesh, India, Sri Lanka and Pakistan (UNODC, 2011; Monzini, 2004).

The various studies of Zhang and Chin, which examined the smuggling of Chinese nationals into the United States, suggests that most smugglers and their prospective clients find each other through their mutual social circles. As noted above, transactions are mostly one-on-one, with the result being:

... [T]he majority of prospective clients know only the recruiters, and few know all the snakeheads in a smuggling organization. (Zhang, 2008, p. 43)



In the Fujian context, the recruitment process may be self-initiated by the prospective migrant, or they may be recruited by friends and acquaintances:

In some cases, prospective clients are approached by relatives or friends who happen to know people in the smuggling business and want to make money by making referrals. In other cases, eager clients look for contacts who can include them in a smuggling trip. (Zhang, 2008, p. 44)

As noted by Zhang (2008), without formal channels for advertising or regular meeting places, smugglers must rely on their good reputation spread by word of mouth. For example, Zhang quotes a smuggler, who noted how quickly his reputation grew:

The first group of clients that I was involved with went to the US by boat. The second group got there by plane with all legitimate travel documents. Because these two groups all arrived in the US safely, many people came looking for me. This last time, for instance, I was prepared to refer only one person; but several of his relatives and friends showed up at the meeting place, expecting me to introduce them to my (snakehead) partner. (Zhang, 2008, p. 45)

According to Zhang, a good reputation is a vital asset that snakeheads are most eager to acquire and maintain.

### *Methods of payment*

Just as the methods of recruitment will vary, the way that fees are paid by migrants to smugglers will also vary. However, the literature suggests that various local systems have developed which are intended to provide a level of protection for both the migrant and the smuggler. In short, these systems are intended to protect the migrant from losing their investment, while ensuring that smugglers also get paid for their work. For example, Koser (2008) examined the financial aspects of smuggling from Pakistan to the UK. He noted that when asked how payment to smugglers was made, the thirty households studied reported a very similar method: namely, payment was made in full in advance. However, payments are made not directly to the smuggler but to a third party (such as a money changer or jeweller). The third

party would issue a receipt to the potential migrant or his family. The money would only be released to the smuggler once the family had confirmed that the migrant had reached their destination, normally having received a phone call from the migrant.

According to Zhang (2008), prospective migrants in Fujian pay a down-payment (which secures commitment but also covers some up front costs), and then the remainder is paid once their clients get to the United States. However, this step only occurs after the smuggler has agreed to take on the migrant. Zhang notes that the recruitment process involves a two-way assessment, first of the smugglers competence, but second, by the smuggler of the client's capacity to pay. One snakehead in Fuzhou explained as follows:

There are two basic rules in this game. Clients must have money or no smuggler will take them. Then the smuggler must have a success record or he will never get any clients. In most cases, all parties know each other through friends and relatives, making it easy to build a mutual trust. (Zhang, 2008, p. 47)

According to Zhang (2008), smugglers are more careful screeners than prospective migrants, as there are always more clients than smugglers. Having said this, Zhang notes that there are differences within the smuggling market. For example, those involved in smuggling by boat want to fill it to capacity, so are more likely to take on clients without adequate financial means. According to this research, problems with smugglers securing payment upon completion of the smuggling process are infrequent, with most clients paying willingly and gladly. Where there are problems, the snakeheads usually resort to hiring what Zhang describes as Chinatown gangsters. Also, pressure can be exerted on the migrant's family back home.

While systems have evolved which help protect the migrant's investment in the smuggling process, the literature also notes numerous examples of various migration scams, where migrants are defrauded and their smuggling fees are stolen (see for example Saha, 2007).

### *Transportation*

Migrant smugglers can use any form of transportation to move migrants from one place to another. At one

end of the spectrum, migrants might be lead on foot through unsupervised border areas or even just given instructions about the directions in which to run (see for example, the case studies in HRCP, 2010). At the other end of the spectrum, smuggled migrants travel in comfort as passengers in private vehicles or on commercial airlines. In short journeys, migrants may travel on only one form of transportation. In longer journeys, migrants may travel on many forms of transportation, across the different sectors in the journey.

From the reviewed literature, it appears that the particular method of transportation used in migrant smuggling will likely reflect a number of factors such as: fees paid (with safer, more successful and more comfortable transportation methods commanding higher fees), the local topography and location of borders, and the specific strengths and weaknesses of local immigration control. In several geographic contexts, borders can be crossed quickly and easily with migrants led by smugglers on foot, by local motorbike taxi or by boat. For example, Santhiago notes that agents take advantage of the shared land border between Malaysia and Thailand:

Malaysians and Thai nationals trade daily in Golok, a market place located in South Thailand. The market place in Golok is separated by a river. The journey across the river takes less than five minutes. (Santhiago, 2005, p. 16)

Through this method, agents on the Thai side of the river offer to take people irregularly into Malaysia. Similar ease of passage has also been noted in relation to other border zones in South East Asia, particularly between Lao PDR and Thailand, Cambodia and Thailand (Sciortino & Punpuing, 2009), certain areas of shared land borders between Indonesia and Malaysia (see for example, Santhiago, 2005; Ford, 2006), and the border region between Myanmar and Thailand at Mae Sot (Arnold & Hewison, 2005; Clarke, 2009).

The literature also notes there is a land border that can be crossed on foot between Pakistan and Islamic Republic of Iran, as part of a longer route to Europe. The research suggests that this route is difficult and dangerous. The dangers are illustrated by the various case studies documented by the HRCP. For example,

a deported Pakistan migrant recounted the following story about travel through Islamic Republic of Iran:

I travelled from Gujrat to Karachi by bus and from there to Mand. Crossing into Iran was easy. In Iran we were received by a man called Malik Shiraz. He guided us to our first stop in Iran.

Then one night we were told to run fast through a hilly area and cross two mountains before dawn. We managed to reach the second stop. There we were kept for three days. Afterwards we were told that we would proceed further in a container. In the container we literally sat on one another. Some of us were very young. One boy appeared to be no more than 14 years old.

After an arduous journey in a container for 8-10 hours we were told to rest near a mountain. The next day we were to start on the most dangerous part of our journey. We were told to run as fast as we could through the mountains. It was a cold day when we started this trek. While climbing the mountain a boy fell down hundreds of feet below and died instantly. The agent told us not to waste time over his burial and to save ourselves instead. (HRCP, 2010, pp. 15–16)

The budget of a migrant will have a considerable bearing on the modes of transport used. For example, the research in the Afghan-Pakistan context notes that the overland route to Europe, via Turkey, Greece or the Balkans, and the sea route to the Gulf are 'for the masses'. This type of service is the cheapest, the most flexible and it requires no documentation. In contrast, a small proportion of migrants have their entire journey planned from beginning to end, these tend to be those migrants who travel by air (UNODC, 2010). Research in the West African context also shows how some full package services use multiple forms of transport:

By the middle of the last decade, Asian migrants who had contracted for full-package services, having arrived in West Africa, could travel relatively fast and comfortably in saloon cars from Gao to North Africa, and some are known to have proceeded from there by sea

to Spain, completing their journeys in weeks rather than months. (UNODC, 2011, p. 31)

These were described as being journeys coordinated by sophisticated criminal networks, with migrant paying EUR 12,000 to EUR 18,000 (USD 15,500 to USD 23,400) in advance for what were full-package (beginning to end) smuggling contracts.

The method of travel has implications for safety and comfort. Journeys by sea have inherent dangers and depending on the locations, they can also be lengthy. Sometimes the modus operandi used involves generating a rescue at sea situation using 'disposable' vessels (see for example, Monzini, 2004). The literature notes many instances of migrants who have perished at sea in the smuggling process (see for example, Gibbings, 2010; Monzini, 2004; Sein, 2008).

Migrants can also be transported concealed in containers, on any form of transport: for example, in the boots of cars or in the baggage compartment of a bus (Santhiago, 2005), and on board small fishing boats. The following interview with a migrant in Lombok (Indonesia) helps describe the reality of these methods of transport:

CH: How much did you have to pay the smuggler?

B: US\$ 400 each person. US\$ 1200 for the family. Just from Malaysia to Indonesia.

CH: From Iran to Malaysia?

B & I: B thinks US\$ 400.

CH: How long were you in Malaysia?

B: Two days.

CH: In a city?

B & I: Yes, but B does not go outside the hotel.

CH: How did you come from Malaysia to Indonesia?

B: By boat. It was dirty and the conditions were very bad.

CH: Was it small or big?

B: Very small, a boat for about 10 persons. And they closed the deck area with wood. (Hunter, 2004, p. 115).

Migrants are also smuggled by sea in shipping containers or as stowaways in the hold of large carrier

ships. While this method of smuggling has resulted in some migrants successfully reaching their intended destination, it also has many dangers. For example, Li et al. (2004), examined the situation of 18 Chinese migrants who were smuggled in a shipping container that travelled by sea from Hong Kong (China) to the United States. Three of the 18 migrants arrived dead and a fourth man died a month later. The description of this journey by the survivors graphically illustrates the conditions of travel. For example, while the men had left Hong Kong (China) with supplies of food and water, because of the lack of light inside the container, they found it difficult to differentiate between containers for urine and for water, so the water got contaminated. One migrant began the journey with a 'cold', and soon this rapidly spread to the others. This illness spread quickly in the confined conditions, such that soon the migrants were vomiting and could not hold down any food. After some time they started to bang on the hold but the crew, fearing pirates, locked down and called the authorities, who met them on arrival only to find 3 migrants had already died. This journey took approximately 16 days.

#### *Other resources involved in migrant smuggling*

The literature provides some information about what happens at the various stops along the way, in smuggling processes. For example, drawing on an analysis of judicial records of smuggling cases, Leman and Janssens have examined the role of safe-houses in migrant smuggling:

... safe houses are places where a variety of activities can be carried out: financial transactions, preparation of passport photos, transfer of the victims between two collaborating networks, or simply hiding people during transit. Safe houses may also be places where in which to make contact with the family in the country of origin, or a place for illegal employment in order to pay part of the smuggling fee. Where prostitution is involved, safe houses can be used to supervise the women, from where they are ferried to and from the prostitution bars. (Leman & Janssens, 2007, p. 1386)

They also noted that safe houses are not 'safe' for anyone except perhaps the smugglers: "Most com-

monly it becomes a place of ‘stowing away’ and of control – from the social to the physically violent.” (Leman & Janssens, 2007, p. 1386).

Long journeys may require a large number of collaborators along the route. According to Zhang, the importance of the role of collaborators in transit countries cannot be overstated. In interviews, it appeared that collaborators frequently provided a range of support and services, whether this was sourcing travel documents that allowed the irregular migrant to continue their journey or basic logistical support (vehicles, houses, local knowledge). For example, Zhang notes the example of Chinese migrants who were smuggled via Indonesia (as business people) to the United States. Once the Chinese migrants arrived in Indonesia, local collaborators would then help by creating new identity documents in Indonesia, and proof of ownership of businesses and properties in Jakarta. This would allow them to pass themselves off as successful Indonesian-Chinese business people, wanting to enter the US on a tourist visa.

As noted above, collaborators can include migrants who have themselves at various points been stranded along the route. As noted by Zhang and Chin, in the Chinese context, these migrants face two choices: return home and face possible fines and jail time, or try to settle in the transit country and make a living. They note the role that these stranded migrants may themselves have on the migrant smuggling process:

[A]s tens of thousands leave China each year en route to developed countries around the world, the exodus fuels the growth of overseas Chinese settlements along their migration routes. These settlements in turn provide an excellent cover and infrastructure and act as a way station for future smuggling operations. The US intelligence community has long known that the existence of these overseas Chinese communities provide an opportunity for “pay as you go” schemes, allowing migrating Chinese nationals to work off part of their smuggling fees at each stage of the trip. (Zhang, 2008, p. 70)

Zhang (2008, p. 70) notes that “no research has been done on this pay as you go scheme.”

### *Role of documents*

The use of fraudulent, or genuine but fraudulently-obtained documents is critical to some but not all forms of migrant smuggling. If migrants are moved entirely clandestinely, they do not require documentation on their arrival. For example, Zhang quotes a smuggler who noted that:

You don’t need a visa to go to America. I have many friends who arrived on container ships. No, they don’t hide in any containers. They passed as crews. They usually come in groups of five or ten. When night fell, these clients would congregate at a meeting place and get transported by small boats to a dock alongside the container ship. After their secret signals matched, the container ship would lower its bridge and the clients just walked up onto the deck. Then the crew would tell them which rooms they were assigned to. (Zhang, 2008, p. 61)

Similarly, if the *modus operandi* is to rely on border guards who can be bribed, or to entirely evade border checks, there may be no need for any documentation. As noted by Neske, the smuggling method may be largely determined by the origin of the smuggler and the smuggled:

Smugglers who have clients from countries with no possibility of entering the West with (genuine or fake) tourist visas cannot use this channel for their smuggling operation. On the other hand, certain methods of “covered” smuggling (e.g. the improper use of so-called “jeans passports” – refugee identification cards according to the Geneva Convention) are specially bound to countries of origin with refugee migration and from those the destination countries cannot be entered with visas. (Neske, 2006, p. 153)

The role of fraudulent or fraudulently obtained documents is critical for any migrant smuggling that relies on the migrant being permitted entry through a heavily scrutinized border point such as an airport. Neske (2006) notes that in the German context, ‘visa smuggling’ is itself a service. In this *modus operandi*, the migrant approaches an agent, who helps to secure the necessary documentation that

would allow a person to successfully apply for and get a visa to enter their country of choice: the result is a genuine visa, fraudulently obtained. For example, in some contexts, visas are available to attend business meetings or cultural exchanges, so the agent would work to secure fraudulent invitations and other documentation that would allow the migrant to get the visa. The literature also notes other examples where agents secure the necessary documentation to prove that a person is a successful business who owns property in the country of origin (or transit), so that they have a better chance of being granted a visa (see for example Zhang, 2008) or to prove that a person has the necessary qualifications to get a particular working visa. Services that involve securing visas through fraudulent marriages potentially also fall into this category (see for example, Chin, 2008; Zhang, 2008).

The role of falsified documents is also important in some contexts. For example, Soudijn notes that:

False or falsified passports were discovered in nearly every attempt at Chinese human smuggling through Schiphol [airport]. Forged documents were also found in all the major investigations in which police searched premises. It was only in cases where the smuggling was done by road that it was unusual to find documents, but that does not mean that forged documents were not used somewhere en route. (Soudijn, 2006, p. 64)

In the context of smuggling Chinese nationals into the Netherlands, the most popular documents that document vendors use as those of Asian nationalities that are exempt from visa restrictions to travel to the West: Japan, Taiwan Province of China and the Republic of Korea. These may be entirely forged or they may be genuine documents (such as those reported lost or stolen) that have been altered.

Fraudulent documents can also play a significant role in the country of destination, through the various services provided by 'regularization businesses'. For example, in a study of Pakistani irregular migrants working in the UK, Ahmad notes that these providers offer either fraudulent documents that facilitate employment, or genuine or fraudulent ways to regularize their stay in the UK. As Ahmed notes:

From the perspective of smugglees who have got as far as the UK (and spent many thousands of pounds in so doing), the added investments appear worth making, if only to ensure that what has been paid to agents can be recuperated. Yet with each thousand pounds that they spend, their sentence to a life of spatial-temporal imprisonment gets longer. (Ahmad, 2008a, p. 312)

The literature reviewed provided relatively scant information about the operations of regularization businesses in other contexts.

### *Role of corruption*

In the literature reviewed, a number of sources referred to instances of corrupt practices that had facilitated migrant smuggling. However, the actual role of corruption in facilitating migrant smuggling was examined in any depth in only a few studies. From the reviewed literature, it appears that corruption might involve a variety of actors such as customs, immigration and police officials but also airline and airport staff. Corrupt practices might be fairly simple (for example, payment of a small bribe to a border guard) or more complex and on-going (for example, the provision of advice on how to successfully manipulate the system by immigration officials, and approval of visas that should not be approved).

In his research on the smuggling of Chinese nationals into the Netherlands, Soudijn sought to identify the role of corrupt practices in that process. His examination of Dutch case files suggested that for the most part, the corruption in these cases had taken part in China, with the result that there was relatively limited information about this in the case files. However, the case files also provided information about corruption closer to the Netherlands involving, for example, Dutch personnel at the Dutch Embassy in China, corrupt officials at key airports and in positions of authority as immigration officials both along the various routes and in the Netherlands. It seems that corrupt officials can play a variety of roles in the migrant smuggling process, not only by facilitating entry personally but also by providing valuable advice about detection procedures. For example, Soudijn notes that in one case, the organizer was working with a highly placed



Customs official at the airport in Paris, who had been appointed to prevent irregular migration to the United States and Canada:

By virtue of his position, he consulted regularly with embassy personnel and the US customs authorities. He even had the right to deny migrants permission to continue their journey if he had any doubts. This made him ideally suitable for the purposes of the organizer, whose clients were en route to the United States. He was able to give detailed advice. For example, it was better to smuggle no more than one or two people at a time because that would be less conspicuous. (Soudijn, 2006, p. 69)

In another example, a corrupt member of the Dutch Aliens Police provided smugglers with information about internal procedures, and approved residence permits that would otherwise have been turned down (Soudijn, 2006).

The research of Zhang also examines the role of corruption in the smuggling of migrants from China to the United States. For example, Zhang quotes one smuggler in Fuzhou who explains how she used her official contacts at the airport:

The soldiers who inspect travel documents are rotated frequently, but not their supervisors. We have people who are in charge of bribing these supervisors (or *maiguan*)... When it comes to helping my clients through security, these contacts usually ask their subordinates for a favour to take care of a few “friends” of theirs who are on a business trip to the US or some other country. Most soldiers know what that favour implies. Even the slow ones will get the idea once they see stacks of cash being slipped into their pockets by their supervisors or other mutual friends after the favour has been provided. To these soldiers, tens of thousands of yuan in a day’s work is a fortune. Knowing they won’t be manning the booth for long, because of frequent rotations, it becomes a race against time to make as much money and as quickly as possible. (Zhang, 2008, p. 122)

A small number of the studies examined in this review noted the role that corruption can play in

distorting official labour migration channels, with the result that the lines between regular and irregular migration for work become difficult to locate. For example, in the Indonesian context, private recruitment companies control most aspects of the formal labour migration process. In the context of research about the migration of domestic workers from Indonesia to Malaysia, Human Rights Watch (2004) noted a variety of practices through which both licensed and unlicensed agents extort money, falsify travel documents and mislead women and girls about their travel arrangements. Similarly, Silvey noted the pervasive nature of ‘rent-seeking’ from prospective migrants in the Indonesian context, where corrupt practices influence every aspect of the migration process:

It was almost impossible for potential migrants to know the difference between a formal, “legal” broker and the many illegal unlicensed free agents operating throughout the countryside.... Finally, even when migrants did register all of their information accurately and formally (a very difficult, expensive, time-consuming and detailed series of tasks), there were no guarantees that government officials would treat them fairly. Rather, the rent seeking behaviour of government officials was rife at every step of the migration journey, and a completely formal set of papers did not protect migrants from those officials working through formal channels to profit from them. (Silvey, 2007, p. 274)

### **What is known about migrant smuggling fees and their mobilization?**

The literature reviewed contained numerous examples of the specific fees charged for particular smuggling services. Given the large number of micro-practices and services that potentially fall within the category of migrant smuggling, it is no surprise that there is considerable variation in these fees. Migrant smuggling services can range from a short motorbike ride of a few kilometres to avoid checkpoints (a service that reportedly costs USD 38 in the Myanmar-Thai context, (Leiter, Suwanvanichkij, Tamm, Iacopino, & Beyrer, 2006), to ‘fully covered’ contracts for smuggling from a source country such as China, to a destination country such



as the United States. In his research into the business side of human smuggling from China to the US, Zhang collected information about smuggling fees charged from 81 participants, and the fees charged ranged from USD 1,000 to USD 70,000 with a median of USD 50,000 (Zhang, 2008).

While many studies cite the fees that migrants have actually paid for various smuggling services or routes, very few studies have systematically examined the factors that determine fees. In one such study, Petros (2005) examined the reported costs and routes involved in both migrant smuggling and trafficking in persons on a global scale, by reference to 538 cases of human smuggling and trafficking reported in various secondary sources (the Migration News Sheet, a monthly bulletin of the Migration Policy Group, conference papers and reports and media sources). While noting a number of limitations of this methodology, the research suggested that there are five main determinants of cost: distance travelled, the mode of transport, the number and characteristics of people being moved, and a set of less easily categorized circumstantial factors. Within this last category, Petros noted that, for example, fees appear to increase when additional services are provided by smugglers, particularly travel documents, but also other services such as food or accommodation.

Koser has conducted research that involved 'following the money' paid for smuggling services between Pakistan and the UK. His research suggests that the fees charged for migrant smuggling reflect various factors such as the difficulty in organization (for example, whether high quality travel documents are required and whether bribery is involved), the route used, the final destination and the number of migrants being smuggled. In this study, smuggling by direct flight to the country of destination was the most expensive option (up to USD 20,000 for migrants travelling from Pakistan to the US or Canada). However, it was also the option most likely to succeed. Other options included taking a flight to a transit country, and then either securing documentation in that country for an onward visa; or completing the journey overland. These options were cheaper than direct flights.

Like any market, fees for migrant smuggling may go up or down according to the principles of supply and demand. For example, Koser and several other sources

in the literature reviewed noted that competition in certain sectors of the market (particularly where there are many customers and many providers) can drive prices down. Similarly, other factors can drive prices up. According to Koser (2008), in the Pakistan context, smuggling costs had increased in the past four to five years, partly because there was a reduced demand (as many of the Afghan refugees in Pakistan who had been an important client base had repatriated), but also because smuggling was becoming more risky and difficult due to tightening policies in both Europe and Pakistan.

The research of Koser helps to explain the economic considerations that drive migrant smuggling. Having examined both the fees paid by migrants and the disbursements made by smugglers along the way, he concluded that all involved — the smugglers, the smuggled migrants and their families — stood to profit from engaging in migrant smuggling:

In this case study, smuggling appeared to pay for migrants, smugglers, and the migrants' households. While far more detailed information in the experiences of the migrants in the UK would be required to fully make this assertion from their perspective, what can be ascertained from the available data is that 43 of the 50 migrants covered by the household surveys had apparently found employment in the UK and that 35 of them were apparently earning enough money to send home remittances on a fairly regular basis. Where migration was successful, smuggling also clearly paid for smugglers — a smuggler could expect to earn in the region of US\$7000 for arranging a direct flight between Pakistan and the UK — and for intermediaries who were being paid the equivalent of between US\$1000 and US \$3000 for their services. Finally, the analysis also shows how migrant smuggling paid for the families of migrants who had invested in the business, on average doubling their household income after just two years. (Koser, 2008, p. 21)

Research on migrant smuggling in the Indian context suggests there are two primary factors that influence the cost of smuggling fees: the level of difficulty involved in the smuggling process, and the level of risk for the smuggler. That is, as smuggling

gets more difficult (with more barriers imposed in the migration process), it gets more expensive. Furthermore, there may be limits to the amount of risk that smugglers are prepared to take on. According to Saha (2009), migrant smugglers would prefer to smuggle smaller numbers of individuals under optimum conditions, having a high success rate and remaining undetected. As a result, there are actually more clients than smugglers willing to take them on. This has the result of pushing up prices.

The research of Zhang sheds light not only on the fees likely to be charged for smuggling between China and the United States, but also on the level of profit involved in these transactions. For example, Zhang asked migrant smugglers questions about, among other things, fees charged for migrant smuggling services and how much money they actually made per client. Zhang noted this information was difficult to obtain:

As expected, these questions numbered amongst the most difficult areas of inquiry in this study, for obvious reasons. Many subjects declined to report the amount of money they invested or what they made from the smuggling business; others skirted direct questions but hinted at how much money they made, or told how much money their partners or other snakeheads had made. (Zhang, 2008, p. 94)

From the smugglers who were willing to answer these questions, Zhang (2008) obtained the following results:

- Based on data from 81 smugglers, smuggling fees charged ranged from USD 1,000 to USD 70,000 (with a median of USD 50,000) (n = 81)
- Based on data from 69 smugglers, profit per client ranged from USD 117 to USD 40,000.

In terms of the expenses that migrant smugglers themselves had to cover from their fees, sourcing a passport was the most expensive (USD 10 to USD 25,000), whereas fees paid for client recruitment and debt collection were the smallest expenses (from USD 500).

From his examination of the investments made by the various smugglers interviewed, Zhang concluded

that those who invest the largest sums of money in the smuggling business also make the most:

Based on reported earnings, profits among the subjects in this study were substantial – a median of \$10,000, and up to \$40,000 per client. Some snakeheads claimed to have made two million US dollars a year. However, a few subjects reported that they had not made any money from smuggling. The median annual income for the subjects in this study was \$50,000, which was also the most frequently quoted figure. (Zhang, 2008, p. 97)

Those who invested in substantial capital such as leasing boats involved the highest up front investment but also received substantial returns.

According to the reviewed literature, fees for migrant smuggling services are mobilized either by migrants themselves but also by their families. For example, in Koser's study, the money to pay smugglers was mobilized most commonly from savings, or by sale of a significant asset such as property, land or jewellery in Pakistan. Loans from friends and money lenders were less common in that particular sample (Koser, 2008). The literature gives many other examples of migrants who mobilized fees through, for example, the family selling land or other property such as a business, or loans from money-lenders.

It is unclear from the literature the extent to which those involved in migrant smuggling are also involved in loaning money to migrants, for example, through repayment plans. It is likely that this factor varies by location and market. For example, the research of Zhang (2008) on those involved in smuggling Chinese into the US suggests that this kind of arrangement is exceptional and uncommon. As mentioned above, the smugglers interviewed by Zhang noted the importance of careful screening processes to ascertain their client's ability to pay smuggling fees. As such, clients of these smugglers appeared to be a relatively privileged group, with either substantial individual or family savings, or access to a loan from a local money-lender in China. According to Zhang, none of the snakeheads in his sample would consider accepting payment through an extended series of instalments, or a promise to repay through work in the United States. Zhang notes that:

... human smuggling is an enterprise in which participating individuals realize their profits by completing specific tasks. Smugglers have expenses to cover and expect to make a profit at the end of an operation. Snakeheads are not philanthropists, as they sometimes purport to be, nor are they money lenders. Long-term payment plans, if they do exist, are the exception rather than the norm. (Zhang, 2008, p. 90)

Research in other contexts suggests that at least some involved in migrant smuggling are also involved in money lending, or plans where migrants repay smuggling fees through work in the destination country. For example, research in the West African context suggests that a certain gender disparity exists in the financial arrangements that are made for full package smuggling contracts. In particular, female clients are not being required to pay up front but knowing they will have to work for 2 years to pay off debt through sex work. Their debt and eventual payment is much higher than that charged to men, which is required to be paid up front. Research in the Pakistan context also notes examples of migrants who have paid some smuggling fees upfront, on the promise of repaying a greater amount through work in the destination country. For example, a deported Pakistani migrant reported the following story to the HRCP:

I am 42 years old and have four daughters. They are of marriageable age now... I was very worried about the marriage of my daughters. I knew I could not afford the required dowry. As I knew many young men were going to Europe for jobs, I decided to try my luck and contacted [the agent].... [he] told me he knew I was a poor person so he would charge Rs50,000 as advance and will charge Rs 700,000 when I had reached Greece. The only property I had was a cow. I sold it and paid 50,000 to the agent. (HRCP, 2010, pp. 13–14)

Research in the UK suggests that migrants smuggled from Viet Nam may be operating under plans to at least partially pay off smuggling fees through work in cannabis cultivation (Silverstone & Savage, 2010).

There would appear to be a need for further research on the financial aspects of migrant smuggling. As

noted by Koser (2008), research that examines the financing of migrant smuggling can help to better inform the development of policies that might help shift migrant smuggling from being a “low risk, high return” business practice to a “high risk, low return” practice.

### **What is known about the human and social costs of migrant smuggling?**

There is considerable information in the literature reviewed about the potential risks and difficulties that flow from being an ‘illegal’ or irregular migrant. For example, a significant number of sources in the literature examine the difficulties faced by the large numbers of Myanmar irregular migrant workers living and working in Thailand (see for example, Human Rights Watch, 2010). However, much of this literature does not differentiate between irregular migration that is facilitated for profit and that which is self-directed. As a result, it is difficult to differentiate between risk that results from being irregular, and risk that results from involvement in migrant smuggling.

The literature that examines the human and social costs (and benefits) of irregular migration that is facilitated by *migrant smuggling* is restricted to a few geographic contexts: with detailed research on the smuggling of Chinese nationals to the United States and the Netherlands, and Pakistani nationals to the UK. The research in other geographic contexts is patchy, with bits and pieces of relevant information about risks and costs of migrant smuggling appearing in a variety of sources.

From the sources that do address this issue, it is clear that migrant smuggling can be a risky business. The risks for smuggled migrants may result from factors including: the mode of transportation used; the method of concealment used; the risk of interception by law enforcement authorities; the potential for the use of violence by smugglers; the possibility of being lost or abandoned by smugglers in the smuggling process; and the consequences of having taken on a large debt that has to be repaid. However, just as important, there is information in the literature to suggest that not all forms of migrant smuggling are physically or even economically risky. On the contrary, certain forms of migrant smuggling

involve very limited physical risk (apart from the risk of interception) and may have significant economic benefits. The literature on these costs and benefits is discussed below.

### *Costs of human smuggling*

As noted in the literature, there are a variety of risks inherent in certain methods of transport, particularly passage by sea. There have been numerous well-publicized maritime disasters involving the death of smuggled migrants either as a result of ships sinking, or migrants drowning in an effort to reach the shore (see for example: Sein, 2008; Gibbings, 2010). It is also likely there have been many deaths that have gone unreported (see for example, Pro Asyl, 2007).

The research suggests that the risk of death by drowning is greatest in certain sectors of the smuggling market. For example, Monzini notes that the maritime route to Italy from North Africa, services those who cannot afford to pay the smuggling fees involved in safer forms of travel (which typically involves bribing officials or securing fraudulent documents). Also, this route services large numbers of people who are escaping conflict situations. As a result, certain risky practices have developed, such as the practice of using 'disposable boats' in 'open landings' (in which no effort is made to conceal the landing as the occupants of the boats are likely to be accepted as refugees). The potential for disaster in such practices is high.

The research confirms that there are many risks associated with concealment in the migration process. As discussed above, the research of Li et al. (2004), relays the experience of 18 Chinese migrants smuggled in a shipping container for 16 days. Three migrants died during this journey and a fourth migrant died a few months later.

The research suggests that in some consequences, smuggled migrants may be exposed to serious risk, including the risk of being shot or tortured, if they are intercepted by law enforcement in certain countries (see for example, Pro Asyl, 2007; HRCR, 2010). This is in addition to the risks that some migrants may be exposed to from the smugglers themselves.

Research in some contexts also documents allegations of violence and other forms of abuse by those

involved in the smuggling process. For example, research in the West African context notes that:

Over the years, as entry into EU from Africa by sea became more difficult, South Asian migrants have been reduced to the condition of hostages; they could be kept confined for months, on the verge of starvation, while those in control of their fate bargained over payment. (UNODC, 2011, p. 44)

This research suggests the relevance of factors such as the migrant's lack of social connections along the route, their lack of access to further funding and the changing border control situation as factors that influence their vulnerability:

Being dependent on the ongoing interest of their original South Asian smuggler, South Asian migrants travelling through West and North Africa are in an extremely vulnerable position, without passports, without knowledge of the area and without a social network of countrymen along the route to protect or assist them. Moreover, as all their money has already been used for the full-package fee, they do not have the means to pay for extra services needed along the way. Some are reduced to drinking their own urine. (UNODC, 2011, p. 44)

Research on trafficking in persons in the Afghan context noted a strong overlap between migrant smuggling, trafficking in persons and other crimes such as kidnapping. For example, Kaya included several case studies in her study of trafficking in persons in Afghanistan:

I had a few relatives in Iran and all of them crossed the border illegally. I decided to follow them as there was no work for me in Afghanistan. I found a smuggler and he took me to Iran, after crossing the border. I was then handed to another man and was forced to work for him. I was never paid and not allowed to go out of the work area. After some time I found a chance to run away and reached Meshed to search for my relatives. However, I was caught by the police and deported back to Afghanistan. (Kaya, 2008, p. 32)

Some of the literature on trafficking in persons also suggests there may be a link between being in an irregular migration situation in the country of destination, having a debt that results from engaging various intermediaries in the migration process (some of whom might also be described as smugglers), and vulnerability to exploitation (see for example, Neske, 2006; David, 2010).

The research suggests that even ‘successful’ migrant smuggling may result in certain economic, social and physical costs for the migrants themselves. For example, drawing on interviews with Pakistani migrants in the UK, Ahmad (2008a) paints a bleak picture of the lived experience of smuggled migrants. He describes a situation where the smuggled migrants were trapped in a cycle of debt that consisted not only of the initial smuggling fees, but other fees for other services that were purchased in the UK. These include in particular regularization services (that is, fraudulent documents that facilitate employment or genuine or fraudulent ways to regularize their stay in the UK). It was difficult for the smuggled migrants to move ahead in this situation because the work was low paid and insecure, in businesses that were liable to fail (catering and small sector retailing). Migrants in this study were occasionally able to remit money back home but it certainly was not the norm. Moreover, their life in the UK appeared to be characterized by excessive hours of work, little or no time for meaningful social interaction and no real prospect of either going back home (as businesses had been sold, and costs had been incurred that had to be paid) or going forward.

### ***Benefits of human smuggling***

Having noted the literature that examines the many risks and costs involved in migrant smuggling, it is important to acknowledge that some of the literature presents a very different picture. From an economic perspective, some of the research suggests that the decision to pay significant fees to a migrant smuggler is an entirely rational economic decision. For example, drawing on empirical research in Afghanistan and Pakistan, Koser ‘followed the money’ for 50 migrants smuggled to the UK. In his study, most migrants found work quickly and started remitting soon after their arrival:

On average remittances were at a sufficient level to repay the initial outlay on smugglers

fees after two years, and thereafter remittances on average more than doubled house-hold incomes at home. (Koser, 2008, p. 3)

The economic logic of engaging a migrant smuggler is also suggested by the reviewed research on smuggling between China and the United States. Zhang notes how local lenders are very ready to lend money to fund the purchase of smuggling services. As noted by a government official in Fujian:

If you want to open a business, say, in buying and selling fresh fruits in China and want to raise some seed money, nobody will give you a penny because they don’t know whether you will make it or not. Such lending will never happen because people have no faith in these kinds of ventures in China. But if you tell them you want to go to the US and want to borrow money to pay for the trip, most are willing to lend you the money because everyone who gets to the US will find a job and work hard to send money home. (Zhang, 2008, p. 48)

The research suggests that in some contexts, there may be little or no connection between the criminal victimization of migrants and the migrant smuggling process. For example, Soudijn notes:

Often an investigating team [in the Netherlands] started out with the assumption they would discover a cesspool of abuse, but this was never the case. In general, smuggled persons worked very hard in the illegal labour sector, which could sometimes be described as exploitation. However, there was no evidence that the smugglers were directly involved in such exploitation. (Soudijn & Kleemans, 2009, p. 446)

As noted above in the section of this chapter discussing the relationships between smugglers and migrants, Zhang (2008) has noted similar findings in the context of the smuggling of Chinese nationals to the United States. He emphasizes that, based on his interviews with migrant smugglers both in China and the United States, violence is not part of their modus operandi. Instead, reputation and trust are the factors upon which the business model depends.



The considerable divergence of findings about the human and social costs (and benefits) may reflect disaggregation within the migrant smuggling market, where, for example, customers in the lowest end of the market are subjected to the highest risk. It may also be that migrant smuggling practices are simply riskier in some geographic contexts than others.

### Factors that fuel irregular migration and migrant smuggling

The literature reviewed clearly identified the potential for better economic opportunities as the most significant factor that fuels irregular migration and migrant smuggling. As noted by Battistella, although irregular border crossings attract the most attention, in reality most irregular migration occurs through the lawful entry of persons who drift into irregularity by violating the terms of their admission through overstaying and / or working without authorization. He argues that:

It may, therefore, be argued that the possibility of finding work is the ultimate determinant of irregular migration. (IOM, 2008, p. 221)

A small number of the studies reviewed pointed to other non-economic pull factors associated with irregular migration (and use of migrant smugglers) including a desire to reunite with family members in a context where this was not possible through legal channels (see for example Gibbings, 2010), a desire to participate in the 'masculine glamour' of migrant smuggling, or a desire to be part of the transnational economy in a context where to 'stay at home' was to be left out (see Ahmad, 2008c; Chu, 2006; Saha, 2007).

In many geographic contexts, these pull factors co-exist with other push factors such as a need to escape harsh, oppressive and desperate circumstances (see for example Kim, Yun, Park, & Williams, 2009; Leiter et al., 2006; Pangsapa, 2007; Mon, 2005; Kachin Women's Association Thailand (KWAT), 2008); a need to escape conflict and / or persecution (see for example, Tenaganita, 2008; Hunter, 2004; Human Rights Watch, 2010; UNODC, 2010); lengthy delays in refugee resettlement programs (see for example Ferguson, 2010); or State policies that have led to a loss of traditional livelihoods (see for example, Asian Development Bank, 2009).

The literature suggests the relevance of examining the cost, speed and effectiveness of existing migration channels, which may themselves indirectly contribute to irregular migration and migrant smuggling. For example, the literature notes that in several geographic contexts, informal recruitment channels for employment in a particular country (which may or may not also involve elements of irregular migration) may be faster, cheaper and even safer than formal recruitment channels established under bilateral labour agreements (see for example: Arif, 2009; Chantavanich, 2008; Crinis, 2005; Phetsiriseng, 2007). This situation can reflect a variety of factors such as unnecessarily complex and bureaucratic systems being relied upon to facilitate labour migration, excessive over-charging by private agents in the recruitment process (even despite official ceilings on fees), corruption in the process leading to hidden fees and charges, and widespread acceptance of practices that have the result of effectively tying individual workers to particular employers (e.g.: withholding of passports and sponsorship systems).

In some contexts, there may be so many restrictions on applying for a passport that it is simply quicker and cheaper to migrate without travel documents (see for example, Mon, 2005; Gembicka, 2006). In other contexts, the policies that have been developed to allow irregular migrant workers to access regularization programs are simply unrealistic (see for example, Human Rights Watch, 2010).

The literature also identified the paradoxical relationship between increasingly restrictive migration policies and what appears to be a rising demand for smuggling services:

The great paradox of enhanced migration controls is that they increase the need for irregular migrants to have recourse to professional smugglers and criminals. As with any illicit market, the more rigorous the official controls, the greater the profit to be made by those who are prepared to take the risks necessary to evade the controls. (UNODC, 2011, p. 30)

Several of the sources reviewed noted that as migration policies change or law enforcement resources are redirected, those involved in migrant smuggling shift their modus operandi (see for



example, Monzini, 2004). This results in what has been described as a kind of “arms race” (Heckmann, 2004, p.1121). Heckmann notes that both sides in the race have different responses they can draw upon:

The state’s and law enforcement’s actions and measures generally include: an increase in financial means and personnel for border control; an increase in material and technological resources; changes in legislation and administrative rules; and cooperation with other states and training of their personnel. (Heckmann, 2004, p. 1121)

In response, the smugglers have a different set of responses and reactions to draw upon:

... changes of routes; increase in technological sophistication; professionalization and specialization; increase of juridical sophistication; development of marketing strategies such as more systematic recruitment and improvement of “services”; guaranteed smuggling and special fees for certain groups; and attempts to corrupt state officials. (Heckmann, 2004, p. 1121)

Given the risk involved in some forms of migrant smuggling, the great challenge for policy makers is to ensure that this arms race has the intended result of preventing and combating migrant smuggling, while protecting the rights of smuggled migrants (including those who may be refugees or have other status related claims). This is, after all, the overarching objective of the Migrant Smuggling Protocol, as expressed in Article 2 of that treaty.

## Conclusion

A systematic search of multiple bibliographic databases, library catalogues and websites undertaken by a team of four researchers identified just 154 empirically-based sources that met the research criteria which focused primarily on migrant smuggling and irregular migration, and to a certain extent on trafficking in persons. Of these 154 sources, only 75 sources provided information about migrant smuggling practices. This is remarkable, considering that the present study covers not one but fourteen countries, including several of the largest

source countries of migrant smuggling in the world (Afghanistan, China, India, Pakistan, Sri Lanka) and several major transit countries (Indonesia, India, Malaysia, Pakistan). It seems that as a topic, migrant smuggling is severely under-researched.

The quality of some of the reviewed research that was reviewed was very high. In particular, very high quality research had been conducted on the profile of migrant smugglers, the organization of migrant smuggling and the financial aspects of the smuggling business in some locations and contexts. Some of this research has involved data collection both in the country of origin and destination. As a result, there are pockets of very valuable information to be found in the reviewed literature. However, equivalent research has simply not been undertaken in other locations or contexts. Accordingly, it is difficult to know if the findings that emerge from the reviewed research are applicable generally, or if they are specific to certain locations and contexts.

For most of the countries covered by this review, the size of the migrant smuggling problem is unknown. This is the case even in contexts where researchers have, for many years, engaged with in-depth research on irregular migration. In these countries, researchers have not yet begun to delve into the question of how much irregular migration is facilitated by intermediaries for profit. This suggests the need for research to consider adding ‘migrant smuggling’ as a key category of analysis in future studies, whether on irregular migration, labour migration or refugee movements.

For most of the countries covered by this review, very limited or no information was available about the profile of those involved in migrant smuggling, how migrant smuggling is organized, or the financial aspects of migrant smuggling. There is a need for further research on these issues, ideally drawing on data from migrant smugglers themselves (as per the research of Zhang & Chin) and criminal justice holdings (as per the research of Neske, Heckmann & Rühl).

For most of the countries covered by this review, information is not available that would allow policy makers to begin to distinguish between the range of micro-practices that together constitute ‘migrant smuggling’. This prevents meaningful discussions

about suitable responses to the various sub-types of migrant smuggling. This suggests the need for further research that seeks to identify common typologies of migrant smuggling, as per the research of Neske, followed by research that seeks to better understand practices and key actors within those individual typologies.

While information is available in a variety of contexts about the human and social costs of migrant smuggling, there is also information that suggests that in some contexts, migrant smuggling may have considerable benefits both for the migrants themselves, their families and those involved in their smuggling. This suggests the need for further research to truly understand the human, social and economic consequences of migrant smuggling. Information about what fuels migrant smuggling should help to inform more considered responses to the problem.

The reviewed research suggests a fairly direct link between government action (as expressed through laws, policies and related practices) and the actions of migrant smugglers (as expressed through routes used, modus operandi and fees charged). With this in mind, it is relevant to note that the research documents numerous instances of policy inconsistency, incoherence and failure, particularly with regard to the actual operation of migration systems (for example, the issue of passports and other travel documents), and the laws, policies and procedures regarding asylum-seeking and labour migration. If migrant smugglers respond to weaknesses in the government system, then an important part of preventing migrant smuggling is a focus on the system itself. There is a need for far greater research to examine the efficiency and effectiveness of the very systems that have been established to regulate migration broadly, but also as they specifically relate to asylum and labour migration processes. Research on these issues needs to examine implications for migrant smuggling.

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## Chapter Two: Afghanistan

### 1) Quantitative assessments and flows of irregular migration, migrant smuggling, and trafficking in persons

#### a) *Estimated numbers and major routes: Irregular migration from, to and through Afghanistan*

According to Kaya, the Afghan refugee flow began in April 1978 and reached its peak in 1981, when an estimated 4,700 Afghans crossed the Pakistan border each day. Kaya notes that these refugee flows ebbed and surged as a direct response to Soviet military offensives. By 1989, the number of Afghan refugees was estimated at 3.2 million in Pakistan and 2.2 million in Islamic Republic of Iran. Furthermore, hundreds of thousands of Afghans resettled in communities scattered throughout the world. The outflow of Afghan refugees continued during the civil war and the Taliban regime. Although many returned after the fall of the Taliban regime, there are still approximately 3 million refugees in Afghanistan's neighbouring countries. Pakistan currently hosts an estimated 2.2 million irregular migrants from Afghanistan. In addition to the refugees, there are hundreds of thousands of Internally Displaced Persons (IDPs) in Afghanistan. Current data indicate that more than 153,000 individuals within Afghanistan live in camps or camp-like situations. Most of these persons have been displaced as a result of insecurity or natural disasters and live in poor or extremely poor conditions (Kaya, 2008).

Concerning the size of irregular migration from Afghanistan and major routes used, the reviewed literature provides little information. As Koser noted in the context of research on migrant smuggling from Afghanistan and Pakistan to the UK, there is a lack

of published literature on irregular migration concerning these countries and a lack of primary data (Koser, 2008).

According to the UNODC, Pakistan and Islamic Republic of Iran act as the de facto exit points for most Afghans (UNODC, 2010). Kaya (2008) notes that although Afghanistan shares long borders with Pakistan (2,430 km) and Islamic Republic of Iran (936 km), are only three official border crossings with Pakistan (Torkham, Ghulam, and Spin Boldak), and two official border crossings with Islamic Republic of Iran (Milak and Islam Qala).

UNODC identified the following regions as main destination regions for irregular migrants from Afghanistan (and Pakistan): the Persian Gulf and the Middle East, the EU, North America and Australia (UNODC, 2010).

Research in Commonwealth of Independent States (CIS) countries revealed that Tajikistan, Kazakhstan, and Kyrgyzstan are transit as well as host countries for irregular migrants from Afghanistan (Gembicka, 2006). Tajikistan, for example, hosts approximately 3,000 Afghan refugees<sup>1</sup> and its porous borders, specifically with Afghanistan, Kyrgyzstan and Uzbekistan, offer many possibilities for irregular migration. The following areas for irregular border crossings in Tajikistan were identified by Gembicka (2006): (1) Soghd province, (2) Tursanzade and Shaartuz dis-

<sup>1</sup> Afghan refugees have been in Tajikistan for more than a decade. They live in Dushanbe and Khujand where they are mostly engaged in fine trade and business. NGOs in the region furthermore report of a second group of irregular migrants that frequently cross the Afghan-Tajik border. These migrants usually arrive with the purpose of doing business and visiting relatives who received refugee status in Tajikistan (Gembicka, 2006, p. 54).

tricts, (3) Shurabad district, and (4) Gorny-Badakhshan and Jirgital district Reports from Kazakhstan also indicate that irregular migrants from Afghanistan transit through the country in order to cross into the Russian Federation. Furthermore, reports indicate increasing numbers of irregular migrants entering Turkmenistan through Herat province in Afghanistan.

Research on irregular migration in Greece revealed that many irregular Afghan migrants seek to enter the EU by attempting to reach one of the Greek islands in the Mediterranean off the Turkish coast or by crossing the land-border in the Evros region between Turkey and Greece (Asian Development Bank, 2009).

UNODC has identified the UK as a top destination country in Europe for irregular Afghan migrants, who already have a significant diaspora in the country (UNODC, 2010). According to UNODC, Afghan migrants, taking the overland route through continental Europe, are acutely aware that they only get one chance to claim asylum. As noted by UNODC,

If they were loosely connected to the diaspora they would presumably be satisfied claiming asylum at the first possible opportunity. Instead, they cross multiple continental borders to wait in France to get to the UK. (UNODC, 2010, p. 14)

In 2008, Afghans lodged over 12,000 asylum claims in the UK, and a further 2,000 claims were made by Afghans in the first six months of 2009 (UNODC, 2010).

According to Bilecen (2009), the Netherlands also receives a large number of irregular migrants from Afghanistan, which in the year 2000 was in the top five sending countries of asylum seekers to the EU. The route from Afghanistan to Germany was identified as a major route in the 1990s by Petros (2005); however, datasets of the German Federal Police (Neske, 2006, 2007; Neske, Heckmann, & Rühl, 2004.) suggest that the number of Afghan migrants entering Germany irregularly dropped in the past decade. In 2001, a total of 2,075 irregular migrants from Afghanistan were recorded; this number dropped to 610 by 2003. Since 2004, Afghanistan has no longer

been represented in the annually published 'top ten source country list' of the German Federal Police. Belarus, Ukraine, and the Czech Republic are also host countries to irregular migrants from Afghanistan (Papadopoulou-Kourkoulou, 2008).

*b) Estimated numbers and major routes: Migrant smuggling from, to and through Afghanistan*

No accurate estimates exist on the scope and magnitude of migrant smuggling from Afghanistan. As noted by Koser (2008), in practice it can be very difficult to disentangle discussions about smuggling of migrants from Afghanistan and Pakistan, from discussions about trafficking in persons. Within this nexus, migrant smuggling is perceived as being the less serious issue, with the result that there is very little information available. Koser also notes that it is in practice very difficult to distinguish the smuggling of Afghans from Pakistan to the West from that of Pakistanis:

First, where is contemporary smuggling directly from Afghanistan, a significant proportion goes via Pakistan as a transit country. Second, the majority of Afghans who have been smuggled to the West in the last 20 years lived in refugee camps in Pakistan and began their journeys there. Third, and especially during the Taliban period (1995–2001), most Afghans were smuggled out of Pakistan with Pakistani passports, as there were no Afghan passports. Fourth, and in contrast, since the fall of the Taliban and the commencement of the 'war on terror', many Pakistanis have been smuggled out of Pakistan with Afghan passports, anticipating sympathy towards Afghan refugees in the West. Fifth, many smugglers operating in Pakistan are Afghan nationals, who move both Afghans and Pakistanis. Finally, Pakistani smugglers also move both Afghans and Pakistanis, though generally preferring Afghans who tend to be able to pay higher prices. (Koser, 2008, p. 7)

As Koser notes, "Nobody is willing to even 'guesstimate' how many Afghans have been smuggled out of Pakistan in the last 20 years." However, most sources agree that smuggling of Afghans was more prolific before 2002 than it is now, reflecting the large scale

repatriation of Afghan nationals from Pakistan back to Afghanistan (Koser, 2008, p. 8).

The reviewed literature provides some information concerning major routes in use. According to UNODC, most migrants from Afghanistan and Pakistan transit first via Islamic Republic of Iran, and then split into two general trajectories, taking either:

1. the land bridge to Europe, via Turkey and Greece, or the Balkans;
2. the sea bridge to the Persian Gulf, via Oman or the United Arab Emirates (UAE) (UNODC, 2010).

UNODC suggests that those who travel to the Persian Gulf have short-term employment in mind, whereas those who travel to Western Europe are more likely to stay for the longer term (UNODC, 2010).

As noted previously, according to UNODC (2010), the UK is considered a top destination in Europe. Afghan migrants are usually smuggled overland to Europe, where they cross multiple continental borders to get to France, and finally cross into the UK. Afghan migrants also played a significant role in cross-Mediterranean flows to Italy (Monzini, 2004).

Based on datasets published by the German Federal Police, the number of smuggled Afghan migrants into and through Germany dropped after the year 2000 (Neske, 2007). In 2001, a total number of 1,298 smuggled migrants was recorded by the Federal Police, which dropped to 486 in 2002 and finally down to less than 97 in 2003.

Central Asian countries (Tajikistan, Kyrgyzstan, Kazakhstan) although mainly transit countries, have increasingly become countries of destination for smuggled migrants from Afghanistan, due to higher standards of living when compared to Afghanistan (Gembicka, 2006).

**c) *Estimated numbers and major routes: Trafficking in persons from, within, to and through Afghanistan***

No accurate estimates exist on the scope and magnitude of trafficking in persons from, within, to and through Afghanistan. The reviewed literature provides only limited insight on major routes.

The U.S. Department of State's *Trafficking in Persons Report* considers Afghanistan as a source, transit, and destination country for trafficking in persons, specifically for forced labour and forced prostitution. Internal trafficking is more prevalent than international trafficking, with the majority of victims being children. The report notes that Afghanistan has no formal procedure to identify victims of trafficking. For the period of 2008–2009, the Ministry of Interior identified 360 victims of trafficking for sexual exploitation. Afghan nationals are reported to be trafficked to Islamic Republic of Iran, Pakistan, India, Greece, and possibly South-East Asian countries, while Afghanistan serves as a destination country for victims from Islamic Republic of Iran, Tajikistan, Pakistan, Sri Lanka, Nepal, India, Uganda, and China. In addition, it serves as a transit country for Iranian victims en route to Pakistan (U.S. Department of State, 2010).

Research undertaken by Kaya (2008) suggests that trafficking involves the victimization of Afghan nationals in Afghanistan, but also foreign nationals. This study drew on data from interviews with victims of trafficking (N= 20), along with an analysis of data about 115 victims of trafficking assisted by the IOM. All of the 20 victims of trafficking interviewed by the researchers were Afghan nationals, who originated from Herat, Faryab, Kabul and Nangarhar and were predominantly of Tajik and Uzbek ethnicity. That dataset from IOM revealed quite a different composition, with most victims of trafficking being foreign nationals. Within this dataset, most victims assisted by IOM came from China<sup>2</sup> (79%), Islamic Republic of Iran (6%) and Pakistan (4%), while Afghan victims (12%) came from 12 different locations including Kabul, Kapisa, Kunduz, Ghazni, Kunar, Nangarhar, Lagman, Panjsher and Wardak provinces as well as Peshawar, Pakistan.

**d) *Cross-over or overlap, if any, between populations or routes***

The literature at hand provides some discussion on possible linkages between migrant smuggling and trafficking in persons. For example, Koser (2008) notes there is a complicated nexus between migrant smuggling and trafficking in persons. Koser notes

<sup>2</sup> Chinese women who were mostly trafficked from the east coast, including Shanghai, Liaoning, Fujian, Heilongjiang and Jilin provinces (Kaya, 2008, p. 13).

that his field data and press reports suggest there is international trafficking of young men to Islamic Republic of Iran and Pakistan for forced labour, and of young women to Islamic Republic of Iran and Pakistan to work in prostitution. Geographically, these flows overlap with the flows of irregular and smuggled migrants.

Research on these overlaps is potentially difficult, given low levels of knowledge about the distinction between migrant smuggling and trafficking in persons. During her research on trafficking in persons in Afghanistan, Kaya (2008) found that most people in Afghanistan could not distinguish trafficking in persons from cases of smuggling and kidnapping, which makes research extremely difficult. Kaya sought to interview 90 victims of trafficking, identified through community networks and snowball sampling. In the end, only 20 of the 90 people identified were victims of trafficking, with the balance being either victims of kidnapping or smuggled migrants. Kaya conducted some analysis of the smuggled migrants in this sample, noting that within this fairly limited dataset, the smuggled migrants appear to be predominantly males, better educated and financially better-off than average Afghans. This study, however, notes the potential for smuggling to deteriorate into trafficking, presenting a case of a migrant smuggled into Islamic Republic of Iran, who was subsequently forced to work for a third person. Kaya concludes that smuggling often takes place under harsh conditions, which increases the vulnerability of the migrants. Thus, migrants paying for smuggling services may end up being exploited in the process.

Research by UNODC (2010), with a specific focus on migrant smuggling, found that people involved in the migrant smuggling industry seek to distinguish themselves from human traffickers. Traffickers are considered negative for business, as migrant smuggling in Afghanistan (and Pakistan) relies on the smuggler's and/or recruiter's good reputation in order to attract prospective migrants. Thus, it seems that incidents of trafficking in persons diminish the demand for smugglers' services, which in turn provides a strong incentive for smugglers to ensure migrants are provided with good services in terms of success and quality. However, the study acknowledges that the possibility of overlap or feed-through of smuggling into trafficking networks cannot be ruled

out, especially when migrants become further and further away from their point of origin.

## 2) Profiles of migrant smugglers

### a) *Socio-economic characteristics*

The literature at hand provides very limited information on the socio-economic characteristics of Afghan migrant smugglers. All smuggled migrants interviewed by Kaya regardless of which part of Afghanistan they originated from, were smuggled into Islamic Republic of Iran by members of the Baluchi community, an ethnic group that inhabits both sides of the Afghan-Iranian border (Kaya, 2008). Those heading towards Europe were then handed to Kurds, an ethnic group living on both sides of the Iranian-Turkish border. Neske (2006), Heckmann (2004) and Heckmann (2005) highlight a group of Afghan university graduates operating as migrant smugglers in Hamburg (Germany). Koser (2008) notes that many smugglers operating in Pakistan are in fact Afghan nationals.

### a) *Motivation*

There is no detailed information about the motivation of Afghan migrant smugglers provided by reviewed literature. UNODC suggests that the motive for Afghans to engage in migrant smuggling is monetary gain (UNODC, 2010).

## 3) Profiles of irregular migrants and smuggled migrants

### a) *Geographical and socio-economic characteristics*

The literature reviewed indicates that smuggled migrants from Afghanistan are predominantly male. In addition, there appears to be some correlation between socio-economic differences among populations of smuggled migrants, certain countries or regions of destination, and the smuggling method employed.

According to Gembicka (2006), there is a general prevalence of men among irregular migrants travelling to and through the Commonwealth of Independ-

dent States (CIS) countries. Female irregular migrants mostly arrive from Afghanistan together with their families. Similarly, Kaya claims that predominantly male adults opt to use smuggling services in order to find better employment opportunities. Comparing migrant smuggling, trafficking and kidnapping in Afghanistan, Kaya found that most cases of migrant smuggling appear to involve men, while victims of kidnapping appear to be mostly women and children. Furthermore, smuggled migrants in this study (N=19) seem to have a higher level of education (2 university graduates, 3 secondary school graduates and only 8 with an education level below grade 6), compared to the other populations. Thus, Kaya suggests that migrants who use the service of smugglers are slightly better educated than average Afghans. In addition, it was found that smuggled migrants were financially better off compared to the countries national average; nine (47%) subjects had a monthly family income of below AFN 5,000 (USD 107) and five (26%) had between AFN 5,000 and AFN 12,500 (USD 107 and USD 267), while three persons (16%) earned between AFN 12,500 and AFN 25,000 (USD 267 and USD 535) and two (11%) earned more than AFN 25,000 per month (USD 535) (Kaya, 2008).

Research undertaken by UNODC in Afghanistan (and Pakistan), suggests that the vast majority of smuggled migrants (more than 90%) are men and that a majority of these are between 18 and 35 years old (UNODC, 2010). Furthermore, UNODC notes that it is possible to disaggregate the socio-economic characteristics of smuggled migrants, alongside the method of smuggling used, and the country of destination (see **Table 3**). For example, the overland and sea route is the cheapest, but also potentially the most lengthy, and potentially the highest risk route, so it is therefore mainly used by lower income migrants. In contrast, the air routes to Europe (which are more complex but likely to be more successful with less personal risk) are more expensive, and therefore undertaken by middle and high income migrants with higher levels of education.

#### *a) Motivation*

The literature suggests that the main drivers for smuggled migrants leaving Afghanistan are of socio-economic nature, mainly related to poverty and security issues. Based on research in Afghanistan, Kaya (2008) observed that migrant smuggling mainly occurs for economic reasons. Many people are forced

**Table 3: Socio-economic characteristics of smuggled migrants (Afghanistan)**

Destination	Smuggling Method	Migrant's Characteristics
The Persian Gulf & the Middle East	Overland, Sea	<ul style="list-style-type: none"> <li>• Low income</li> <li>• Low education</li> <li>• Low skilled</li> <li>• 15-30 years of age</li> <li>• Price sensitive</li> <li>• Revolving door return/re-entry</li> </ul>
European Union	Overland, Sea	<ul style="list-style-type: none"> <li>• Middle income or land holders</li> <li>• Strong diaspora ties</li> <li>• 18-30 years of age</li> <li>• Mostly male, but also a few cases of family accompaniment</li> <li>• Somewhat price sensitive</li> <li>• Reputation sensitive</li> </ul>
European Union	Air	<ul style="list-style-type: none"> <li>• Middle and high income</li> <li>• Well educated</li> <li>• English language skills</li> <li>• Asylum seeking (long term intentions)</li> <li>• Reputation sensitive</li> </ul>
European Union & North America	Air	<ul style="list-style-type: none"> <li>• Liquidated assets</li> <li>• Entire families</li> <li>• Asylum seeking</li> <li>• Afghans or claiming to be Afghans</li> <li>• Reputation sensitive</li> </ul>



European Union & North America	Air	<ul style="list-style-type: none"> <li>• Married women</li> <li>• Liquidated assets</li> <li>• Strong diaspora ties (unauthorized family reunion)</li> <li>• Long-term intentions</li> </ul>
North America	Air (authorized entry)	<ul style="list-style-type: none"> <li>• Middle and high income</li> <li>• Education applicants</li> <li>• Young males</li> <li>• Intention to overstay</li> </ul>
Australia	Air, Sea	<ul style="list-style-type: none"> <li>• Asylum-seeking</li> <li>• Hazara</li> <li>• Afghans or claiming to be Afghans</li> <li>• Strong diaspora ties</li> </ul>

(Source: UNODC, 2010, p. 27)

to search for work elsewhere, due to scarce and largely inadequate employment opportunities in Afghanistan. Similarly, Gembicka found that the motivation for Afghan irregular migrants travelling to or through Kyrgyzstan was twofold: The desire to earn more money, but also the wish to settle down in a safer environment (Gembicka, 2006). The desire for a better life or the ability to improve the life situation of family at home was also frequently mentioned by respondents in a study in Afghanistan (and Pakistan) conducted by UNODC (2010).

UNODC (2010) has identified several variables that may facilitate a migrant's decision to leave Afghanistan through migrant smuggling or irregular migration:

- **Absolute poverty:** Poor migrants primarily seek menial work in third countries to support themselves and their families in Afghanistan by remitting home. Due to no or low skills and limited financial means, these migrants will be attracted to working in neighbouring countries or the labour-importing economies of the Persian Gulf.
- **Ambition:** Migrants with potential earning at home may be driven by potential higher wages in destination countries. Furthermore, competition within communities and the display of wealth by families of 'successful' irregular migrants may partly inflate the economic ambitions of these migrants.
- **Security:** Migration due to fear and insecurity derives from various sources in Afghanistan (and Pakistan); most significantly from internal power struggles and international conflicts, but also from inter-ethnic strife, religious persecution and family feuds.

- **Education:** Some study respondents expressed the desire to gain access to better education. These migrants particularly targeted OECD countries as possible destination countries.
- **Family reunion:** Irregular migrants who reside in their host countries without authorization and are not able to return home may consider bringing their family members by engaging in migrant smuggling.

UNODC (2010) also highlights that diaspora connections abroad constitute an important influence on migrants' choices of destinations. Social connections facilitate the development of criminal networks capable of sustaining subsequent waves of migration, and are important in the recruitment phase. According to UNODC, in general, the strongest smuggling flows are oriented towards countries with the most significant diaspora populations. Research in CIS countries, for example, revealed that some irregular Afghan migrants transiting through Kyrgyzstan wanted to move to Germany or Canada because they had relatives there (Gembicka, 2006).

#### 4) Smuggler-migrant relationships

##### a) Migrant perceptions of smugglers

The reviewed literature provides no information on the perception of smugglers by migrants.

##### b) Nature of migrant-smuggler relationship

The literature reviewed provides no detailed information on the nature of the relationship between smugglers and migrants from Afghanistan.



*c) Factors influencing the relationship between smugglers and migrants*

The literature at hand provides almost no information on factors that influence the nature of the relationship between smugglers and migrants. However, UNODC (2010) points out that the reputation of a smuggling agent or organizer plays a key role according to interviews with migrants from Afghanistan (and Pakistan).

## 5) Organization of migrant smuggling

*a) How is migrant smuggling organized?*

The reviewed literature provides some insight into the organization of smuggling from Afghanistan, noting that there are small, medium and larger international networks. Some of these are hierarchical in nature, whereas some are of a flatter structure. Smuggling operations often seem to be orchestrated from outside of Afghanistan with a network of facilitators en route (UNODC, 2010).

UNODC (2010) points out that Afghanistan's very porous borders have a significant impact on the structure and organization of migrant smuggling from Afghanistan itself. There is a lack of demand for sophisticated services orchestrated from within Afghanistan, as Afghans can easily exit their country. Thus, Pakistan and Islamic Republic of Iran act as the de facto exit points for most Afghans. Smuggling networks serving Afghans tend to concentrate in Pakistan, Islamic Republic of Iran and the UAE. Similarly, Koser claims that a significant proportion of Afghan smuggling goes through Pakistan and that many smugglers operating in Pakistan are in fact Afghan nationals (Koser, 2008). According to UNODC (2010), these smuggling networks may have nodes in Afghanistan; however, these are likely to be limited to promotion, recruitment, direction and escorting services (e.g. crossing the Iranian border). This was also found to be the case for networks using air routes e.g. from Afghanistan (Kabul) via Dubai to the UK (London). In these cases, the UAE or the UK will serve as the centre of operations for such a network, while facilitators in Kabul may provide recruitment and assisting services in order to help migrants depart for the UAE.

Research by UNODC (2010) in Afghanistan (and Pakistan) revealed that smuggling agents usually are stationary (often outside of Afghanistan) and they employ a network of facilitators that orbit around the point of origin. Depending on the complexity of the service and accessibility of the route, migrants are either accompanied by a facilitator from point A to point B, or provided with information in order to meet a second facilitator at point B. Facilitators in western Afghanistan for example, smuggle migrants in batches between 10 and 80 people either on foot or by car (or bus or truck) across the border into Islamic Republic of Iran. A similar method, involving privately owned or hired transport, is employed for the route from Tehran (Islamic Republic of Iran) to Turkey. As both legs of the route are well traversed, facilitators can easily return to Afghanistan. Research conducted in Tajikistan (Gembicka, 2006) showed that irregular migrants (including Afghans) usually travel in groups of three to five people, guided by a smuggler, who is responsible for arranging their travel, accommodation, and travel documents. According to information provided by NGOs in the area, smugglers help irregular migrants in crossing the border between Afghanistan and Tajikistan, and guide them to the border with Kyrgyzstan.

Heckmann describes how two Afghan smugglers living in Hamburg (Germany) and Moscow (Russia) organized the smuggling of Afghan nationals into Germany. They had established numerous contacts with other Afghans in many countries all along the route from Kabul to Germany. Local partners in Kabul carried out the recruitment and the migrants began their journey as soon as their relatives had paid the first instalment via the Hawalla<sup>3</sup> payment system. The migrant was then transported to Moscow by minibus escorted by different facilitators, who also took care of lodging, food supply and, the bribing of border guards. A smuggler based in Moscow would subsequently organize the transit to Prague (Czech Republic) for the migrant together with other Afghan migrants. In Prague the migrant would then be transported to the Czech-German border and finally cross into Germany on foot. During the whole journey, the migrant would carry a mobile phone, enabling him to contact the two main organizers in case of problems. With the ar-

<sup>3</sup> See 7.2 Methods of Payment.

rival of the migrant in Germany, the relatives would pay out the final sum of the smuggling fee (Heckmann, 2004, 2005).

UNODC (2010) found that the more complex and expensive air routes might involve a facilitator on the same flight as the migrant, acting as guide and ensuring the provision of necessary services during the journey (e.g. bribing officials). The facilitator usually shares the same ethnic background, but is a naturalized citizen of the destination country.

An important feature for the land route to Europe and in long distance air routes is the guarantee system, which some smugglers offer. Under this system, the smuggler is obliged to provide three smuggling attempts without charging additional fees. UNODC (2010) argues that this system suggests: (a) substantial profit margins on each migrant (profitable even in case of three attempts), (b) networks distributed over several countries are held together by a degree of strength, and (c) a reduced likelihood that migrants will share information with authorities after a failed attempt.

According to UNODC (2010) smuggling by sea may be carried out accompanied or unaccompanied by facilitators. Migrants are likely to be stowed away (often in groups) in ships and ferries, specifically when travelling from Islamic Republic of Iran to the Persian Gulf, often facilitated by a bribe to officials. In the case of Turkey, some respondents reported that they had simply been provided with a boat and pointed in the direction of Greece.

Based on empirical research conducted in the Netherlands, Bilecen (2009) found that some Afghan irregular migrants do not rely on the services of transnational organized networks to get to the Netherlands, but instead make extensive use of friendship and kinship networks. These migrants establish contact with smugglers in different transit countries on their own, often by simply by asking around, and also negotiate their own agreements.

***b) Are persons involved in migrant smuggling also involved in other criminal activities?***

Little information is provided on whether or not people who are involved as migrant smugglers have a history of involvement in other crimes.

Despite a geographical overlap of routes used by migrant smugglers, drug smugglers and, to a lesser extent, arms smugglers (e.g. through Nimroz and Farah provinces of Afghanistan to Islamic Republic of Iran), UNODC (2010) found little overlap in terms of networks involved in the different types of smuggling. However, significant overlaps with other (complementary) criminal activities were found, such as identity fraud, corruption, and money laundering. The study furthermore points out that coercion among smuggling networks is not as common as in other organized crime networks. In addition, migrant smuggling experiences less social stigma in Afghan society than, for example, the drug trade.

***c) Does migrant smuggling attract persons who have a history of involvement in other crime?***

No information is provided on whether or not people who are involved in Afghan migrant smuggling have a history of involvement in other crimes.

***d) What levels of professionalism/specialization is there within migrant smugglers?***

The UNODC (2010) research report is the only empirical study reviewed that provides specific information on specialized tasks that may play a role within migrant smuggling networks facilitating irregular migration from Afghanistan. According to UNODC (2010), it is helpful to distinguish between participants (those who actually provide services to smuggled migrants) and sponsors (those who influence and benefit from criminal markets, but exert not direct control over particular activities in the business). The primary example of a sponsor is a corrupt senior official. Within the category of participants, there is considerable variation, and there can be considerable specialization. UNODC has identified five key categories of participants: the major organizer, regional organizer, agent, recruiter and facilitator. More information about each of these categories is provided in **Table 4**.

***e) What influences shape the way migrant smugglers are organized? How and why do these organizations evolve?***

UNODC (2010) is the only source reviewed that provides some information about what influences or

shapes the way migrant smugglers are organized, and reasons for their evolution. The study highlights that Afghanistan's very porous borders have a significant impact on the structure and organization of migrant smuggling from Afghanistan. It is concluded that there is a lack of demand for sophisticated services orchestrated from Afghanistan. This is largely due to the fact that Afghans can easily exit their country. Thus, Pakistan and Islamic Republic of Iran act as the de facto exit points for most Afghans and smuggling networks serving Afghans tend to concentrate in Pakistan, Islamic Republic of Iran and the UAE.

Furthermore, the UNODC (2010) study points out that competition between organizers as well as the intervention of law enforcement may create an environment in which smugglers evolve with their successes (or disappear from the market if unsuccessful). Thus, small agents that acquire a good reputation may set up their own network of recruiters and facilitators and evolve into regional organizers. For example, the study reports a case where a man who had previously served as a facilitator (escort) established his own operation to the point that several

people began to refer migrants to his networks and hired others for facilitating services. In a similar way, regional organizers may evolve into major organizers. This process may even be accelerated beyond borders by certain events e.g. if an organizer in the UK can establish access to high quality documents, his contacts in Afghanistan and in possible transit countries will be able to boost their reputations and expand the range of services they offer.

## 6) Migrant smuggling *modus operandi*

### a) *Recruitment methods*

No specific information on the method of recruitment is provided by literature at hand.

### b) *Payment methods*

Two common payment plans were observed by the UNODC study for the overland route to Europe: (1) third party guarantee and (2) direct guarantee (UNODC, 2010). The method of third party guar-

Table 4: Typology of participants in criminal networks facilitating migration (Afghanistan)

<b>Major Organizer</b>	<ul style="list-style-type: none"> <li>• Orchestrates the passage of several hundred people per year and/or provides sophisticated services using air routes</li> <li>• Connections in third countries; may be based outside Afghanistan</li> <li>• Relationship with national-level sponsors and sometimes also with sponsors in multiple regions</li> <li>• No direct contact with migrants</li> <li>• Flexible coercive power</li> <li>• Specialized</li> </ul>
<b>Regional Organizer</b>	<ul style="list-style-type: none"> <li>• Regionally confined orchestrator of recruitment and facilitation</li> <li>• Minimal direct contact with migrants</li> <li>• Localized coercive power</li> <li>• Relationship with regional sponsors</li> <li>• Limited connections in third countries</li> <li>• Specialized</li> </ul>
<b>Agent</b>	<ul style="list-style-type: none"> <li>• Small operator serving a local community</li> <li>• Some reliance on referring migrants to regional organizers' networks</li> <li>• Some specialize, some have other businesses</li> <li>• Relationship with local law enforcement</li> </ul>
<b>Recruiter</b>	<ul style="list-style-type: none"> <li>• Promotes migration and advertises for particular organizers</li> <li>• Receives commission from organizers from referrals</li> <li>• May act as initial facilitator, e.g. by assisting migrants from initial recruitment area to organizer's hub</li> </ul>
<b>Facilitator</b>	<ul style="list-style-type: none"> <li>• Provides basic services to migrants, e.g. reception, housing, transport</li> <li>• May be integrated into a network or autonomously serve numerous networks (particularly in housing)</li> <li>• Sporadic relationship with local law enforcement</li> </ul>

(Source: UNODC, 2010, p. 36)

antee involves an upfront money deposit by the migrant with a third party guarantor, who either pays entirely or in instalments depending on the agreed upon milestones en route, e.g. a first payment will be released when the migrant reaches Tehran (Islamic Republic of Iran), a second on arrival in Istanbul or Ankara (Turkey) and finally after successfully crossing into Greece. This method of payment seems to be the most common for migrants leaving from eastern Afghanistan. Third party guarantors also play an important role in high-end smuggling operations, which involve smuggling by air and identity fraud. The second method requires the migrant to carry money en route and pay cash for the different legs of the trip. According to the study this appears to be the most common method of payment, specifically for relatively inexpensive services, such as boat trips from the Iranian coast to the Persian Gulf countries (particularly Oman). Similarly, migrants pay cash to cross the border from Afghanistan into Islamic Republic of Iran or at checkpoints in Turkey.

Heckmann (2004) highlights the so called 'Hawala' system, common in countries of the Middle East and South-West Asia, which is based on the principle of two containers; one in the country of origin and one in the country of destination. A person who wants to transfer money, thus, approaches a Hawala banker who, for a fee, contacts his partner in the destination country. The Hawala banker in the destination country then pays the agreed amount to the recipient.

#### *c) Transfer of criminal proceeds*

The literature at hand provides little information on the methods of transferring criminal proceeds.

According to the UNODC study, Afghan smuggling networks generally make use of Informal Value Transfer Systems (IVTS) — such as Hawala — to transfer money internationally. In some rare cases, direct cash transfers between facilitators (escorts, agents, etc.) take place (UNODC, 2010).

#### *d) Transportation methods*

Depending on the destination and financial means, migrants are smuggled by land, sea or air or by a combination of these transportation methods. For example, Gembicka (2006) reports of irregular Af-

ghan migrants arriving in Tajikistan by plane and then transiting to Kyrgyzstan by taxi, crossing the border into Batken province. The UNODC study found that the majority of migrants from Afghanistan seem to travel through Islamic Republic of Iran before splitting into two general flows: (1) the land bridge to Europe, via Turkey and Greece, or the Balkans and (2) the sea bridge to the Persian Gulf, via Oman or the UAE (UNODC, 2010).

Beyond this, the literature does not provide further detailed information on the methods of transportation.

#### *e) Document use and misuse*

According to the research by UNODC (2010), the supply of fraudulent travel documents mainly comes from Pakistan, specifically from Peshawar for exchange in Jalalabad. New Afghan passports can be obtained relatively easily through the official process, which makes the tampering of Afghan passports unnecessary<sup>4</sup>. Respondents in UNODC's study claimed, however, that this process is manipulated on a regular basis to obtain genuine passports for fraudulent identities and in most cases does not even require corruption. Interviews with Iraqi migrants conducted by Gembicka revealed that these migrants crossed the border of Tajikistan irregularly with fraudulent Afghan (and Indian) travel documents. They crossed the border with the help of a smuggler via Afghanistan, bribing the Tajik border guards (Gembicka, 2006).

Although fraudulent documents are predominantly used in smuggling by air, Afghan migrants travelling overland also make use of these. UNODC (2010) observed that several migrants received fraudulent Iranian and/or Turkish passports to cross into and transit through Turkey.

Furthermore, UNODC (2010) found that diasporas play an important role as source of documents for

<sup>4</sup> A two-step process is required to obtain a new passport in Afghanistan: first a national identity card has to be obtained. This involves documents of proof (such as birth certificates) but apparently can simply involve local officials or tribal leaders vouching for a person's identity. Second, an application for a passport has to be filed, involving a copy of the ANIC, a form and a letter from the provincial police department (essentially confirming the applicant's absence from a criminal watch-list). Passport offices are part of most provincial police departments throughout Afghanistan (UNODC, 2010, p. 22).

people with similar backgrounds, enabling impostors to travel with genuine travel documents. Thus, migrants leave Afghanistan (or Pakistan) with a genuine identity and local passport and switch to an alternative identity en route. Against this backdrop, Dubai appears to be an important relay point for irregular migrants travelling from Afghanistan (and Pakistan) to Europe. Dubai has a large number of flights available and obtaining a visa is relatively easy. However, in many cases, smugglers will simply supply the migrants with new travel documents within the airport itself. For example, UNODC (2010) reports of a case where four people checked in for a flight heading to Dubai but instead boarded a plane bound for the UK with business class tickets.

### *f) Corruption*

No specific details on the role of corruption are provided by literature at hand. UNODC's study indicates that corruption at low levels (e.g. border crossings, obtaining documentation) appears to be institutionalized to the extent that smugglers cite standard rates per migrant (UNODC, 2010). Also, while government officials may not necessarily be part of the smuggling networks, they may be *sponsors* who benefit from it (UNODC, 2010). Research in CIS countries also indicates that the bribing of border guards is also common en route (Gembicka, 2006).

### *g) Evolution of migrant smuggling methods in response to changes in migration policies and counter measures*

The UNODC (2010) research assesses that the structure of the migrant smuggling industry in Afghanistan (and Pakistan) is evolving, due to increasing risk. It is therefore likely that more consolidated networks will form and increasing disruption efforts by destination countries may furthermore lead to two trends. First, a shift of organizers to the least accessible bases, and an upstream oriented shift of power, such as from Greece to Turkey or from Pakistan to Afghanistan. Second, arrangements at the top level of a network will become closer and more carefully controlled, resulting in narrower and tighter sponsorship. UNODC notes that these trends are considered medium-term trends, since criminally facilitated migration in Afghanistan (and Pakistan) is evolving from a low base and has risen from a marginal issue

to a low priority issue. However, UNODC argues that authorities in Afghanistan increasingly pay attention to smuggling issues, particularly due to the growing interest of third countries.

### **7) Migrant smuggling fees and mobilization of fees**

The literature reviewed presents varying estimates and limited information on the mobilization of smuggling fees in Afghanistan, typically reflecting particular routes and modes of transport. The most recent estimates are in the UNODC research, which suggests that fees for the cheaper, shorter land routes (e.g.: Herat in Afghanistan to Tehran) are between USD 500 and USD 900, sea crossings to Oman or the UAE cost between USD 300 and USD 700 whereas long-distance routes from Afghanistan via UAE and Africa to Europe range from USD 16,000 to USD 24,000, and North America via UAE at the top end, USD 24,000 to USD 30,000 (UNODC, 2010).

Aoyama estimates the smuggling service over the Tajik-Kyrgyz border, including the transportation to Bishkek, at USD 500. Tajik migration authorities in this study suggest that migrants from Afghanistan (and South Asia) transiting through Tajikistan en route to Europe pay between USD 1,500 and USD 6,000 (Aoyama, 2009).

Papadopoulou-Kourkoula obtained estimates according to which the route from Afghanistan to Europe costs between USD 4,000 and USD 6,000 (Papadopoulou-Kourkoula, 2008). Monzini estimates the journey from Afghanistan to Italy at USD 5,000 (Monzini, 2004). Research carried out in Afghanistan notes that migrants travelling to Islamic Republic of Iran pay smugglers between USD 400 and USD 600 for their services (Kaya, 2008). Those headed towards Europe pay amounts ranging from USD 4,000 to USD 8,000 for the complete journey via Islamic Republic of Iran, Turkey and Greece. Petros reports a case where a family of five travelling from Afghanistan to Germany paid USD 29,873 (Petros, 2005).

The smuggling fees are either raised by the migrant's family (savings) or by migrants themselves, taking on debt. Families usually sell assets to generate the



cash needed to pay the smuggling fees, although some migrants in UNODC's study reported to have handed over assets as part of a deal. The study suggests that migrants who run out of cash en route may have to work off their debt to the facilitator, which usually is done in the informal economy of the respective transit country (UNODC, 2010).

According to UNODC (2010), a general correlation exists between cost and the probability of success of a smuggling method. Thus, travelling on foot or by boat appears to appeal to lower socio-economic strata of Afghanistan (and Pakistan). The overland and sea route is for the masses and constitutes the cheapest and most flexible type of service that requires few to no documents, e.g. crossing the border from Afghanistan into Islamic Republic of Iran. However, as the general risk in terms of being caught rises, such as when migrants try to enter Greece via sea route or land route, greater differentiation of services are available, including premium services with high success rates and high prices. Based on interviews with smugglers in Afghanistan (and Pakistan), Koser points out that smugglers usually recommend direct flights, not just because the profit margin of the smugglers is higher, but also because this method of smuggling apparently offers the highest success rate (Koser, 2008). They will, however, discuss cheaper options with prospective clients who cannot afford this route. According to UNODC (2010), only a small minority of migrants have the financial means to migrate by air routes. Some smugglers offer an end-to-end service with a consolidated network of contacts and corrupt officials to facilitate safe passage by air. Despite being the most risky method in terms of being detected (tight airport security, official scrutiny), it is also the route with the highest success rate. It is assumed that high quality fraudulent travel documentation and relevant services (e.g. bribes) are the norm. Ultimately, officials estimate that 8 out of 10 irregular migrants succeed first time by air, whereas only 3 out of 10 irregular migrants make it successfully overland.

### 8) Human and social costs of migrant smuggling

The literature at hand provides little information on the human and social cost of Afghan migrant smuggling. Kaya found that smuggling often takes place under harsh conditions and that migrants in Afghan-

istan become vulnerable once the process of smuggling has started (Kaya, 2008). The study presents a case of a migrant smuggled into Islamic Republic of Iran, where he subsequently was forced to work for a third person. Kaya concludes that migrants paying for smuggling services may end up being exploited in the process.

Based on interviews with irregular Afghan (and Kurdish) migrants in Greece, Pro Asyl (2007, in particular pp. 6–8) claims that irregular migrants face serious human rights violations by the Greek authorities. These include rejection of irregular migrants at sea, detainment without official registration as well as systematic abuse and torture. The report characterized the conditions in detention-centres as inhuman and degrading. It claims that no special provisions are made for minors, torture victims, victims of trafficking, disabled persons or persons with physical and psychological problems.

### 9) Factors fuelling irregular migration and migrant smuggling

The literature at hand generally suggests that factors contributing to irregular migration and migrant smuggling in Afghanistan are of socio-economic nature, mainly related to issues of poverty and security (UNODC, 2010; Koser, 2008; Kaya, 2008)

### 10) Conclusions

#### a) *What we know about migrant smuggling in Afghanistan*

Resulting from decades of conflict, the main drivers for irregular and smuggled migrants leaving Afghanistan are of socio-economic nature and mainly related to poverty and security issues.

Migrants in Afghanistan are smuggled to many parts of the world including the Persian Gulf and the Middle East, the EU, North America and Australia. The two main flows follow the land bridge to Europe, via Turkey and Greece, or the Balkans and the sea bridge to the Persian Gulf, via Oman or the UAE. Pakistan and Islamic Republic of Iran act as the de facto exit points for most Afghan migrants. Depending on destination and financial means, mi-



grants are smuggled by land, sea, air, or by a combination of these methods, often facilitated by low-level corruption.

Small, medium and larger international smuggling networks offer a range of services. These smuggling operations are often orchestrated from outside Afghanistan with a network of specialized facilitators en route. Fees for smuggling services vary considerably depending on destination and methods employed and may range up to several thousand USD. The smuggling fees are either raised by the migrant's family or by migrants themselves, taking on debt. Payments for services are made through third party guarantee or direct cash transfer, while Afghan smuggling networks usually make use of IVTS to transfer money.

Despite a geographical overlap of routes used by migrant smugglers, drug smugglers and arms smugglers, there seems to be little overlap in terms of networks involved in the different types of smuggling in Afghanistan. However, there are significant overlaps with other complementary criminal activities, such as identity fraud, corruption, and money laundering.

Smuggling organizations operating in Afghanistan are evolving and it is likely that more consolidated networks will form, due to increasing pressure the authorities on the national and international level.

#### ***b) What we don't know about migrant smuggling in Afghanistan***

There is a lack of comprehensive and representative literature on migrant smuggling in Afghanistan. Most of the empirical studies at hand do not have a focus on migrant smuggling in Afghanistan. Some of the studies are outdated while others draw conclusions based on small samples. The information in this chapter is predominantly based on one empirical study, recently published by UNODC (2010).

There is a clear need for further research regarding migrant smuggling in Afghanistan. The lack of information generally concerns all aspects of the phenomenon including irregular migration and trafficking flows.

The gaps in knowledge specifically concern:

- profiles of smugglers;
- smuggler-migrant relationships;
- involvement in other criminal activities of persons involved in migrant smuggling;
- methods of recruitment;
- fees paid to smugglers and their mobilization;
- the human and social costs of migrant smuggling;
- the role of corruption; and
- methods of transferring criminal proceeds.

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## Chapter Three: Cambodia

### 1) Quantitative assessments and flows of irregular migration, migrant smuggling, and trafficking in persons

#### *a) Estimated numbers and major routes: Irregular migration from, to and through Cambodia*

According to Human Rights Watch (2010) most Cambodian migrants in Thailand are undocumented, and therefore irregular. The IOM estimated there were 80,000 unregistered Cambodian migrants in Thailand (Huguet & Punpuing, 2005). In 2006, the Thai National AIDS Authority reported there were 183,541 unskilled irregular Cambodian migrants living and working in Thailand (UNESCAP, 2007). Under the Thai Government's 2004 irregular worker registration process 1,280,000 irregular workers registered from Cambodia, Lao PDR, and Myanmar. Of this number 168,000 (14 percent) of those irregular workers who registered were from Cambodia. In 2003, the Immigration Detention Centre in Bangkok detained 61,623 people for violating immigration regulations. Of this number, 38 percent were Cambodians. In that same year, 38 percent of the 228,062 persons arrested in Thailand for irregular entry/stay were Cambodian (Huguet & Punpuing, 2005).

Other countries identified as hosting Cambodian migrants included the Republic of Korea, Malaysia, Saudi Arabia, and Viet Nam. Except for Thailand, however, the literature under review yielded no estimates of irregular migration from Cambodia either to or through other countries.

Identified irregular migration routes from Cambodia to Thailand are found mostly in the vicinity of Cam-

bodian-Thai border towns. In some cases, Cambodian families migrate in search of employment. They cross the border to work in Thailand either illegally or with a daily border pass that permits them entry as long as they return to Cambodia each night. Cambodian migrants who cross in and out of Thailand each day work mainly in agriculture, market shops, and the sex industry (Huguet & Punpuing, 2005; UNESCAP, 2007).

Some irregular migrants cross from Poipet, Cambodia, to Aranyaprathet Province in Thailand. Other migrants use the services of private recruiters to travel farther into Thailand for work (Huguet & Punpuing, 2005). Cambodian migrants travelling from Poipet often work in Aranyaprathet Province as shop assistants or as vendors of fruit or sweets. While some commute across the border every day, others stay in Aranyaprathet Province for two to three weeks at a time (UNESCAP, 2007). Another common border route is from Banteay Meanchey Province in Cambodia to Thailand (ILO, 2005).

#### *b) Estimated numbers and major routes: Migrant smuggling from, to and through Cambodia*

The literature provides no estimates of migrant smuggling from, to, or through Cambodia. Smuggled migrants comprise a subset of irregular migrants, and therefore must be included within those estimates of irregular migrants presented above. The literature, however, makes no distinction between irregular migrants and smuggled migrants, much less explores concomitant issues.

As noted above, the sources reviewed offer some discussion of routes used by irregular migrants, and it can

be assumed that a number of these people use the services of smugglers to travel to and irregularly enter into Thailand and other destination countries. Beyond that, the literature offers no conclusions regarding the major smuggling routes from Cambodia and across the region.

**c) *Estimated numbers and major routes: Trafficking in persons from, within, to and through Cambodia***

Cambodia is a source, transit, and destination country for trafficking in persons. Internal trafficking is also an issue (U.S. Department of State, 2010). According to some observers, Cambodia's porous border with Thailand contributes to the problem of trafficking in persons between the two countries (Blackburn, Taylor, & Davis, 2010).

Estimating numbers of people trafficked is difficult, given the clandestine nature of the crime. Blackburn et al. (2010) calculate that thousands of women and children working in the sex industry in Cambodia and Thailand have been trafficked. The U.S. Department of State (2010) *Trafficking in Persons Report*, which provides figures on trafficking to Cambodia in 2009, included 535 victims of sex trafficking reported to provincial authorities and 143 victims of trafficking for forced labour. The report did not identify the nationalities of these victims. In the same year, 11 Vietnamese victims of trafficking were repatriated to Viet Nam and 83 Cambodian victims were repatriated to Cambodia from Thailand (U.S. Department of State, 2010). The UNODC *Global Report on Trafficking in Persons* (2009) also presents figures on trafficking in Cambodia. In 2006, 100 women, 183 girls, and 9 boys were identified by Cambodian state authorities as victims of trafficking in Cambodia. From 2005 to 2007, 54 cases of domestic trafficking involving 84 offenders and 32 cases of international trafficking involving 58 suspects were investigated (UNODC & UN.GIFT, 2009). Again, the nationalities of the victims are not provided in this report.

Cambodian women are trafficked into prostitution and domestic servitude in Thailand (Huguet & Punpuing, 2005). Women and children have been trafficked out of Cambodia and have ended up working in the sex industries of Malaysia, Taiwan Province of China, Thailand, and Viet Nam (Blackburn et al., 2010). Cases of Cambodian women trafficked to Bangkok to work as beggars have also been reported

(Huguet & Punpuing, 2005). The U.S. Department of State (2010) *Trafficking in Persons Report* offers more insight into the destinations of Cambodian trafficked persons including men, women, and children trafficked to Malaysia, Saudi Arabia, and Thailand; children trafficked to Thailand and Viet Nam for begging, selling candy and flowers, and shining shoes; and women trafficked to the Republic of Korea and Taiwan Province of China for brokered marriages that have resulted in sexual exploitation (U.S. Department of State, 2010). Women have been trafficked from Thailand and Viet Nam to major Cambodian cities including Phnom Penh, Siem Riep, Svay Pak, and Sihanoukville. Svay Pak is particularly known for its large Vietnamese community and red-light district, and is a primary destination for Vietnamese sex workers (Busza, 2004), some of whom are trafficked.

**d) *Cross-over or overlap, if any, between populations or routes***

The literature does not specifically address this question, and no definitive conclusions can be drawn from it regarding crossovers and overlaps between populations and routes from Cambodia. However, the reviewed research suggests that there seems to be a significant overlap between irregular migration, migrant smuggling, and human trafficking. Cambodia is an important source country of irregular migrants in Thailand. Irregular migration seems to be facilitated mainly by smugglers, who are referred to in the literature as 'brokers' or 'recruiters'. At the same time, many victims of human trafficking in Thailand are from Cambodia. Although it is not clear to what extent the Cambodian victims of human trafficking in Thailand were victims of a pre-organized human trafficking process that started in Cambodia, it is clear from the available literature that the irregular status of Cambodian migrants significantly contributes to making them vulnerable to a human trafficking process that might have only begun in Thailand. By facilitating irregular migration, migrant smuggling can thus be a key contributor to human trafficking.

## **2) Profiles of migrant smugglers**

**a) *Socio-economic characteristics***

The literature includes only limited discussion of migrant smuggler profiles. Evidence shows, however, that

many Cambodians use social and family networks to facilitate their irregular migration to Thailand (Chantavanich, 2008). Those who are involved within these social networks will thus likely be known to migrants.

#### *b) Motivation*

Neither does the literature offer conclusions regarding the motivations of smugglers, an issue that was not discussed in relation to Cambodia.

### **3) Profiles of irregular migrants and smuggled migrants**

#### *a) Geographical and socio-economic characteristics*

Most Cambodian migrants — both regular and irregular men, women, and children — are rural poor, low-skilled, and poorly educated (ILO, 2005; UN-ESCAP, 2007).

#### *b) Motivation*

Economic opportunity is the main motivation for Cambodians to migrate. Poverty, a lack of gainful employment opportunities in rural villages, landlessness, and debt are significant push factors for Cambodian migrants who travel to Thailand in search of work (Chantavanich, 2008). Another economic push factor is the incentive to support families back home in Cambodia (ILO, 2005).

According to Chantavanich (2008) potential migrants are also encouraged by trusted social networks that can organize migration, as well as by stories of successful migration experiences from family and friends who have previously migrated for work. It has also been reported that contributing factors may include such personal reasons as the desire for adventure and new experience. A small number migrate to escape domestic problems and dangers such as domestic violence and abusive marriages.

### **4) Smuggler-migrant relationships**

#### *a) Migrant perceptions of smugglers*

The literature does not discuss migrant perceptions of smugglers, and offers no conclusions in this regard.

#### *b) Nature of migrant-smuggler relationship*

Very limited conclusions can be drawn concerning the nature of the relationship between smugglers and migrants. The only study that provides some insight into this issue, the Chantavanich (2008) ILO report, focuses on irregular and regular migration, without making reference to smuggling as such.

According to Chantavanich (2008), where family or social networks are used to facilitate migration to and employment in Thailand, the relationship between social networks and migrants is usually based on trust, with the people involved in facilitating the travel being known to the migrant through family or social connections. Brokers or helpers who facilitate travel to Thailand and job placement might be former irregular migrants themselves, who have experienced living and working conditions in Thailand. Some are known to assist other migrants from their own villages in the irregular migration process and with employment in Thailand.

#### *c) Factors influencing the relationship between smugglers and migrants*

As noted above, trust in family and social networks is a significant factor when making the decision to migrate. Chantavanich (2008) notes that many social networks are operated by experienced former migrants who understand living and working conditions in Thailand, and who pass this knowledge and information on to other potential migrants they know. These social networks and the former migrants responsible for their operation have trusted connections at the provincial level in both Cambodia and Thailand, which facilitates the travel, entry, and subsequent employment of Cambodian migrant workers in Thailand. Although these factors are not directly discussed in the literature, they probably affect relationships between smugglers and migrants.

No other conclusions are possible, based on the literature reviewed, regarding factors that influence the relationship between smugglers and migrants.

### **5) Organization of migrant smuggling**

#### *a) How is migrant smuggling organized?*

With no explicit reference to smuggling as such, the reviewed research notes that irregular migration from



Cambodia is organized through family and social networks. Such groups operate informally through friends and relatives, many of whom were irregular migrants themselves. Social and family networks, often already familiar to the potential migrants, readily gain their trust. Such networks are willing to help friends and family in the migration process, passing on first-hand information regarding migration routes and processes and work experience overseas.

The literature also discusses the role of informal recruitment agencies operating between Cambodia and Thailand (Chantavanich, 2008; UNESCAP, 2007). Informal recruitment agencies are known to employ brokers or intermediaries who facilitate job placement (Chantavanich, 2008). The sources reviewed leave it unclear, however, whether these brokers and intermediaries also assist with irregular travel and entry into Thailand.

***b) Are persons involved in migrant smuggling also involved in other criminal activities?***

The literature does not address this question.

***c) Does migrant smuggling attract persons who have a history of involvement in other crime?***

The literature does not address this question.

***d) What levels of professionalism/specialization is there within migrant smugglers?***

According to the literature, irregular migration from Cambodia is largely organized by informal networks including family and social networks and/or informal recruitment agencies. Given the available information, it remains impossible to gauge the extent of professionalization among informal recruitment agencies or social and family networks.

As noted in Chantavanich (2008), informal recruitment services often offer cheap and efficient alternatives to the formal recruitment process. In some instances, informal agencies do not require potential migrants to have correct identity and travel documents or even the money to pay their recruitment fees. Chantavanich (2008) compared the experiences of both irregular and regular migrants from Cambodia and Lao PDR to Thailand. Its findings indicated

that informal recruiters supply the same services to many irregular migrants as those offered by formal recruitment agencies, including job placement, safe travel across the border and to the destination, and accommodation once there, as well as information about working and living in Thailand and the facilitation of remittances. All these services are generally offered by informal recruiters at much less cost and more efficiently than they are by formal agencies.

Where family or social contacts are used in facilitating irregular migration, relationships are based on such factors as trust, kinship, and friendship. This contributes to informal modes of operation. Family or social networks are often organized by veterans of irregular migration who are familiar with migration and living and working overseas. This may be viewed as specialized knowledge that former migrants capitalize on in gaining the trust of other potential migrants, encouraging them to use their services in making the same journey (Chantavanich, 2008).

***e) What influences shape the way migrant smugglers are organized? How and why do these organizations evolve?***

According to the reviewed literature, social connections to potential migrants drive the family and social networks facilitating irregular migration from Cambodia. Former migrants who have lived and worked in Thailand as irregular migrants themselves use their experience to assist potential migrants known to them (Chantavanich, 2008). Therefore, social and family networks evolve from trust, kinship, and friendship combined with the irregular migration experience of those now engaging in the network operation to facilitate the migration of others known to them, including family, friends, and other villagers.

Chantavanich (2008) also indicates that Thai demand for migrant workers, plus an expensive, complex, and inefficient formal migration registration system, shapes the organization of irregular migration. The formal registration process fails to satisfy the demand for Cambodian migrant workers in Thailand. Thus the residual demand is met instead by a ready supply of Cambodian workers looking for better economic opportunity in countries like Thailand and Viet Nam, and who are willing to migrate by irregular means. Potential migrants often use the



services of social or family networks and informal recruitment agencies to facilitate their irregular migration to Thailand because they offer cheaper and more efficient services. Where family or social networks are involved, furthermore, the service is usually viewed as trustworthy, allaying fears potential migrants may have of dangers during the migration journey.

## 6) Migrant smuggling modus operandi

### *a) Recruitment methods*

The literature identifies a number of irregular migrant recruitment methods. All of these likely overlap with or involve the use of smuggling services at some point. Most recruitment methods involve social and/or family networks because these are trusted by both potential migrants and informal recruitment agencies (Chantavanich, 2008).

Cambodian migrant communities in Thailand have been known to support recruitment and employment of new migrants. For example, many migrants in Thailand's fishing, agriculture, and manufacturing sectors arrived with the assistance of family and friends (Pearson & Punpuing, 2006).

Informal recruitment in Cambodia is organized by individual brokers and intermediaries who are themselves former or current migrant workers, and who are willing to assist other potential migrants from their own village. These intermediaries and brokers have broad knowledge of the working situation in Thailand. They also often have good relationships with their employers, who trust them to recruit other irregular migrant workers. In addition — although this is not discussed at length within the literature — they enjoy advantageous relationships with Thai police, which helps in facilitating irregular migration and employment. Independent informal recruiters can act independently or in conjunction with informal recruitment agencies (Chantavanich, 2008).

### *b) Payment methods*

Direct research on fees for smuggling services is lacking, but the literature includes information regarding payment of recruitment fees, a proportion of which, at least in some cases, probably covers smuggling fees.

Recruitment fees, if the potential migrant can afford it, are usually paid up front to the recruiter, to the employer in Thailand, or to the informal recruitment agency responsible for facilitating migration and employment in Thailand. Where migrants cannot afford to pay their recruiters or employers up front, employers may instead pay the informal recruitment agency, subsequently deducting a percentage from the migrant worker's monthly salary to repay the debt. In other cases, the informal migration agency may, instead of demanding fee payment up front, deduct a percentage of the migrant's wage from their monthly salary until the recruitment debt is repaid (Chantavanich, 2008).

### *c) Transfer of criminal proceeds*

The literature includes no information about methods used by smugglers to transfer criminal proceeds.

### *d) Transportation methods*

Irregular migrants often travel in groups of 4–5 workers from the same village. These groups are generally accompanied by a broker who escorts them to the Thai border and, in some instances, to the Thai workplace. Social and family networks sometimes also assist migrants with travel to the border and crossing into Thailand, as well as with escorting them to their place of employment (Chantavanich, 2008).

The literature included no further details regarding methods of transportation.

### *e) Document use and misuse*

The reviewed literature presents no discussion of documents in this context. Passports, for example, are not needed to irregularly cross the Cambodian-Thai border. Crossing without documents is easy at many points outside official checkpoints; the border is porous, not regulated or patrolled by Thai border officials. Alternatively, some irregular migrants cross the border on daily border passes and overstay to work in Thailand (Vasuprasat, 2008).

### *f) Corruption*

The literature provides no insight into how corruption affects irregular or smuggled Cambodian migrants.

**g) *Evolution of migrant smuggling methods in response to changes in migration policies and counter measures***

The literature includes no research focusing on the evolution of smuggling methods in response to changes in migration policies or countermeasures. But research on the effectiveness of the Cambodian-Thai Memorandum of Understanding (MOU) on Employment Cooperation does provide insight into why shortcomings in certain government policies likely contribute to the incidence of irregular migration, including instances that use the services of smugglers.

Cambodia and Thailand signed a bilateral MOU on Employment Cooperation in 2003, aiming to legalize and regulate migration flows from Cambodia to Thailand. Under the MOU, Cambodian migrants can work in Thailand for a maximum of two years with a two-year extension (Pearson & Punpuing, 2006; Vasuprasat, 2008). The MOU provides administrative procedures for recruitment and the employment of migrant workers. Private recruitment agencies in Cambodia are identified as the key players in recruitment and placement (Vasuprasat, 2008). Thai employers can make a formal demand for Cambodian migrant workers, but, as Chantavanich (2008) points out, the formal supply of these workers does not meet the demand for regulated migrant workers under the MOU. In 2007, for example, Thai employers requested 39,010 Cambodian workers under these terms, but only 6,143 workers were placed. Formal demand for migrant workers in Thailand represents only about 7 percent of the total demand for migrant workers, since not all employers can afford to pay registration and recruitment costs. As a result, irregular migrant workers meet the demand unsatisfied by regular migrants (Chantavanich, 2008).

Vasuprasat (2008) also argues that high recruitment costs under the regulated system of the MOU, plus the time-consuming process of formalizing recruitment through private agencies, have driven more migrants to seek informal channels. Informal channels are cheaper, faster, and more efficient — they can generally have the potential migrant in Thailand and working within a matter of days from the time of initial inquiry. Though formal recruitment agency costs are not set, they can range between USD 409 and USD 709 for job placement services, pre-departure

training, medical examination, passport and visa fee, and travel. According to Chantavanich (2008), irregular migration through a smuggling network, by contrast, costs about USD 97 per migrant.

Chantavanich (2008) illustrates that the high recruitment costs associated with formal recruitment agencies often mean that Thai employers cover these costs in recruiting a migrant worker, and then deduct a percentage, with interest, from the migrant's monthly salary to repay the debt incurred. Yet another relative disadvantage of formal procedures for workers: under the MOU, regulated migrant workers are not able to change their employers, and are often bound to them by a contract for two years.

The shortcomings and challenges of the formal recruitment process has encouraged most potential Cambodian migrants to prefer irregular migration channels, including the services of smugglers, when migrating to Thailand (Vasuprasat, 2008).

### **7) Migrant smuggling fees and mobilization of fees**

The literature presents varying information about actual prices charged at particular locations or for particular irregular migration services. This probably reflects the specifics of different routes as well as the range of services potentially on offer.

According to one source, the cost of irregularly migrating to Thailand from Cambodia through a smuggling network is about THB 3,000<sup>5</sup> (USD 97). A cheaper alternative is to cross the Cambodian-Thai border on a daily border pass for THB 10 (USD 0.30) and overstay (Vasuprasat, 2008). Another source notes that a smuggler operating in the Cambodian border town of Poipet makes a profit of THB 300 to THB 500 (USD 10 to USD 15) per migrant to facilitate border crossings from Poipet to Thailand (Chantavanich, 2008).

According to Chantavanich (2008), many informally recruited migrant workers pay nothing to their recruiters at the pre-departure stage. Informal recruitment agencies in Cambodia or employers in Thailand initially cover the migration costs and deduct

<sup>5</sup> THB refers to Thai Baht.

this amount with interest from the migrant worker's monthly salary with interest. The report claims that, through informal recruiters, migration fees can range from THB 1,050 to THB 4,300 (USD 30 to USD 150) for irregular migrants travelling between Cambodia and Thailand.

### 8) Human and social costs of migrant smuggling

Though the literature does not provide information specifically related to smuggling migrants or any related human and social costs, it can be assumed that irregular migration from Cambodia does involve smuggling.

Human Rights Watch (2010) reports that irregular migrants, however they have arrived, often live in constant fear of arrest and deportation. Because of their irregular residence and labour status in Thailand and other destinations, they are vulnerable to harassment and arrest by police both within and outside the workplace.

According to Pearson and Punpuing (2006), irregular migrants are particularly vulnerable to exploitation and abuse within the workplace because of their irregular status. They are unprotected by labour and human rights laws, and have limited control over their workplace situation. Exploitation is widespread among low-skilled sectors that rely on irregular migrant labour in Thailand. Employers may exercise harsh control over migrant workers, restricting their movements to within the workplace compound; confiscating and holding documents; inflicting physical, verbal and sexual abuse; limiting or restricting communication with outsiders or family and friends back home; withholding, underpaying, or delaying payment; and not providing irregular workers with written contracts. If their employers paid for their recruitment costs, irregular migrant workers may also be held in debt bondage to their employers. These workers may therefore be trapped in such situations until their debt has been paid.

### 9) Factors fuelling irregular migration and migrant smuggling

The literature identifies a number of push-pull factors that fuel irregular migration from Cambodia.

Although these sources do not distinguish migrant smuggling from irregular migration in general, it can be assumed that, for those who are smuggled out of Cambodia, the push-pull factors are the same.

Poverty is identified as the biggest push factor for irregular migration from Cambodia (Huguet & Punpuing, 2005; Chantavanich, 2008; UNESCAP, 2007). A number of associated economic reasons, each of them linked to poverty, also encourage potential migrants to leave Cambodia via irregular channels. Lack of gainful employment, particularly in poor rural areas, landlessness, and debt are all identified as factors that cause Cambodian migrants to seek work in Thailand (Chantavanich, 2008). Many young Cambodians are also eager to work abroad to earn higher salaries and help support their families back home (ILO, 2005; UNESCAP, 2007).

Chantavanich (2008) also points to the high costs, complexities, and inefficiencies of formal recruitment agencies as another reason potential Cambodian migrants turn to irregular migration channels. Using the services of a formal recruitment agency is also likely to put potential migrants in debt to their employer. In extreme cases, they may be held in debt bondage to their employers in Thailand, where they are confined to their places of employment, threatened with harm if they leave, relieved of their identification, employment, and travel documentation, and made to work to pay off their debts. It can take migrants over a year for migrants to repay employers for migration costs. In contrast, informal migrants can pay a one-off fee for services costing, on average, between THB 3,000 and THB 5,000 (USD 30 and USD 50) for recruitment, and they are seldom subject to salary deductions once in Thailand.

Social and family networks are appealing because they are often known to the migrant and trusted to facilitate their safe passage to the destination country. As members of social and family networks are often former or current migrant workers themselves, they influence the decision of potential migrants to migrate by telling them of their own positive migrant experience (Chantavanich, 2008). These networks provide information about the migration process and working in Thailand.

As mentioned above, Chantavanich (2008) identifies other more personal reasons for the irregular

migration of Cambodians including gaining experience and seeking adventure by working in Thailand. Some also wish to accompany or be reunited with family members who have already migrated to Thailand. A small number of migrants are also believed to migrate irregularly to escape domestic problems and dangers at home.

## 10) Conclusions

### a) *What we know about migrant smuggling in Cambodia*

Research on migrant smuggling in, to, and through Cambodia is very limited. The reviewed literature largely focuses on the irregular migration of Cambodian migrants to work in Thailand through formal recruitment agencies, informal recruitment agencies, and social and family networks. The literature includes discussion contrasting formal and informal recruitment agencies and family and social networks. But the dearth of direct research into migrant smuggling means we can only assume that the issues associated with irregular migration are similar to those associated with migrant smuggling. Necessarily, gaps remain regarding migrant smuggling in the Cambodian context.

Most irregular migrants from Cambodia travel to Thailand. But the literature mentions other destinations, including the Republic of Korea, Malaysia, Saudi Arabia, and Taiwan Province of China. Not much detail is given on the irregular migration of Cambodians to countries other than Thailand. Most irregular migrants use the services of social and family networks or informal recruitment agencies to facilitate their travel and entry to Thailand. These networks and agencies offer a cheaper and more efficient migration service than formal recruitment agencies. Social and family networks are more trusted by potential migrants because they are known to them. However, the precise role or involvement of smugglers within these networks is not known.

Economic factors, including poverty in Cambodia and economic opportunities in Thailand or other destination countries, act as strong push-pull factors for irregular migration because formal migration channels are more expensive and not so efficient. The demand for low-skilled migrants in Thailand is an

attractive economic opportunity for many potential Cambodian migrant workers.

### b) *What we don't know about migrant smuggling in Cambodia*

No estimates are available of migrant numbers smuggled in or from Cambodia. It is not known how migrant smuggling is organized, or how it operates in the Cambodian context, or what smuggling routes are used. Neither do we know who the smugglers are, or what their motivations are for engaging in this activity. Whether the smugglers are involved in other criminal activities remains unknown; nor do we know if smuggling attracts persons who have a history of criminal activity. We lack information regarding the transfer of criminal proceeds from smuggling.

Most conclusions drawn with respect to smuggled migrants have been derived from the experiences of irregular migrants. Little is known about the profile of smuggled migrants in particular (as opposed to irregular migrants who irregularly migrate without assistance) and the relationship they have with their smugglers.

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## Chapter Four: China

### 1) Quantitative assessments and flows of irregular migration, migrant smuggling, and trafficking in persons

#### *a) Estimated numbers and major routes: Irregular migration from, to and through China*

China has been and continues to be one of the world's greatest sources of migration, with Chinese people living in virtually every country on earth (Skeldon, 2004). In 2001, among the approximate total of 37.7 million ethnic Chinese migrants (including those from Taiwan Province of China and Hong Kong (China)), almost half (47.1 percent) lived in the United States, followed by Canada (23.8 percent), Europe and Japan (19.2 percent), Australia (7.9 percent), and New Zealand (2 percent) (Regional Thematic Working Group on International Migration Including Human Trafficking (RTWG), 2008).

There are no accurate estimates on the scope and magnitude of irregular Chinese migration. The reviewed literature provides only limited insight into the estimated size of irregular migration from, to, and through China, and major routes used.

According to the reviewed literature, irregular migrants from China predominantly originate from the southern provinces of Fujian and Zhejiang, as well as the north-eastern provinces of Liaoning, Jilin and Heilongjian (Chin, 2007; Yun & Poisson, 2010; Pieke, 2010; Zhang, 2008). According to Chin, the flow of irregular Chinese migration is mainly directed north into the Republic of Korea and Japan; west into and then through Russia into Europe; and east

and south to the United States, Canada, Australia and New Zealand (Chin, 2007).

Hastings (2009) reports that 90 percent of all irregular migrants in Taiwan Province of China come from China and of these, 90 percent originate from Fujian province. Migrants from China also constitute the majority of irregular migrants in Hong Kong (China) (Lee, 2008; Leung & Lee, 2005). Statistics published by the government of the Republic of Korea reveal that in 2002, 72,000 irregular Chinese labour migrants were residing in the country, corresponding to 59.1 percent of the total group of irregular foreign labour migrants (Kim, 2004). Russia is considered a destination and transit country for irregular migrants from China. It is estimated that Moscow alone hosted 250,000 migrants, who were mostly from China in the mid-1990s (Papadopoulou-Kourkoula, 2008).

According to Gembicka (2006), the central Asian countries of Kazakhstan, Kyrgyzstan and Tajikistan serve as transit countries for irregular migrants from China. These migrants often enter the countries with student, tourist or business visas, obtained under false pretences. In 2004, for example, China was among the top countries whose nationals were charged with violating the rules of entry and stay these countries.

#### *b) Estimated numbers and major routes: Migrant smuggling from, to and through China*

The reviewed literature provides very little information about the estimated size of migrant smuggling from China and the major routes used.

When departing by land, migrants are usually smuggled across the borders of China's neighbour-

ing countries such as Russia, the Republic of Korea, Hong Kong (China), Viet Nam, Lao PDR and Myanmar. From there they continue their journey to the desired destination often by transiting through multiple countries and using different methods of transportation (Zhang, 2008).

According to estimates of the U.S. Government (Zhang et al., 2007), 30,000 to 40,000 smuggled Chinese migrants enter the United States each year. Chinese migrants are moved to the United States by direct flight, by maritime routes and also by transit through South and Central America, Mexico and Canada (Zhang et al., 2007; Zhang 2008; Chin, 2007).

Examining judicial case files (N=88) on Chinese migrant smuggling in the Netherlands, Soudijn (2006) calculated that the selected smugglers (N=172) smuggled approximately 250 Chinese migrants per year to and through the Netherlands over an eight year period (1996–2003). It is furthermore assumed that this figure likely represents a minimum.

Germany is considered a destination and transit country for irregular migrants from China, who often try to enter the country via the Czech-German border. According to datasets of the German Federal Police, a total of 238 smuggled migrants from China were recorded in 2005; corresponding to 42.5 percent of all recorded Chinese irregular migrants for that period (Neske, 2007; Neske et al., 2004). However, the datasets indicate a decreasing trend concerning smuggled Chinese migrants in Germany: 2001 (300); 2002 (618); 2003 (1,123); 2004 (822) (Neske, 2007; Neske et al., 2004).

Comparing costs of migrant smuggling and trafficking in persons, Petros identified the following smuggling destinations for China: the United States, the UK, Italy, Poland, and Australia (Petros, 2005).

D'Amato et al. found that migrants from China often use Swiss airports as transit areas, where they are provided with new documents by smugglers to continue their journey to Canada, the United States or the UK (D'Amato, Gerber, & Kamm, 2005).

Pieke (2010) describes a case where a Chinese migrant had been smuggled into the UK via Russia, Poland, the Czech Republic, Hungary, Germany, and the Netherlands.

### *c) Estimated numbers and major routes: Trafficking in persons from, within, to and through China*

There are inherent difficulties in estimating the scale of trafficking in persons in any country. These challenges reflect, among other things, low levels of awareness of the crime, barriers to reporting, and the underground nature of the phenomenon (see for example, IOM, 2005; Wei, 2008). As such, the information that is available about the scale of trafficking in persons from, within and through China is far from complete or accurate. However, the reviewed literature presents some data and information that provides some insight into the estimated size of trafficking in persons from, within, to, and through China and major routes used, based on direct and indirect indicators, e.g. offender and victim-related data obtained from police records or NGOs.

According to the literature, China is generally considered a source, transit and destination country for men, women and children who are victims of trafficking (U.S. Department of State, 2010). China serves as a destination country mainly for neighbouring countries, but reports also indicate victims being trafficked from Africa and Europe (U.S. Department of State, 2010). It also serves as a transit country for non-Chinese victims bound for Thailand and Malaysia (United Nations Inter-Agency Project on Human Trafficking (UNIAP), 2010).

According to the U.S. Department of State (2010) Chinese nationals are trafficked to all regions of the world - Africa, Asia, Europe, Latin America, the Middle East and North America. Countries of destination include: Afghanistan, Angola, Australia, Azerbaijan, Bahrain, Belgium, Canada, Chile, The Czech Republic, Finland, France, Germany, Ghana, Israel, Italy, Indonesia, Japan, Lao PDR, Malaysia, Maldives, Mongolia, Mozambique, Myanmar, Nepal, Democratic People's Republic of Korea, Romania, Russia, Thailand, Viet Nam and Zimbabwe. In the UK, for example, Chinese trafficking victims are considered to be largest single nationality group and constitute about 17 percent of all identified victims (Sheehan, 2009).

While the literature suggests considerable international trafficking of Chinese nationals, it also sug-

gests that the majority of trafficking may occur *within* the country and mainly in the context of large-scale domestic migration (U.S. Department of State, 2010). A systematic content analysis of media reports in Chinese print media examined by Wei indicate some of the major sending and receiving provinces for internal victims of trafficking. In this study, a total of 804 articles published in major Chinese newspapers between 2006 and 2007 were examined, with articles about cases abroad disregarded (Wei, 2008). Findings included that:

- most of the victims originated from Guangdong (16.1%), Henan (12%), Yunnan (11.7%), Sichuan (9.9%), Guizhou (6.0%), Guanxi (5.5%), Shaanxi (4.9%), and Fujian (4.2%);
- the majority of the victims were trafficked to Guangdong (24.3%), Shanxi (11.2%), Fujian (10.2%), Henan (8.7%), Sichuan (5.3%), Guangxi (4.9%) and Jiangsu (4.0%);
- Most trafficking cases were identified in Guangdong (25.1%), Henan (10.3%), Fujian (7.3%), Sichuan (7.3%), Shanxi (7.3%), Guanxi (6.7%), Jiangxi (5.9%) and Yunnan (5.3%); and
- 67.5% of the news articles provided information on origin and destination provinces of the victims, identifying 70.9% as inter-provincial trafficking cases.

*d) Cross-over or overlap, if any, between populations or routes*

The literature at hand provides no details about any likely cross-over or overlap between populations of irregular or smuggled migrants, and trafficked persons, or routes. However, there is some discussion about the difficulty of identifying the dividing line between migrant smuggling and trafficking in persons (Yun & Poisson, 2010).

Some studies highlight the general vulnerability of Chinese irregular and smuggled migrants and provide details on their precarious living conditions in the destination countries, which may lead to and foster exploitation (specifically labour exploitation) (see Section 9) (Yun & Poisson, 2010; Ceccagno, Rattelli, & Salvati, 2010). However, none of the studies found a direct connection between migrant smuggling organizations and trafficking in persons (see Sections 6.2 and 6.3).

Zhang points out that both migrant smugglers and human traffickers are involved in the business of transporting people across borders and to some extent may share similar organizational features (Zhang, 2008). However, due to the lack of empirical data, apparent similarities in organizational patterns and organizational characteristics must be treated with caution.

## 2) Profiles of smugglers

This section predominantly draws on research conducted by Zhang and Chin, initially published in 2004 but also referred to in subsequent publications (see in particular, Zhang & Chin 2004; Zhang et al., 2007; Zhang, 2008). This study drew on data collected from formal and informal face-to-face interviews with self-identified smugglers residing either in China or the United States. Primary sites for data collection were New York, Los Angeles and Fuzhou in the Chinese province of Fujian. A total of 129 interviews were conducted, of which 89 percent were formal interviews. The focus of these interviews was to gain knowledge about organizational and operational characteristics of Chinese migrant smuggling. It should be noted that, apart from Zhang and Chin (2004), there are no recent studies available that draw conclusions based on direct interviews with smugglers rather than migrants or police records.

### a) Socio-economic characteristics

Empirical research on migrant smuggling into the United States conducted by Zhang and Chin showed that people of various backgrounds could be found in the smuggling business (Zhang & Chin, 2004). This study found the majority of the interviewed Chinese smugglers (N=129) were married, middle-aged males (in their thirties or forties) with a high school education or less. Most of the respondents described themselves as either unemployed or self-employed. However, those who considered themselves unemployed turned out to be self-employed, engaging in numerous income generating activities. The number of different jobs held by the interviewed smugglers included restaurant owners, waiters and waitresses, housewives, handymen, masons, taxi drivers, farm labourers, seafood retailers, garment retailers, garment factory workers, hair salon owners,

and fruit stand owners. Only a few of the respondents in the research held salaried jobs in state-run entities (government agencies, educational institutions) or established corporations. The vast majority were entrepreneurs of some sort and made a living in an occupation in which uncertainties and risk-taking were the norm (such as small retail stores and vending outlets) and other independent or commission based businesses, however none of the respondents were destitute.

Based on judicial records, research on Chinese migrant smuggling conducted in the Netherlands found that the provinces of Fujian and Zhejiang were an important region of origin for smugglers operating in the Netherlands (Soudijn & Kleemans, 2009). The study found that the smugglers were in their twenties or thirties, and had recently migrated from China. The smugglers communicated in their native Wu or Min dialects. Mandarin was used when smugglers from Fujian dealt with smugglers from Zhejiang. According to this study, people from Hong Kong (China) play only a subordinate role in the Dutch migrant smuggling market.

Despite being a seemingly male dominated business, Zhang (2008) notes that it is not uncommon to find women involved in planning and coordinating smuggling operations. Soudijn (2006) also found this to be the case for smuggling groups operating in the Netherlands. Jin Ping Chen (also known as Sister Ping), for example, was thought to be the most famous and most respected migrant smuggler in the Fujianese community (Zhang, 2008; Sein, 2009). According to Zhang et al. (2007), she was probably responsible for smuggling between 150,000 and 175,000 Chinese migrants.

A demographic comparison conducted by Zhang and Chin (2004) found that, overall, female Chinese smugglers were better educated and were more likely to be single or divorced compared to male smugglers. Not many of the interviewed female subjects held salaried jobs at the time of the study and, similar to their male counterparts, described themselves as unemployed or self-employed (Zhang, 2008). Some of the women are introduced to the smuggling business through their relationships with family, specifically husbands (Zhang et al., 2007).

### *b) Motivation*

The primary motive for engaging in the migrant smuggling business is money. According to Zhang (2008), many of the interviewed smugglers (N=129) considered this an easy way to assure a livelihood. Furthermore, some of the subjects appeared to be in desperate need of making money fast, but had no other feasible option apart from migrant smuggling.

In addition, Zhang et al. (2007) found that assisting friends and relatives is another motivation for some Chinese citizens to get involved in the migrant smuggling business. Specifically women seem to consider this to be an important factor. Thus, family and friends serve as the primary client base for many female smugglers.

Male smugglers in China, according to Zhang (2008), often become involved in migrant smuggling through contacts with others in the industry or self-initiation. They also draw clients from their family and friends, but rely primarily on external sources for client recruitment, e.g. referrals from other smugglers or former clients. In contrast, some women are introduced to the smuggling business by male smugglers with whom they are romantically involved. Others find their way into the business through separation or divorce from their male partners. In need of economic self-sufficiency, these women become involved in migrant smuggling through casual contacts with established smugglers.

## **3) Profiles of irregular migrants and smuggled migrants**

### *a) Geographical and socio-economic characteristics*

According to the literature, irregular migrants from China predominantly originate from the southern provinces of Fujian and Zhejiang, as well as the north-eastern provinces of Liaoning, Jilin and Heilongjian (Chin, 2007; Yun & Poisson, 2010; Pieke, 2010; Zhang, 2008; Cegagno et al., 2010).

Fujian province appears to be the most prominent region for irregular migration and Thunø and Pieke (2005) note that an estimated 80 percent of all irregular migrants originate from this coastal prov-



ince. Since the 1980s, many parts of central Fujian have become fully specialized in overseas migration (Brees, 2008). The Fujianese make up the vast majority of Chinese irregular migrants in the United States (Zhang, 2008) as well as the UK (Pieke, 2010). A major sending region within Fujian is Fuzhou prefecture, located in the south-east region of the province. Most migrants come from rural districts, rather than Fuzhou City itself. The major sending areas are Mawei, Lianjiang, Changle, Fuqing and Pingtan. All of these places are concentrated on the eastern coast of Fuzhou and share the common Fuzhou dialect and rural culture (Lin & Bax, 2009).

Thunø and Pieke (2005) found that there were, in fact, at least two distinct flows of Fujianese migration: one from the coastal areas, such as Fuzhou prefecture, and one from the interior of the province, such as Sanming and Nanping prefectures. The latter is considered of importance in continental Europe (e.g. Italy, Spain, Eastern Europe and Russia). This flow, which started in the early 1990s, includes both rural and urban Chinese. Furthermore, it is supported by the local government, which has made migration an important pillar of its developmental strategy (Pieke, 2010).

Chin (2007) highlights Zhejiang province as one of the major sending regions of irregular migrants to Western Europe. Wenzhou, a city in south-east Zhejiang Province with a population of 7.43 million, is the largest concentrated source of out-migration to Western Europe. The villages of the semi-industrialized plain around Wenzhou, particularly the districts of Li'ao and Qingtian, are significant regions of origin for Chinese migrants in France (Boontinand, 2010).

While Zhejiang and Fujian belong to the 'traditional' sending regions, migration from the north-eastern provinces is a rather recent phenomenon, which is mainly connected to unemployment in the course of economic reforms since 1979. Historically, China's heavy industry was concentrated in the north-eastern provinces and almost all the companies and factories in that region belong to state-owned enterprises. However, these enterprises have been declining rapidly over the last two decades and many unprofitable, state-owned factories, mines and enterprises have been closed. This has forced a great number of laid-off workers to explore new ways of

securing a livelihood in China. Thus, thousands have turned to migration. Recent estimates suggest that 40–60 million workers have been laid off in China (Chin, 2007).

Empirical research appears to confirm these changes in migration flows from China. Pieke (2010) found evidence that the migration of low-skilled Chinese to the UK has changed qualitatively since the late 1990s. Until then, the vast majority of irregular migrants in the UK came from central Fujian as part of a global Fujianese diaspora that had previously developed. In the late 1990s, immigration from north-eastern China had started to develop (mainly from Liaoning province). However, since 2005–2006, Chinese migrants appear to originate from many more areas. While migrants from Fujian province are still a prominent group in the UK, migration from China has diversified in terms of areas of origin and socio-economic background. It now includes rural as well as urban migrants (Pieke, 2010).

Ceccagno et al. (2010) similarly confirm changes in migration flows for Italy. Prior migration flows from Zhejiang and Fujian have been complemented since the late 1990s by migrants originating from north-east China, including from Heilongjiang, Jilin, and Liaoning.

Yun and Poisson (2010) note that changing migration flows are also suggested by figures from France's Agency for the Protection of Refugees and Stateless Persons (OFPRA). These changes include: the end of immigration from urban areas in the south of Zhejiang, with migrants now coming predominantly from rural areas; an increase in the arrival of minors and young people from Zhejiang; the predominance of urban immigration from northern China; the emergence of migration sending regions in northern China including Dongbei region, the provinces of Guanxi, Jiangsu and Henan; and a preponderance of women among those arriving from the northern areas.

### *b) Motivation*

According to the literature, the goal to improve individual economic positions and accumulate wealth abroad also appears to be a key factor for Chinese migrants who choose to migrate by irregular means (Chin, 2007; Yun & Poisson, 2010).

Chin (2007) claims that the vast majority of migrants from China are economic migrants. According to Yun and Poisson (2010), Chinese migrants in France frequently mention the desire to get rich in western countries as their main reason for migration.

Research conducted in the UK (Pieke, 2010) and France (Yun & Poisson, 2010) showed that the majority of the migrants from northern China had decided to migrate because of endemic unemployment. Others, however, had left employment in the state or private sector voluntarily and migrated in the hope of making more money. Pieke (2010) found that many interviewees from Fujian had, at least for some time, worked in local employment or as migrants in other parts of China or abroad. However, in view of the potential earnings in the UK, they all came to the conclusion that they had no choice but to migrate to the UK.

Migrants from the 'Chinese quarter' of Paris (Belleville) used the expression of '*the three taos*' to describe their reasons for migration: *tao zhai* (fleeing from debt), *tao hun* (leaving after becoming divorced), and *tao jin* (sifting gold) (Yun & Poisson, 2010). Nevertheless, people decide to migrate for many reasons and in some cases the decision is driven by more than just the desire to make money. Sometimes the decision to migrate is made in the hope of improving oneself or starting anew (Pieke, 2010).

Chin (2007) argues that the local maritime history along the coastal villages of southern China also needs to be taken into account. It is argued that the people of the south-eastern provinces of Zhejiang and Fujian have a particular historical background related to travel and thus have always been more likely to migrate than people from other regions. Pieke (2010) found that for most migrants from Zhejiang and Fujian that came from rural areas, the 'family chain' was the main motivation for the decision to go abroad. Thus, home-bonds with migrants already based in the destination country play a vital role in the selection of the country of destination. For migrants from Zhejiang, for example, France seems to be the obvious choice for migration, since they have relatives who have already settled there. On the contrary, migration from the north-eastern parts of China and from large metropolitan areas does not seem to be connected to a family migration project. Especially in cases of divorce, the goal is to make a

break rather than to reunite family. As a result, the final destination appears to be of less importance, since the main objective is to get away (Yun & Poisson, 2010).

In addition, the traditional Confucian cultural value of reputation ('to keep one's face') may also contribute to the migration of the younger generation of Chinese. Throughout coastal Chinese villages, there are successful villagers who were smuggled overseas years ago and then returned with large sums of money (Chin, 2007). Research in a coastal village in Fujian (Thunø & Pieke, 2005) found that 80 percent of all houses in the village were newly constructed with remittances from recent migrants at a cost ranging between USD 36,000 and USD 60,000. Thus, some of the successful migrants, who managed to accumulate great wealth abroad, serve as role models and symbols that foster the hope of new potential migrants. The display of material wealth by successful migrants may thus push other villagers into migration in the hopes of imitating their success (Chin, 2007; Yun & Poisson, 2010; Lin & Bax, 2009; Chu, 2006).

Based on empirical research in the Fuzhou region (Fujian province), Lin and Bax (2009) claim that China's dual social security system, which is characterized by a general non-availability of social security for rural-residents, is a contributing factor to rural-migration. Contrary to urban areas, rural areas in China do not offer health and old age insurance or unemployment and poverty relief systems. As a result, rural residents may consider migration so as to enable them to prepare for possible emergencies by accumulating and saving capital earned abroad or to acquire foreign citizenship to benefit from the receiving nation's social security system. Yun and Poisson (2010) also found this to be the case in France, regarding migrants from the rural areas of Zhejiang province. Lin and Bax (2009) argue that internal migration is considered a less attractive alternative, since rural residents are bound to their status by China's dual system. Once migrants acquire a foreign passport, they are able to return to China with a new status as overseas Chinese, a social category that is highly respected by local governments. Thus, irregular migration presents a shortcut to social mobility and to contest a low social status.

Research conducted by Pieke (2010) in the UK, revealed that none of the interviewed migrants (N=35)



expressed the desire to live in a democratic country or mentioned any curiosity about Western countries as a factor in their decision to migrate. Freedom, which was frequently mentioned in interviews, referred to lack of restrictions on the movement, employment and businesses of migrants.

#### 4) Smuggler-migrant relationships

##### a) *Migrant perceptions of smugglers*

The literature provides only limited insight into Chinese migrants' perception of migrant smugglers. According to Zhang et al. (2007), Chinese migrants constitute a willing clientele who seek opportunities abroad; thus, smugglers are often perceived as providing assistance to individuals and communities. Research in Italy found that Chinese migrants do not view themselves as victims of criminal organizations, even if smuggling groups have no links to friends or family (Boyle, 2009). Thus, smuggling groups are not perceived as criminals, but as service providers or facilitators, who offer the opportunity of a better life elsewhere. Although smugglers indeed break the law, this is viewed in the eyes of the irregular migrants and their families as for the greater good (Soudijn & Kleemans, 2009; Lin & Chen, 2007)

Empirical research conducted in coastal villages in south-eastern China showed that in some rural communities, smugglers are supported and highly praised by ordinary community members as well as village cadres. The study claims that they were even offered titles such as *minjian laogong* (ministers of non-governmental labour) and *minjian yinhang* (directors of non-governmental banks) (Chin, 2007).

##### b) *Nature of migrant-smuggler relationship*

The literature at hand generally suggests the existence of a business-like relationship between smugglers and migrants, which is financially motivated and usually comes to an end after the smuggling operation has been completed and all the agreed fees have been paid (Soudijn, 2006; Zhang et al., 2007; Zhang, 2008; Cegagno et al., 2010; Picke, 2010). Soudijn and Kleemans (2009) furthermore point to a combined effort of smugglers, migrants as well as their social networks to circumvent immigration laws.

According to Zhang (2008) smugglers as well as migrants are aware of potential payment conflicts. Since none of the agreements are legally enforceable, the client must be certain that the smuggler can be trusted and vice versa. Accordingly, the first stage of the smuggling process (recruitment) involves a screening process in, which both parties assess each other through their social networks and reputation.

Thus, smugglers typically rely on a good reputation spread by word of mouth (Zhang, 2008) and have a clear interest in keeping their clients satisfied, as they and their relatives bring in new business (Soudijn & Kleemans, 2009).

##### c) *Factors influencing the relationship between smugglers and migrants*

The literature at hand provides some information on socio-economic factors that influence the nature of the relationship between Chinese smugglers and migrants.

Smugglers who make migration possible and have provided efficient services are socially accepted, well known and sometimes even admired (Li, 2010; Yun & Poisson, 2010). However, smugglers may lose their reputation and support network if they fail to successfully complete a smuggling operation. Furthermore, they may have to pay all the expenses incurred themselves. If a serious incident occurs, such as illnesses, disappearance or death, smugglers may even be bound to compensate the family of the migrant. In this vein, Yun and Poisson (2010) describe a case, where a Zhejiangese family was paid compensation equivalent to the fare (EUR 12,000 or USD 17,065) after the family member had disappeared during a smuggling operation.

Furthermore, Lin and Bax (2009) found that strong social norms in rural communities (e.g. in the Fuzhou region) based on communal responsibility and reciprocal relationships function as a security system for potential migrants against unreliable migration brokers. Smugglers, in turn, try to protect their clients to avoid negative social consequences.

Reports of torture, beatings and abuse, however, indicate that Chinese smugglers do fall back on violence, at least occasionally. Researching the medical conditions of Chinese irregular migrants who were

shipped to Canada, Allan and Szafran (2005) report that some migrants in this study indicated they had been threatened, beaten, or raped aboard the boats. Pieke (2010) furthermore claims that Chinese smugglers will not hesitate to use violence in order to expedite payments. According to Zhang (2008), this may be specifically the case in maritime smuggling. Smugglers who specialize in smuggling by sea appear to be less strict in terms of financial requirements for prospective migrants (compared to smugglers using other methods of transportation). It is argued that maritime smugglers try to maximize their profits by filling the vessel to its capacity. Therefore, it is possible that migrants that may not have the adequate financial resources to get on board. Overall, however, researchers assume that the actual use of force by Chinese smugglers is more the exception than the rule (Zhang, 2008; Pieke, 2010; Soudijn, 2010; Ceccagno et al., 2010).

## 5) Organization of migrant smuggling

### a) *How is migrant smuggling organized?*

According to Li (2010), Chinese smuggling organizations form at least a three-tiered structure that connects China and migrants' destination countries. At the top level are 'big smugglers' who are often based outside of China and have legal status in their country of residence. They have access to large sums of money, which enables them to organize and expand transnational smuggling networks, provide necessary documents or facilities for migrants, and bribe government officials in China as well as transit countries.

The middle tier is comprised of institutional migration brokers, who often work for officially registered migration companies in the sending regions. These companies (or agencies) are authorized to procure labour exportation and assist in study abroad programmes and internationally contracted projects. Clients pay for training courses (languages, computer skills, document preparation, etc.) and receive a document designed to prove that the recipient is qualified and meets the requirements of the destination country. Furthermore, these institutional migration brokers may operate between legal and illegal approaches by creating some of the documents requested by the authorities in destination countries

(e.g. invitations issued by partner companies in destination countries in order to apply for business visas, which then enables the recipient to immigrate legally and overstay).

The bottom level consists of local smugglers who act on an individual basis. Some of them have connections to the middle tier or the top level through intermediary contacts. They usually act as recruiters with the task to find potential customers and introduce them to the relevant companies or smugglers. For each recruited migrant they charge a fee ranging from a few hundred to tens of thousands of Yuan (Renminbi<sup>6</sup>).

Researchers describe Chinese smuggling groups as small organizations (often three to four core individuals) that can maximize their effectiveness because they are characterized by adaptive, flexible networks that can easily expand and contract to deal with the uncertainties of the smuggling market (Soudijn, 2006). Participants in these transitory alliances organize on an ad-hoc basis and only to the extent necessary to carry out the smuggling operation, if there is an opportunity to make money. The leader of the group is often based outside of China (Zhang et al., 2007; Ceccagno et al., 2010).

Based on empirical results, Zhang (2008) summarizes the main operational and organizational features of Chinese migrant smuggling groups as follows:

- most smuggling groups consist only of small peer groups arranged in simple hierarchies and transactions among smugglers are mostly one-on-one;
- smugglers typically participate in smuggling activities on a part time basis and most of them have legitimate businesses aside, in addition to their smuggling activities;
- control over resources crucial to an operation determines the degree of authority within a smuggling organization, in terms of influence on the direction and pace of a smuggling operation;
- smuggling operations involve highly differentiated and specialized roles, which cannot be easily duplicated or eliminated (e.g. document forgers, coordinators, recruiters);

<sup>6</sup> Currency of China. As of August 2011, USD 1 is equivalence to CNY 6.44.

- smugglers acknowledge the existence of official corruption in China and make extensive use of corrupt officials; and
- being dependent on the availability of clients and the socio-legal conditions of the market, smuggling organizations are mostly of a fluid and temporary nature.

***b) Are persons involved in migrant smuggling also involved in other criminal activities?***

According to literature at hand, there is some dispute among researchers about the extent and level of involvement of smugglers in other forms of criminality. However, recent research indicates no entanglement between migrant smuggling and other criminal sectors, apart from complementing crimes such as document fraud.

Sein (2008) and Zhang (2008), for example, point out that at least some Chinese smugglers are members of more traditional crime groups (e.g. American gangs or Triads in Asia). However, according to Zhang (2008) no convincing evidence has been produced that substantiates any systematic participation of traditional Chinese organized crime groups in migrant smuggling, by researchers who have engaged in primary data collection. Instead, most migrant smugglers arrested by the Chinese authorities appear to be rather ordinary people. It is argued that their engagement in migrant smuggling activities was made possible by their familial networks and fortuitous social contacts. Zhang and Chin (2004) conclude that Chinese smugglers typically try to avoid entanglement with gangsters, street gangs or other criminal groups in the Chinese community (Zhang & Chin, 2004; Zhang, 2008).

According to Zhang (2008), the main feature distinguishing migrant smugglers from traditional organized criminal groups is the relative absence of violence within the smuggling groups as well as between rivalling smuggling groups.

Recent empirical studies conducted in the Netherlands (Soudijn, 2006; Soudijn & Kleemans, 2009), the UK (Pieke, 2010) and Italy (Cegagno et al., 2010) confirm a lack of involvement by migrant smugglers in other criminality. For example, research on Chinese migrant smugglers operating in the Netherlands suggests that they solely focus on the smuggling of migrants. No evidence was found

of selling migrants into prostitution or involvement in the Chinese drug trafficking business. The use of force and violence among Chinese smugglers appears not to be an issue, as opposed to Chinese drug trafficking gangs in the Netherlands. Furthermore, no indication of the involvement of Triad groups or any formal Chinese organization based on region, occupation or clan affiliation was found (Soudijn, 2006; Soudijn & Kleemans, 2009).

Not a single case of involuntary recruitment for migration (or trafficking in persons) was found in interviews with Chinese irregular migrants (N=35) conducted in the UK. Furthermore, none of the interviewees claimed to have been forced into any form of employment by their smugglers, even if they continued to be in debt to the smugglers. However, migrants in debt were frequently reminded of their obligations and, in one case, severe beatings and injury were experienced. Chinese migrants, who had entered the sex trade did so voluntarily and only after some time in the UK (Pieke 2010).

In the case of Italy, also no involvement of Chinese migrant smugglers in trafficking in persons could be found. Instead, the relationship between smugglers and migrants typically ended upon entry of the destination country (Cegagno et al., 2010).

Zhang (2008) acknowledges, however, that the lack of involvement by traditional Chinese crime groups in empirical studies does not prove their complete absence in the migrant smuggling business.

***c) Does migrant smuggling attract persons who have a history of involvement in other crime?***

Little information is provided in the literature on whether migrant smuggling attracts persons with a history of involvement in other crime.

Research conducted in the Netherlands (Soudijn, 2006) found that Chinese smugglers stand out compared to other nationalities operating in the Netherlands, in terms of lack of criminal records. Of 140 cases, only two men from China and one man from Hong Kong (China) had been arrested in the past for violating the *Opium Act*; another eight had prior convictions for migrant smuggling. A link to organized crime could not be found in any of the cases.

Zhang (2008) notes that none of the smugglers in his study considered themselves to be criminals. On the contrary, many displayed a positive self-image and portrayed themselves as people with a desire to help others. Zhang concludes that this may help to explain why otherwise law-abiding people, including reputable businesspeople and community leaders, have become involved in the smuggling of migrants.

***d) What levels of professionalism/specialization is there within migrant smugglers?***

Soudijn (2006) and Zhang (2008)<sup>7</sup> are the only studies that provide detailed information on specialized tasks that may play an important role in Chinese migrant smuggling organizations.

According to Zhang (2008), many specialized roles have emerged in Chinese migrant smuggling. The more complex the method of transportation (in terms of organization), the more specialized tasks are necessary to successfully complete the smuggling project. Zhang argues that smugglers who specialize in direct air routes to the country of destination act at the lowest level, in terms of organizational complexity. Smugglers who transport migrants through transit countries and utilize a combination of transport methods (land, air, and/or sea) operate at the highest level in terms of organizational complexity.

Based on empirical research, which included interviews with Chinese migrant smugglers (N=129) operating in China and the United States., Zhang (2008) identified the following (possible) roles in Chinese smuggling organizations:

- recruiter (N=29 / 22.5%);
- document vendor (N=16 / 12.4%);
- payment collector (N=15 / 11.6%);
- coordinator (N=11 / 8.5%);
- transporter (N=8 / 6.2);
- arranger of fraudulent business delegation (N=5 / 3.9%);
- securer of deposits (N=5 / 3.9%);
- escort (N=4 / 3.1%);
- fraudulent marriage agent (N=4 / 3.1%);
- guard (N=3 / 2.3%);
- arranger of travel (N=2 / 1.6%);
- guarantor (N=2 / 1.6%);
- leaser of boats (N=2 / 1.6%);

- receiver of clients (migrants) (N=2 / 1.6%);
- corrupt official (N=1 / 0.8%);
- arranger of stowaways (N=1 / 0.8%);
- student visa fraud organizer (N=1 / 0.8%); and
- no specific role determined (N=18 / 14%).

Zhang (2008) points out that the identified roles in this study are not exhaustive and that some individuals may play multiple roles (e.g. one of the interviewees acted as recruiter, payment collector, and transporter at the same time).

Soudijn (2006) also found specialized roles for Chinese smugglers operating in the Netherlands (N=178):

- organizer (N=22);
- transporter (N=88);
- passport falsifier (N=2);
- enforcer (N=10);
- corrupt official (N=3);
- supporting personnel (N=43); and
- unknown (N=10).

Soudijn and Kleemans (2009) observed that Chinese smuggling groups in the Netherlands have specialized in the crossing of the English Channel to the UK. However, the smugglers themselves often lack the knowledge, skills and paperwork necessary to obtain a lorry and (fake) cargo. As a result, they usually approach Dutch or British lorry drivers to transport large numbers of Chinese migrants into the UK.

***e) What influences shape the way migrant smugglers are organized? How and why do these organizations evolve?***

Apart from Zhang (2008), no specific information is provided on this issue by the literature researched. Based on empirical research, Zhang (2008) identifies three basic prerequisites, which appear essential for forming a Chinese migrant smuggling organization:

1. an existing market demand;
2. membership in a tight social network; and
3. the opportunity to build a relationship with other smugglers (each oriented towards specific tasks such as client recruiter, document vendor, transfer organizer, payment collector etc.).

<sup>7</sup> Based on the original research by Zhang & Chin (2004).

According to Zhang (2008), groups of smugglers<sup>8</sup> meet through their social networks and fortuitous contacts. They form international networks and supply services to offer and perform the transport of fee-paying migrants to their destination of choice. These smuggling organizations are made up of loosely connected diverse individuals, with no clear leadership. They are highly adaptable to market constraints and uncertainties. Some groups may break up when a key member is lost, while others quickly replace the position in order to provide the services demanded by the market. Despite these organizational attributes, most smuggling organizations appear to involve discrete individuals who perform limited and highly specialized tasks. The flow of information within the group is highly restricted and responsibilities are clearly defined for each successive stage of the operation. Relationships among the smugglers are mostly one-on-one. Furthermore, most smugglers maintain additional contacts of their own. It is argued that the outcome of this unique pattern of mixed organizational attributes and operational norms is a distinctive task force orientation among the members of the group. Zhang concludes that unique socio-legal challenges and operational requisites in the market are responsible for the emergence of these organizational structures and business practices.

These socio-legal challenges and operational requisites include (Zhang, 2008):

- fear of arrest and the possible forfeiture of assets, including heavy fines;
- unstable and limited clientele in terms of financial liquidity;
- logistical challenges that range from arranging transportation and providing accommodation to safeguarding clients and evading attention from authorities;
- the imminent risk and danger of accidents and casualties en route;
- uncertainties regarding the individual stages of the smuggling process, which are serially linked and vital to the success of the operation altogether; and
- sporadic availability of clients (which makes migrant smuggling a business of opportunities).

<sup>8</sup> Zhang (2008) considers Chinese smugglers to be “entrepreneurs” and migrants to be “clients”.

## 6) Migrant smuggling modus operandi

### a) Recruitment methods

Based on empirical research on Chinese migrant smuggling (specifically from Fujian Province) to the United States, Zhang (2008) concludes that by far, most Chinese smugglers and their prospective clients find one another through their mutual social networks. More specifically, most would-be migrants at least know the recruiters of the respective smuggling organization. Thus, the recruitment process can develop in different ways. In some cases, relatives or friends who know people in the smuggling organization and possibly want to make money through referrals approach prospective migrants. In other cases, clients seek out contacts that can help them realize their migration project. Research in France (Yun & Poisson, 2010) found that in the rural areas of Wenzhou (Zhejiang Province), most prospective migrants contact and meet a smuggler (recruiter) with a good reputation who is recommended by friends or family. In urban areas, recruitment is also advertised through small notices posted on telephone kiosks, near secondary schools or in certain shops in working class districts. Interviews (N=35) conducted in the UK revealed that all respondents took the initiative in finding a smuggler or an agency to help them reach the UK, which in all cases was the destination country of choice (Pieke, 2010).

### b) Payment methods

Based on interviews with Chinese migrant smugglers, Zhang (2008) is the only study reviewed that provides detailed information on the payment procedures.

The actual process of smuggling begins only when the down payment (5–10 percent) has been made (Zhang et al., 2007; Zhang, 2008; Soudjin, 2006). Recruiters, however, do not get paid until the migrant reaches the desired destination. The down payment serves mainly two purposes: (a) to secure the prospective migrant’s commitment to working with the same smuggler and (b) to cover basic costs (e.g. travel documents) (Zhang, 2008). Chin (2007), however, reports that some smuggling groups in China have adopted new methods of payment since the late 1990s. According to this, some smuggling groups no longer ask for a deposit, but instead pay all



costs including airplane tickets, meals and in-transit accommodations. These groups do not charge any money until migrants safely reach their destination.

The predominant payment method is direct cash transaction. In addition to this, Zhang (2008) describes two methods involving formal business procedures that have emerged in response to occasional fraud or fraudulent representation in the smuggling business (e.g. a person may portray himself as a recruiter and then disappear after the down payment has been made). In one of these methods, the migrant (or a relative) and the smuggler go to a bank and open a joint account, which requires both signatures in order to withdraw money. This is to ensure service provision and payment receipt. Both parties return to the bank to settle the payment once the smuggling operation has been completed or previously agreed upon tasks have been fulfilled. In another method, the migrant (or a relative) opens a bank account and deposits the agreed upon amount of money. Then he provides the smuggler with the passbook, but not with the necessary password. Thus, neither of the parties is able to withdrawal money, as both password and passbook are needed to do so. After completion of the smuggling operation, the migrant provides the smuggler with the password, who is then able to withdrawal the money. It is argued that such financial transactions rarely arouse the suspicion of the Chinese authorities, due to China's fast growing economy and the accompanying abundance of banking activities. In the case of longer-term smuggling operations, which may take several months or even years (e.g. fraudulent marriage), these bank deposits appear even less suspicious.

According to Zhang (2008), payments can also be arranged through so called 'mirror transfers'. This can easily be done with a few phone calls after the smuggling journey has been completed. A mirror transfer is a financial practice employed by overseas Chinese in which no actual money is sent from one country to another. A migrant who wants to send money from the destination country to relatives in China gives the money to an underground banker, who in turn makes a phone call to tell his or her business associate in China to deliver the equivalent amount in Chinese Yuan. Conversely, families in China can also send money to the destination country by giving the money to someone in China, who in turn calls his or her contact in the destination country to deliver the money. The legitimate banking system is

not utilized, as no actual transfer takes place. Friends and relatives often serve as guarantors and often offer such money transfers free of charge.

Zhang (2008) also reports that many of the Chinese smugglers (N=129) interviewed in his study claimed that migrants and their families paid the smuggling fees soon after arrival and that they did so gladly and gratefully.

### *c) Transfer of criminal proceeds*

The reviewed literature provides almost no information on the transferring of criminal proceeds obtained through migrant smuggling.

According to Zhang (2008), financiers or bankers are not involved in managing or monitoring financial transactions of Chinese smuggling groups. Money is passed on mostly from one smuggler to the next (mainly in the form of cash on delivery) and fees for specific services (e.g. travel documents) are also paid through direct cash transaction. Members of the smuggling group with specific tasks (e.g. acquiring travel documents, arranging transportation or bribing checkpoint personnel) receive payment quickly, while others (e.g. recruiters) have to wait until the smuggling operation has been completed.

### *d) Transportation methods*

According to the literature at hand, Chinese migrant smugglers have developed a wide range of smuggling methods and Chinese migrants are smuggled by land, by air or by sea. Most smuggling groups seem to apply a combination of different methods (Pieke, 2010; Zhang, 2008; Chin, 2007).

Zhang (2008), for example, reports that one smuggling group employed different methods to smuggle their clients to the United States: First, the group would fly migrants from Fuzhou (Fujian Province) to Kunming (the capital of Yunnan Province), where the migrants would obtain local border region tourist documents. The group would then travel overland and cross the border into Lao PDR. Guided by a Laotian smuggler, the migrants would then be transported across Lao PDR to Viet Nam. From there, the migrants would be flown to Singapore, then to Indonesia, and then to Canada. From there, the clients would finally be smuggled into the United States.



### e) *Document use and misuse*

Reviewed studies indicate a crucial role and common use of counterfeit documents. According to Zhang et al. (2007), of identification documents enabling migrants to travel is vital to any smuggling operation.

A migrant smuggler operating in the Netherlands, for example, used forged passports to smuggle her clients by air from Europe to the United States. She escorted small groups of Chinese migrants to a local commercial (Dutch) photographer and then sent the pictures to Thailand. Her contact in Thailand then used these pictures to forge the necessary passports and sent them back to the Netherlands using regular courier services (Soudijn & Kleemans, 2009).

Soudijn (2006) reports that in one case at Schiphol airport (The Netherlands), a Chinese man was observed giving a passport to an irregular Chinese migrant. The passport had been altered with a photograph of the migrant. The migrant claimed that he did not know how his photograph came to be in the passport, but that he had given six passport photographs to a smuggler in China.

### f) *Corruption*

Zhang (2008) notes that there has been no systematic data collection on the role of corrupt officials in migrant smuggling. However, studies indicate that it plays an important role in Chinese migrant smuggling.

According to Zhang (2008), bribery is an essential part of migrant smuggling in China, which would not be possible without the direct or tacit involvement of some government officials. Chinese migrant smugglers (N=129) interviewed by Zhang and Chin (2004) reported that corruption and bribery are an important component of smuggling operations in China. The study found that corrupt government officials tend to occupy low-level government functions, which are crucial to smuggling operations, such as passport inspectors at border checkpoints, clerical staff for passport applications, and officials who issue documents for residential or marital verifications.

According to Zhang (2008) bribing checkpoint personnel is a common practice in China, since irregu-

lar migrants travelling by land or by air usually must pass through a number of checkpoints. However, he acknowledges that the Chinese authorities have attempted to address this problem at border checkpoints by streamlining border patrol functions and increasing the central government's involvement in control measures. Thus, Zhang concludes that the significant increase in prices for bribery in recent years is a clear sign of growing difficulties for smugglers.

Having left China, it appears that corruption continues to have an important role throughout the journey. An interviewed migrant smuggled into the UK, for example, reported that after being arrested by the police in Russia, she and her smuggler were able to continue the journey after bribing their way out of jail (Pieke, 2010). According to her interview, the police in Russia release irregular migrants immediately for a payment of USD 10,000.

Soudijn (2006) reports that one smuggler had 'bought' a highly placed customs official at the airport in Paris. The man, who had been officially appointed to prevent irregular migration into the United States and Canada, consulted frequently with embassy personnel and U.S. customs authorities. This man gave detailed advice to the smuggler (e.g. to smuggle a maximum of two people at a time in order to appear less suspicious) and received USD 2,000 per smuggled migrant. According to Soudijn, he operated for a long time and was jointly responsible for the successful smuggling of at least 30 irregular migrants.

### g) *Evolution of migrant smuggling methods in response to changes in migration policies and counter measures*

There is evidence in the reviewed literature that Chinese migrant smuggling methods evolve in response to relevant policy changes.

Zhang (2008) reports that many would-be migrants from Fujian province now arrange to transplant themselves to other provinces in China in order to acquire non-Fujianese identification cards and passports. Through this method, they try to avoid official scrutiny, since Fujian is a major sending region and documents issued in this province usually receive greater attention.

Chin (2007) highlights that smuggling groups who specialize in maritime routes have changed their strategies, due to better enforcement by the Chinese authorities. To avoid the close monitoring employed by the Chinese coast guard in Fujian and Zhejiang provinces, prospective migrants are divided into small groups (two to three members) and often sent to northern ports before they are put into containers and shipped overseas. Furthermore, Zhang et al. (2007) points to the fact that strategies in smuggling Chinese migrants to the United States via maritime routes have changed since the early 2000s as a reaction to improved counter strategies and intelligence gathering by U.S. authorities. Chinese migrant smugglers now drop the migrants at peripheral locations (e.g. U.S. territories in the Pacific, Mexico or Canada) instead of shipping migrants directly to U.S. mainland shores. Through this method, smugglers try to gain access to the United States by a series of land-and-ocean relays.

According to Zhang (2008), changes in fee payment procedures for smuggling by air travel have emerged, specifically when the process involves fraudulent documents and bribing checkpoint security. As all parties involved realize that irregular migrants travelling by air may be caught as soon as they land in their destination countries, the smugglers (including the corrupt security personnel) demand all payments to be made immediately before departure.

Furthermore, a Chinese smuggler interviewed by Zhang (2008) claimed that many customers wishing to migrate to the United States by air prefer a flight to Canada instead travelling directly to the United States. The reason given for this is that the duration of custody for irregular migrants is significantly lower in Canada (one month at most) than in the United States. If the Canadian authorities are unable to prove that the migrant intentionally entered the country, refugee status will be granted, which also allows migrants the right to work. Once the migrant is released from jail, smugglers pick him or her up and arrange for transit into the United States.

## 7) Migrant smuggling fees and mobilization of fees

According to literature at hand, smuggling fees vary considerably depending on a number of variables

such as market conditions, smuggling method used (including the mode of transportation), distance travelled, number of people being moved, and additional services (e.g. travel documents, bribes, etc.). While fees stated for specific destination regions (or countries) throughout literature are not consistent, Chinese irregular migrants generally are considered to pay higher smuggling fees than migrants from any other country (Petros, 2005).

Travelling to the United States is the most expensive Chinese smuggling route recorded throughout the literature (Petros, 2005). Based on research conducted in 2004, Yun and Poisson (2010) report that the smuggling fee to Europe for people from Wenzhou (Zhejiang province) ranged from EUR 13,000 to EUR 22,000 (USD 18,500 to USD 31,300). Getting to the UK cost an additional EUR 11,000 (USD 15,600) and the rate tripled for the United States. Based on interviews conducted in 2008, Li (2010) calculated that the fee for transportation from Fujian province (Fuzhou region) to the U.S. ranged between EUR 45,000 and 63,000 (USD 64,000 and USD 90,000) and from Zhejiang province (Wenzhou region) to Europe between EUR 27,000 and 36,000 (USD 38,400 and USD 51,200).

In terms of smuggling methods, Zhang et al. (2007) claim that arranged marriages represent the safest method for migrant smuggling, yield the highest success rate, and induce the highest smuggling fees. At the time of their study, the going rate for a fraudulent marriage in the Fuzhou region (Fujian province) ranged between USD 60,000 and USD 70,000. In comparison, other methods of smuggling into the United States, such as boat-land-air combinations involving multiple transit countries, cost approximately USD 10,000 less.

Differences also exist between provinces of origin in China; migrants from Fujian and Zhejiang provinces appear to pay the highest smuggling fees. An explanation for the price differences between the different provinces of origin in China may lie in the different smuggling methods employed. Pieke (2010) observes that, while urban Chinese pay travel agencies that arrange for a business visa<sup>9</sup> and air ticket for around EUR 5,000 (USD 7,100),

<sup>9</sup> This method evolves around a loophole in UK immigration (Pieke, 2010).

Fujianese migrants appear to remain reliant on the services of migrant smugglers to get to the UK. However, it remains unclear why migrants from Fujian continue to pay between EUR 25,000 to over EUR 30,000 (USD 35,500 to USD 42,600) instead of utilizing this convenient, low-risk and relatively cheap way of entry by simply overstaying their visa. Yun and Poisson (2010) made a similar observation in the case of France; migrants from Zhejiang rely on migrant smugglers, while northern Chinese and those from large urban areas pay intermediaries to arrange for a Schengen business visa.

Li (2010) observes that the smuggling fees in China seem to fluctuate with the wage level in the destination country. It is argued that calculations are based on the tacit standard that migrant workers will spend the equivalent of two years' salary to cover the smuggling fees. Similarly, Yun and Poisson (2010) found that monthly instalments for Chinese irregular migrants in France are based on a standard French wage, even though actual wages earned by irregular migrants are much lower.

In addition to personal savings, the money to finance a migration project is mostly borrowed from friends and family or local moneylenders (Soudijn, 2006; Pieke, 2010; Li, 2010; Yun & Poisson, 2010). In some cases, migrants are able to borrow the money needed directly from the migrant smuggler (Pieke, 2010; Yun & Poisson, 2010).

According to Yun and Poisson (2010), the smuggler sometimes can be an immediate family member of the migrant. In these cases, a reduced price is charged. They conclude that the further removed potential migrants are from the smuggler's family circle, the higher the smuggling fee charged.

## 8) Human and social costs of migrant smuggling

Some information is provided in the literature on the dangers and challenges presented by Chinese migrant smuggling, specifically when travelling via maritime routes or overland. A number of studies also focus on the harsh and precarious living and working conditions of irregular Chinese migrants in destination countries, specifically within the European context.

Li et al. (2004) highlight the potential risks and hazards of maritime smuggling migrants. The study found an unexpected and potentially fatal hazard of irregular migration based on an incident in which 18 irregular Chinese migrants were smuggled into the United States aboard a ship-board cargo container. Of these 18 migrants, three arrived dead and one died four months later. The conditions suffered aboard the shipping container were apparently responsible for all four deaths — a unique cluster of viral myocarditis, transmitted during transit, contributed to or caused these deaths.

Research in France (Yun & Poisson, 2010) revealed that Chinese migrants are aware of the risks they possibly face when travelling overland: the risk of being attacked by strangers, subjected to racketeering, kidnapping, unlawful detainment and even starvation. One of the interviewees stated that she nearly died on two occasions during her three-month overland journey to France, when she almost drowned in a river and nearly suffocated in a freight car. Chinese migrants (N=59) interviewed in Paris reported cases of friends, families or acquaintances that had to have a limb amputated, were struck down by tropical diseases, or were lost and even died during the journey or from its after effects. Some also suffered assault or humiliation en route.

Chinese migrants (N=35) interviewed in the UK (Pieke, 2010), specifically from Fujian, also reported extreme hardship and danger while in transit. The findings of this study confirmed previous research that concluded that the time of greatest risk of being subjected to violence and abuse appears to be while migrants are detained in safe houses. Pieke suggests that this seems to particularly be the case, when waiting times become long and migrants as well as smugglers grow increasingly anxious and restive. He furthermore concludes that Chinese smugglers do not hesitate to use violence in order to expedite payments. However, he also stresses the fact that most migrants in this study experienced an uneventful journey of a few days and violence upon arrival in the destination country is rather unusual.

Research in Italy (Cegagno et al., 2010) found that women travelling alone and individuals lacking the

necessary family or *guanxi*<sup>10</sup> networks are particularly at risk of violence. The researchers in this study suggest a tendency of degeneration of networks that were originally held together by family, clan-type connections or reciprocal *guanxi*. It is argued that this degeneration in part stems from connections to (non-Chinese) criminal networks in transit countries that assist the Chinese smuggling operation. As a result, people who are unknown to the Chinese smugglers and unfamiliar with the Chinese migrants' social networks are included in the smuggling operation (Cegagno et al., 2010).

Pieke (2010), however, found that Chinese migrants' greatest fear by far was to be detected (en route) by the authorities and consequently the failure of the whole migration project. Migrants repatriated to China face possible fines and jail sentences (Zhang, 2008).

Yun and Poisson (2010) observed that the fear of detection and constant risk of being arrested fosters the isolation of irregular Chinese migrants after their arrival in France. Many do not dare to go out, fearing to be stopped and questioned by the French police. Furthermore, low levels of education combined with extremely long working hours hamper efforts to learn the French language. This situation adds to the vulnerability of irregular Chinese migrants and makes them dependent on the Chinese community in terms of language as well as information. Rent for accommodation, for example, is often twice as high for irregular Chinese migrants than people legally residing in France. According to French labour inspectors, Chinese migrants seldom file complaints about their working conditions, unlike migrants of other nationalities (Yun & Poisson, 2010). Thus, the fear of deportation and consequences of repatriation specifically disadvantages Chinese migrants in terms of access to basic rights.

In Italy, Ceccagno et al. (2010) found that Chinese migrants working in Chinese workshops (predominantly in the garment industry) are forced to work in precarious conditions, which exclude anything

that hinders production and reduces all aspects of personal and family life to bare essentials. However, the study also observed a common shared willingness and consent from Chinese workers to accept any working arrangements no matter how harsh and degrading these may be.

Debt may also aggravate the vulnerability of Chinese migrants, who according to researchers (see **Chapter 8**) generally pay higher prices for smuggling journeys than other nationalities. Research in France (Yun & Poisson, 2010) found that most Chinese migrants, specifically from Zhejiang province, had borrowed money to finance their migration project. Migrants from the Wenzhou region (Zhejiang province) had contracted debts twice as heavy as migrants from other regions in China. Most of the Zhejiangnese still owed between EUR 14,000 and EUR 20,000 (USD 20,000 and USD 28,400) after arrival in France. Irregular Chinese migrants in the UK (Pieke, 2010) complained about the fact that the very high interest rates charged by moneylenders in Fujian province made it difficult for them to fulfil their obligations. Furthermore, the moneylenders frequently reminded the families back in China of the migration debt. While the average repayment period is reported to be 2 years (Thunø & Pieke, 2005; Li, 2010), the period for repayment of migration debt in France is reported likely to be in the range from three to ten years (Yun & Poisson, 2010). However, Yun and Poisson (2010) present a case in which a Chinese family (in France) was not able to repay all of their migration debt even after 13 years.

Lower wages may not only prolong the migration debt repayment period, but, combined with the effects of isolation, may also keep migrants in working conditions that would be unacceptable to others. The garment sector in France, for example, is the most important job provider for Chinese migrants. On average, migrants work between 15 to 18 hours a day in the high season (5–6 months) for an average wage of between EUR 310 and EUR 460 (USD 440 and USD 654) per month. On average, this enables migrants to devote approximately EUR 1,550 (USD 2,200) of savings (per year) to pay of migration debt (Yun & Poisson, 2010).

According to Yun and Poisson (2010) Chinese irregular migrants in Paris are often victims of assault and violence, particularly on payday, since the migrants

<sup>10</sup> "Guanxi can be loosely translated as "connections" except that it is often a complex social protocol. The social standing of an individual can also be defined by the extent of the guanxi of that person. The maintenance of guanxi is a never ending process of giving and receiving favors, which often becomes the binding element in each social network." (Zhang et al., 2007, p. 706).

are usually paid in cash. The aggressors (often members of other ethnic groups but also Chinese gangs) are aware that the Chinese migrants will not report them to the police, due to their irregular status. Furthermore, Chinese passports (specifically with a valid visa) have a monetary value, as these can be sold to Chinese migrant smugglers. Living in collective dormitories and without a bank account to deposit their money, Chinese irregular migrants are frequently attacked in their homes.

Yun and Poisson (2010) highlight the considerable increase of Chinese prostitution that has emerged with the arrival of women from the north-eastern provinces in the late 1990s and has grown consistently since that time. It is argued that most women from north-east China suffer a considerable drop in social status and have no community contacts (in contrast to women from Zhejiang). In addition, they generally are considered unsuitable for garment making and cannot find jobs sewing in garment workshops. Many can only engage in either casual or unbearable work and thus resort to prostitution in order to make ends meet. Ceccagno et al. (2010) also observed the emergence of Chinese prostitution with the arrival of women from Heilongjian, Jilin, and Liaoning provinces in Italy.

Researchers generally consider smuggling by air less hazardous than overland smuggling or maritime smuggling (Zhang et al., 2007; Pieke, 2010; Yun & Poisson, 2010). However, smuggling by air (specifically when fraudulent documents are involved in the process) is by far the most risky method at least in terms of being detected and detained, due to the tight security at international airports. Nevertheless it is the most sought after method by Chinese migrants, due to its convenience and relative physical safety (Zhang, 2008). Maritime smuggling, according to Zhang et al. (2007), has the potential to yield the largest profits but also incurs the highest safety risks.

Zhang et al. (2007) claim that arranged marriages represent the safest method for migrant smuggling, yield the highest success rate, and induce the highest smuggling fees. In addition, methods that revolve around immigration loopholes, which enable migrants to obtain business and travel visas and to simply overstay in the destination country, are considered the safest and sometimes even the cheapest ways to migrate (Pieke, 2010; Yun & Poisson, 2010).

## 9) Factors fuelling irregular migration and migrant smuggling

According to the reviewed literature, socio-economic factors may contribute or fuel irregular migration and migrant smuggling from China.

Lin and Bax (2009) conclude that the characteristics of China's rural social structure are important contributing factors to producing and perpetuating irregular migration from rural areas, such as Fuzhou (Fujian). Rural residents may consider migration to enable them to prepare for emergencies by accumulating and saving capital earned abroad or to acquire foreign citizenship to benefit from the receiving nation's social security system. It is argued, furthermore, that internal migration is considered a less attractive alternative to out-migration, since rural residents are bound to their status by China's dual system. Once migrants acquire a foreign passport, they are able to return to China with a new status as overseas Chinese, a social category that is highly respected by local governments. Thus, irregular migration presents a shortcut to social mobility (Lin & Bax, 2009) and an escape from the segregationist education and health system in China (Yun & Poisson, 2010).

Thunø and Pieke (2005) found that migration from Fujian is strongly embedded in local political, socio-cultural and economic institutions and histories. Factors that generate, direct and perpetuate the flow of migration include a lack of government investment, the prominence of smuggling during the collecting period, the late start of Chinese investment in the area, the promotion of overseas Chinese links and migration by the village leadership as well as a cultural component that has strong references to a tradition of migration. Furthermore, Thunø and Pieke suggest that smugglers are simply a part of the local institutions that have come to play a key role in mediating the scope and the nature of Fujianese out-migration.

Yun and Poisson (2010) identify the pressure exerted by internal migration as a factor in external migration. Areas that boom in the course of China's economic development attract millions of migrant workers, which in the end may drive local workers (specifically from rural areas) to seek their chances abroad. The area around Wenzhou (Zhejiang Province) was at the height of its economic development



in the 1990s as a result of the dynamism of the non-state sector. Many factories in the coastal provinces produced goods for export, which attracted millions of migrants from the poorest regions in western China. These migrants were prepared to accept any job for an extremely low salary. Migrants also formed new classes of businesspeople, which led to saturation of shops and boutiques (e.g. area around the port of Wenzhou). Thus, competition and standstill social mobility may push some parts of the rural population to engage in irregular migration (specifically if overseas family bonds already exist).

Chin (2007) claims that local governmental cadres at the village level who are willing to defy the central and provincial governments orders, are the main reason why the Chinese Government (despite its many efforts) is still unable to curb or eliminate the diverse (irregular) migration flows from China, specifically from coastal villages in southern China. It is argued that these local government officials share the benefits gained from out-migration, since they are local residents (e.g. remittances, investments in local infrastructure by migrants).

Zhang (2008) highlights corruption among some officials in China as one of the major obstacles to anti-smuggling efforts. However, Chinese authorities have attempted to address the problem at border checkpoints, streamlined border patrol functions, and increased the central government's involvement in control measures. Zhang concludes that the significant increase in prices for bribery in recent signs is a clear sign of growing difficulties for smugglers.

## Conclusions

### *a) What we know about migrant smuggling in China*

The vast majority of reviewed studies on Chinese migrant smuggling focus on migrant smuggling from the People's Republic of China into the United States and Europe. Findings may therefore not be applicable to other regions in the world. Furthermore, it should be pointed out that very few studies have attempted to describe Chinese smuggling groups and their composition. In addition, most studies draw their findings on the accounts of migrants or judicial case files, which only provide a limited insight into

the organizational and operational features of Chinese migrant smuggling groups operating in China and abroad.

Chinese migrants are smuggled to North America, Europe and Australia as well as neighbouring countries in the Asian region. The most desired countries of destination appear to be the United States and the UK; however, research suggests the growing importance of continental Europe in terms of irregular Chinese migration. Smugglers have developed a variety of smuggling methods and smuggle migrants by air, by land and by sea, practically transiting through countries all over the world.

The traditional main sending regions in China are considered to be the rural areas of the south-eastern coastal provinces of Fujian and Zhejiang. Studies, however, indicate that migration from China has diversified in terms of areas of origin and socio-economic background. Migrants increasingly originate from the north-eastern provinces of Heilongjian, Jinlin and Liaoning. Furthermore, migration flows are characterized by an increase in migrants from metropolitan areas, single women as well as young people and minors.

Research suggests that the vast majority of Chinese citizens engaging in transnational migration are economic migrants. In addition, unemployment, personal tragedies (divorce), China's dual social security system, local maritime history, traditional cultural values, and personal development act as driving factors for Chinese to migrate.

Studies suggest that Chinese migrant smugglers are often rather ordinary people of various backgrounds, including both men and women. Money was identified as the main driver for Chinese people to engage in the smuggling of migrants. Smuggling, however, appears to be a part-time business for most and many seem to be engaged in other entrepreneurial activities of some sort.

Smugglers tend to not consider themselves to be criminals, but rather service providers, a view that also seems to be shared by migrants, village communities and even local government officials. Thus, researchers consider the relationship between migrants and smuggler to be a business relationship, which dissolves after completion of the migration project.

The sometimes enormous smuggling fees are paid with personal savings and the help of family and friends or by borrowing money from local money-lenders. The average repayment period was found to be between two and ten years, depending on the wage level in the destination country. Extensive use of violence, involvement in other criminal activities or connections to traditional organized crime seems not to apply to Chinese migrant smugglers. Chinese migrant smuggling networks seem to consist of rather small, flexible and temporary groups with the ability to quickly adapt to market conditions. They also make extensive use of corruption and the counterfeiting of documents.

Many Chinese migrants live and work in precarious situations in their countries of destination. Although a direct connection between smuggling organizations and trafficking in persons (including labour exploitation) could not be established, research does suggest that the indebtedness of many migrants aggravates the situation and fosters exploitative conditions.

**b) What we don't know about migrant smuggling in China**

There is a lack of comprehensive and representative literature on migrant smuggling in China. The lack of information generally concerns all aspects of the phenomenon including irregular migration and trafficking flows. Much of the knowledge on Chinese migrant smuggling organizations is based on original research conducted by Zhang and Chin (2004). Findings based on migrants' accounts predominantly refer to Chinese migrant smuggling into the United States and Europe. Thus, general statements and conclusions have to be treated with caution. The gaps in knowledge specifically concern:

- systematic data on the role of corruption among officials for migrant smuggling in China and in transit countries;
- the relationship between migrant smuggling and trafficking in persons;
- the role of traditional organized crime groups in migrant smuggling;
- a lack of information on the methods of transferring criminal proceeds; and
- the scope and magnitude of irregular migration, trafficking in persons and migrant smuggling.

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## Chapter Five: India

### 1) Quantitative assessments and flows of irregular migration, migrant smuggling, and trafficking in persons

#### a) *Estimated numbers and major routes: Irregular migration from, to and through India*

India has arguably never promoted overseas labour migration; as a result, the percentages of migrant workers abroad are small compared to the national labour force as a whole (Oishi, 2005). If an estimated 20 million Indians live abroad, as a percentage of the total population of India (1.21 billion), this is just under 2 percent. Nevertheless, India is still one of the five major South Asian labour sending countries (Martin, 2009).

No data is systematically collected in India on irregular migration. The available information is largely derived from deportation data, limited field research, and media reports. Available evidence suggests that

the scope and magnitude of irregular migration from the southern state of Tamil Nadu and Punjab in India is extensive (Saha, 2009; UNODC, 2009). From Tamil Nadu, there are two streams of irregular migration: (1) unskilled irregular migration to the Middle East and South-East Asia, and (2) irregular migration to destination countries in Western Europe. In an examination of 169 law enforcement records, Saha (2009) found that 25 percent of the cases related to Europe. The UK was the preferred destination, although other targeted countries included Austria, Greece, Sweden, Italy, Germany, Ireland, Poland, France, and the Netherlands (see **Table 5**). Apart from destinations in Europe, other destinations, excluding countries in the Middle East and South-East Asia (e.g. Singapore), were the United States of America, Canada, the Republic of Korea, Japan, South Africa, Australia, and New Zealand.

Although the deportation figures from Chennai International airport highlighted in **Table 5** are for a

**Table 5: Indian deportees from other countries (January–May 2007) (Chennai airport)**

Country	Jan '07	Feb '07	March '07	April '07	May '07
Maldives	7		1	1	2
Sri Lanka	2	10	22	9	12
UAE Dubai	15	28	42	15	24
Sharjah	12	16	15	34	8
Abu Dhabi		3	1	1	
Qatar	2		1	4	2
Bahrain		1		4	
Kuwait	4	7	12	4	7
Oman		3	1	10	
Saudi Arabia			82	1	

Hong Kong (China)	1	1	3	2	5
Republic of Korea	1				
Thailand	6		1	8	
Malaysia	24	23	25	12	10
Singapore	22	22	27	23	38
Indonesia			1		1
Japan					1
Turkey		2			
France	1		2		
UK	1	4	4	2	1
Netherlands			1		
USA		1		2	2
South Africa	1				
<b>Total</b>	<b>99</b>	<b>121</b>	<b>241</b>	<b>132</b>	<b>113</b>

(Source: Saha, 2009)

limited period (January to May 2007), the data indicates the volume of irregular migration (Saha, 2009). In 2007, an average of 140 people per month were either deported or prevented from departing by immigration authorities. The UNODC report (Saha, 2009) also reveals that Chennai, the capital of Tamil Nadu, is a transit point for irregular migrants not just from within the state itself, but also from Andhra Pradesh, Kerala, and other northern states. Irregular migrants from Sri Lanka, specifically from the Liberation Tigers of Tamil Eelam (LTTE) dominant areas, are known to transit through Chennai. Somalis, Iranians, Iraqis, and Afghans have used Chennai airport as a transit point for destination countries in Europe.

The UNODC (2009) report illustrates that irregular migration from the north-west state of Punjab is both substantial and increasing. Estimates suggest that over 20,000 youths from Punjab attempt to migrate through irregular channels each year. Based upon the review of immigration offence-related records at the Indira Gandhi International Airport at Delhi for the years 2005 to 2007, UNODC estimates that almost half (47%) of the migration offences related to Europe.

Out of the cases of irregular migration to Europe, 27 percent related to the UK. Field visits confirmed the UK as the preferred destination. Indians are largest

Table 6: Indian deportees from other countries (2005–2007) (Delhi airport)

Country	Years			Country	Years		
	2005	2006	2007		2005	2006	2007
Australia	24	15	19	Philippines	20	14	8
Belgium	7	13	9	Poland	7	7	15
Canada	89	109	127	Portugal	3	2	3
China	11	8	16	Qatar	16	24	57
France	104	77	99	Russia	143	89	104
Germany	65	73	64	Saudi Arabia	13	622	433
Hong Kong	124	110	205	Singapore	323	388	287
Ireland	3	2	1	Slovakia	0	11	1
Japan	162	86	151	South Africa	38	31	105

Jordan	1	15	9	Spain	11	9	9
Kazakhstan	2	0	1	Sri Lanka	100	87	207
Kenya	29	56	44	Sudan	1	2	6
South Korea	161	229	315	Sweden	2	8	22
Kuwait	75	75	87	Switzerland	6	12	10
Lebanon	1	6	2	Syria	15	12	17
Libya	4	7	3	Thailand	1433	792	1325
Lithuania	2	0	0	Turkey	13	8	29
Malaysia	829	869	548	Turkmenistan	1	16	0
Maldives	12	20	23	UAE	466	827	1108
Malta	12	20	23	Uganda	4	0	8
Mauritius	20	22	15	USA	252	203	253
Morocco	10	32	2	UK	300	378	538
Netherlands	35	32	48	Ukraine	61	7	18
Norway	12	5	3	Uzbekistan	18	12	2
New Zealand	51	49	17	Yugoslavia	1	21	6
Nigeria	1	16	2	Zimbabwe	7	5	0
Oman	102	116	131				
<b>Total of all countries</b>				<b>5424</b>	<b>7078</b>	<b>7261</b>	

(Source: UNODC, 2009)

single ethnic minority group in Britain. As of 2010, the population of Indians in Britain was 1.4 million. The number is expected to almost double to 2.67 million by 2051. Indians are also estimated to hold 19 percent of work visas (Düvell & Jordon, 2005). In most of the reviewed deportation cases from Punjab and Tamil Nadu, irregular migrants travelled to the UK via France on tourist visas, but then irregularly entered the UK. Other migrants entered the UK with tourist visas, but then overstayed. However, officials at the British High Commission in Delhi disputed this contention, claiming that most irregular migrants from India enter the UK clandestinely and not with a tourist visa. Other popular destination countries in Europe for irregular migrants from Punjab included Germany, Austria, Spain, Belgium, France, Italy, Greece, Norway, Switzerland, Bosnia, Sweden, Netherlands, Portugal, Finland, Poland, the Czech Republic, and Hungary (Saha, 2009; UNODC, 2009; see also **Table 6**).

Not all countries shown in **Table 6** are destination countries for irregular Indian migrants (UNODC, 2009). For example, Bosnia, Portugal, Poland, the

Czech Republic, Hungary, and even the Scandinavian countries were reportedly transit countries for onward travel to the UK or other Western countries. Russia and the Ukraine are also key transit countries for irregular migration to Western Europe while Kazakhstan and Uzbekistan in Central Asia are emerging transit points. Aside from countries in Western Europe, other destination countries include the USA, Canada, the Republic of Korea, Japan, South Africa, Australia, and New Zealand.

Thailand, Malaysia, the UAE, and Singapore are also major recipients of irregular migrants from India. As irregular migration often parallels patterns of regular migration flows, it is not surprising that certain Middle Eastern and Asian countries have become major destinations for irregular migrants from India. Over the last couple of decades, countries have introduced bilateral agreements aimed at liberalizing market access for business and professional categories (IOM, 2008). Singapore, for example, relaxed visa restrictions for Indian professions in 127 categories, including engineering, information technology, and nursing (IOM, 2008). In December 2006, the UAE

signed a MOU with India on labour and manpower sourcing. Less than a year later, the UAE Ministry of Labour claimed that there were 3.1 million foreign workers (not just Indians) in the country. The figure is suspected to be higher, however, as estimates from embassy officials suggest that Indians alone account for 1.4 million UAE residents (Human Rights Watch, 2009).

Both Malaysia and Thailand have large numbers of irregular migrants from Asian countries, including India, especially in the manufacturing, construction, plantation, and service industries (Amnesty International, 2004; IOM, 2008). Again, research suggests that most irregular migrants enter through authorized channels, but become undocumented for various reasons (e.g. overstaying their visas, entering without proper documentation, or losing their legal status during their stay in Malaysia or Thailand) (Amnesty International, 2004). A significant number of migrants also contact agents in Bangkok, illustrating that Thailand is not just a destination, but also transit country for irregular Indian migrants (UNODC, 2009).

India is also a destination for regular and irregular migrants from Bangladesh, Nepal, and Sri Lanka (Das, 2008; Datta, 2004). The Government of India estimates that 20 million irregular migrants are residing in India (“India has 20 Million Irregular Migrants”, 2010). Political and religious tensions, demographic pressures, poverty, and environmental disasters are some of the push factors that contribute to migration flows into India from neighbouring countries (Das, 2008; Datta, 2004). Pull factors include better employment opportunities, land availability, medical care, education, and similar cultural landscapes (Das, 2008; Datta, 2004).

**b) *Estimated numbers and major routes: Migrant smuggling from, to and through India***

In an earlier study involving deportation records of Indian nationals to Indira Gandhi airport in New Delhi, Saha (2007) found that out of 1,108 cases, 158 had reported using the services of smugglers, although it is suspected that not all deportees would have openly disclosed this information. The majority, however, had attempted to migrate on their own through irregular channels. Approximately 28 percent were successful in reaching their preferred

destination, which for most migrants was Western Europe. Although an exact percentage is not given, Saha claims that migrants who sought the services of smugglers had a higher success rate than ones who had migrated on their own.

Although research on the scope and magnitude of migrant smuggling in relation to India is limited, some information is available, particularly on the major routes and hubs used. One preferred smuggling route is Delhi – Moscow – Ukraine and then into Eastern and Western Europe (Saha, 2007; UNODC, 2009). Entry to Western Europe via Greece is an additional common option (UNODC, 2009). Another popular route is via Bangkok to countries in South-East Asia as well as Japan, Hong Kong (China), the Republic of Korea, Australia, and New Zealand. Some migrants reportedly transit through countries in Eastern Europe, such as the Czech Republic, Poland, and Hungary, before being smuggled into Western Europe. In one third of the cases, remote border crossings were used to enter into countries (Saha, 2007).

According to UNODC (2011), a popular route in the past was to travel from India to Europe via West and North Africa, and then cross into Europe by sea. However, increased patrols by Spanish and Moroccan authorities and the six meter high, barbed wire fences built around Ceuta and Melilla — two Spanish enclaves on Moroccan mainland — has meant that numbers have dropped substantially. In 2006, for example, the Direction Générale de la Sûreté Nationale (DGSN), the Moroccan national security service, busted a major smuggling ring that brought migrants from India to Europe and Canada via Sub-Saharan Africa and Morocco.

**c) *Estimated numbers and major routes: Trafficking in persons from, within, to and through India***

According to the U.S. Department of State (2010) *Trafficking in Persons Report*, India is a source, transit, and destination country for men, women, boys, and girls trafficked into forced labour, debt bondage, and commercial sexual exploitation. Forced to work in brick kilns, rice mills, agriculture, and carpet making factories, it is estimated that 90 percent of trafficking in India is internal, most coming from the most disadvantaged socio-economic

backgrounds (Dewey, 2008; Hameed, Hlatshwayo, Tanner, Turker, & Yang, 2010; U.S. Department of State, 2010). Forced domestic work is also a problem in the states of Jharkhand, Madhya Pradesh, Chhattisgarh, and Orissa (U.S. Department of State, 2010).

Despite the diverse nature of work in which individuals are employed, most the available literature focuses on trafficking for the purposes of prostitution (Blanchet, 2005; Crawford, 2010; Gupta, Raj, Decker, Reed, & Silverman, 2009; Hameed, et al., 2010; Kara, 2009; Kotiswaran, 2008; Sarkar et al., 2008). Women and girls from Nepal, Bangladesh, and the Indian states of Kerala, Uttar Pradesh, Bihar, Punjab, Andhra Pradesh, Maharashtra, and Karnataka are trafficked to Falkland Road and Kamathipura, two popular red light districts in Mumbai, for forced prostitution (Crawford, 2010; Ghosh, 2009; Kara, 2009; U.S. Department of State, 2010). Although one study showed that almost one in every four sex workers (24%) had joined the profession by being trafficked, it is important to note that sex work and trafficking are not synonymous (Sarkar, et al., 2008).<sup>11</sup> Distinctions must be made between coercive and debt bondage situations and situations where no deceit or abuse is involved, a point made clearly by Kotiswaran (2008) in her study on Sonagachi, one of India's largest red light districts in Calcutta.

The remote villages of Kamal Doha and Gorhiya, situated near the Nepalese border, are both source and transit points for victims of trafficking (Kara, 2009). Bribes are reportedly paid to police to ensure safe passage at both formal and informal border crossings. Routes frequently change in an attempt to avoid law enforcement officials. However, it is common for Nepalese traffickers to cross at the border towns of Biratnagar, Bagdora, Kuchbihar, and Birganj, and then hand over the victims to local Indian traffickers who complete the trip to Varanasi or Gorakhpur. Here, victims are handed over again to dalals who take them to Mumbai, New Delhi, Calcutta, Chennai, and other large Indian cities with red light districts.

<sup>11</sup>The study involved 580 sex workers from four districts in West Bengal – Calcutta, 24 Parganas (North), Jalpaiguri, and 24 Parganas (South) who voluntarily agreed to participate in the research between May to October 2006.

As noted above, not all trafficking in India is transnational. In one study that examined HIV among women and girls trafficked into sex work, 82 percent of victims came from the state of Karnataka, a state in Southwest India (Gupta et al., 2009). The majority were trafficked to Mumbai (52.5%) and Delhi (26.2%). Over a third (34.4%) were forced to work as prostitutes for a period of one to five years while 21.3% had worked in forced prostitution for one year or less. Two women (3.3%) had endured forced prostitution for five years or more. For the rest of the victims, the duration of the forced prostitution was unknown.

Data from the National Crime Records Bureau (NCRB) in **Table 7** suggests that the prevalence of trafficking in persons in India is declining (Ghosh, 2009). Ghosh, however, is sceptical of these figures. Studies carried out by external researchers, he argues, dispute government findings. Ghosh contends that the actual scale of the problem is unknown because of its clandestine nature, its correlation with internal and cross-border migration, under reporting, and the methodological challenges associated with collecting accurate data.

Further analysis of government data illustrates that the decline is far from uniform, and arguably inaccurate, due to problems such as police corruption, category definitions (e.g., what is kidnapping), and human problems in reporting (e.g., reluctance of traumatized victims to testify or even report crimes). For example, when the data are disaggregated by state, Ghosh notes that just four southern states — Tamil Nadu, Karnataka, Andhra Pradesh, and Kerala — account for 76 percent of the cases in 2006. But when this data are compared with the background of trafficked victims, discrepancies are found. Research conducted by the Action Research on Trafficking in Women and Children (ARTWAC) found that most victims were from the states of Maharashtra, Bihar, Rajasthan, Delhi, and West Bengal, including Andhra Pradesh and Karnataka.

Evidence also suggests that young girls and women from Bangladesh and Nepal are trafficked to India for the purposes of marriage (Blanchet, 2005; Ghosh, 2009; U.S. Department of State, 2010).<sup>12</sup> But again, as Ghosh points out, rarely are these cases reported

<sup>12</sup>The legal age of marriage for women in India is 18 years.



Table 7: Cases registered under the Immoral Traffic (P) Act in India



to the police. Research shows that women and girls from Bangladesh are sold as wives, mostly to men of Uttar Pradesh in the northern part of India (Blanchet, 2005). Her research documented a total of 112 cases between 2001 and 2003. Thirty cases were found in Jessore and Satkhira while 67 cases came from villages in Rajshahi, Nawabgonj and Dinajpur districts. An additional 15 cases were included from Jaipur, which is situated Rajasthan, India, because the victims were Bangladeshi migrants living in India. Interviews with *dalals* and *dalalis* (the traffickers) indicate that the preference is to sell girls in Punjab or Kashmir rather than Uttar Pradesh because it was more profitable. Even in Uttar Pradesh, prices were higher in Haridwar and Bereilly than in Basti or Gonda (Blanchet, 2005). Reasons why girls are more profitable in some states compared to others are not given.

**d) *Cross-over or overlap, if any, between populations or routes***

There is considerable overlap among irregular, smuggled, and trafficked migrant populations. The relationship between irregular migration and migrant smuggling is highlighted throughout the literature, with most researchers recognizing the role migrant smuggling plays in facilitating irregular migration (e.g. see Saha, 2007, 2009; UNODC, 2011). Some irregular migrants use the services of smugglers for specific purposes (e.g. to obtain a visa). After receiving their visas, migrants make

the entire journey from India to their preferred destination on their own, without the assistance of smugglers (Saha, 2009). That said, most irregular migrants enter destination countries through official channels, but either overstay their visas or lose their legal status (Saha, 2009; UNODC, 2009). Other migrants who are unable to obtain legitimate work, study, or tourist visas reach destination countries with the assistance of India based agencies, which are described as not being smugglers per se, but know how to work the immigration system (Düvell & Jordon, 2005).

Irregular migrants, because of their status, are highly vulnerable to exploitation, victimization, trafficking, and abuse (Amnesty International, 2004). The research of Leman and Janssens (2007) suggests that migrant smuggling networks with Indian linkages are also involved in the trafficking of persons. Clearly though, more research is needed to fully understand the linkages between irregular migration, migrant smuggling, and trafficking in persons.

## 2) Profiles of migrant smugglers

### a) *Geographical and socio-economic characteristics*

Of the literature reviewed, two studies provided information on the profile of migrant smugglers. Ac-

According to Saha (2009), 84 percent of smuggling agents were based in Tamil Nadu, with the majority based in Chennai (71%). Although smuggling agents were scattered across the city of Chennai, most of their businesses were established in good residential areas. Most operated under the guise of travel or recruitment agencies and had been in business for several years. Half (50%) of the smuggling agents were between 31 and 50 years of age.

Similar characteristics are found in Punjab. Jalandhar is a key hub, although agents were dispersed across the state. The proliferation of agents in Punjab is attributed to the high demand for their services (UNODC, 2009). Half (50%) of the agents were between 31 and 50 years while the other half (50%) were between 21 and 25 years of age. The UNODC report states that most, if not all, of the agents offered migrant smuggling services under the guise of travel or recruitment agencies. The older age cohort had likely been in business for a number of years while the younger cohort represented the up and coming generation. One key difference between Tamil Nadu and Punjab was that most of the agents in Punjab were subagents rather than principal agents. Principal agents were largely based in main cities in Punjab or Delhi.

In both states, most of the agents were male, although a few females in Punjab are engaged in the migrant smuggling business (Saha, 2009; UNODC, 2009). In some cases, both husband and wife were

operating as agents (UNODC, 2009). The number of agents was also growing in the districts of Sangrur, Fatehgarh Sahib, Moga, and Faridkot in Punjab as well as the state of Haryana, and the UNODC report suggests that irregular migration and smuggling from these districts is likely to increase in the coming years.

### *b) Motivation*

There is a complete lack of information on the motivation of migrant smugglers in the Indian context.

## **3) Profiles of irregular migrants and smuggled migrants**

### *a) Geographical and socio-economic characteristics*

According to Saha's research, the vast majority of irregular and smuggled migrants are from the states of Tamil Nadu and Punjab (Saha, 2009; UNODC, 2009). **Table 8** indicates of the 169 deportation cases recorded at Chennai International airport, 41 percent of deported migrants were from the state of Tamil Nadu while 18 percent were from Andhra Pradesh (Saha, 2009).

Yet, earlier research between 2001 and 2002 that involved an examination of 1108 deportation records of Indian citizens from other countries to Indira

**Table 8: States of origin of smuggled migrants (India)**

State of Origin	Frequency	Percentage
Tamil Nadu	69	40.8
Andhra Pradesh	30	17.8
Karnataka	3	1.8
Kerala	12	7.1
Sri Lanka	39	23.1
Gujarat	4	2.4
Punjab	3	1.8
Haryana	1	.6
Rajasthan	1	.6
Others	7	.4
<b>Total</b>	<b>169</b>	<b>100</b>

(Source: Saha, 2009)

Gandhi International airport in New Delhi revealed a higher number of deportees from Punjab (Saha, 2007). Of the 158 migrants who reported using the services of smugglers, three quarters were from the state of Punjab while 13 percent were from the neighbouring state of Haryana, which until 1966, was part of Punjab.

The profile of irregular and smuggled migrants in India varies according to their place of origin. In the state of Tamil Nadu, smuggled and irregular migrants are largely low skilled labourers from rural areas with high unemployment, failed crops, and growing costs of cultivation, which, in turn, yield huge debt burdens (Saha, 2009). Of the 169 deportation cases reviewed, more than 30 percent of the migrants came from the district of Tanjavur. If the neighbouring districts of Thiruvavur and Pudukkottai are included, the number reaches 45 percent (Saha, 2009). Most (43.2%) of the deported migrants from Tamil Nadu were men between the ages of 21 to 25 (19.5%) and 25 to 30 (23.7%) years.

In the state of Punjab, smuggled and irregular migrants are young men from rich agricultural families in rural areas (Saha, 2007). Delhi International airport deportation data from 2001 to 2007 reveals that over half of irregular migration cases come from just four districts — Jalandhar, Kapurthala, Nawanshahr, and Hoshiarpur — in Punjab (UNODC, 2009). Cases of irregular migration to the UK were noted in almost every village in each district. All four districts in Punjab are prosperous with long histories of migration. More than 50 percent of the families already have at least one member working abroad. Consequently, the social networks in destination countries, which help facilitate irregular migration, are well established. Like Tamil Nadu, most of the deported irregular migrants were in the age group of 21 and 30 (61%, 53%, and 50% in 2005, 2006, and 2007 respectively). The majority of irregular migrants from Punjab had a Matriculation level (Standard X, equivalent to grade 10) or Intermediate (Standard XII, equivalent to grade 12) level.

### *b) Motivation*

The reviewed research points out that because of limited legal migration channels, most migrants resort to irregular migration (UNODC, 2009). In addition, low wages and high unemployment rates, par-

ticularly among youth, are reasons why people seek employment abroad (Saha, 2009; UNODC, 2009). Migrants are often young men from families with an older relative who currently works or has previously worked in Europe (UNODC, 2009, 2011). Thus, the decision to migrate is related to networks abroad, but also the search for better economic opportunities (Bartolomei, 2010; UNODC, 2009, 2011; Lahiri, 2010; Saha, 2009). Young men are urged by their families and relatives to earn income in Europe (UNODC, 2011). In her research on male domestic workers in Italy, Bartolomei (2010) found that wages were 10 times higher in Italy than in Kerala, India. The respondents were also motivated to take on domestic work because it provided board and lodging, reduced expenses, and enabled them to save and remit more.<sup>13</sup> For these reasons, men, even if they held a diploma or had attended university, were willing to accept what is often viewed as a subordinate, feminine role.<sup>14</sup>

Research reveals that the decision to migrate is often not an individual decision, but a group one, often made by the male members of the household (Bartolomei, 2010). Sending someone to work overseas is seen as a step towards success. The social structure of the village, which was traditionally based on caste, landholding, family background, and educational achievements, is now based on the distinction between families with members in other countries and families without members in other countries (Saha, 2009). Thus, families are involved in the decision to send someone as well as in the smuggling process itself (Saha, 2007, 2009). Families in Tamil Nadu and Punjab typically contact the smugglers and mobilize the cash to pay the fees (Saha, 2009; UNODC, 2009).

The general attitude concerning migration among youth in India is an additional motivating factor. Some districts have a long history of migration that dates back to the Partition. Other youth see migration as the best alternative, especially when faced by high unemployment rates, failed crops, and mounting debt at home. Potential irregular or smuggled

<sup>13</sup> In her sample of 48 Keralites, all were legal migrants (Bartolomei, 2010).

<sup>14</sup> Bartolomei (2010) also notes that while women in Kerala are responsible for domestic chores in the household (e.g. cleaning, cooking, laundry, and childcare), domestic service as a public profession (e.g. restaurants and hotels) is performed mostly by men.

migrants learn about the success of previous migrants from their districts or villages, who are regarded as role models. With strong networks abroad, in the UK for example, potential migrants are confident that they will find work. For example, although many irregular migrants had opportunities to remain in France or go to other countries in Europe, the UK was the preferred destination (UNODC, 2009).

#### 4) Smuggler-migrant relationships

##### *a) Migrant perceptions of smugglers*

There is no research on migrants and their perceptions of smugglers in the Indian context.

##### *b) Nature of migrant-smuggler relationship*

Of the literature reviewed, only one study sheds some light on the nature of the relationships between smugglers and migrants. Saha (2007) found that approximately 60 percent of migrants did not know the names of their smugglers while fewer than 5 percent had an address for the smuggler. Deported migrants had phone numbers in just two out of 158 cases. Interviews with deportees also suggested that smugglers constantly shifted from one place to another to remain elusive. In almost 10 percent of the cases, the identity of the smuggler revealed by deportees was the same.

##### *c) Factors influencing the relationship between smugglers and migrants*

There is a complete lack of data on factors that influence the nature of the relationship between smugglers and migrants.

#### 5) Organization of migrant smuggling

##### *a) How is migrant smuggling organized?*

From the reviewed literature, there is clear evidence that the smuggling of migrants is carried out through large trans-regional networks (UNODC, 2011; Leman & Janssens, 2007; Saha, 2007, 2009). For example, interviews with smuggled migrants who had travelled to Europe via the trans-Saharan route indicated linkages between South Asian networks and

West African networks. Smugglers were in constant contact with West (Burkina Faso and Mali) and North African (Morocco and Algeria) counterparts. A group of migrants from Punjab reported being kept in the same house in Mali as migrants from Bangladesh. The Indian and Bangladeshi smugglers who had organized their trips visited the migrants together at the safe house and jointly demanded that each group pay the smugglers additional money to reach their final European destination. The migrants then continued their journey as one large group. One Indian migrant claimed that the entire journey across the Sahara and into Melilla, Spain was with a mixed group of South Asian and West African migrants; although his experience seemed to be an exception (UNODC, 2011).

Investigations focusing on smuggling into Eastern Europe also suggest that Albanian smuggling networks have linkages with Indian as well as Chinese criminal organizations. Research reveals that Indian criminal networks are involved in the recruitment and delivery of Asian smuggling clients to Albanian smugglers based in Brussels, who then take charge of transportation for the last part of the trip from Brussels to Britain. One of the Albanian networks studied has smuggled approximately 13,000 clients to Britain over a two-year period (Leman & Janssens, 2007).

Other research supports these findings. Interviews with deported Indian migrants revealed that 8 percent had used the services of smugglers based in other countries, mainly Russia, Poland, Ukraine, Serbia, and Thailand (Saha, 2007). Four of the deportees indicated that the smugglers abroad were originally from India, but now had citizenship or permanent resident status in another country. Some deportees indicated that the smugglers had escorted them to a transit destination and then handed them over to a foreign agent. Safe houses at transit points were also reportedly used. Migrants sometimes spent more than a month at a safe house before continuing on to the final destination. Some deportees stated they were grouped together at safe house with other smuggled migrants from other countries. Groups ranged in size from 5 to 50 migrants.

The research suggests that smuggling networks use different people for different tasks, with each link in the chain playing a particular role. Important actors

in the network are the agents in larger Indian cities and the subagents in rural areas. The subagents develop their businesses by establishing contacts with recruitment agents who advertise job opportunities in different countries in local newspapers (Saha, 2009; UNODC, 2009). They also visit local passport offices, offering to act a liaison between the recruitment agent and the migrant. The role of the subagent is to recruit or mobilize potential migrants for agents located in Chennai or other cities, such as Delhi. Often they do not even accompany the migrants as contacts can be established over the telephone. Once contact is established, the subagent takes commission from both the migrant and the recruitment agent (Saha, 2009; UNODC, 2009). A subagent is able to earn from 10,000 to 15,000 Indian Rupees (USD 220 to USD 330) per migrant (Saha, 2009; UNODC, 2009). Because migrants do not know much information about their agents or subagents, rarely are arrests made by the police. Moreover, reputation and trust are essential for smuggling agents and subagents who want to build a clientele. Agents often provide guarantees, for instance, by offering migrants a couple of attempts to reach their destination if the first attempt is not successful or even refunding the fee paid if both attempts fail (Saha, 2009).

In some cases, up to three agents are involved (UNODC, 2009). The UNODC (2009) report suggests that migrant smuggling operations in India are involved in different activities (e.g. recruiting migrants, transporting migrants, and forging documentation) and as a result, agents often work as a group. Carrier agents are also common actors in the migrant smuggling networks, a few of whom are female (UNODC, 2009). Similar to Lahiri's (2010) findings, female carriers are preferred because they attract less attention from law enforcement and border officials. They were also able to accompany children. Most carrier agents are from Delhi. Their service is required because some migrants are not comfortable travelling on their own with fraudulent documents. The amount paid to a carrier depends on the number of migrants. Although the data are limited to just six cases, the figure ranged from 200,000 to 600,000 Indian Rupees (USD 4,400 to USD 13,000). The recruitment agents cover expenses, such as travel, lodging, and board of the carrier agents. The UNODC (2009) study reports that irregular migrants who are accompanied by carrier agents typically pay higher fees to the recruitment agents.

***b) Are persons involved in migrant smuggling also involved in other criminal activities?***

Some evidence exists that Indian migrant smuggling networks are also involved in the trafficking in persons although further research is required before definitive conclusions can be drawn (Leman & Janssens, 2007).

***c) Does migrant smuggling attract persons who have a history of involvement in other crime?***

No conclusions can be drawn from reviewed research as to whether migrant smuggling attracts persons who have a history of involvement in other crime.

***d) What levels of professionalism/specialization is there within migrant smugglers?***

According to the literature reviewed, the smuggling of migrants in India tends to be carried out by highly sophisticated, professional networks (Saha, 2007, 2009; UNODC, 2009). Indian criminal networks involved in smuggling have established international linkages in East and West Europe, Central and Southeast Asia, and Africa (UNODC, 2009, 2011; Leman & Janssens, 2007; Saha, 2009). Saha (2009) found that agents often offer a 'money back guarantee'. If a migrant fails to reach the destination, the agent returns the fees paid upfront after costs incurred are deducted. Normally there is an agreement between the agent and the migrant that a second attempt to the same or an alternative destination will be part of the price if the first attempt is not successful. Agents acknowledge that the amount paid might have to be refunded if both attempts fail, but most are willing to take this chance because profit margins are high when a journey is successful. Some agents, in Namakkal district (Tamil Nadu) for example, claim a 100 percent success rate, which according to Saha is a clear sign that Indian smugglers are part of transnational network with strong linkages in origin, transit, and destination countries. Also the high quality of the forgeries suggests that migrant smuggling is carried out by highly sophisticated criminal networks.

Little is known, however, about the irregular and migrant smuggling networks that operate along the



border near Nepal, Bangladesh, Pakistan, Bhutan, and Sri Lanka. The perception among police officers and government officials in Punjab is that agents have become more professional over the years and operate through closely-knit networks within and outside of India (UNODC, 2009).

*e) What influences shape the way migrant smugglers are organized? How and why do these organizations evolve?*

No conclusions can be drawn from reviewed research as to what influences the way migrant smugglers are organized.

## 6) Migrant smuggling modus operandi

*a) Recruitment methods*

There is a lack of research on the methods of recruitment. Potential migrants are typically recruited by subagents based in rural areas of India (Saha, 2009, UNODC, 2009). Larger agents, who are based in main cities, such as Chennai or Delhi, advertise employment opportunities abroad in local newspapers and billboards, which, in turn, attract both subagents as well as potential migrants (Saha, 2007, 2009; UNODC, 2009). Increasingly, more and more migrants are directly contracting agents themselves, specifically in Delhi, rather than going through subagents who are the lowest in the hierarchical network. As a result, agents from Punjab have reportedly started to shift their base to Delhi (UNODC, 2009).

*b) Payment methods*

There is a dearth of research on the methods of payment for migrant smuggling fees. Evidence suggests that some payments are made in advance before the journey commenced (Saha, 2007). However, payment in instalments seems more common, with a partial payment before departure and the rest upon reaching the destination (Saha, 2007; UNODC, 2009).

*c) Transfer of criminal proceeds*

There is a complete lack of research on the methods used to transfer criminal proceeds from migrant smuggling in India.

*d) Transportation methods*

Smugglers transport migrants by air, land, and sea using modes of transportation that include planes, boats, private vehicles, closed container trucks, trains, and by foot. Because the majority of data on smuggled migrants from India are derived from deportation records, most of the information available involves the smuggling of migrants by air. (Saha, 2007, 2009; UNODC, 2009).

*e) Document use and misuse*

According to the literature reviewed, the use of forged Indian, including photo or jacket substitution, re-stitched passports, forged foreign visas, the use of foreign passports such as false Malaysian passports, which require no visa to visit the UK, and the exchange of boarding cards in security areas, are common methods used by smugglers (Saha, 2007, 2009; UNODC, 2009). The use of photo substituted passports and forged foreign visas are common strategies used by agents. On average, forged visas of different countries were used in about one third of deportation cases between 2005 and 2007 (UNODC, 2009).

*f) Corruption*

There is not research on the role of corruption regarding migrant smuggling in India.

*g) Evolution of migrant smuggling methods in response to changes in migration policies and counter measures*

The available research about migrant smuggling from India does not address the question how migrant smuggling methods evolve in response to changes in policies and counter measures.

## 7) Migrant smuggling fees and mobilization of fees

The research literature provides some information on the cost of migrant smuggling: Deported Indian migrants between 2001 and 2002 reportedly paid migrant smuggling fees ranging from USD 200 to USD 10,000 (Saha, 2007). No correlations, according to Saha, were found between destination coun-



tries and the amount paid to smugglers. In a later report, Saha (2009) found that the fees charged by agents had increased because of stricter enforcement, but also because of high demand. Most irregular migrants paid between 500,000 and 600,000 Indian Rupees (USD 11,000 and USD 13,000) to reach the UK. For migrants destined for the Middle East or South-East Asia, fees range between 80,000 and 120,000 Indian Rupees (USD 1,700 to USD 2,600). A report by Human Rights Watch reveals that Indian migrant workers paid recruitment agencies an average of 125,000 Indian Rupees (USD 2,800) for employment in the UAE (Human Rights Watch, 2009).

**Table 9** presents additional data on the migrant smuggling fees charged by agents (UNODC, 2009). It is clear from the table below that the fees paid are significant. Fees for Canada and the US were reportedly the highest, followed by the UK, and then other destinations in Europe. Fees, however, are not uniform. Agents charge different amounts for a particular destination country, for example, the UK. The UNODC report (2009) suggests that agents likely try to extract as much money as possible from a potential migrant.

In January 2006, when Moroccan officials arrested a ring of smugglers bringing people from India to Europe and Canada via Africa and Morocco, interviews revealed that smuggled migrants had each paid fees ranging from USD 10,000 to USD 12,000 (UNODC, 2011).

**Table 9: Fees charged by agents**

Fees charged	Number of migrants		
	2005	2006	2007
< Rs 100,000 (USD 2,200)	3	7	7
Rs 100,000 to Rs 200,000 (USD 2,200 to USD 4,440)	26	4	3
Rs 200,000 to Rs 400,000 (USD 4,440 to USD 8,800)	14	10	13
Rs 400,000 to Rs 600,000 (USD 8,800 to USD 13,000)	25	19	17
Rs 600,000 to Rs 900,000 (USD 13,000 to USD 20,000)	20	15	21
Rs 900,000 to Rs 120,000 (USD 20,000 to USD 26,560)	7	5	9
Rs 120,000 to Rs 1,500,000 (USD 26,560 to USD 33,200)	-	7	4
Rs 1,500,000 to Rs 2,000,000 (USD 33,200 to USD 44,000)	1	2	1
> Rs 2,000,000 (USD 44,000)	-	1	4
<b>Total</b>	<b>96</b>	<b>70</b>	<b>81</b>

(Source: UNODC, 2009)

Because most migrants are young men urged by their families to seek work abroad, parents and other relatives will sell or borrow funds from banks or informal money lenders to mobilize the fees (UNODC, 2011; also see Van Esveld, 2009). Migrants and their families also reportedly sold possessions, such as land or jewellery, to accumulate the required fees (Human Rights Watch, 2009).

## 8) Human and social costs of migrant smuggling

Research reveals that on the one hand, Indian employers in Britain felt a moral obligation to assist fellow migrants irrespective of their immigration status. On the other hand, some business owners admitted relying on irregular migrant labour because of their willingness to accept harsh working conditions and low wages in service, manufacturing, and retail sector employment (Düvell & Jordon, 2005).

As a Human Rights Watch report reveals, smuggled migrants are especially vulnerable to exploitation because of the debts incurred during migration. Heavily indebted irregular migrants often need to work for months or even years to pay off loans. Migrant workers in the UAE were often paid 25 percent to 45 percent less than the wage promised. Excessive working hours, false contracts, extreme work conditions, and physical injuries due to poor labour regulations were just some of the other problems faced by migrants (Human Rights Watch, 2009).

## 9) Factors fuelling irregular migration and migrant smuggling

Datta (2004) found that economic push and pull factors were important. Indeed, the macroeconomic stabilization and structural adjustment policies of the 1990s opened up the Indian economy to the global market. Despite rapid economic growth during this period, the average per capita income between high income countries (e.g. Britain or the UAE) and lower middle income countries (e.g. India) remained wide (Martin, 2009).<sup>15</sup> These economic inequalities provide strong incentives, especially for youth, to seek employment opportunities in higher wage countries (Martin, 2009). Other research argues that gender discrimination, the low regard for women's rights, low levels of education, the marginalization of women, and the practice of dowry are all factors that fuel trafficking in persons, migrant smuggling, and irregular migration (Hameed et al., 2010). Natural disasters, such as floods and cyclones, as well as political instabilities caused by rebel groups in Jharkhand and Chhattisgarh were also reported as key factors contributing to irregular migration (Hameed et al., 2010).

## 10) Conclusions

### a) *What we know about migrant smuggling in India*

According to the reviewed literature, India is a source, transit point, and destination for irregular migrants. The scope and magnitude of irregular migration from the states of Punjab and Tamil Nadu in particular is considerable. Each year, more than 20,000 youths from Punjab attempt to migrate through irregular channels. The pattern of migration is changing as irregular migration and migrant smuggling has spread to new areas in Punjab and Tamil Nadu, but also to neighbouring states of Haryana, Himachal Pradesh, Jammu, and Kashmir, which until recently, had not had high numbers of irregular migrants. Although the costs of migration seem to be increasing, young men and their families are finding ways to mobilize the fees. Sending someone to work overseas frequently is seen a step towards success. The social structure of the village, which was traditionally based on caste, land-

holding, family background, and educational achievements, often is now based on the distinction between families with members in other countries and families without member in other countries. Subsequently, the decision to migrate is not an individual decision, but a group one. Families are involved in the decision to send someone abroad as well as the smuggling process itself (e.g. contacting the smugglers).

The UK is a preferred destination for irregular migration. Cases of irregular migration to the UK, for example, were noted in every village in Jalandhar, Kapurthala, Nawanshahr, and Hoshiarpur districts of Punjab. It is assumed that other cases exist in other districts in other states, but more research needs to be done. Assisted by smugglers, the majority of irregular migrants travelled to the UK via France on tourist visas, but then irregularly entered the UK. Other migrants entered the UK with tourist visas, but then overstayed. Middle Eastern and South-East Asian countries are also popular destinations for irregular migration.

Although they are not always from the poorest households, investing in the smuggling of a family member is an enormous financial burden. Families sell possessions or take out loans to cover the smuggling fees that range from USD 2,000 to USD 44,000. Payments are usually made in two instalments. Smugglers are only paid in full once the migrant has reached the intended destination. In effect, they offer a 'money back guarantee,' which involves a substantial investment for the smugglers without a guaranteed return. The smuggling of migrants in India is carried out by highly sophisticated, professional networks, with linkages around the world. Agents usually operate under the guise of travel or recruitment agencies. Most adopt a diversity of methods to smuggle migrants, including the use of forged Indian and foreign passports, photo substitution in Indian and foreign passports, jacket substitution of Indian passports, the use of restitched passports, the exchange of boarding cards in security areas, and the used of forged visas and residence permits. The quality of the forged documentation is often very good.

Because of their irregular status, smuggled Indian migrants are more at risk of experience harsh and exploitative conditions in destination countries. Stories of deceit and exploitation are not uncommon. But for most, the decision to migration is economically driven, and the costs are seen as outweighing the benefits.

<sup>15</sup>The World Bank classified India as a lower middle income country. See <http://data.worldbank.org/country/india>

**b) *What we don't know about migrant smuggling in India***

Although some studies exist, rigorous research is required on all aspects of migrant smuggling and irregular migration to, from, and through India. The three main studies reviewed in this report (Saha, 2007, 2009; UNODC, 2009) are largely based on deportation records and focused on irregular migration from two distinct states — Tamil Nadu and Punjab — to Europe. These reports indicate that accurate assessments of the size and scope of irregular migration and smuggling are difficult due to the clandestine nature of the phenomenon. There is also a scarcity of research on irregular migration and smuggling within the South Asian region itself. Furthermore, there are clear knowledge gaps that should be addressed through further research on the following:

- quantitative assessments of irregular migration, migrant smuggling, and trafficking in persons flows;
- the major routes used, particularly to other destination countries outside Western Europe;
- the profiles of smugglers and smuggled migrants;
- the motivations of smugglers and smuggled migrants;
- smuggler-migrant relationships, including their perceptions of one another;
- linkages to other forms of criminality and the transfers of criminal proceeds;
- the modus operandi of migrant smuggling, including methods of recruitment, payment, and transportation;
- the role of corruption; and fees paid to smugglers and their mobilization.

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## Chapter Six: Indonesia

### 1) Quantitative assessments and flows of irregular migration, migrant smuggling, and trafficking in persons

#### *a) Estimated numbers and major routes: Irregular migration from, to and through Indonesia*

The reviewed literature only provides few estimates on irregular migration with regard to Indonesia. The literature indicates that most irregular migration out of Indonesia is destined for Malaysia and parallels regular migration flows out of the country (Asis, 2004). The history of Indonesia-Malaysia migration has led to established migratory routes: West Malaysia is usually accessed via the Strait of Malacca, whereas East Malaysia is entered by land from Kalimantan (Asis, 2004). Indonesian migrants enter Malaysia through a range of formal, semi-formal, and informal channels, primarily through Sumatra and Kalimantan (Ford, 2006). Regular and irregular migratory patterns vary by region. Indonesians from East Java generally enter Malaysia through official migration channels, and are for the most part employed in the construction sector. Indonesians from Lombok, on the other hand, normally enter Malaysia through irregular channels with the assistance of brokers, and are mostly employed in the plantation sector (Asis, 2004).

Ford (2006) points out that the borders between Indonesia and Malaysia are quite porous, making it easier for irregular migrants to cross undetected. He notes that not all Indonesian migrants entering Malaysia through unofficial channels are undocumented. Through connections with corrupt local officials, Indonesians who are recruited in a sending

province are taken to a transit province, where they are provided with local identity papers, a procedure conducted by both official and unofficial recruiters. In addition, unofficial recruiters can obtain passports through connections in the Department of Immigration within days. Unofficial recruiters are thus able through illegal means to procure official travel documents for migrants.

Most irregular migration from Indonesia is labour migration. In a study conducted on Indonesian labour migrants, 84 percent of the respondents attested to having bypassed the Indonesian Ministry of Manpower to find work abroad. This study may not be representative, however, as it remains unclear how many Indonesian migrants were interviewed for the study or how they were chosen (Asis, 2004).

According to Hosen (2005), crackdowns on irregular migrants by the Malaysian Government provided a glimpse into the number of unauthorized Indonesian workers in the country and their contribution to the Malaysian economy. About 400,000 irregular Indonesian workers were deported between October 2004 and April 2005.

More Indonesians than any other migrant nationality in East Asia overstay their visas. In 2002, one in four female Indonesian migrants in Japan were undocumented; in the Republic of Korea, there were 189.3 percent more undocumented female Indonesian migrants than documented (Sim & Wee, 2009).

Patterns of visa overstay among Indonesian migrants are also apparent in Hong Kong (China) and Macao (China), China's two special administrative regions. Hong Kong (China)'s 'two-week rule' stipulates that

foreign workers must leave within two weeks of termination of their employment contract. If they are unable to find further employment within those two weeks, they must leave Hong Kong (China) to process a new employment visa. Some Indonesian migrants instead choose to overstay their visas in Hong Kong (China), and try to find employment without a visa. Others attempt to maintain their legal status by migrating to Macao (China), where visitor visas can be extended for up to 60 days. Many Indonesian women who are unable to find employment during this window overstay their visitor visas to find work through unauthorized channels in Macao (China) (Sim & Wee, 2009).

Beyond its main status as a country of origin for irregular migration, Indonesia also serves as a transit country for irregular migrants from Afghanistan, Iraq, and the Middle East en route to Australia. Smuggling networks coordinate most of these movements (Hunter, 2004).

**b) *Estimated numbers and major routes: Migrant smuggling from, to and through Indonesia***

As with general irregular flows, smuggling flows leaving Indonesia mimic official Indonesian government labour migration export strategies, and are largely directed toward Malaysia. Although no reliable estimates of smuggled numbers are available, it is understood that irregular recruitment channels, i.e. smuggling, to Malaysia operate in parallel to formal channels, but on a larger scale (Asis, 2004). Since Indonesia officially deploys about 300,000 Indonesian migrant workers per year, smuggling flows out of the country can be estimated as being at least that large (Asis, 2004).

Migrant smuggling to Malaysia normally involves unlicensed recruitment agencies and unauthorized brokers in both countries that facilitate irregular entry and job placement in Malaysia (Hosen, 2005). Unlicensed recruitment agencies have established a strong economic base; in East Java, for instance, unlicensed recruiters have developed a major industry of facilitated unauthorized entry and labour recruitment (Silvey, 2007).

Indonesia is also a country of transit for migrant smuggling flows to Australia. Indonesia is a transit

point for Middle Eastern and South-West Asian irregular migrants, who are then transported to Australia by well-developed smuggling networks (Crock, Saul, & Dastyari, 2006; Hunter, 2004; UNODC, 2010). These routes are fluid, adaptable to changes in migration policy. Since 2007, smuggling routes of ethnic minority Hazara from Afghanistan to Australia have become more complicated due to Indonesia's stricter visa regime. Instead of travelling directly to Indonesia from Afghanistan, migrants first stop in Malaysia to be ferried by boat to Indonesia, where they board yet another boat bound for Australia (UNODC, 2010). While having attracted a lot of media attention, there is no recent research specifically focused on Indonesia as migrant smuggling transit country.

**c) *Estimated numbers and major routes: Trafficking in persons from, within, to and through Indonesia***

According to the U.S. *Trafficking in Persons Report*, Indonesia is a major source country and, to a much lesser extent, a destination and transit country for trafficked men, women, and children. The most significant regions of origin within the country for trafficking are Java, West Kalimantan, Lampung, North Sumatra, and South Sumatra. Destinations include Japan, Kuwait, Iraq, Malaysia, Saudi Arabia, Singapore, and Syria, where many Indonesian migrant workers are trafficked for forced labour. Indonesian women are trafficked abroad, particularly to Malaysia, the Middle East, and Singapore, for forced labour and forced prostitution (U.S. Department of State, 2010).

Of an estimated 6.5 to 9 million (regular and irregular) Indonesian migrant workers working abroad, the Indonesian NGO Migrant Care reports that about 3 million are working under trafficking conditions (U.S. Department of State, 2010).

As the main destination for Indonesian migrant workers, Malaysia is also the main destination for Indonesian trafficking flows. According to the ILO, a high incidence of forced labour is found among Indonesian workers there. Human Rights Watch states that trafficked Indonesian women and girls are usually brought to Malaysia as domestic servants, but some are then sold by their agents or other intermediaries to work in discos and the entertainment industry (ILO, 2005; Human Rights Watch, 2004).

Another issue is internal trafficking in persons within Indonesia. Children are trafficked within the country and abroad for domestic servitude, forced prostitution, and cottage industries. Women and girls are trafficked internally for domestic servitude, sexual exploitation, rural agriculture, mining, and fishing. Child sex tourism is also prevalent in most urban areas and tourist destinations (U.S. Department of State, 2010).

*d) Cross-over or overlap, if any, between populations or routes*

A great deal of overlap between regular, irregular, smuggling, and trafficking flows is apparent, particularly in the case of out-migration from Indonesia to Malaysia. Prospective migrant workers in Indonesia choose from a variety of migration channels to Malaysia: (1) entry and job placement through a licensed recruitment agency, (2) authorized entry and subsequent visa overstay, (3) unauthorized and unassisted entry into Malaysia, and (4) unauthorized entry and job placement with the assistance of an unlicensed recruitment agency or broker.

The reviewed literature indicates that, because local village recruiters may work for both official and unofficial agencies, migrants find it difficult to know whether they are migrating through formal or informal channels (Human Rights Watch, 2004; Silvey, 2007). Even with a single person, the migratory process can entail both authorized and unauthorized segments. Migrants may think they are migrating through legal channels, when actually they were given fraudulent or inaccurate documents at some point in the process. Many migrants know very little about their recruitment agency, unsure even whether it is licensed or not (Human Rights Watch, 2004).

Human Rights Watch (2004) reports that trafficking in persons from Indonesia to Malaysia often also occurs through recruitment agencies. Many women trafficked for prostitution expect to work as maids, but are subsequently sold to the entertainment industry upon arrival. Even women who do work as maids may experience situations of trafficking for forced labour, as these jobs are often poorly remunerated and entail a high risk of abuse due to the fact that the work is performed in the private

sphere, which isolates migrants from outside contacts.

## 2) Profiles of migrant smugglers

### *a) Socio-economic characteristics*

The reviewed literature provides very limited information about smugglers as individuals in Indonesia. In the case of labour migration flows from Indonesia to Malaysia, local village brokers — both licensed and unlicensed — are often respected patronage figures such as village heads, successful local businessmen, or religious leaders (Rudnyckyj, 2004). Information regarding smugglers involved in other steps or higher rungs of the smuggling process is unavailable.

Media sources provide sketchy profiles of smugglers involved in transit operations from the Middle East and South-West Asia through Indonesia to Australia, an area unaddressed in the empirical literature. According to interviews conducted with smugglers and recorded with hidden cameras, many smugglers operating in Indonesia, although some are Indonesian, are themselves from Middle Eastern and South-West Asian countries such as Iraq and Kuwait. Some Middle Eastern and South-West Asian smugglers in Indonesia seek or enjoy UNHCR refugee status, and are under consideration for resettlement to Australia. Thus, they have profiles similar to many of their passengers who share this same refugee status (Ferguson, 2010).

### *b) Motivation*

Specific motivations for smugglers in Indonesia are unexamined in the literature, although it can be assumed that financial gain plays a significant role.

## 3) Profiles of irregular migrants and smuggled migrants

### *a) Geographical and socio-economic characteristics*

The literature notes that overall migration outflows from Indonesia have been increasingly feminized in the past decades, a trend that is also reflected in irregular migration. Many more Indonesian women enter

Malaysia through semi-formal or informal channels than through official programmes (Ford, 2006). Rural areas of Java, Lombok, and Sumatra in particular are major places of origin for both regular and irregular young female migrants (Sim & Wee, 2009; Rudnyckyj, 2004). Other research, however, found that irregular labour migrants from Indonesia are 79 percent male (Asis, 2004).

The empirical literature does not provide much insight into irregular transiting through Indonesia. It is known that many of these migrants originate from Middle Eastern and South-West Asian countries such as Afghanistan, Iraq, and Pakistan (UNODC, 2010). And, according to media sources, many of these migrants have UNCHR refugee status (Ferguson, 2010).

#### *b) Motivation*

The overarching motivation for regular and irregular labour migration out of Indonesia, according to the research literature, is the hope of finding employment abroad. Among women, poverty, limited job opportunities at home, and the fact that they earn just 46 percent as much as men on average are all factors motivating them to seek work abroad (Human Rights Watch, 2008). Remittances are an important source of revenue in Indonesia, especially in rural areas, which provides additional impetus for both regular and irregular migration (Rudnyckyj, 2004).

Crinis (2005) reports that the choice to migrate outside of authorized flows is a strategy to avoid red tape and costs associated with regular labour exportation schemes. Especially with migration to Malaysia, Indonesians have preferred to use irregular routes because they involve fewer bureaucratic processes and are less expensive and time consuming. Irregular migration networks are also often more trusted than official migration schemes because there is more perceived personal accountability, and official systems involve myriad costs and delays (Hugo, 2004).

Indonesian migrants may also choose to overstay their visas to avoid returning to Indonesia and re-entering the debt cycle and mandatory training camps associated with the labour export process (Sim & Wee, 2009).

Migrants employing smugglers to ferry them to Australia are mainly seeking asylum (Hunter,

2004). Migrants from the Middle East and South-West Asia, who constitute a large number of the smuggled migrants transiting through Indonesia to Australia, are motivated by factors such as economic opportunity, uncertain security in their home country, educational prospects, and family reunification (UNODC, 2010). In the case of the *SIEV X*<sup>16</sup>, which sank en route from Indonesia to Australia, the migrants on board chose to be smuggled largely because they saw no other way to be reunited with their families. Many husbands and fathers of the passengers onboard had already received Temporary Protection Visas in Australia, which did not provide for legal family reunification (Gibbings, 2010).

Media sources suggest that recognized refugees from Middle Eastern and South-West Asian countries may choose to be smuggled to Australia due to lengthy waits for resettlement that can entail years of uncertainty in Indonesian refugee housing (Ferguson, 2010). While this issue attracts much media coverage, it remains barely examined in the research literature.

### **4) Smuggler-migrant relationships**

#### *a) Migrant perceptions of smugglers*

Research found that labour migrants often trust smuggling networks more than official migration channels. This is because migrants already have a relationship with local brokers, who are often of good reputation and have had previous contact with the family (Hugo, 2004; Rudnyckyj, 2004). Especially with well-established smuggling flows of labour migrants from Indonesia to Malaysia, migrants tend to trust the system of agents who facilitate their entry and job placement because the chain starts at the local level, where the agent must bear the results of a system failure or exploitation (Hugo, 2004). In East Java, smuggling routes are considered safe and straightforward, they involve fewer costs and delays than regular migration, and they are well organized (Hosen, 2005).

<sup>16</sup> A vessel that sank in 2001 with the loss of 353 asylum seekers, most of them women and children. The acronym SIEV stands for "suspected illegal entry vessel", a designation the Australian Defence Force and Australian Coastwatch use for vessels that try to reach Australia without authorization.

Information is unavailable, beyond the local level in the home village, regarding migrant perceptions of smugglers. Similarly, the empirical literature lacks information on perceptions of smugglers among Middle Eastern and South-West Asian migrants.

#### ***b) Nature of migrant-smuggler relationship***

Rudnyckyj (2004) likens Indonesian migrant relationships with their local brokers to traditional patron-client networks which, according to him, in the absence of strong state institutions, continue to play an important role. In this 'peasant-landowner' relationship, clients willingly consent to exploitation by higher-status patrons in exchange for the patron guaranteeing their livelihoods when they fall on hard times. This relationship is reflected in migrant-broker relationships, when well-known, respected brokers in the community provide small-scale loans to migrants and provide contacts to recruitment agencies.

The literature provides no further information regarding the relationship of migrants with smugglers beyond the local level. Neither is any information provided on relationships among Middle Eastern and South-West Asian migrants with their smugglers who operate in Indonesia.

#### ***c) Factors influencing the relationship between smugglers and migrants***

The social position of brokers in the home village greatly determines the nature of their relationship with Indonesian migrants. Because brokers and agents are often well-known and respected in their communities, would-be migrants feel safer entrusting their future to them than to an impersonal governmental system (Hugo, 2004; Rudnyckyj, 2004). According to Rudnyckyj's comparison of the broker-migrant connection to a patron-client relationship, brokers may be expected to assist migrants if they experience difficulties abroad. Given the local scale of the relationship, however, cases where brokers may not know how to respond adequately to these problems may damage the broker's reputation as a recruiter (Rudnyckyj, 2004).

The literature does not discuss factors influencing relationships between smugglers and migrants beyond

the local scale of the home village. Neither does it address the relationship between Middle Eastern and South-West Asian migrants and smugglers who operate in Indonesia.

### **5) Organization of migrant smuggling**

#### ***a) How is migrant smuggling organized?***

According to the literature, migrant smuggling of Indonesian citizens often parallels licensed labour recruitment agencies in the form of informal brokerages. These operations now represent a major industry in some parts of Indonesia, among them rural Java (Silvey, 2007). Local agents known as *calo*, *tialong*, *tauke*, or *mandor*, who usually operate extensive networks in both countries, offer highly organized facilitation of migration to Malaysia (Hugo, 2004). The local agent resides in the home community and provides local accountability and security to the assisted migrants (Hugo & Stahl, 2004).

#### ***b) Are persons involved in migrant smuggling also involved in other criminal activities?***

Smugglers facilitating migration from Indonesia to Malaysia often engage in related forms of crime that support migrant smuggling. To meet the eligibility requirements established by the Indonesian and Malaysian Governments, local recruiters — even licensed recruiters — often falsify migrants' documents and personal information, including letters of permission, documents of residence, identification cards, birth certificates, and travel documents (Hosen, 2005; Human Rights Watch, 2004).

According to Crock et al., smugglers who ferry migrants from the Middle East and South-West Asia through Indonesia to Australia are usually involved in other forms of crime that support these activities, including document fraud. (Crock, et al., 2006).

#### ***c) Does migrant smuggling attract persons who have a history of involvement in other crime?***

It is unclear from the literature whether individuals are involved in other forms of criminality before they become involved in smuggling of migrants.



*d) What levels of professionalism/specialization is there within migrant smugglers?*

The available literature leaves unclear the level of professionalism and specialization among migrant smugglers.

*e) What influences shape the way migrant smugglers are organized? How and why do these organizations evolve?*

Human Rights Watch reports that, in Indonesia, smuggling networks for labour migration are greatly shaped by the overall organization of licensed labour recruitment agencies. Unlicensed recruiters mimic the operations of licensed agents and provide practically identical services. In fact, local recruiters in villages may work for both licensed and unlicensed agencies, blurring the line between smuggling services and authorized channels of labour migration (Human Rights Watch, 2004).

## 6) Migrant smuggling modus operandi

*a) Recruitment methods*

Judging from the findings of the reviewed literature, most migrant smugglers in Indonesia engage in labour migration recruitment, the majority of which is directed toward Malaysia. The Indonesian Government requires that migrant workers, to work abroad legally, be channelled through licensed labour recruitment agencies that assist in applying for passports and employment visas, obtaining medical clearance, paying insurance and other fees, and providing training. Unauthorized recruitment practices parallel the recruitment activities of licensed recruitment agencies, and are sometimes even conducted by the same recruiters (Human Rights Watch, 2004). Asis (2004) points out that irregular recruitment channels for labour migration are more extensive. Over 400 licensed recruitment agencies operate in Indonesia; many more operate without licenses (Human Rights Watch, 2004).

According to Hosen (2005) the recruitment process begins in the home village with the local recruiter, who is also known as the sponsor, agent, broker, or middleman. Recruiters play a crucial role in both licensed and unlicensed labour migration recruitment, guiding migrants through the entire labour recruitment process.

Beyond merely recruiting migrants, agents arrange irregular entry and assist with job placement and finding accommodation in Malaysia (Hugo, 2004; Hosen, 2005). Human Rights Watch reports that both the licensed and unlicensed agencies often extort money, falsify travel documents, and mislead women and girls about the working situations awaiting them (Human Rights Watch, 2004). Research also reveals that, even among licensed agencies, official recruitment procedures and regulations are often ignored. According to research this due to the limited oversight exercised by the Indonesian Government over recruitment agencies (Hosen, 2005; Human Rights Watch, 2005).

Licensed and unlicensed agencies are so similar that migrants find it difficult to tell the difference between them (Silvey, 2007). Migrants often do not even know the name of their recruitment agency, or whether it is licensed (Human Rights Watch, 2004). Most migrants are assisted by an unlicensed agent at some point in the recruitment process, although they may be unaware of this (Silvey, 2007).

The literature does not examine recruitment practices for Middle Eastern and South-West Asian irregular migrants in the context of Indonesia.

*b) Payment methods*

The literature does provide insights into payment methods. Smugglers who facilitate irregular labour migration flows from Indonesia to Malaysia are either paid up front or through monthly cuts from the migrant's salary. Each facilitator who is part of the smuggling process from Indonesia to Malaysia receives a small payment (Hugo, 2004). Both regular and irregular migrants usually make monthly payments to recruiters to pay off their accrued debt (Rajaram & Grundy-Warr, 2004). Some agents operating between Indonesia and Malaysia have direct arrangements with Malaysian employers to collect migrants' wages until the full debt for recruitment services has been repaid (Santhiago, 2005).

Some unlicensed agents are merely facade operations, and require upfront payments without delivering the promised services (Hugo, 2004; Human Rights Watch, 2005).



The literature does not address payment methods with regard to Middle Eastern and South-West Asian migrants transiting Indonesia.

### *c) Transfer of criminal proceeds*

The literature at hand provides no information regarding how smugglers transfer their criminal proceeds.

### *d) Transportation methods*

The research literature reports that the transportation of smuggled migrants from, through, and to Indonesia takes a variety of forms.

Smuggling flows for labour migration out of Indonesia largely target Malaysia and, depending on the point of departure, either follow land routes or employ fishing vessels by sea (Hunter, 2004). In East Java, migrants first travel to Riau Island, where they are housed in holding centres before continuing on to Malaysia via boat (Hosen, 2005). In the Strait of Malacca, agents transport migrants from Indonesia on passenger boats and fishing trawlers or in containers on boats that normally depart from Sumatra, Batam, or Rapat (Santhiago, 2005). These boats generally transport between 5 and 15 migrants and embark between 1 a.m. and 4 a.m. to avoid detection by the Indonesian or Malaysian authorities (Santhiago, 2005).

Indonesia is also a country of destination and transit for migrant smuggling. Migrants have reportedly been smuggled from the Middle East and South-West Asia to Indonesia by boat, as well as by plane from Islamic Republic of Iran to Malaysia and onward by boat to Indonesia (Hunter, 2004). Many of these migrants continue onward to Australia by boat (Gibbins, 2010; Hunter, 2004).

### *e) Document use and misuse*

According to Hosen, the forgery of birth and marriage certificates, identity cards, and passports has become an industry in Indonesia (Hosen, 2005). Both licensed and unlicensed recruiters often falsify travel documents, letters of permission, documents of residence, identification cards, birth certificates, and other documents needed to meet the eligibility requirements of the Government (Hosen, 2005;

Human Rights Watch, 2004). Because Malaysia requires that domestic workers be between 25 and 45 years of age, young Indonesian girls or older women sometimes use false travel documents or have their passports altered to meet age requirements for labour migrants (Human Rights Watch, 2004). The U.S. Department of State (2010) argues that the weakly institutionalized state system of documentation in Indonesia exacerbates the problem. Experts estimate that 40–60 percent of Indonesian children younger than 5 years do not have birth certificates, which exposes them to a variety of risks, including increased vulnerability to being trafficked. This deficit of institutionalized identity documentation invites document falsification to fill this gap.

According to Human Rights Watch (2004) the use of falsified documents is not always intentional. Migrants may think that they are travelling in an authorized manner, when actually they have been given fraudulent or inaccurate documents. Government officials sometimes do not realize or wilfully ignore the fact that health certificates, family registration cards, and identity cards have been forged (Rudnycky, 2004). Other research reveals the procurement of official documents through illegal means. According to Ford (2006) some unofficial recruiters had connections to some members in the Indonesian immigration department that, in return for a bribe, could provide hundreds of official passports within a number of days. These documents are known as *asli tapi palsu*, 'original but fake'.

### *f) Corruption*

The literature reports that various levels of corruption in Indonesia and destination countries facilitate smuggling operations and irregular migration in general. Overall, according to some research, Indonesia's highly regulated labour export policies tend to encourage the bribing of officials, who may choose to overlook falsified travel documents in return for money (Hosen, 2005; Human Rights Watch, 2005). According to Santhiago, corruption of some members within law enforcement agencies contributed to increasing irregular migration from Indonesia to Malaysia (Santhiago, 2005).

Some reports point out that during the recruitment process, to avoid delays in document processing and to prevent interferences in their businesses, even

licensed recruiters pay regular bribes and unofficial fees to Indonesian authorities (Human Rights Watch, 2004). If legal problems arise, recruitment agencies reportedly use ties to Indonesian government officials or the police to escape punishment (U.S. Department of State, 2010).

A UNODC research report reveals that relations with law enforcement are of particular importance to smugglers when new visa restrictions are imposed, as was recently the case in Indonesia. Smugglers involved in the smuggling of Afghan migrants through Indonesia to Australia seek protection for smuggling operations during the transit phase by maintaining contacts with and sending payments to officials in both Malaysia and Indonesia (UNODC, 2010).

Ferguson (2010) claims that some members of the Indonesian police, the military, and the Department of Immigration were involved to varying degrees in smuggling operations to Australia (see also Crock et al., 2006). According to his research, corrupt high-level Immigration officials sometimes release asylum seekers from detention facilities in exchange for bribes. Corruption within the Indonesian military and police force also supports smuggling operations to Australia. Smugglers sometimes allegedly pay bribes to police and military officers to ensure that passengers will not be arrested on their way to the boats, and to ensure that the boats pass unhindered. According to interviews conducted and recorded, smugglers reportedly pay substantial fees for engaging the assistance of the Indonesian military; one smuggler claimed to have paid an initial deposit of USD 20,000 followed by a USD 20,000 bribe to a top general.

According to the literature, corrupt practices are also found within institutions responsible for issuing travel documentation, including officials at the local level and the Indonesian Department of Immigration (Ford, 2006).

***g) Evolution of migrant smuggling methods in response to changes in migration policies and counter measures***

The literature provides little information about the effect of migration policies on the evolution of smugglers' modus operandi. While increased pressure by law enforcement agencies and targeted national policies can eliminate smaller smuggling operations, it

is unclear to what extent this affects the methods of smugglers (Crock et al., 2006).

**7) Migrant smuggling fees and mobilization of fees**

The literature indicates that the financial costs of smuggling services from, through, and to Indonesia vary widely, depending on migrant origins and destinations. The prices for irregular migration to Malaysia range from USD 25, from Batam, to USD 200 from West Nusa Tenggara, whereas migrants using official channels are expected to pay about USD 325 (Hugo & Stahl, 2004).

According to (Human Rights Watch, 2004), female Indonesian migrant workers who engage the services of unlicensed agents to find work abroad usually pay between USD 180 and USD 245. Licensed recruiters, on the other hand, charge migrants about USD 1,500 for job placement abroad.

Indonesian migrants usually mobilize the funds for licensed and unlicensed recruiting fees by selling land or taking on debt (Hosen, 2005). According to (Human Rights Watch, 2004), money is raised by borrowing money from relatives, friends, village moneylenders, or the agent at high rates of interest. To pay these accrued debts, the first 4–5 months or even 6–8 months of migrant salaries are often held as payment by the recruiter.

The literature also provides information regarding fees paid by irregular migrants from the Middle East and South-West Asia for smuggling services to Indonesia. Migrants from Baghdad allegedly paid USD 4,000 per person to be smuggled to Indonesia (Hunter, 2004). Those smuggled from Malaysia paid USD 400 per person or USD 1,200 per family to travel by plane with forged passports to Indonesia (Hunter, 2004). The fare for the onward journey from Indonesia to Australia is estimated by the Australian Federal Police at between USD 1,500 and USD 2,500 (Crock et al., 2006). According to a more recent media source, smuggling fees from Indonesia to Australia can amount to USD 7,000 (Ferguson, 2010).

According to UNODC (2010) research, migrants in Pakistan and Afghanistan reported smuggling fees

to Australia via Indonesia and/or Malaysia ranging from USD 12,000 to USD 18,000. Smuggling fees stated by migrants already in Indonesia or Australia, however, ranged as high as USD 20,000 or more. This discrepancy may be due to the fact that some migrants choose not to pay for 'end to end' service, and subsequently pay higher fees. Some migrants simply pay for plane tickets to Malaysia and then make their own arrangements to Indonesia by boat. According to the report, estimates from Afghanistan and Pakistan suggest that 60 percent of migrants take the end-to-end service to Australia and 40 percent make their own arrangements after arriving in Malaysia.

### 8) Human and social costs of migrant smuggling

Risks during the smuggling process subject migrants to a variety of potential human and social costs. According to the literature, these risks are prevalent through the entire procedure — in the pre-departure, transit, and post-arrival stages.

Some research indicates that the greatest social cost in the pre-departure phase is the financial cost. Would-be labour migrants often sell land or borrow money from family, friends, and neighbours to mobilize the necessary funds for job placement. Thus begins a cycle of debt that propagates itself through withheld salaries in the post-arrival stage (Hosen, 2005; Human Rights Watch, 2005). Debt affects not just the migrants themselves, but also their families and communities; and it can usher in a host of additional risks and vulnerabilities. Recruiters have also been known to deceive migrants about the amount of payments and the working conditions in the country of destination (Human Rights Watch, 2004; Hosen, 2005).

The transit phase, particularly travel by sea, entails a great number of risks for smuggled migrants. Poor travel conditions, old and unseaworthy vessels, and unscrupulous boat crews are merely the tip of the iceberg (Hunter, 2004). Boats often do not carry enough food and water for the duration of the voyage, and are far too small for the number of passengers on board, greatly increasing the risk of dehydration, sickness, and drowning (Hunter, 2004). Pirates operating in the Indian Ocean near Indonesia pose another risk (Crock et al., 2006). One study argued

that counter-smuggling policy has had the result that vessels are unwilling to pick up migrants in distress at sea. According to Crock et al., survivors of the vessel SIEV X reported that a number of private ships approached the wreckage and then continued onward without offering assistance to the hundreds of people clinging to pieces of debris. Crock et al. attributed such reactions to Australia's handling of the Tampa incident, during which a ship that assisted ship-wrecked asylum seekers became entangled in a month-long affair that cost the proprietor's company a significant amount of time and money. Thus, according to Crock et al., private ships, fearing legal and economic consequences, may no longer be willing to assist shipwreck victims.

Human Rights Watch (2004) suggests that the post-arrival phase also entails a greater variety of risks for smuggled migrants than for migrants who use authorized channels. If a migrant encounters difficulties while abroad, it is more difficult to seek redress from unlicensed agents than through authorized recruiters, often due to the fact that unlicensed recruiters regularly change their phone numbers or even disappear altogether (Human Rights Watch, 2004).

Research by Human Rights Watch also reveals a cycle of debt initiated in the pre-departure phase that continues once the migrant has reached the country of destination. This level of debt subsequently opens the door to further risk factors and vulnerabilities. Several Indonesian workers in Singapore who migrated through unlicensed agencies reported their agents threatened them with trafficking into prostitution or the levy of substantial fines if they did not complete their debt payment (Human Rights Watch, 2005).

### 9) Factors fuelling irregular migration and migrant smuggling

According to Hugo and Stahl (2004), who examined labour export strategies in Asia, unofficial migration schemes exist because government systems cannot compete with them in terms of cost or efficiency. Unauthorized migration is often cheaper, for one thing; for another, the official system requires substantial upfront payments that require migrants to sell land and property; lastly, the official system is time consuming and fraught with red tape (Hugo

& Stahl, 2004). According to the UNDP (2009) all these factors apply to Indonesia, where extensive regulations and official fees, as they are embodied by Indonesia's rigid labour export strategy, encourage migrants to seek routes outside officially sanctioned channels.

Hosen (2005) found that economic hardship at home, as well as gaps in wealth between neighbouring countries such as Indonesia and Malaysia, can be another factor driving unauthorized migration channels. During the Asian economic and financial crisis in the late 1990s, which severely strained the Indonesian economy, numbers of irregular migrant workers leaving the country increased at a greater rate than numbers of documented workers.

Other research argues that another important factor is allegedly passive governmental acceptance of irregular migration. According to Ford (2006), the Indonesian authorities made little effort to stop semi-formal and informal migration flows. Local officials may generally assume that irregular migration is one of the only sources of employment and income for the region, generating remittances and sources of wealth, and turn a blind eye (Hugo & Stahl, 2004). According to Ford (2006), in some cases, local Indonesian Immigration officials in transit provinces directly helped migrants to enter Malaysia through semi-legal channels by procuring official documents in exchange for bribes.

## 10) Conclusions

### *a) What we know about migrant smuggling in Indonesia*

Research-based knowledge of migrant smuggling with regard to Indonesia is mainly limited to the smuggling of Indonesian migrant workers to Malaysia. These flows tend to overlap with and mimic officially condoned channels of migration.

Irregular labour migration from Indonesia to Malaysia is due to economic disparities within neighbouring countries, a history and policy of well-established migration flows in the region, and the desire to improve household economic standing through employment. The reviewed literature also points out that unofficial migration channels are further sus-

tained by the desire to avoid costs, save time, and sidestep bureaucratic procedures. Indonesia's highly regulated labour exportation policy imposes onerous claims on migrants' time and budgets, especially among migrants in rural areas who may have to travel long distances to complete their paperwork, training, and tests. Therefore, many choose to avoid official channels by seeking unlicensed recruiters able to speedily procure the required documents and put migrants in contact with potential employers.

Document falsification industries are also well understood. Because of restrictions in both Indonesia and Malaysia, these services are used not only by unlicensed agencies, but also by authorized recruiters to increase the number of migrants they can send abroad.

Within unlicensed labour recruitment syndicates, migrant relationships with initial recruiters is clear at the local level, where the agent often holds a respected role in the community and is a trusted figure. This relationship becomes less clear beyond the local level, however. Nothing is known about migrant relationships with the many other people involved in the smuggling process with whom they have no personal connections, among them travel agents, document suppliers, and providers of transportation. Indeed, little is known about the extent of the relationship between the initial recruiter or agent and subsequent links in the smuggling chain.

Less is known about smuggling of migrant workers to destinations other than Malaysia. These operations also begin with unlicensed recruitment agencies in Indonesia, but details of their liaison with recruiters in other countries of destination and their overall modus operandi remain unclear.

Methods of payment and migrant strategies for mobilizing the necessary capital appear to be understood on a basic level. Both official and unofficial recruitment entails a significant financial investment, although unofficial channels are often more affordable. Migrants sell land, take on debt, or pay instalments from their salary after reaching their destination, which results in burdensome debt cycles for regular and irregular migrant workers.

Only limited, dedicated research is available regarding transit migrant smuggling through Indonesia. Although migrant smuggling from Indonesia to Aus-

tralia has been in the media spotlight, particularly within the Australian media, little empirical research has been devoted to these migrant flows. A UNODC report (2010) on migrant smuggling from Afghanistan and Pakistan provides information about smuggling fees paid by migrants for being smuggled to Australia via Indonesia. This report also highlights the importance of corruption in transit countries such as Indonesia. However, it does not provide details on how these smuggling organizations operate in Indonesia specifically.

**b) What we don't know about migrant smuggling in Indonesia**

While irregular migration from Indonesia to Malaysia and related migrant smuggling practices are relatively well researched, the reviewed literature provided only rudimentary information about migrant smuggling to and through Indonesia. Surprisingly, with the exception of one recent media source (Ferguson 2010), no recent empirical research on this issue has been conducted. Future investigation of migrant smuggling to and through Indonesia is needed to clarify and document the following areas:

- extent of migrant smuggling;
- routes used;
- profiles of migrant smugglers;
- profiles of smuggled migrants;
- nature of smuggler-migrant relationships;
- organization of such migrant smuggling and methods used;
- smuggling fees; and
- human and social costs of such migrant smuggling.

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### 1) Quantitative assessments and flows of irregular migration, migrant smuggling, and trafficking in persons

#### a) *Estimated numbers and major routes: Irregular migration from, to and through Lao PDR*

Every day, hundreds of Lao citizens cross the border irregularly to work in Thailand. A working paper by Thongyou and Ayuwat (2005) reports varying estimates of irregular migrants in Thailand — including those from Lao People's Democratic Republic (Lao PDR) — produced by the different Thai government departments responsible for managing migration. However much the actual estimates produced by each department vary, all indicate growing numbers of irregular migrants. Under the Thai Government's 2004 registration of irregular migrant workers process, irregular migrant workers from Lao PDR who registered themselves numbered 181,614–80,981 men and 100,633 women (Thongyou, 2005). A study conducted by Phetsiriseng for UNIFEM (2007) indicates that, since the bilateral MOU between Thailand and Lao PDR on Employment Cooperation for Migrant Workers came into effect in 2005, the number of regular, and therefore registered, Lao migrant workers in Thailand had risen to 3,105. Local authorities in Lao PDR, however, believe the actual number of Lao migrants living in Thailand is higher than the registration figures suggest and increasing. The study concludes that the vast majority of Lao migrant workers in Thailand have irregular status.

The UNIFEM study (Phetsiriseng, 2007) describes major routes for irregular migrants travelling from

Lao PDR to Thailand that begin in Lao border provinces — including Savannakhet, Champasak, and Khammuane — where migrants cross over to travel to such Thai destinations as Bangkok and Thailand's central and eastern provinces. The UNIFEM study refers to the Lao Migration Survey 2003, which reported that Thailand hosted 81.5 percent of the Lao migrant population.

A small number of Lao migrants enter other bordering countries, including Cambodia, China, Myanmar, and Viet Nam.

Information from the Thai authorities indicates that most Lao workers entering Thailand irregularly cross the Mekong River just outside Vientiane to arrive at Nong Khai. Another common Mekong River crossing point is from Champasak Province in Lao PDR to Khemmarat District of Ubon Rachathani Province, Thailand. At the same time, irregular Lao migrants reportedly cross into Thailand both at official border checkpoints and through unauthorized border crossings. Irregular Lao migrants have been known to cross at the official border checkpoints from Hoixay, Bokeo Province, to Chiangkhong, Chiang Rai; from Kaenthao, Xayaboury Province, to Nakaxeng, Loei; from the capital city of Vientiane to Nong Khai over the First Lao-Thai Friendship Bridge; from Paksanh, Bolikhamxay Province, to Bungkan, Nong Khai; from Thakek, Khammuane Province, to Makorn Phnom; from Savannakhet Province to Mukdahan over the Second Lao-Thai Friendship Bridge; and from Vangtao, Champasak Province, to Chongmek, Ubon Rachathani (Phetsiriseng, 2007).

While Lao migrants have been found in all provinces of Thailand, a significant number of Lao migrants

work in the south of Thailand on rubber plantations. According to the UNIFEM research, many of these migrants follow historical migration patterns and come from specific villages, in particular Champasak, where returned migrants who have lived and worked on these plantations pass on information to potential migrants in their home towns about migrating for work to the south of Thailand (Phetsiriseng, 2007).

**b) *Estimated numbers and major routes: Migrant smuggling from, to and through Lao PDR***

The review literature offers no statistics or estimates of the number of smuggled migrants from, to, and through Lao PDR. It can be concluded, however, that smuggled migrants are a subset of irregular migrants, and therefore must be included within the estimates of irregular migrants presented above. No distinction between irregular migrants and smuggled migrants is made, much less explored, within the literature.

Neither does the literature offer grounds for conclusions regarding major smuggling routes from Lao PDR and across the region. While there is no discussion of major smuggling routes into, out of, or through Lao PDR, however, it may be assumed that some of the irregular migrants referred to in the previous section use the services of smugglers to travel to and enter Thailand irregularly. Informal recruitment agencies are known to recruit Lao migrant workers and facilitate their travel and entry into Thailand, and some agencies employ the services of smugglers to manage this stage of the recruitment process (Phetsiriseng, 2007).

**c) *Estimated numbers and major routes: Trafficking in persons from, within, to and through Lao PDR***

No accurate estimates are available for the number of trafficked Lao citizens. The total official number of Lao trafficking victims in 2009 was 128, though this can be only a partial indicator of the size of the problem (UNIAP, 2010). This figure includes both cross-border and internal trafficking but, for reasons that remain unclear, excludes Lao victims trafficked into Thailand.

The literature classifies Lao PDR as both a source and a transit country for trafficking in persons. Peo-

ple are trafficked from China and Viet Nam through Lao PDR onwards to destinations including Malaysia and Thailand. Lao people are known to have been trafficked to China, Malaysia, and Thailand. Thailand has emerged as the number-one destination in the GMS for trafficked women and children, with the majority coming from Cambodia, Lao PDR, and Myanmar. Lao citizens are trafficked to Thailand and exploited in the sex industry, as domestic workers, and as labourers in such low-skilled sectors as fisheries, agriculture, seafood processing, and manufacturing (Pearson & Punpuing, 2006; UNIAP, 2010).

**d) *Cross-over or overlap, if any, between populations or routes***

The literature does not specifically address this question, and no definitive conclusions can be drawn from it regarding crossovers and overlaps between populations and routes from Lao PDR. However, the reviewed research suggests that there seems to be a significant overlap between irregular migration, migrant smuggling, and human trafficking; Lao PDR is an important source country of irregular migrants in Thailand. Irregular migration seems to be facilitated mainly by smugglers, who are often referred to in the literature as ‘brokers’ or ‘recruiters’. At the same time, many victims of human trafficking in Thailand are from Lao PDR. Although it is not clear to which extent the Lao victims of human trafficking in Thailand were victims of a pre-organized human trafficking process that began in Lao PDR, it is clear from the available literature that the irregular status of Lao migrants significantly contributes to making them vulnerable to a human trafficking process that might have only begun in Thailand. By facilitating irregular migration, migrant smuggling can thus be a key contributor to human trafficking.

## **2) Profiles of migrant smugglers**

**a) *Socio-economic characteristics***

The research literature lacks information regarding the socio-economic characteristics of migrant smugglers. The literature does indicate, however, that many recruiters who operate through social networks themselves were or still are irregular migrants (Thongyou, 2005; Phetsiriseng, 2007; Pearson & Punpuing, 2006).

### *b) Motivation*

Many Lao migrants seek the services of trusted family and friend networks to facilitate travel and entry to Thailand, and some migrant smugglers see themselves as assisting friends and family, as opposed to viewing their services as business transactions. In addition, as mentioned earlier, some informal recruitment agencies use the services of smugglers to facilitate transport and entry of irregular migrants into Thailand (Phetsiriseng, 2007).

The literature does not discuss the motivations of migrant smugglers in any further detail. In broad terms, however, the literature does refer to Thai demand for low-skilled Lao migrant workers together with the ready supply of Laotians who wish to migrate to Thailand for work (Pearson & Punpung, 2006; Phetsiriseng, 2003, 2007; Chantavanich, 2008). Recruiters capitalize on this demand, which is — according to the literature — due in part to the lengthy, complex, and expensive formal system of recruitment for migrants wanting to work in Thailand (see Section 9, below, for more details). The literature suggests that the ineffective formal recruitment system results in many potential Lao migrants instead seeking the services of informal recruitment agencies, family and friend networks, and smugglers (Vasuprasat, 2008).

### **3) Profiles of irregular migrants and smuggled migrants**

#### *a) Geographical and socio-economic characteristics*

The reviewed research indicates that most Lao migrants are young adults and teenagers from poor rural areas. They are generally poorly educated, poorly informed, and poorly equipped to migrate and experience city life in Thailand. Most Lao migrant workers are subsistence farmers who lack the skills and experience for working in industrialized systems and factory settings (Phetsiriseng, 2007; Thongyou, 2005). The vast majority of Lao women and girls in Thailand are employed in the domestic sector. According to Phetsiriseng (2007), 90 percent of Lao women who migrate to Thailand irregularly work as domestic servants in private households.

### *b) Motivation*

Economic opportunity and escape from poverty, according to the literature, is the overarching motivation among Lao people to migrate, whether regularly or irregularly (Phetsiriseng, 2003, 2007; Chantavanich, 2008; Thongyou, 2005). The demand for cheap, low-skilled migrant worker in Thailand provides potential Lao migrants with (perceived) opportunities to escape poverty and benefit financially (Phetsiriseng, 2003).

Returned migrants with positive experiences of migration to Thailand are another source of encouragement among potential young Lao migrants (Chantavanich, 2008). Networks that include such veteran migrants can provide potential migrants with information about job opportunities and the migration process, and connect them with trusted recruiters and smugglers.

In addition, irregular migration is often perceived as more affordable and more time-efficient than the path offered by formal recruitment agencies (Phetsiriseng, 2007). Section 9, below, presents more detailed discussion of this factor.

### **4) Smuggler-migrant relationships**

#### *a) Migrant perceptions of smugglers*

No empirical research has been undertaken on how migrants perceive smugglers. Nevertheless, some observations are possible on the basis of the reviewed literature.

The ILO study (Chantavanich, 2008) involved interviews and surveys focusing on the experiences of 85 returned Lao migrants. Fully 80 percent of the potential Lao migrants expressed clear awareness of the risks associated with irregular migration. The literature also identifies trust as an important factor in choosing, despite the evident dangers, the services of smugglers, informal recruitment agencies, or family networks to migrate to Thailand (Chantavanich, 2008; Phetsiriseng, 2007; Thongyou, 2005). Irregular migrants use family networks and connections because of the associated kinship and friendship ties, and because these services have often been successfully tried and tested by other family members and

friends who previously migrated to Thailand. The ILO report (Chantavanich, 2008) found, on the other hand, that many potential migrants from Lao PDR and Cambodia did not trust formal recruitment agencies, viewing them as untrustworthy, as well as expensive and inefficient.

#### ***b) Nature of smuggler-migrant relationship***

No specific research is available regarding the relationship between smugglers and migrants, but the ILO report by Chantavanich (2008) and Phetsiriseng (2007) notes that the relationship between irregular migrants and those who facilitate their travel is largely based around an attitude of trust. And such trust, or lack of it, can influence the decision to migrate. Research also indicated that those migrants who have a personal relationship with their smuggler have a better chance of successfully migrating, while those migrants who use the service of informal recruitment agencies are more vulnerable to physical and sexual abuse and exploitation both during the journey and in their Thai workplace.

#### ***c) Factors influencing the nature of the smuggler-migrant relationship***

Personal connection to the smuggler through social networks is arguably a crucial factor influencing both the nature of the relationship between smugglers and Lao migrants and the decision to migrate. One report notes that 44 percent of the informal migrants surveyed chose to migrate through social networks for reasons related to personal connections (Chantavanich, 2008).

Social networks can be critical for irregular Lao migrants travelling to Thailand for work or other reasons. One observer argues that a Lao social network is the primary mechanism providing potential migrants with a range of services, including assistance with travel, entering Thailand irregularly, and finding employment once in that country. Lao social networks are often responsible for encouraging their friends and families to migrate, particularly when they have had a positive experience of migration to work in Thailand, including trouble-free facilitation of travel and entry into Thailand (Phetsiriseng, 2007).

Where migrants sense danger from unfamiliar smugglers or recruiters, it is less likely that they will em-

ploy these service providers. Allied to the trust factor is the smuggler's capacity to deliver services efficiently, including the facilitation of entry into Thailand, finding employment, transporting remittances back home, and assisting with communications with family and friends in Lao (Phetsiriseng, 2003).

At the same time, another ILO report on migrant workers in Thailand (Pearson and Punpuing (2006) shows that it is important for smugglers to gain the trust of those who want to use their services. And when a smuggler wins a client's trust, their business opportunities improve because clients will often recommend their services to others (Pearson & Punpuing, 2006).

### **5) Organization of migrant smuggling**

#### ***a) How is migrant smuggling organized?***

The UNIFEM report by Phetsiriseng (2007) is the only study in the review that addressed the organization of migrant smuggling to, from, and through Lao PDR. But other research did offer insights into certain features of migrant smuggling organizations.

According to this report, smuggling is a means of facilitating irregular migration. Informal recruitment agencies and family networks may use or organize the services of smugglers. Informal recruitment agencies operate in Lao PDR and Thailand to recruit Lao migrant workers into low-skilled Thai industries where demand for migrant workers is high, among these seafood processing, manufacturing, agriculture, and commercial fishing. Some of these informal recruitment agencies are well organized and well established, particularly around Lao-Thai border areas. The UNIFEM report sheds light on the organization of these informal recruitment agencies. The recruiters are based in Lao PDR with Thai counterparts that set up working opportunities with employers in Thailand. Lao and Thai recruiters then meet at specified locations to hand the migrants over to the Thai side for delivery to employers. Some of these informal recruitment agencies are known to use the services of smugglers in transporting Lao migrants across the border and facilitating their irregular entry into Thailand (Phetsiriseng, 2007).

The literature also indicates that some recruiters operating through social networks offer other services



to their irregular migrant clients, including transport of remittances from the Lao workers in Thailand to their families back home (Thongyou, 2005; Phetsiriseng, 2007; Pearson & Punpuing, 2006).

***b) Are persons involved in migrant smuggling also involved in other criminal activities?***

The literature provides little information on migrant smugglers' involvement in other forms of crime. The UNIFEM report, however, mentions that migrant smugglers also transport illicit commodities other than migrants, without providing further detail (Phetsiriseng, 2007).

***c) Does migrant smuggling attract persons who have a history of involvement in other crime?***

Whether migrant smuggling attracts people who have a history of involvement in other crime remains unclear, given the limited research available for review.

***d) What levels of professionalism/specialization is there within migrant smugglers?***

Given the limited relevant literature available, no conclusions can be drawn regarding the degree of professionalization/specialization of migrant smugglers.

***e) What influences shape the way migrant smugglers are organized? How and why do these organizations evolve?***

The literature underscores the fact that social networks of family and friends who have irregularly migrated to Thailand significantly shape the organization of Lao migrant smuggling to Thailand (Pearson & Punpuing, 2006; Chantavanich, 2008; Phetsiriseng, 2007). These networks have developed to assist in organizing and facilitating migration to and employment in Thailand. They serve as reliable sources of information regarding the irregular migration process and working in Thailand. They are well connected both to other Lao migrant communities and to Thai employers in Thailand. On a basis of first-hand experience, they know the migration routes, modes of transport, and how to cross the border into Thailand irregularly. Those with positive migration

experiences are particularly influential in the decisions of potential migrants (Thongyou, 2005).

According to the reviewed research, shortcomings in migration management policies have contributed to the establishment of informal recruitment agencies, some of which employ the services of smugglers. According to Vasuprasat (2008) the expense and inefficiency associated with formal recruitment practices designed to regulate migration to Thailand have made informal recruitment agencies, which are generally cheaper and faster, more appealing to many Lao migrants. (See **Section 9** for a more detailed discussion.)

## **6) Modus operandi of migrant smuggling**

### ***a) Recruitment methods***

The research under review does not address the modus operandi of smugglers. Nevertheless, some general observations may be based on the literature concerning irregular migration. Social networks and informal recruitment agencies are used most frequently by irregular Lao migrant workers (Phetsiriseng, 2007). Most potential informal migrants are recruited by someone they know (Chantavanich, 2008). It is often true that recruiters are or were themselves irregular migrants in Thailand. With the knowledge and experience of migration to Thailand, recruiters can influence the decisions of others to migrate, especially if their migration experience was positive. This is particularly the case among those recruiters with personal connections to potential migrants through family or social networks (Phetsiriseng, 2007).

### ***b) Payment methods***

No empirical research in the literature addresses methods of payment. Nevertheless, based on the literature concerning irregular migration, some general observations can be offered. Methods of payment to recruiters vary. Some irregular migrants pay their fee to the recruiters up front, and are therefore free of any debt or potential debt bondage to their recruiter. Others take out loans from their recruiters, or from friends or family members. (Chantavanich, 2008). Irregular migrant workers more commonly do not themselves pay for their migration to Thailand. In-

stead, their Thai employers pay for recruitment and travel expenses, paying the recruiters upon delivery of the workers. Employers usually pay the recruiter in one lump sum when the migrants arrive, and then deduct this amount, with interest, in instalments from the migrants' salaries once they begin work (Phetsiriseng, 2007).

**c) *Transfer of criminal proceeds***

The literature includes no information regarding the transfer of criminal proceeds from migrant smuggling operations.

**d) *Transportation methods***

The reviewed literature does not examine this question in detail. Given that Lao PDR is a landlocked country and shares a relatively porous border with Thailand, transport to Thailand is generally overland. Some irregular migrants travel independently, and may have the telephone numbers of social contacts in Thailand should they need assistance on arrival. Other irregular migrants travel in groups of 4–5 people, with recruiters or brokers and friends and relatives who assist with travel and facilitation of entry to Thailand (Chantavanich, 2008).

Once in Thailand, irregular Lao migrants are usually transported by road, hidden under cover in the back of trucks, to the destination place of work. Some employers pick the migrants up at the border and transport them to the workplace (Phetsiriseng, 2007).

**e) *Document use and misuse***

The literature does not provide direct insight into the use or misuse of documents in migrant smuggling processes. In some cases, informal Lao migrants travel irregularly across the border to Thailand without passport or other documents. Many Lao citizens lack official identification documents or passports needed for the formal recruitment process, and therefore turn to informal recruitment channels (Chantavanich, 2008).

The research conducted by UNIFEM (Phetsiriseng, 2007) and ILO (Chantavanich, 2008) included surveys and interviews with returned Lao migrants who had worked in Thailand. This information indicated that many returned migrants had their passports and other identification and employment-related docu-

ments confiscated by employers upon arrival. Passports are kept by Thai employees to control the Lao migrant workers and to prevent them from running away. Without passports or other identity documents, migrant workers are made vulnerable to exploitation and abuse within their workplaces.

**f) *Corruption***

The literature suggests the importance of corrupt practices by Lao and Thai officials, during or following migration. According to Phetsiriseng (2007), at official border checkpoints, it is often necessary for Lao migrants or their recruiters to bribe immigration authorities so that they can cross into Thailand. In some Thai workplaces, irregular Lao migrant workers have to pay police on a regular basis to avoid arrest and deportation. Human Rights Watch (2010) reported that police might confiscate all the earnings of arrested Lao migrants, who are then deported without their savings. According to Phetsiriseng (2007), some deportees are then subject to heavy fines upon their return by the immigration police and/or their village authorities, depending on which village they are from. Some Thai employers who have recruited irregular migrant workers reportedly bribe police and/or labour inspectors to prevent them from inspecting their workplaces and employment practices.

**g) *Evolution of migrant smuggling methods in response to changes in migration policies and counter measures***

The reviewed research does not specifically address the evolution of migrant smuggling methods in response to changes in migration policies and counter-measures. The literature does refer, however, to the role of legislation and policies in the evolution of irregular migration from Lao PDR to Thailand. In particular, the research notes that, despite a recent MOU on labour migration and alien registration schemes in Thailand, irregular migration between Lao PDR and Thailand continues and has probably increased.

Vasuprasat (2008) argues that weak legal enforcement of migrant smuggling legislation and the restrictive nature of the Lao-Thai migration regime under the MOU has exacerbated irregular migration. According to this report, the migration regime prescribed by the MOU has proved unpopular with

many potential Lao migrants because it is too costly, complex, and lengthy. Another MOU limitation is that migrant workers are only allowed to work for a specific employer and at the workplace specified in their work permit. Regular migrant workers therefore find it difficult to change jobs or employers if they are unsatisfied with their workplace. Irregular migration may therefore have greater appeal because it is perceived as more flexible, more efficient, and less expensive.

### 7) Migrant smuggling fees and mobilization of fees

The reviewed research shed no light on the specific issue of fees charged for migrant smuggling or how fees are mobilized by migrants. It does, however, provide some information about the respective costs of pursuing migration through the formal and informal labour migration sectors. Costs associated with formal recruitment agencies can include, among others, expenses for medical examination, passport, travel, and work permit, and can total between THB 15,000 (USD 490), for a single-entry visa, and THB 18,000 (USD 590) for a multi-entry visa (Chantavanich, 2008).

According to a 2003 study, transporters (referred to as 'traffickers' in the article) are responsible for requesting a border pass from the Lao authorities to transport their clients across the border, moving their clients onwards outside the provincial limitations imposed by the border pass and on to the destination point in Thailand. Payments to transporters, at that time, ranged between THB 6,000 and THB 8,000 (USD 140–USD 186) per person. (Phetsiriseng, 2003).

According to the UNIFEM report (Phetsiriseng, 2007), some recruiters from informal recruitment agencies charge Thai employers for bringing in Lao workers. The migrants often do not pay the recruiter themselves. The UNIFEM report indicates that some informal recruiters charge the employers between THB 2,000 and THB 3,000 (USD 60 and USD 90), or one month's salary per worker, upon the delivery of the worker to the Thai workplace. Worker are then required to work for their employers until the recruitment fee has been paid off. The charges vary, depending on the smuggling or recruit-

ment network. The UNIFEM study reports fierce competition between networks. This works in the migrants' favour by driving recruitment and transport fees down and providing cheaper, faster, and safer services.

Further, the UNIFEM report indicates that migrant smugglers can charge between THB 100 and THB 500 (USD 3 and USD 15) per person, depending on the prevailing security situation along the Lao-Thai border, to informal recruitment companies who use their services to transport these individuals from Lao PDR to Thailand. This service excludes assistance with finding employment in Thailand (Phetsiriseng, 2007).

### 8) Human and social costs of migrant smuggling

The literature does not specifically address the human and social costs of migrant smuggling from Lao PDR. Neither does it address migrant smuggling as such, though it suggests, with regard to irregular migration that, while social networks play an important role in facilitating safe migration, irregular Lao migrants are nonetheless vulnerable to exploitation and abuse during the journey to Thailand and upon arrival in their Thai workplaces.

Research indicates that labour protection laws are poorly enforced for migrant workers in Thailand, and irregular migrant workers are subject to arrest and deportation because of their unofficial status (Human Rights Watch, 2010; Huguet & Punpuing, 2005). Many irregular migrants therefore experience mistreatment, underpayment, long working hours, and poor working conditions in terms of health and safety standards. Furthermore, Thai employers are able to control the irregular migrant workers by threatening to inform the Thai officials of their irregular status, leading to arrest and deportation (Human Rights Watch, 2010; Chantavanich, 2008). Extortion has been reported on the part of Thai officials, who can strip irregular migrant workers of their earnings and other valuables upon arrest or before they are deported (Human Rights Watch, 2010). After deportation and upon their return to Lao PDR, irregular migrants can face additional fines imposed by the Lao Department of Immigration and/or village authorities (Phetsiriseng, 2007).

Phetsiriseng (2007) reports that irregular migrants are often placed in low-skilled, dangerous, dirty, and demanding employment sectors where health and safety standards are poor. In addition, Lao migrant workers, particularly those from rural areas, are often poorly informed and have no experience working in industrialized sectors. Informal migrants do not receive training before arrival in their Thai workplace, and many are subject to additional workplace dangers because they are unfamiliar with equipment and processes. Phetsiriseng (2003) also identified HIV/AIDS as a health issue connected to migration. This is especially the case among women and girls who are trafficked or who migrate to work in the sex industry. Returned migrant workers are known to suffer from trauma associated with exploitation and abuse in their Thai workplaces. Other returned migrants suffer continuing health problems contracted in their working environments in Thailand (Phetsiriseng, 2007).

The reviewed research also identifies accumulated debt as a risk for Lao migrants. Both regular and irregular Lao migrant workers may incur large debts as a result of their migration to Thailand. Indebted to either their recruiter or to their employer, many such workers endure harsh conditions in their Thai workplaces to pay off their migration debt and, they hope, save some money of their own (Vasuprasat, 2008). In extreme cases, migrant workers can be held in debt bondage to their employer (Human Rights Watch, 2010).

### 9) Factors fuelling irregular migration and migrant smuggling

A number of push-pull factors commonly contribute to the irregular migration of Lao citizens to Thailand and other countries bordering Lao PDR. Many of these have been discussed previously, including the overarching issue of pursuing economic opportunity in Thailand and escaping rural poverty in Lao PDR. According to the literature reviewed, furthermore, informal migration channels are often favoured by potential Lao migrants because they are faster, cheaper, and more efficient in terms of facilitating travel, entry into, and employment in Thailand, compared to the relatively expensive, lengthy, and complex formal recruitment system established under the Lao-Thai MOU on Employment Cooperation (Vasuprasat, 2008).

Relatively high demand draws a ready and willing supply of Lao migrants to Thailand to work in low-skilled work sectors such as fisheries, seafood processing, manufacturing and agriculture, and domestic work. According to Phetsiriseng (2007) the formal recruitment and migration process is too slow and inefficient to match this demand. Both Phetsiriseng (2007) and Vasuprasat (2008) argue that, because of its shortcomings, the MOU has worked to fuel rather than reduce irregular migration.

At the time Vasuprasat (2008) conducted his research, there were nine authorized foreign employment agencies recruiting Lao migrant workers in Lao PDR. Provisions for formal recruitment agencies, both state-managed and privately operated, are presented under the Lao PDR-Thai bilateral MOU on Cooperation in the Employment of Workers (2002). Also included under the MOU are provisions relating to actions against unauthorized border crossings and the employment of irregular migrant workers to support the use of formal recruitment agencies. The formal agencies established in Lao PDR, however, struggle to meet Thailand's demand for workers. In 2005, for example, under the MOU Thailand anticipated a demand for 51,105 workers from Lao PDR, whereas Lao PDR could only provide 3,148 workers through formal channels (Vasuprasat, 2008).

Chantavanich (2008) points to the high demand for domestic workers in Thailand. Because the Lao Government does not recognize domestic work as a formal sector of employment for migrant workers, however, Lao domestic workers use irregular migration channels to enter Thailand and find employment.

According to Phetsiriseng (2007) the very existence of informal recruitment agencies and social networks established to facilitate irregular travel, entry, and employment in Thailand is another reason irregular migration continues to operate between Lao PDR and Thailand. Moreover, deterrent measures against these unauthorized procedures are limited. Border guards and police officials can be bribed to prevent arrest and prosecution, and those irregular migrants who are arrested and deported can re-enter Thailand again.

Phetsiriseng (2007) also reports that few Lao citizens hold a passport or border pass to travel regularly to Thailand. Passports are expensive and time consuming to process, and many Lao citizens are unfamiliar

with the application process. Border passes, a cheaper option, take 3–5 days to process at a cost of USD 3. They are valid for one year, and allow Lao citizens to cross into Thailand through official Lao-Thai border checkpoints. For each entry into Thailand, however, the Lao border-pass holder can stay a maximum of only three days, and must remain within the Thai province of entry. In practice, Lao migrants enter Thailand with a border pass but stay on in Thailand irregularly once the border pass has expired.

Vasuprasat (2008,) refers to another factor that fuels irregular migration: Formal recruitment agencies do not necessarily guarantee migrants safe passage to Thailand or labour protection once in Thailand. Trusted social networks that assist with irregular migration arguably offer potential migrants safer passage into Thailand and employment in more trusted workplaces. The formal recruitment process, furthermore, prohibits migrants from changing employers if they are unsatisfied with their working conditions. It is common for Thai employers to confiscate travel and employment documents from formal migrant workers on arrival at the workplace, effectively allowing the employer to exert control over the workers on and off the job. Various authors point out that this practice makes migrant workers vulnerable to exploitation and abuse (Chantavanich, 2008; Pearson & Punpuing, 2006).

Finally, Phetsiriseng (2007) suggests that labour laws in Lao PDR may be a potential push factor for irregular migration. Lao PDR labour laws provide basic protection to workers, including the right to equal pay, minimum wage, overtime, and provisions relating to occupational health and safety. These laws are poorly enforced, however, and many Lao workers consequently lack protection of their worker's rights. Lao workers can be subject to exploitation and abuse, including underpayment, within their workplaces. This has been identified as a push factor for migration to work in Thailand, where working conditions and pay are perceived as better than those in Lao PDR.

## 10) Conclusions

### *a) What we know about migrant smuggling in Lao PDR*

In the absence of any definitive research on migrant smuggling to, through, and from Lao PDR, the

discussion presented in this chapter draws primarily upon research on irregular migration. While no distinction is made in the research under review between migrant smuggling and other methods of irregular migration, it may be assumed that migrant smuggling is an undisclosed subset of irregular migration.

The literature includes a strong focus on irregular labour migration from Lao PDR to Thailand. In general, the methods used by irregular Lao migrants in travelling to Thailand parallel methods used by migrant smugglers.

Informal recruitment agencies may use the services of smugglers to facilitate entry into Thailand, although the extent of this practice remains unknown. Social networks, because they are trusted, are also identified as crucial to the facilitation of irregular migration for Lao migrants. Often those individuals within the social networks who engage in organizing irregular migration were irregular migrants themselves: they have tried and tested the migration routes, and have often had positive experiences of living and working in Thailand.

Factors that drive irregular migration from Lao PDR to Thailand include shortcomings in the Lao-Thai migration management policies directed by the MOU on Employment Cooperation; perceived economic opportunity in Thailand on the part of young Lao citizens; the desire to escape poverty; and the existence of informal recruitment agencies and social networks. These factors, arguably, also fuel organized smuggling between Lao PDR and Thailand.

### *b) What we don't know about migrant smuggling in Lao PDR*

Many gaps persist in research concerning migrant smuggling in Lao PDR, and little information is available on the subject. Discussion presented in the literature mostly concerns irregular migration and, to a lesser extent, trafficking in persons.

The data needed to estimate numbers of Lao smuggled migrants are unavailable. Limited information is available, however, regarding profiles of migrant smugglers operating in Lao PDR.

Discussion within the literature provides little insight into the organization of migrant smuggling



operations. Phetsiriseng (2007) offers a brief discussion of smuggling between Lao PDR and Thailand, although this is couched within a broader discussion of irregular migration methods. The issue of the transfer of criminal proceeds is not addressed.

In short, dedicated research is needed to better understand the following issues:

- quantitative extent of irregular migration, migrant smuggling, and trafficking in persons;
- smuggler profiles and motivations;
- profiles of irregular and smuggled migrants and their motivations;
- migrant-smuggler relationships;
- organization of migrant smuggling;
- modus operandi of migrant smuggling;
- fees paid to smugglers and mobilization of fees;
- human and social costs of migrant smuggling; and
- factors contributing to irregular migration and smuggling.

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## Chapter Eight: Malaysia

### 1) Quantitative assessments and flows of irregular migration, migrant smuggling, and trafficking in person

#### a) *Estimated numbers and major routes: Irregular migration from, to and through Malaysia*

Malaysia, according to the reviewed literature, is a country of destination for irregular migration. The country has hosted a great number of irregular migrants since the 1970s ushered in the New Economic Policy. A concomitant new migration policy focused on export-oriented industrialization and public-sector expansion, triggering a wave of urban job growth and subsequent mass migration, some of it within Malaysia itself (Human Rights Watch, 2004). During this time, shortages in the plantation, construction, and service sectors were being filled mainly by Indonesian migrant workers (Asis, 2004).

According to Santhiago (2005) and Ford (2006) many irregular migrants in Malaysia are overstayers, because ASEAN nationals, including Indonesians and Filipinos, require only a social visit pass to enter the country. For migrants who choose to irregularly enter Malaysia at the border, the assistance of smugglers, i.e. recruiters, brokers, and middlemen, is often unnecessary. Indonesian migrants enter Malaysia through a range of formal, semi-formal, and informal channels. Major points of departure in Indonesia for unassisted entry into Malaysia include Kalimantan, Nunukan, Sebatik, and Tarakan. Malaysia's borders with Indonesia are very porous, and irregular migrants can easily cross them.

Accurately quantifying the number of irregular migrants in Malaysia is currently impossible. But the

reviewed literature includes estimates indicating that levels of undocumented migrants have remained high over the past three decades. In 1995, it was estimated that 650,000 undocumented migrants were living in Malaysia, while in 1999 ILO estimates indicated that less than half of Malaysia's 1.8 million foreign workers had travel documents (Crisis, 2005). Estimated numbers of irregular migrants have remained at least as high in the 21<sup>st</sup> century. In 2002, estimates placed the number of irregular unskilled labour migrants from Indonesia and the Philippines at about 600,000 (Asis, 2004). Later estimates ranged up to 1.3 million for 2004 and 2005 (Santhiago, 2005). In July 2006, the IOM estimated that 600,000 irregular migrant workers were in Malaysia (IOM, 2008). In 2009, according to other observers, Malaysia was hosting an estimated 1.9 million undocumented workers (U.S. Department of State, 2010).

Although estimates vary, Malaysia's irregular migrants are overwhelmingly comprised of labour migrants from Indonesia and the Philippines (Santhiago, 2005), though Malaysia also hosts a number of irregular Bangladeshi migrants (Mehdi, 2010).

#### b) *Estimated numbers and major routes: Migrant smuggling from, to and through Malaysia*

The reviewed literature provides no quantitative estimates of the number of migrants smuggled to, from, and through Malaysia.

The available research does, however, confirm that, as with irregular migration flows, Malaysia is a country of destination and transit for migrant smuggling. Smuggling of migrants from Indonesia to Malaysia

has become a formidable industry, one that, in the form of unlicensed recruitment agencies and unauthorized brokers, normally parallels official labour recruitment schemes. Networks in both countries facilitate irregular entry into Malaysia and job placement after arrival (Hosen, 200). In the Malaysian state of Sarawak alone, the authorities have identified 72 land routes used by smugglers. (These routes, cleared by border dwellers and illegal loggers, are known as *lorong tikus*, or 'rat lanes'.) According to Malaysia's Department of Immigration, smugglers seek and establish new routes when old channels are discovered (Santhiago, 2005). Hunter (2004) confirms that smuggling flows for labour migration out of Indonesia to Malaysia use either fishing vessels or land routes, depending on the point of departure.

Smuggling agents in the Philippines, another major source country of migrant labour in Malaysia, help migrants to enter Malaysia using unauthorized routes from the islands of Sulu and Balawan in the southern Philippines. Smuggling groups also reportedly assist migrants from Bangladesh, Cambodia, Lao PDR, Myanmar, Nepal, Thailand, and other countries to cross the land border from Thailand to Malaysia (Santhiago, 2005).

Migrants from other Asian countries use Malaysia as a transit country on their way to Australia, Saudi Arabia, and Singapore (Santhiago, 2005; Mehdi, 2010). It is unclear whether migrants proceed independently to Saudi Arabia and Singapore or by way of smuggling networks. Organized smuggling networks are responsible for arranging transit to Australia (Crock et al., 2006). Depending on the route, Malaysia may not be the only country of transit for these migrants. Since 2007, due to Indonesia's stricter visa regime, smuggling routes for members of the Hazara ethnic minority from Afghanistan who are irregularly migrating to Australia have become more complicated. Instead of travelling directly to Indonesia from Afghanistan, migrants first stop in Malaysia and are then ferried by boat to Indonesia, where they change to another boat bound for Australia (UNODC, 2010).

**c) *Estimated numbers and major routes: Trafficking in persons from, within, to and through Malaysia***

The literature does not provide quantitative esti-

mates of migrant numbers trafficked to, from, and through Malaysia.

According to the literature, Malaysia is a country of destination and, to a lesser extent, of origin and transit for trafficking in persons. Most trafficking victims in Malaysia are migrant workers looking for employment opportunities who come from Bangladesh, Cambodia, China, India, Indonesia, Myanmar, Nepal, Pakistan, the Philippines, Thailand, and Viet Nam. Malaysian citizens are trafficked both internally and to France, Hong Kong (China), Singapore, and the UK (U.S. Department of State, 2010). Transit routes through Malaysia continue onward to Europe, Hong Kong (China), Japan, Singapore, Taiwan Province of China, and Thailand (Saat, 2009).

Some traffickers work alone, but most trafficking in persons to Malaysia involves organized crime syndicates. Some labour recruitment agencies are also involved in trafficking, outsourcing excess workers who are often subjected to conditions of forced labour (U.S. Department of State, 2010). Trafficked Indonesian girls and women are usually brought to Malaysia as domestic maids and are then sold by their agents to work in discos and the entertainment industry (Human Rights Watch, 2004). Trafficking in persons can continue internally, with victims being sold from club to club (Saat, 2009).

Because the 2006 MOU on migrant workers between Malaysia and Indonesia allows Malaysian employers to confiscate and hold the passports of domestic employees, these workers are more vulnerable to trafficking conditions and exploitation by employers (U.S. Department of State, 2010).

The Malaysian state of Sabah is the main point of entry for trafficking in persons from the Philippines. Trafficking routes from the Philippines involve a combination of air, sea, and land travel, and most victims enter Malaysia through a multi-stage journey of flights and ferries (Saat, 2009).

**d) *Cross-over or overlap, if any, between populations or routes***

While the reviewed literature does not specifically discuss this issue, it confirms that a great deal of overlap exists between regular, irregular, smuggling, and trafficking flows to Malaysia. Coming from the two

major source countries for authorized migrant labour in Malaysia, Indonesian and Filipino migrants also comprise the bulk of unauthorized flows. Unlicensed agencies in Indonesia and Malaysia reflect authorized migration patterns, and facilitate irregular entry into Malaysia and job placement through contacts with Malaysian employers (Hosen, 2005). Allegedly, some agencies are also involved in trafficking flows, and sell their clients to discos and clubs in Malaysia (Human Rights Watch, 2004).

## 2) Profiles of migrant smugglers

### a) *Socio-economic characteristics*

Given the available literature, no conclusions can be drawn regarding the socio-economic characteristics of smugglers.

### b) *Motivation*

The reviewed literature did not specifically research the motivation of migrant smugglers.

## 3) Profiles of irregular migrants and smuggled migrants

### a) *Geographical and socio-economic characteristics*

The literature indicates that, as with regular migrant workers, irregular and smuggled migrants in Malaysia most often originate from the neighbouring countries of Indonesia and the Philippines (Santhiago, 2005). Many of these migrants are women. Overall, labour flows to Malaysia and more generally within South-East Asia have become increasingly feminized, with more women leaving their home countries through regular and irregular channels to find work abroad (Crinis, 2005).

Smuggled migrants transiting through Malaysia are often from Middle Eastern and South-West Asian countries such as Afghanistan and Pakistan (UNODC, 2010).<sup>17</sup>

<sup>17</sup> For further information about socio-economic characteristics of Afghan and Pakistani migrants, please refer to the respective country chapters.

### b) *Motivation*

According to the reviewed literature, irregular migrant workers from Indonesia and the Philippines enter Malaysia with the hope of finding employment and bettering their economic situation. In addition, Hosen (2005) and Hugo and Stahl (2004) report that, instead of using official labour migration channels, migrants can much more easily find employment through unofficial recruiters. Authorized migration to Malaysia entails a number of bureaucratic hurdles, which can be avoided through irregular entry and unauthorized employment. Thus paperwork, fees, embassy visits, and required job placement and training through recruitment agencies may turn migrants to unlicensed recruiters, who provide faster and cheaper services for migrants living close to Malaysia.

Santhiago (2005) reports that migrants from Myanmar, often with the assistance of smugglers, irregularly enter Malaysia to seek asylum. They transit through Thailand before entering Malaysia. Once in the country, they often take up irregular employment.

Other irregular migrants, in particular from the Middle East and South-West Asia, use Malaysia as a transit country before continuing onward to Australia (Crock et al., 2006).

## 4) Smuggler-migrant relationships

### a) *Migrant perceptions of smugglers*

The reviewed literature provides very limited information about migrant perceptions of their smugglers. Trust is repeatedly mentioned as a key factor. In the well-established routes from Indonesia to Malaysia, migrants tend to trust unlicensed agents. Because labour migration recruiters in Indonesia tend to be individuals of good standing in their villages, potential migrants are prone to trust them more than they do unknown officials (Hugo, 2004; Rudnyckij, 2004).

According to Santhiago (2005), some Middle Eastern and South-West Asian migrants smuggled to or through Malaysia reported that, although smugglers demanded a great deal of money, they were good

men who fulfilled their promises and assisted migrants in fleeing from dangerous situations.

***b) Nature of migrant-smuggler relationship***

Beyond the recruitment phase in Indonesia, the literature does not provide information on Indonesian migrant relationships with other actors in the smuggling process. Rudnyckyj (2004) likens Indonesian migrants' relationships with their local brokers to traditional patron-client networks, which play an important role in the absence of strong state institutions. In this 'peasant-landowner' relationship, clients willingly consent to exploitation by higher-status patrons in exchange for the patron guaranteeing their livelihoods when they fall on hard times. This relationship is reflected in migrant-broker relationships, when well-known and respected brokers in the community provide small-scale loans to migrants and provide contacts to recruitment agencies.

***c) Factors influencing the relationship between smugglers and migrant***

The reviewed literature did not specifically research this issue. The scant available information, which relates only to migrant smuggling from Indonesia to Malaysia, indicates that the social standing of Indonesian brokers at home greatly influences the nature of their relationship with migrants. If brokers are respected in their communities, potential migrants feel safer entrusting their future to them (Hugo, 2004; Rudnyckyj, 2004). Given Rudnyckyj's above-mentioned patron-client relationship between broker and migrant, a broker may be expected to assist migrants if they experience difficulties abroad. However, brokers may not be able to adequately respond to these problems. In such cases, the broker's reputation as a recruiter may suffer due to the local scale of the relationship.

## **5) Organization of migrant smuggling**

***a) How is migrant smuggling organized?***

The reviewed research did not examine the organizational structure of networks that operate in Malaysia and are involved in migrant smuggling from countries other than Indonesia and the Philippines.

Smuggling operations from Indonesia to Malaysia often parallel licensed labour recruitment agencies in the form of informal brokerages. Unlicensed agents have local contacts in Malaysia who assist with job placement and finding accommodation. Smugglers are referred to as 'middlemen', 'brokers', 'agents', 'snakeheads', *tekong darat* (anchormen on land), and *tekong laut* (anchormen at sea) (Santhiago, 2005).

Saat (2009) provides information about the structure of 11 criminal groups operating in West Malaysia that are involved in both trafficking in persons and migrant smuggling from the Philippines to Malaysia. These groups range in size from fewer than 5 to as many as 20 members. Saat describes a four-level structure of such groups: (1) the decision-makers, about whom little is known; (2) individuals who receive orders, pass on information, and give directions to level 3; (3) members who organize on the ground operations, work closely with level 4, and have close ties with government officials in the police and Immigration, generally greasing the wheels of the operation; and (4) errand boys who arrange transportation, buy food, and pass information to level 3. These errand boys also scout for new clients and areas of expansion, and normally know local sex workers. In addition, they often deal in hard illicit drugs and pharmaceuticals (Saat, 2009).

On the other hand, according to Saat, groups involved in migrant smuggling and human trafficking from the Philippines to Sabah are smaller and organized differently. These groups have up to 10 members and adopt a 3-level structure: (1) people embedded in the Sabah entertainment industry; they force women into prostitution; (2) agents who recruit and sell or hand over women to the entertainment industry in Malaysia or to other agents, who are most often Filipinos; and (3) recruiters hired by the agents to recruit girls in the Philippines (Saat, 2009).

***b) Are persons involved in migrant smuggling also involved in other criminal activities?***

According to Saat (2009) migrant smuggling and trafficking in persons from the Philippines to Malaysia are sometimes conducted by the same actors.



*c) Does migrant smuggling attract persons who have a history of involvement in other crime?*

It is unclear from the literature whether individuals are involved in other forms of criminality before they become involved in smuggling of migrants.

*d) What levels of professionalism/specialization is there within migrant smugglers?*

The literature does not specifically address the level of professionalism and specialization among migrant smugglers.

*e) What influences shape the way migrant smugglers are organized? How and why do these organizations evolve?*

According to Human Rights Watch (2004) smuggling networks for labour migration from Indonesia to Malaysia are shaped in large part by the overall organization of licensed labour recruitment agencies. Unlicensed recruiters mimic the operations of licensed agents and provide practically identical services. Local recruiters in villages may work for both licensed and unlicensed agencies, blurring the line between smuggling services and authorized channels of labour migration.

## 6) Migrant smuggling modus operandi

*a) Recruitment methods*

According to the reviewed literature, prospective migrant workers in Indonesia use both licensed and unlicensed labour agents to secure employment in Malaysia (Human Rights Watch, 2004). The process of recruitment begins in the home village with the local recruiter, who is also known as the sponsor, agent, broker, or middleman (Hosen, 2005). Unauthorized Indonesian agents arrange irregular entry and assist with job placement and finding lodgings in Malaysia (Hugo, 2004; Hosen, 2005).

According to research conducted by Saat, criminal groups that are allegedly involved in both human trafficking and migrant smuggling from the Philippines to Malaysia often first establish contact with women through relatives, friends, and neighbours. (Saat, 2009).

*b) Payment methods*

The reviewed literature provides information only about methods of payment with regard to migrant smuggling from the Philippines and Indonesia to Malaysia. Both regular and irregular migrants usually make monthly payments to recruiters to repay their accrued debt (Rajaram & Grundy-Warr, 2004). Some agents operating between Indonesia or Thailand and Malaysia have direct arrangements with Malaysian employers to collect migrants' wages until the full debt for recruitment services has been repaid (Santhiago, 2005). Unauthorized recruitment from the Philippines involves a similar process: smugglers transferring migrants from the Philippines to Malaysia are usually paid in Philippine pesos, also receiving a cut of migrants' initial earnings as payment (Sadiq, 2005).

*c) Transfer of criminal proceeds*

The available literature does not provide grounds for conclusions regarding methods of transferring criminal proceeds of migrant smuggling.

*d) Transportation methods*

Santhiago (2005) provides some information about transportation of irregular migrants to Malaysia from Indonesia, the Philippines, and Thailand:

Transportation from Indonesia is usually via land or sea. In the Malaysian state of Sarawak, 72 land routes from Indonesia have been identified by the authorities. In the Strait of Malacca, agents transport migrants from Indonesia on passenger boats and fishing trawlers that normally depart from Sumatra, Batam, or Rapat. Sometimes Indonesian migrants are hidden in containers on boats to be transported to Malaysia. These boats generally transport between 5 and 15 migrants, and embark between 1 a.m. and 4 a.m. to avoid detection by the Indonesian or Malaysian authorities. The role of Indonesian agents usually ends with the transportation stage, at which point Malaysian agents assume responsibility for overseeing job placement.

Irregular migrants from the Philippines are usually transported to Malaysia aboard small vessels used by Filipino barter traders in the southern Philippines. Smugglers navigating the boats drop an-

chor near the Sabah shoreline and migrants wade ashore.

The land border between Thailand and Malaysia is crossed by car, on foot, or by riverboat. Migrants are hidden in car boots or bus baggage compartments, led through the jungle on foot, or loaded into sampans or other boats to cross rivers. The River Golok is a particularly common crossing point for smugglers in southern Thailand, because it takes less than 5 minutes for boats to reach the Malaysian side. Unauthorized agents use about 31 exit points for their operations in southern Thailand. As with clandestine movements from Indonesia, these covert operations usually occur during the night to avoid apprehension.

Malaysia is also a country of transit for irregular migrants from the Middle East and South-West Asia. These people usually enter Malaysia by air before continuing their journey by boat to Indonesia, and from there they proceed to Australia (Hunter, 2004). The available literature supplies no further details about these routes with regard to Malaysia.

#### *e) Document use and misuse*

The literature indicates that both licensed and unlicensed Indonesian recruiters often falsify travel documents, letters of permission, documents of residence, identification cards, birth certificates, and other required documents to meet the eligibility requirements imposed by the Government (Hosen, 2005; Human Rights Watch, 2004). Because Malaysia requires that domestic workers be between 25 and 45 years of age, young Indonesian girls or older women sometimes use false travel documents or have their passports altered to meet the age requirements for labour migrants (Silvey, 2007; Human Rights Watch, 2004).

In operations from the Philippines, according to Saat (2009), smuggling groups usually do not forge documents themselves, instead relying on specialized criminal groups to provide this service. These syndicates are known as *sandiket IC palsu* ('the forging syndicates'), and they falsify identity cards, birth certificates, temporary identity card slips, passport stickers, and temporary refugee passes.

#### *f) Corruption*

According to Santhiago (2005), there are allegations

that migrant smuggling syndicates are linked to some members in law enforcement, and of corruption among some members of law enforcement officials. For example Santhiago notes that in December 2003, a smuggling ring was cracked that included officials from Malaysian Airlines and the Malaysian airport. Another suspected smuggler was arrested with copious numbers of immigration forms, suggesting corruption in the Department of Immigration. According to Asis (2004), in Malaysia, protection from arrest and deportation can be secured for a fee and smugglers often go unpunished because of corruption or political patronage. Sadiq (2005) also reports that corruption can help in obtaining falsified documents, saying that the Malaysian National Registration Department relies on community leaders and other agencies to verify or register people in remote areas without birth certificates, which creates a window of opportunity for securing a fraudulent birth certificate.

#### *g) Evolution of migrant smuggling methods in response to changes in migration policies and counter measures*

The literature provides no information regarding whether or how smugglers adapt operations to changes in migration policy and efforts to combat unauthorized entry.

### **7) Migrant smuggling fees and mobilization of fees**

The costs of smuggling services from, through, and to Malaysia vary widely, depending on operational points of origin and destination. The prices for irregular migration from Indonesia range from USD 25, from Batam, to USD 200 from West Nusa Tenggara. Migrants using official channels, on the other hand, are expected to pay about USD 325 (Hugo & Stahl, 2004). It is believed that migrants smuggled across the Strait of Malacca from Indonesia pay between MYR 150<sup>18</sup> and MYR 500 (USD 50 and USD 65) for transport services (Santhiago, 2005).

Migrants from Thailand pay an estimated MYR 50 and MYR 800 (USD 16 and USD 260) for smuggling services. Smuggling services from Malaysia to

<sup>18</sup>MYR = Malaysian Ringgit.

Singapore are significantly more expensive, with boat transit estimated at USD 1,200 (Santhiago, 2005).

According to UNODC (2010), transit fees through Malaysia from the Middle East and South-West Asia are even higher. Research conducted for a UNODC report indicates that migrants in Afghanistan and Pakistan reported smuggling fees to Australia via Indonesia and/or Malaysia ranged from USD 12,000 to USD 18,000. Migrants already in Australia or Indonesia, however, reported smuggling fees ranging as high as USD 20,000 and more. This discrepancy may be due to the fact that some migrants choose not to pay for 'end to end' service, subsequently paying higher fees. Some migrants simply pay for plane tickets to Malaysia and then make their own arrangements for the onward trip to Indonesia by boat. According to the report, estimates from Afghanistan and Pakistan suggest that 60 percent of migrants take the end-to-end service to Australia, while 40 percent make their own arrangements after arriving in Malaysia.

Migrants from Indonesia usually sell land or incur debt to mobilize funds for licensed and unlicensed recruiting fees (Hosen, 2005). Money is raised by borrowing money from relatives, friends, village moneylenders, or the recruiter at high interest rates. To clear the accrued debts, the first 4–5 months or even 6–8 months of migrants' salaries are often held as payment by the recruiter (Human Rights Watch, 2004, 2005).

The literature does not estimate smuggling fees from the Philippines to Malaysia. As with their Indonesian counterparts, Filipino smugglers often take a cut of migrants' initial earnings as payment (Sadiq, 2005). It is unclear how these migrants mobilize up-front payments.

### 8) Human and social costs of migrant smuggling

There is very limited information in the literature about the human and social costs of migrant smuggling involving Malaysia. Hosen (2005) notes that, to raise smuggling and job placement fees, migrants often borrow money at high interest rates or sell pieces of land to quickly mobilize capital. This triggers a cycle of debt that often continues in Malaysia, when agents take cuts of migrants' salaries as debt payments.

It is also clear that migrant smuggling, especially by sea from Indonesia or the Philippines, is fraught with risk due to poor travel conditions, unseaworthy vessels, lack of food and water, overloaded boats, and crews with little regard for the human lives on board (Hunter, 2004). To evade apprehension by the authorities, smugglers may refuse to approach the shoreline of the destination country, forcing migrants to swim the last stretch. Migrants transiting from Malaysia to Singapore by boat have reportedly been forced to swim the last two kilometres to shore, allowing smugglers to avoid arrest at the cost of putting the lives of migrants in grave danger (Santhiago, 2005).

### 9) Factors fuelling irregular migration and migrant smuggling

The reviewed literature identifies a number of factors that fuel irregular migration and migrant smuggling to Malaysia.

Geographic proximity plays a role in easing irregular entry, as is the case with Indonesia and the Philippines, whose citizens can easily enter Malaysia by land or sea. The number of small, uninhabited islands off the coast of Sabah makes the location ideal for staging clandestine entries (Sadiq, 2005).

Hosen (2005) points to employer demand for unauthorized workers as one factor fuelling irregular migration. Unauthorized recruiting agents in Pakistan claim that there is a large demand for Pakistani labour in Malaysia for low-skilled jobs because residents are no longer willing to perform this work (Hasan, 2010).

Economic disparities between Indonesia and the Philippines and Malaysia are a key driver of irregular migration to Malaysia (Santhiago, 2005). Shortcomings in official migration schemes present another major driver for irregular migration from Indonesia to Malaysia, given that irregular migration is faster and cheaper. (This report's country chapter on Indonesia discusses this in greater detail.)

According to Turner (2005), the Malaysian Government's tacit approval of irregular migration also allowed these operations to continue largely without interference. Crinis (2005) argues that, before

the 1990s Asian economic crisis, the Malaysian Government was neither serious about combating irregular labour migration nor had the institutional capacity to do so (Crisis, 2005). According to Ford (2006), in Indonesia, local immigration officials in transit provinces explicitly helped migrants to enter Malaysia through semi-legal channels by procuring official documents in exchange for bribes.

## 10) Conclusions

### *a) What we know about migrant smuggling in Malaysia*

Most of what is known about migrant smuggling in Malaysia revolves around the smuggling of workers from Indonesia. Compared to other smuggling routes, these flows are well researched and well understood.

In Indonesia, smugglers usually operate through unlicensed labour recruitment agencies that facilitate unauthorized entry and job placement in Malaysia. These unlicensed agencies operate very similarly to licensed recruiters, and can be difficult to distinguish from authorized agencies. Migrants are often recruited locally by respected figures in the community who either work for or have ties to the agency.

Many migrants choose to migrate through unlicensed agencies because they impose fewer bureaucratic requirements, facilitate entry and employment at a faster tempo, and are often less expensive than licensed recruiters. Payments are made either up front or through withholding migrants' salaries for a number of months.

The Philippines is another major source country for regular and irregular migration to Malaysia, and migrant smuggling from that country also mainly involves labour migration. Fewer details are known about the process, however. One study describes how well-structured criminal groups smuggle migrants from the Philippines to Malaysia. The researched groups were also involved in human trafficking, however, and it is not clear to what extent the results can be generalized. In addition, labour recruitment agencies are involved in smuggling migrants for em-

ployment. Still, it remains unclear how migrants are normally recruited and what connections the smugglers have with employers in Malaysia.

Only very limited information is available regarding migrant smuggling to Malaysia from Cambodia, Myanmar, Thailand, and other neighbouring countries. Most details are provided through case studies, however, and these do not indicate overall trends. These case studies do not describe how migrants come into contact with smugglers or the structure of these smuggling organizations. It is also unclear whether these migrants choose to be smuggled mainly for economic reasons or to seek asylum. A number of asylum seeker case studies from neighbouring countries are provided in the literature.

The document forgery business for unauthorized labour migration is relatively well researched, particularly regarding migration from Indonesia and the Philippines. Migrant smuggling organizations either falsify documents themselves or rely on other criminal syndicates to provide this service.

### *b) What we don't know about migrant smuggling in Malaysia*

There is no recent and dedicated research regarding migrant smuggling from, to, and through Malaysia.

While irregular migration from Indonesia to Malaysia and related migrant smuggling practices are relatively well researched, the reviewed literature provides only limited information about migrant smuggling from the Philippines to Malaysia, and there are tremendous research gaps with regard to migrant smuggling from other countries to Malaysia.

In this respect, future research on migrant smuggling to and through Malaysia is needed to clarify and document the following:

- extent of migrant smuggling;
- routes used;
- profiles of migrant smugglers;
- profiles of smuggled migrants;
- nature of smuggler-migrant relationships;
- organization of migrant smuggling and methods used;
- smuggling fees; and
- human and social costs of migrant smuggling.

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### 1) Quantitative assessments and flows of irregular migration, migrant smuggling, and trafficking in persons

#### a) *Estimated numbers and major routes: Irregular migration from, to and through the Maldives*

According to Bhat and Millar (2009), although the Maldives is heavily dependent on migrant labour, there is almost no data on irregular migration flows. Estimates suggest there are more than 80,000 migrant workers in the Maldives. Of that total, approximately 30,000 or 37.5 percent are said to be irregular migrants. Other reports indicate that this number might be underestimated. For example, the U.S. Department of State (2010) *Trafficking in Persons Report* contends that about 110,000 migrants, mainly from Bangladesh, India, and Sri Lanka, are working in the construction and services sectors. Diplomatic sources estimate that half of the 35,000 Bangladeshis entered the Maldives without authorization, and that most of these migrant workers were likely victims of trafficking. Oishi (2005) also claims that Sri Lankan women are working in factories in the Maldives, although no reference is given as to the source of this information.

Aside from these reports, just two other sources provide a picture of irregular migration. Deportation figures for the period of January to May 2007 from Chennai airport in the Indian state of Tamil Nadu show that, 11 Indians were deported from the Maldives (Saha, 2009). Another study based on immigration offense related records from Indira Gandhi International airport (2005–2007) found that 55 Indians were deported from the Maldives during this period

(UNODC, 2009)<sup>19</sup>. Otherwise, there is no research on irregular migration in relation to the Maldives.

#### b) *Estimated numbers and major routes: Migrant smuggling from, to and through the Maldives*

Data on the smuggling of migrants in relation to the Maldives are nonexistent.

#### c) *Estimated numbers and major routes: Trafficking in persons from, within, to and through the Maldives*

A review of the implementation of the South Asian Association for Regional Cooperation (SAARC) Convention on Preventing and Combating Trafficking of Women and Children for Prostitution (commonly known as the SAARC Trafficking Convention) by the Asian Development Bank (ADB) and IOM in 2009 states that trafficking in persons is an emerging issue for the Maldives (Bhat & Millar, 2009). Acknowledging the lack of publicly available data, the report continues to purport that the Maldives is primarily a destination country for forced labour. Moreover, in contrast to other countries in the region, cross border trafficking flows into the country are largely from regions in other South Asian, East Asian, and South-East Asian countries. Internal trafficking also occurs, but again, the lack of reliable

<sup>19</sup> The study is based on 340,276 immigration offense related records and 196 immigration cases from Indira Gandhi International airport (2005–2007) in addition to 39 immigration offense related records from the international airport in Amritsar, Punjab (2007), and 103 police records against migrant smuggling agents in the districts of Jalandhar, Kapurthala, Nawanshahr, and Hoshiarpur. Interviews were also undertaken in the UK and France with senior government officials, police, and border officers.

data makes it difficult to determine the scale of the problem (Bhat & Millar, 2009).

The U.S. Department of State (2010) *Trafficking in Persons Report* supports the above findings and maintains that the Maldives is largely a destination for migrant workers from Bangladesh and, to a much lesser extent, India. Some of these migrants are trafficked into forced labour. Women are reportedly forced into prostitution. The report also claims that 30,000 migrants in the Maldives do not have legal status, although both regular and irregular migrants are vulnerable to forced labour conditions. A small number of women from Sri Lanka, Thailand, India, China, the Philippines, Eastern Europe, and the former Soviet Union are reportedly recruited into forced prostitution in the capital Malé. Finally, the report mentions that Maldivian girls from other islands are sometimes trafficked to Malé for domestic servitude.

**d) *Cross-over or overlap, if any, between populations or routes.***

As almost no research exists on irregular migration, migrant smuggling, or trafficking in persons in relation to the Maldives, it is impossible to assess if there is overlap between populations.

## **2) Profiles of migrant smugglers**

**a) *Socio-economic characteristics.***

There is no research on the socio-economic characteristics of migrant smugglers.

**b) *Motivation.***

There is no research on the motivations of migrant smugglers.

## **3) Profiles of irregular migrants and smuggled migrants**

**a) *Geographical and socio-economic characteristics***

There is a complete lack of research on the profiles of irregular and smuggled migrants both to and from the Maldives.

**b) *Motivation***

There is also a notable lack of research on the motivations of irregular and smuggled migrants.

## **4) Smuggler-migrant relationships**

**a) *Migrant perceptions of smugglers***

There is no empirical research on migrants and their perceptions of smugglers.

**b) *Nature of migrant-smuggler relationship***

There is no empirical research on the nature of the relationships between smugglers and migrants.

**c) *Factors influencing the relationship between smugglers and migrants***

*There is no empirical research on factors influencing the relationship between smugglers and migrants.*

## **5) Organization of migrant smuggling**

**a) *How is migrant smuggling organized?***

There is no research on how migrant smuggling is organized in the Maldives.

**b) *Are persons involved in migrant smuggling also involved in other criminal activities?***

As there is no research on migrant smugglers themselves, it is impossible to say whether persons involved in migrant smuggling are involved in other criminal activities.

**c) *Does migrant smuggling attract persons who have a history of involvement in other crime?***

There is no information as to whether migrant smugglers have a history of involvement in other crime.

**d) *What levels of professionalism/specialization is there within migrant smugglers?***

There is no research on the level of professionalism among migrant smugglers.

e) *What influences shape the way migrant smugglers are organized? How and why do these organizations evolve?*

There is no research on how migrant smuggling is organized.

## 6) Migrant smuggling modus operandi

a) *Recruitment methods*

There is no literature on how smuggled migrants are recruited to and from the Maldives.

b) *Payment methods*

There is no specific research on how payments of migrants to smugglers are made in the context of the Maldives.

c) *Transfer of criminal proceeds*

There is no research available on the methods of transferring criminal proceeds derived from migrant smuggling in the Maldives.

d) *Transportation methods*

There is no research available on the methods of transportation used by Maldivian migrant smugglers.

e) *Document use and misuse*

There are no data on use and misuse of documents in relation to migrant smuggling to and from the Maldives.

f) *Corruption*

There is a complete lack of research on the role of corruption in the smuggling of migrants in the Maldives.

g) *Evolution of migrant smuggling methods in response to changes in migration policies and counter measures*

Given the paucity of research on migrant smuggling in the Maldives, it is not possible to draw conclu-

sions from the available literature on the evolution of migrant smuggling methods in response to changes in migration policies and counter measures.

## 7) Migrant smuggling fees and mobilization of fees

There is no research on migrant smuggling fees or the mobilization of fees. The only information available is from the U.S. Department of State (2010) *Trafficking in Persons Report* that claims migrant workers pay USD 1,000 to USD 4,000 in recruitment fees in order to migrate to the Maldives. However, no further information is given.

## 8) Human and social costs of migrant smuggling

There is a complete lack of data on the human and social costs of migrant smuggling to and from the Maldives.

## 9) Factors fuelling irregular migration and migrant smuggling

There is no research on factors that contribute to or fuel irregular migration and migrant smuggling from, to or through the Maldives.

## 10) Conclusions

a) *What we know about migrant smuggling in the Maldives*

A systematic review of available resources on migrant smuggling in relation to the Maldives confirms that there are huge gaps in the current knowledge base. We know virtually nothing. A few studies on trafficking in persons state that the Maldives is a destination for migrant workers from Bangladesh and India, some of whom are subjected to trafficking in persons, specifically for forced labour (e.g. see U.S. Department of State, 2010). Aside from that information, we know that the Maldives is heavily dependent on migrant labour. Estimates suggest that there are more than 80,000 migrant workers in the Maldives. Of that total, approximately 30,000 or 37.5 percent are said to be irregular migrants (Bhat & Millar, 2009).

*b) What we don't know about migrant smuggling in the Maldives*

There is a striking lack of reliable data and research on all aspects of migrant smuggling in the Maldives. Research needs to be carried out on irregular migration, migrant smuggling, and trafficking flows from, within, and to the Maldives because there are no reliable statistics. There is a dearth of research on:

- quantitative assessments of irregular migration, migrant smuggling and trafficking in persons flows;
- the profiles of smugglers and their motivations;
- the profiles of irregular and smuggled migrants and their motivations;
- migrant-smuggler relationships;
- the organization of migrant smuggling;
- the modus operandi of migrant smuggling;
- the fees paid to smugglers and their mobilization;
- the human and social costs of migrant smuggling; and
- the factors that contribute to irregular migration and smuggling.

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### 1) Quantitative assessments and flows of irregular migration, migrant smuggling, and trafficking in persons

#### *a) Estimated numbers and major routes: Irregular migration from, to and through Myanmar*

The reviewed literature provides no accurate estimates regarding the scope and magnitude of irregular migration from, to, and through Myanmar. However, it does provide some indicative figures and information regarding routes, though almost exclusively those from Myanmar into Thailand.

Leiter et al. (2006) focus on the long and porous Thai-Myanmar border, where irregular migration often simply involves crossing a river by boat, taking a bus, or crossing on foot. According to Mon (2005), many routes offer entry into Thailand from Myanmar. Popular border crossing points include these:

- Myawaddy (Myanmar) to Mae Sot (Thailand);
- Tachilek (Myanmar) to Mae Sai (Thailand); and
- Kawthaung (Myanmar) to Ranong (Thailand).

Research conducted by Arnold and Hewison identified the Thai border town of Mae Sot (Tak Province) as the busiest crossing point along the Thai-Myanmar border. Tak Province hosts an estimated 200,000 Myanmar migrants, while Mae Sot has about 70,000 to 100,000 migrant workers. Myanmar migrants can easily access Mae Sot by crossing the bridge or fording the river in the dry season. Some irregular migrants legally cross the border on a one-day pass and simply overstay. Even if they are deported, migrants can cross back into Thailand with relative ease (Arnold & Hewison, 2005).

While most migration from Myanmar involves economic migrants, the country is also a source of refugees. Thailand currently hosts about 140,000 refugees from Myanmar, while Malaysia hosts an estimated 10,000 Rohingya and several thousand Chin refugees (Huguet & Punpuing, 2005). Thailand is the main destination for migrants from Myanmar (Arnold & Hewison, 2005), with migration flows comprising two main groups: documented and undocumented migrants. The vast majority of migrants from Myanmar, however, arrive in Thailand without any form of documentation (Pollock & Lin, 2010). Arnold and Hewison (2005) found estimates of Myanmar workers in Thailand ranging between 1 and 1.5 million nationwide, while Huguet and Punpuing (2005) estimate that between 1.5 and 2 million Myanmar nationals are in the country. Citing an estimate from March 2009, Mon (2010) suggests that about 2 million irregular Myanmar migrants reside in Thailand, in addition to 138,999 regular migrants.

Other destination countries for Myanmar migrants include Pakistan. A recent baseline study concluded that Myanmar nationals were in the top three groups of irregular migrants in that country, with around 100,000 irregular migrants from Myanmar in the city of Karachi alone (BEFARE, 2009).

#### *b) Estimated numbers and major routes: Migrant smuggling from, to and through Myanmar*

The reviewed literature provides almost no information about either the extent of migrant smuggling from Myanmar or specific routes used. The scant information available appears in discussions of irregular migration into Thailand.

One study (Leiter et al., 2006), where researchers interviewed various NGOs working with Myanmar migrants, reported the experiences of Myanmar women in Thailand. Several NGOs in this study remarked on the importance of smuggling or paid brokerage for migration from Myanmar to Thailand. In the Shan State (Myanmar)–Fang District (Thailand) border areas, large numbers of migrants travel every month from Myanmar to Thailand, generally paying brokers or smugglers who have contacts with the police. One NGO source reported the risk entailed in migrating without the help of a smuggler, given the danger of land mines.

Another study presents estimates of 300 Myanmar migrant workers being smuggled into Thailand daily, as well as about 150 smuggled daily from the border town Mae Sot to Bangkok (Mon, 2010).

**c) *Estimated numbers and major routes: Trafficking in persons from, within, to and through Myanmar***

No reliable data is available on the scope and magnitude of trafficking in persons from, within, to and through Myanmar. However, the literature does provide some information on major trafficking routes.

Myanmar is a source country for trafficking in persons, specifically for forced labour and forced prostitution of women and children. The main destination countries are China, Malaysia, and Thailand, with China being the primary destination for cross-border trafficking. Myanmar victims are also trafficked to Bangladesh, India, the Republic of Korea, and the Middle East. In addition, Myanmar serves as a transit country for victims of trafficking from Bangladesh destined for Malaysia and China by way of Thailand (U.S. Department of State, 2010; UNIAP, 2010).

Source regions and internal routes identified by UNIAP include Yangon Division, Mandalay Division, Northern Shan State, Kachin State, Bago Division, Mon, Magway Division, Kayin State, Bago (West), and Ayeyarwaddy (UNIAP, 2010). The central dry-zone areas (Mandalay, Sagaing, and Magway) and Delta areas are source areas for people trafficked, via Kawkreik and Myawaddy, to Mae Sot in Thailand. Another route is from Yangon and surrounding areas to Mae Sot via Hpa-an and then Myawaddy.

Trafficking routes to Thailand include those from Kengtung and Tachileik to Mae Sai (Thailand), from Myawaddy to Mae Sot (Thailand), from Kawthaung to Ranong (Thailand), and from Thanbyuzayat through the Three Pagodas Pass to Bangkok via Sangkhlaburi and Kachanaburi (UNIAP, 2010). Sometimes victims are trafficked from these transit points through to Malaysia.

UNIAP (2010) highlights two major trafficking routes to China: from Muse (Myanmar) to Rulli (Yunnan Province, China), and from Lweje (Myanmar) to Jeng Feng and Rulli (Yunnan Province, China).

**d) *Cross-over or overlap, if any, between populations or routes***

The literature does not specifically address this question, and no definitive conclusions can be drawn from it regarding crossovers and overlaps between populations and routes from Myanmar. However, the reviewed research suggests that there seems to be a significant overlap between irregular migration, migrant smuggling and human trafficking. Myanmar is the most important source country of irregular migrants in Thailand. Irregular migration seems to be facilitated mainly by smugglers, who are often referred to in the literature as ‘brokers’ or ‘recruiters’. At the same time, many victims of human trafficking in Thailand are from Myanmar. Although it is not clear to what extent the Myanmar victims of human trafficking in Thailand were victims of a pre-organized human trafficking process that started in Myanmar, it is clear from the available literature that the irregular status of Lao migrants significantly contributes to making them vulnerable to a human trafficking process that might have only begun in Thailand. By facilitating irregular migration, migrant smuggling can thus be a key contributor to human trafficking.

**2) Profiles of migrant smugglers**

The literature does not provide specific information on profiles of migrant smugglers from Myanmar. However, research on labour exploitation of migrant workers in Thailand (Pearson & Punpuing, 2006) features interviews with 10 Myanmar recruiters operating in Thailand. ‘Recruiters’, in this study, were identified as facilitators who assisted migrants in acquiring employment, rather than facilitating ir-

regular border crossings into Thailand. Nevertheless, the study found that most respondents were part of networks operating on both sides of the Thai-Myanmar border. The study claims that the subjects in this study were apparently not human traffickers. It does not make it clear, however, whether the respondents were part of 'traditional smuggling networks', in terms of facilitating irregular border crossing for profit. In addition, because of its small sample and focus on Thailand, no conclusions can be drawn regarding the profiles of Myanmar migrant smugglers in general. Despite this, and since this issue is not considered in detail by other available literature, the following section draws exclusively on the study findings.

#### *a) Socio-economic characteristics*

All of the 10 recruiters interviewed by Pearson and Punpuing (2006) were male Myanmar nationals of varying ethnicities, including Karen, Burman, and Mon. Respondents were aged between 28 and 39 years, and generally had 7–8 years of experience in recruitment. Two of the subjects were part-time recruiters who also had other, regular employment. The study highlights that none of the subjects identified themselves as recruiters, but rather as 'intermediaries', or claimed they were simply helping friends and relatives.

The 10 interviewees in this research had generally worked as migrant workers in various industries (e.g. manufacturing, fish processing, and construction) before becoming recruiters. Several respondents found their way into this profession because of their experience and knowledge of the migrant worker context (e.g. workplaces, employers, local geography, Thai language, and other recruiters). Consequently, many respondents were approached by friends, relatives, or other migrant workers seeking advice and know-how regarding migration to Thailand, acquiring employment, and solving specific problems in Thailand (e.g. abusive Thai employers).

Having started by helping friends and relatives, the subjects of this study began to provide recruitment and other services (e.g. remittance services) on a more frequent basis.

#### *b) Motivation*

The reviewed literature does not consider the motivation of Myanmar migrant smugglers.

Research by Pearson and Punpuing (2006) with recruiters indicates that monetary gain is a motive, although the findings are unclear. The study notes that some respondents received payments from employers for introducing workers. Others received payments only from migrants, with fees varying widely between USD 2.50 and USD 1,000. One respondent, who never charged migrants any money, reported his main motive was helping fellow countrymen.

### **3) Irregular and smuggled migrant profiles**

#### *a) Geographical and socio-economic characteristics*

According to Mon (2005), most Myanmar migrants in Thailand come from rural areas throughout Myanmar. These migrants include such ethnic groups as Arakanese, Burman, Indo-Myanmar, Kachin, Karen, Kayah, Mon, Gurkha (Nepalese), Shan, and Tavoyan. Most are single and aged between 12 and 55 years, with low levels of educational attainment. Previous occupations were found to vary widely, and included professions such as teaching and nursing, as well as clerical and agricultural work.

#### *b) Motivation*

The literature does not determine motives for migrants who choose to use the services of smuggling networks in Myanmar. Instead, several studies reveal a range of push-pull factors encouraging Myanmar migrants to travel to Thailand. These interconnected factors are economic, social, and political in nature, which makes it generally difficult to distinguish between economic migrants and refugees from Myanmar.

Arnold and Hewison (2005) report that, given the severity of Myanmar's poor socio-economic situation, a growing number of families are increasingly dependent on migrant remittances. Huguet and Punpuing cite a previously conducted study<sup>20</sup> that found five main reasons people from Myanmar are migrating to Thailand:

- low earnings in Myanmar;
- unemployment in Myanmar;

<sup>20</sup> Research conducted by the World Vision Foundation of Thailand (WVFT) and the Asian Research Center for Migration (ARCM) on labour migration to Thailand between January and May 2003.

- family poverty;
- traumatic experiences (e.g. forced labour); and
- lack of qualifications for employment (Huguet & Punpuing, 2005, p. 6).

A study conducted by Brees (2008), on the other hand, found that most interviewees left Myanmar for reasons related to conflict, rather than for economic reasons, with push factors including a climate of fear and reported human rights abuses in Myanmar. A survey of Myanmar migrants in Thailand cited by Rukumunikit (2009) found that 21 percent of all respondents had been subject to forced labour in Myanmar, and one-third of the migrants had suffered a combination of traumatic experiences. Brees (2008), meanwhile, suggests that the strong Thai economy constitutes an irresistible pull factor. Several respondents in this study, for example, reported a case where an entire Myanmar village moved to Thailand to work in the same factory. At the same time, respondents said that their greatest wish was to return to Myanmar. Similarly, other research found migrants consistently motivated to escape poverty and/or human rights abuse in Myanmar, while also observing that most migrants ultimately wish to return home (Leiter et al., 2006; Pangsapa 2007).

#### 4) Smuggler-migrant relationships

The following section draws exclusively on the findings of the study conducted by Pearson and Punpuing (2006), since this issue was not considered in detail by any of the other literature under review. ‘Recruiters’ in this study were identified as facilitators who assisted migrants in acquiring employment, rather than helping with irregular border crossings into Thailand.

##### *a) Migrant perceptions of smugglers*

The reviewed literature provides no specific information on the perception of migrant smugglers by Myanmar migrants.

##### *b) Nature of migrant-smuggler relationship*

The literature provides no clear information on the relationship between migrant smugglers and migrants in Myanmar. The study conducted by Pearson and Punpuing (2006), however, indicates that trust

may play a significant role between Myanmar migrants and (job) recruiters.

Based on interviews with 10 recruiters, Pearson and Punpuing report the informal nature of the relationship between recruiters and migrants. The study found that recruiters generally know the migrants or their families through their personal social network. In addition, recruiters often provide other services to migrant workers (e.g. sending remittances or goods, or arranging communications), which results in a continuing relationship after recruitment. Recruiters thus have an economic interest in delivering effective services. In the same way, it is in their interest to ensure that migrants do not later face exploitation or abuse, since most workers tend to use the same recruiter to organize additional services. The study also found that some recruiters felt responsible for migrants, and engaged in negotiating wages or improving living or working conditions, even finding alternative work if migrants ended up in exploitative situations.

##### *c) Factors influencing the relationship between smugglers and migrants*

The literature at hand does not provide specific information regarding migrant-smuggler relationships in Myanmar.

Some research indicates that personal connections and informal ties may play a significant role in shaping the relationship between migrants and Myanmar recruiters operating in Thailand (Pearson & Punpuing, 2006).

#### 5) Organization of migrant smuggling

##### *a) How is migrant smuggling organized?*

The literature does not provide specific information about the organization of migrant smuggling in Myanmar. One study noted that Myanmar labour recruiters in Thailand are part of networks that operate on both sides of the border (Pearson & Punpuing, 2006). Services provided by these networks include transport from Myanmar-Thai border areas to final employment destinations in Thailand (e.g. from Tak Province to Bangkok). Beyond this, however, information is currently unavailable.

***b) Are persons involved in migrant smuggling also involved in other criminal activities?***

No information is available on whether persons involved in Myanmar migrant smuggling are involved in other criminality.

***c) Does migrant smuggling attract persons who have a history of involvement in other crime?***

No information is provided on whether or not people who are involved as migrant smugglers in Myanmar have a history of involvement in other crimes.

***d) What levels of professionalism/specialization is there within migrant smugglers?***

The literature does not provide any details on relative degrees of professionalism or specialization on the part of Myanmar migrant smugglers.

***e) What influences shape the way migrant smugglers are organized? How and why do these organizations evolve?***

The literature does not provide many details on the way Myanmar migrant smugglers are organized.

In the case of Thailand, research by Pearson and Punpuing (2006) indicates that Myanmar networks involved in job recruitment and facilitation of border crossing appear to feature specialized roles such as ‘recruiters’ and ‘transporters’.

## **6) Migrant smuggling modus operandi**

***a) Recruitment methods***

The reviewed literature provides limited information regarding the recruitment of clients for migrant smuggling. Following primary research on this issue, one study found that recruitment for employment in Thailand is largely informal, and that recruiters know either the migrants or their families, who usually initiate contact with the recruiter (Pearson & Punpuing, 2006). Some recruiters leave contact information, for example telephone numbers, at places near the border in Thailand where migrant workers congregate upon arrival. Others advertise their ser-

vices in their hometowns in Myanmar. It can be assumed that those who provide recruitment services are also linked to the facilitation of irregular entry.

***b) Payment methods***

The literature at hand provides no information regarding methods of payment.

***c) Transfer of criminal proceeds***

The literature at hand provides no information on the methods of transferring criminal proceeds.

***d) Transportation methods***

The literature at hand does not specifically discuss methods of transportation, beyond noting that entry into Thailand can be on foot, by boat (crossing rivers), or by road vehicle. Leiter et al. (2006) note that, once migrants cross the border into Thailand, they can pay for motorcycle rides from established river or mountain crossing sites to bypass checkpoints on the main roads. Documented examples are also available of smuggled migrants being transferred in the back of trucks and containers.

***e) Document use and misuse***

The literature at hand provides limited information on use and misuse of documents. Mon notes that Myanmar nationals can find it difficult and expensive to get passports. Prior to 2007, Myanmar nationals were required to apply for passports through complex procedures that required a letter of appointment from a company overseas. This led to extensive falsification of such letters. The system has changed since this time, however, and letters of appointment are no longer required. As Mon notes:

Yet this does not mean that it is now easy for Myanmar nationals to legally migrate. Applicants for migration still encounter many problems if they want to resign from their jobs in the government sector, and amongst other things, they are often required to compensate the government for their educational costs. (Mon, 2010, p. 35)

Mon notes that large sums of money and good connections are required to get a passport, a process



which can take up to one year. Mon (2010) also notes that, according to one source, the real cost of acquiring a passport in a short time (one week) is about MMK 500,000<sup>21</sup> (USD 400). Prior to 2006, passport holders could not hold onto their passports for more than six months after their travel date. This system has been changed such that passport holders can now keep their passports while they are in Myanmar. However, they must still follow complex procedures in doing so. As Mon remarks:

All these complicated procedures deter many Myanmar migrants, especially those from the lower socio-economic groups, to leave the country legally. Consequently, the majority of Myanmar migrants enter Thailand illegally. (Mon, 2010, p. 36).

#### *f) Corruption*

No detailed information is provided on the role of corruption regarding Myanmar migrant smuggling. The reviewed research makes it clear, however, that corruption plays a role, particularly in relation to certain key border crossings. For example, according to research conducted in the Thai-Myanmar border town of Mae Sot (Brees, 2008), Myanmar refugees have to pay bribes to police, military, border patrols, immigration officers, and others. According to this study, bribes vary from a few hundred to thousands of Thai baht, putting refugees deep in debt. Brees (2008) notes that the border town of Mae Sot is recognized as a lucrative posting and hence is a popular station among policemen. Research by Mon (2005) notes the bribing of border police at checkpoints along transit routes with the sexual favours of young women. According to this study, the fee was around MMK 200 to MMK 500 (USD 0.25 to USD 0.50) at every checkpoint along the route, with passengers without documentation required to pay an additional MMK 2,000 (USD 2.50).

#### *g) Evolution of migrant smuggling methods in response to changes in migration policies and counter measures*

The literature does not provide any details on the evolution of Myanmar migrant smuggling methods in response to changes in migration policies and countermeasures.

<sup>21</sup>MMK = Myanmar Kyat.

### **7) Migrant smuggling fees and mobilization of fees**

The literature provides limited information regarding migrant smuggling fees in Myanmar, and studies of irregular migration to Thailand provide varying figures. Generally, no information is available regarding the mobilization of fees.

According to Mon, fees for migrants travelling from Myanmar to Thailand depend on the type of services provided and destination of the migrants. The overall brokerage fees, reportedly, have experienced a significant rise during the past decade. In 1998, the average fee for travelling to Thai border areas varied from THB 2,000 to THB 3,000 (USD 63 to USD 94.50) and THB 5,000 to THB 6,000 (USD 157 to USD 189) for travelling to central regions in Thailand (e.g. Bangkok). In 2000, these fees increased to THB 7,000 to THB 8,000 (USD 220 to USD 252) and further, in 2008, to THB 10,000 to THB 15,000 (USD 315 to USD 472) (Mon, 2005, 2010).

Another study that drew on primary data regarding this issue (Pearson & Punpuing, 2006) found fees for recruitment services varied between THB 100 and THB 40,000 (USD 2.50 and USD 1,000): in some cases the fees included transportation costs from Myanmar. The average cost was calculated at THB 5,750 (USD 144).

### **8) Human and social costs of migrant smuggling**

Little information is provided by the available literature concerning human and social costs directly connected to Myanmar migrant smuggling.

Some studies highlight an incident in early 2008 that revealed the risks associated with the smuggling of Myanmar migrants in Thailand (Gjerdingen, 2009; Wyler, 2008). According to these studies, in this instance, 121 Myanmar migrant workers boarded the refrigeration compartment of a cold-storage truck in Ranong Province (Thailand). The truck was destined for Phuket Province (Thailand), where the migrants planned to work. In the course of the journey, 54 of the 121 migrants died of suffocation. Among the survivors, the police discovered 14 children and 46 workers without proper documentation.

An NGO worker interviewed by Leiter et al. (2006) recounted certain risks of travelling from Myanmar to Thailand without the guidance of smugglers or brokers. The interviewee referred to a 2004 incident in Shan State (Myanmar) where six migrants unknowingly entered a minefield while trying to cross into Thailand. In the subsequent explosion, five of the six migrants were killed, leaving a 15-year-old boy as the sole survivor. Leiter et al. (2006) also found that Shan women, when in transit across conflict zones in Shan State (Myanmar), were at particular risk of rape and sexual assault from Myanmar military forces.

Aside from this, the literature does not provide detailed information on human and social costs directly related to Myanmar migrant smuggling. The vast majority of the reviewed literature, however, highlights the harsh and exploitative living and working conditions that Myanmar migrant workers generally face in Thailand. Due to their irregular status, these migrants typically find work in low-skilled sectors. The so-called '3D' jobs — dirty, dangerous, and degrading — include agriculture, fisheries, day labour, and domestic work. Migrants often have no choice but to accept high levels of exploitation, including long working hours, unsafe conditions, and payment well below Thailand's minimum wage. For example, migrant workers in Mae Sot generally earn THB 50–70 per day, while overtime is paid at roughly THB 7 an hour. The official minimum wage in Tak Province is THB 135 a day, and THB 25 per hour for overtime. In addition, Myanmar migrants often lack access to proper education for their children and adequate medical care (Leiter et al., 2006; Brees, 2008; Arnold & Hewison, 2005; Rukumnuaykit, 2009; Toyota, 2006).

Toyota (2006) research has shown that Myanmar migrants commonly start working as housemaids between the ages of 13 and 19 years. However, one of the interviewees in this study reported that she started as an eight-year-old, despite the fact that children younger than 16 years are ineligible to work in Thailand. According to this study, housemaids in Thailand are perceived as servants (*kon-chai*) or child servants (*dek-rab-chai*), rather than employees (*look-jang*). One respondent, who started at age 13, reported having been paid a salary of THB 500 (USD 15.89) per year.

According to a study conducted by Leiter et al. (2006), based on interviews with irregular Myanmar migrants, one study notes that several respondents accused Thai

law enforcement officials in the border town of Mae Sot of actively engaging in the exploitation and trafficking of Myanmar women. According to this report these allegations, Myanmar women were trafficked into commercial sex venues following their detention.

Brees (2008) points out that irregular Myanmar migrants, specifically refugees, also engage in clandestine practices such as pawnbroking, brewing alcohol, commercial sex work, and carrying remittances, as well as illegal practices such as logging, drug smuggling, and trafficking in persons.

Clarke (2009) notes that the difficulties that migrants from Myanmar face are compounded by an underlying prejudice displayed by many Thais towards them. It is argued that this is due to a long history of conflict, distrust, and general antipathy between Thailand and Myanmar.

## 9) Factors fuelling irregular migration and migrant smuggling

Internal conflict, insecurity, and the severity of socioeconomic conditions in Myanmar contribute to irregular migration from that country. Irregular migration into Thailand, specifically, is driven by strong push-pull factors such as the economic and social disparity between Thailand and Myanmar, including disparities in income, living standards, and stages of political and economic development (Rukumnuaykit, 2009).

## 10) Conclusions

### a) *What we know about migrant smuggling in Myanmar*

No empirical studies of migrant smuggling in Myanmar are currently available. The literature reviewed mainly focuses on regular and irregular Myanmar labour migration into Thailand, and associated human rights issues. Given the prevailing lack of relevant information, however, it is impossible to draw satisfactory conclusions.

### b) *What we don't know about migrant smuggling in Myanmar*

There is a clear need for research into migrant smug-

gling in Myanmar. As it stands, no conclusions regarding the associated issues can be drawn from the reviewed literature. The little information available mainly refers to regular and irregular migration into Thailand from the perspective of the receiving country.

Specific areas needing more research include the following:

- profiles of smugglers;
- profiles of smuggled migrants;
- migrant-smuggler relationships;
- organization of migrant smuggling;
- modus operandi of migrant smuggling ;
- fees paid to smugglers and mobilization of the fees; and
- factors contributing to irregular migration and smuggling.

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### 1) Quantitative assessments and flows of irregular migration, migrant smuggling, and trafficking in persons

#### a) *Estimated numbers and major routes: Irregular migration from, to and through Pakistan*

According to the 1998 population census, there are approximately 1.9 million irregular migrants in Pakistan (Enterprise for Business & Development Management (EBDM), 2009). More current estimates (2004) from the National Alien Registration Authority (NARA) suggest that the number is 3.35 million, with most living in the Karachi district (Azam, 2009).

**Table 10** shows, the majority of irregular migrants in Pakistan are from Afghanistan, Bangladesh, and Myanmar. From Afghanistan, Chaman (29%) and Torkhum (26%) are the most popular land border crossings into Pakistan while irregular migrants coming from Bangladesh typically use Lahore (15%) or Bahawalnagar (9%) as entry points (EBDM, 2009).

The district of Karachi is a principal destination, but also a transit point for irregular migrants (e.g. Bengalis) en route to other countries, including Islamic Republic of Iran, Turkey, Greece, Central Europe, and Western Europe (EBDM, 2009). There is little empirical research on these transit populations. The extent to which Karachi is a source of Pakistani migrants to other countries is also unknown due to a lack of data.

In terms of irregular Pakistani migrants abroad, there are no reliable estimates although some indications

**Table 10: Estimated irregular migrant population in Pakistan**

Irregular Migrants in Pakistan	
Afghans (Afghanistan) <sup>22</sup>	2,210,000
Bengalis (Bangladesh)	1,030,000
Myanmar migrants (Myanmar)	100,000
Nigerians (Nigeria)	2,000
Somalis (Somalia)	2,000
Others	6,000
<b>Total</b>	<b>3,350,000</b>

(Source: EBDM, 2009 based on 2008 NARA reports.)

of trends are provided through the reviewed literature. The Federal Investigation Agency (FIA) — one of two main government agencies dealing with irregular migration, migrant smuggling, and trafficking in persons in Pakistan — claims that a total of 66,594 Pakistanis were deported back to Pakistan between 2005 to 2008, an average of 16,649 per year (Human Rights Council, 2007).

In his research on return migrants, Arif (2009) found that almost half (44%) of Pakistani migrants in his sample were recruited through private recruitment agents and overseas employment promoters, one fifth (21%) made arrangements through friends or relatives, another one fifth (20%) were recruited directly by foreign employers, and just 1 percent had used the Overseas Employment Corporation (OEC). More importantly, however, 14 percent of return migrants (19 of 138 in total) had migrated us-

<sup>22</sup> According to the Office of the United Nations High Commissioner for Refugees (UNHCR), 1.7 million persons are registered Afghan refugees (as of January 2010). NARA statistics do not differentiate between irregular migrants and refugees.

ing irregular channels. Half had gone overseas without documentation and crossed borders irregularly while the other half had stayed on after the Haj pilgrimage.<sup>23</sup> Arif suggests that these findings are likely just the tip of the iceberg. Even though irregular migration is difficult to quantify, he points to the fact that 60,000 Pakistani migrants were deported from different countries due to their irregular status in 2003–2004 as an indication of its scope.

Interviews carried out as part of BEFARE baseline study on irregular migration, migrant smuggling, and trafficking in persons in Pakistan reveal the most common destinations for Pakistani migrants were the UAE, Islamic Republic of Iran, the UK, Greece, Saudi Arabia, and Turkey (EBDM, 2009). The report continues to suggest that countries such as Turkey and Greece are also major transit points for irregular migrants. A common route is to travel to the Middle East, through Turkey, Greece, or Italy, and then further on into Western Europe (e.g. UK). UNODC (2010) research suggests that the majority of migrants from Pakistan tend to transit through Islamic Republic of Iran before continuing on either by land to Europe, via Turkey and Greece or the Balkans or by sea to the Gulf via Oman and the UAE.

An IOM report identifies Kazakhstan as a transit point for irregular Pakistani migrants (Gembicka, 2006). Most arrive in Kazakhstan via other central Asian countries, such as Kyrgyzstan, Tajikistan, and Uzbekistan, by car or on foot. The next leg is to continue through Russia. The IOM report refers to several documented instances of smugglers using this route. For example, at the beginning of 2005, 30 Pakistani migrants were caught attempting to cross the Russian border irregularly (Gembicka, 2006). In 2004, seven irregular Pakistanis were detained in Aktau, Kazakhstan. The services of smugglers had been used en route from Karachi (Pakistan) through Baku (Azerbaijan) to Aktau (Kazakhstan). The report suggests that the migrants had intended to cross into Russia, and then possibly into Eastern and Western Europe. The same report highlights a third case in which irregular Pakistani migrants flew from Islamic Republic of Iran to Bishkek, Kyrgyzstan on tourist visas and were arrested attempting to cross into Kazakhstan irregularly. The irregular migrants revealed that their intended destination was Europe, but they

refused to provide more specific information (Gembicka, 2006).

Irregular Pakistani migrants have also tried to reach Europe via the south. Between 2004 and 2008, Pakistanis flew to West Africa and then travelled overland to North Africa before reaching Europe, usually Spain, by sea (UNODC, 2011). Since 2008, however, the route has become less popular because entry into Europe by sea has become more difficult.

As the above research suggests, Western Europe is a key destination for irregular Pakistani migrants. Most of the available research is on irregular and smuggled Pakistani migrants to the UK (Ahmad, 2008a, 2008b, 2008c; Koser, 2008). Pakistanis and Afghans represent a significant proportion of the estimated 430,000 irregular migrants residing in the UK, with a large concentration based in London (Ahmad, 2008a).<sup>24</sup> Home Office asylum and immigration statistics, Ahmad contends, offer a rough indication of which groups are likely to constitute the 'illegal' population. Statistics reveal that in 2010 1,400 Pakistanis (excluding dependents) and 1,605 Afghans applied for asylum (Shah, 2011). If his contentions are accurate, then Pakistanis are among the top five groups, along with Iranians, Afghans, Zimbabweans, and Sri Lankans. He admits, however, that it is difficult to provide accurate estimates.

***b) Estimated numbers and major routes: Migrant smuggling from, to and through Pakistan***

According to Koser (2008), there are three major routes smugglers use from Pakistan to Western Europe. The first is a direct flight from Pakistan to an intended destination in Europe. The second route involves a stopover in a transit destination, such as Bangkok (Thailand), Casablanca (Morocco), Dhaka (Bangladesh), Istanbul (Turkey), Jeddah (Saudi Arabia), Johannesburg (South Africa), Kampala (Uganda), Kiev (Ukraine), Larnaca (Cyprus), Maputo (Mozambique), Mauritius, Moscow (Russia), or Riyadh (Saudi Arabia), to legally obtain a visa.

<sup>23</sup> The Haj is the annual pilgrimage to Mecca, Saudi Arabia.

<sup>24</sup> The number of 430,000 illegal migrants is based on 2001 data and was obtained from an online Home Office report published in 2005 (<http://rds.homeoffice.gov.uk/rds/pdfs05/rdsolr2905.pdf>).

The third route is to fly to a transit destination, and then complete the journey overland. At the time of Koser's research (October 2003 to January 2004), the most popular route was to fly to Dushanbe, Tajikistan, then travel overland to Moscow, from Moscow to Eastern Europe, and finally to Western Europe. Previous routes — travelling the whole route overland or by sea — are now considered too dangerous.

Other studies confirm that one of the major smuggling routes to Western Europe is through Central Asia and China. According to the IOM report, migrants travel with prearranged student, tourist, or business visas from Karachi, Pakistan to Kazakhstan by air. Smugglers then assist the migrants to cross into Russia and onwards to Western Europe through Eastern European countries (Gembicka, 2006). Other common routes are to arrive first in Azerbaijan, Kyrgyzstan, Tajikistan, or Uzbekistan, and then travel further with the help of smugglers to Kazakhstan and Russia. In 2009, several dozen Pakistanis were arrested in China's Shenzhen province, en route to Hong Kong (China) (UNODC, 2010). Evidence also suggests that Malaysia, Thailand, and Indonesia are transit points for smuggled Pakistani migrants on their way to North America or Australia.

According to UNODC (2011), a popular smuggling route in the past (2004–2008) was from South Asia through West Africa and North Africa to parts of Western Europe. Research illustrates that it was not uncommon for Pakistani migrants to be smuggled from Burkina Faso to Morocco via Mali and Algeria over an 18 day period. Yet, not all smuggling operations were successful. Interviews with young male migrants revealed that some had been provided with air tickets and travel documents to Burkina Faso or Mali, but were then left to travel across the Sahara desert themselves because of a breakdown in communication between South Asian and West African smugglers. In an attempt to reach their final European destination, some fell into the hands of local traffickers while others became stuck in North Africa, unable to continue or return to Pakistan. Those who made it to Morocco were forced to engage the services of other smugglers and pay additional fees for the final crossing to Spain. As entry into the EU from Africa by sea became more difficult, South Asian smugglers abandoned the West African route in 2008.

In terms of actual numbers, estimating the scale of migrant smuggling from Pakistan is challenging. According to Koser (2008), the explanations are three fold. First, there is almost no published research on irregular migration or migrant smuggling between Pakistan and other countries, with the exception of the UK. As a result, data on trends are derived largely from Pakistani media and unpublished reports from local nongovernmental organizations (NGOs). Second, the smuggling of Pakistanis attracts not enough attention from the Pakistani government. Third, it is difficult to distinguish the smuggling of Afghans from Pakistan to the West from that of Pakistanis (also see UNODC, 2010). Some of the reasons are:

- Pakistan is used as a transit country by Afghan nationals;
- most Afghans smuggled to the West over the last 20 years are from Pakistani refugee camps;
- most Afghans smuggled out of Pakistan used Pakistani passports, especially during the Taliban period (1995–2001);
- most smugglers operating in Pakistan are Afghan nationals who smuggle both Afghans and Pakistanis; and
- Pakistani smugglers move both Afghans and Pakistanis, although Afghans are usually preferred because they often pay higher prices.

UNODC (2010) research supports these findings. In addition to the information above, the report reveals that Afghans and Pakistanis often use the same smuggling agents and routes. Destination countries also blur the two nationalities together in terms of migration restrictions and opportunities. For these reasons, there is no accurate quantitative data on the smuggling of Pakistani migrants. Only indicative figures exist. Yet, even these estimates should be treated with caution as the figures discussed below are somewhat dated.

Sources in 2004 estimated that up to 500,000 people per year were smuggled into and out of Pakistan, of which only a small proportion were smuggled to the West (Koser, 2008). Local press sources claimed that 1,336 Pakistani irregular migrants were deported from European countries in 2001–2004, although some of these might have been classified as irregular migrants for reasons other than unauthorized entry, such as overstaying their visas (Koser, 2008). Local press sources

also reported that in 2004, 1,495 Pakistanis were imprisoned in Europe for unauthorized entry. In 2003, the media claimed that 389 Pakistanis died while attempting to cross irregularly into Greece, Spain, and Turkey (Koser, 2008). But again, Koser warns that one should be cautious in interpreting these figures because at least a proportion of the people counted are likely to be Afghans rather than Pakistanis.

The BEFARE research identified 14 target countries for Pakistani migrants, with 59 percent of migrants successfully reaching their intended destination (see **Table 11**). Of the 79 irregular migrants interviewed, 38 percent had used the services of smugglers. Other studies have also found that the smuggling of migrants plays an important role in facilitating irregular migration (Ahmad, 2008b).

**Table 11: Irregular Migrants: Success in Reaching Destination (Pakistan)**

Attempted destination	Yes	No	%
United Arab Emirates	19	7	33%
Islamic Republic of Iran	9	6	19%
Saudi Arabia	5	2	9%
United Kingdom	3	4	9%
Greece	-	6	8%
Turkey	-	4	5%
Australia	3	-	4%
Afghanistan	1	-	1%
Malaysia	1	-	1%
Philippines	1	-	1%
Qatar	1	-	1%
Oman	1	-	1%
South Africa	1	-	1%
Sweden	1	-	1%
Refused to identify/respond	1	-	5%

(Source: EBDM, 2009)

**c) Estimated numbers and major routes: Trafficking in persons from, within, to and through Pakistan**

Pakistan is said to be a country of source, transit, and destination for trafficked men, women, and children forced into labour and prostitution (U.S. Department of State, 2010). Although the scope and nature of trafficking in persons from and through Pakistan remains largely undocumented, some information is available, mainly from organizations working to combat the problem.

In 2009, researchers carried out interviews with a total of 173 victims of trafficking in five areas of Pakistan: Karachi, Quetta, Rahim Yar Khan, Peshawar, and Swabi as part of the BEFARE project (EBDM, 2009). As **Table 12** reveals, most victims were found in the Balochistan (38%) and Punjab (31%) provinces, followed by the NWFP (25%).

Although their place of origin is unknown, three quarters (76%) of the trafficked victims were Pakistani nationals while the rest were foreign nationals (24%). This suggests that the trafficking in persons problem in Pakistan is more of an internal one, although it is possible that some of these Pakistan nationals were returnees who had been repatriated from overseas (e.g. Azam, 2009; EBDM, 2009; Koser, 2009).

The BEFARE research also reveals that the majority of the respondents were male (66%) while 34 percent were female. The victims of trafficking were subjected to forced and bonded labour (38%), sexual exploitation (16%), prostitution (14%), camel jockeying (12%), and begging (6%) (Human Rights Council, 2007). The other respondents (14%) did not want to discuss their experiences of exploitation. The report yielded no definitive insights into which sectors of forced and bonded labour were most prevalent, despite the percentages presented. The sample was small, and its authors clearly state that further

**Table 12: Regional distribution of trafficking victims (Pakistan)**

Sindh	Balochistan	Punjab	NWFP		Total
Karachi	Quetta	Rahim Yar Khan	Peshawar	Swabi	
11	65	54	34	8	172
6%	38%	31%	20%	5%	100%

research is required. However, the U.S. Department of State (2010) *Trafficking in Persons Report* claims that there are over one million bonded labour victims in agriculture and brick making, and to a lesser extent in mining and carpet weaving (U.S. Department of State, 2010). Boys and girls are reportedly trafficked into begging, domestic servitude, prostitution, and agriculture. The BEFARE research corroborates some of these claims as 36 percent of the victims (62 out of 172 respondents) in its sample were children, but no information was provided on the forms of exploitation.

Other studies shed a bit more light on nature of trafficking in persons from and through Pakistan. For example, an IOM report reveals that Pakistani men, women, girls, and boys are trafficked to Afghanistan for the purposes of sexual exploitation and forced labour while Afghans are trafficked or smuggled to, and through, Pakistan (Kaya, 2008). Unofficial land borders were used to cross between Pakistan and Afghanistan.

Finally, the HRCP (2010) examined court proceedings in Quetta involving cross border trafficking in persons cases over a four-year period (2005–2008). Although the distinction between ‘trafficked’ and ‘smuggled’ was blurred, the trafficked migrants had travelled by train to Punjab to Karachi, and then transited through Islamic Republic of Iran and Turkey on their way to Greece. All were caught and detained by either Iranian or Turkish authorities, deported back to Pakistan, and eventually released. Most of the migrants/victims were from three districts in Punjab province — Gujrat, Gujranwala and Sialkot — and had entered into Islamic Republic of Iran at the Balochistan border crossing.

**d) *Cross-over or overlap, if any, between populations or routes***

There is overlap, as well as confusion in terminology, among the categories of irregular migration, migrant smuggling, and trafficking in persons. Researchers have noted that the smuggling of migrants plays a crucial role in facilitating irregular migration (e.g. Ahmad, 2008c; EBRM, 2009; Gembicka, 2006). Ahmad, for example, is quick to point out that not all irregular migrants are smuggled, but acknowledges how the lines can become blurred. An examination of the literature reveals that some researchers had dif-

iculties in distinguishing trafficking from migrant smuggling (facilitated irregular migration) and/or irregular migration as such (regardless if occurred with or without assistance) (e.g. EBDM, 2009; HRCP, 2009). Large numbers of Pakistanis migrate through regular and irregular channels to the Middle East, Islamic Republic of Iran, Turkey, Greece, the UK, Canada, the US, and Western European countries in search of employment. Once overseas, some regular migrants overstay their visas, and their status becomes irregular while others, both regular and irregular, become victims of labour exploitation. Statistical data do not often clearly distinguish between irregular migration, trafficking, and smuggling. Nor do the data distinguish between populations, such as Pakistani and Afghan migrants, as the work by Koser (2008) illustrates.

## **2) Profiles of migrant smugglers**

### **a) *Socio-economic characteristics***

There is a lack of research on the socio-economic characteristics of migrant smugglers. The research by Koser (2008) on smuggled Pakistani migrants is the only study that attempted to include migrant smugglers in its sample. He found it relatively easy to identify smugglers (e.g. through advertisements) and most openly admitted that they provided migration services. However, just five smugglers and five subagents (e.g. forgers and intermediaries) were willing to divulge detailed information about how they operated. Nevertheless, in terms of the migrant smugglers themselves, the only information Koser provides is that all were male.

### **b) *Motivation***

There is a complete lack of research on the motivations of migrant smugglers.

## **3) Profiles of irregular migrants and smuggled migrants**

### **a) *Geographical and socio-economic characteristics***

Research on regular and irregular Pakistani migrants to the Middle East reveals that most came from



just 20 districts, in particular from North Punjab, NWFP, Karachi, and a few districts in Southern Punjab (Arif, 2009).<sup>25</sup> Migrants had stayed overseas for an average of 4.7 years, with most having worked in Saudi Arabia or UAE (98%). The majority of migrants from Punjab province had held at least two different contracts, claiming that one contract was not enough to cover the high costs of migration and accumulate savings. Skilled jobs, such as drivers, masons, and carpenters, were the most common types of employment for migrants from urban areas while rural migrants mostly took up unskilled jobs.

Three quarters (74%) of the migrants were employed before going abroad, 44 percent had owned livestock, and 74 percent owned a *pukka* or cement house. The average urban household income before migration was Rupees 11,835 (USD 140) and Rupees 13,264 (USD 156) for rural households.<sup>26</sup> The difference is attributed to the fact that rural households have more earners than urban households. The average age of return migrants was 29 years when they first went abroad. More than half were married at the time of their departure. Wives and children were left behind.

What the above data shows, Arif argues, is that migrants are not the poorest of the poor (also see Hasan, 2010). On the whole, respondents were well above the poverty line, which in 2004–2005 was Rupees 878 (USD 10) per month per adult. It is important to note that 19 irregular migrants were included in his sample of 138 return migrants although almost no disaggregated data is presented.

Given the financial cost involved (see Section 8), Arif's findings are perhaps not surprising. In fact, Koser (2008) drew the same conclusion from his research. Thirty-eight of the 50 households surveyed answered questions about income. His findings showed that the mean monthly income of respondents in 2004 was Rupees 12,700 (USD 150), and the range was from Rupees 3,500 (USD 41) to Rupees 35,000 (USD 413). In interpreting the data, Koser reminds us that household size varied from

one to six adults. The mean number of household adults was 3.44. Migrant households were selected from middle class areas of Karachi (e.g. Gulshan-e-Iqbal, North Nazimabad, and Federal B Areas) as well as from areas that were among the poorest (e.g. Malir and Orangi). Of the 38 households surveyed, 27 respondents owned property (71%), six owned land (16%), and one owned a business. Koser insists, however, that even though migrants are not from the poorest households, investing in the smuggling of a family member is still an enormous financial burden as most migrants must draw upon their saving, sell possessions, or take out loans (see **Section 8**).

Ahmad's research also presents information on the profiles of smuggled migrants. Three of the men he interviewed were from the North West Frontier Province (NWFP) and the Federally Administered Tribal Areas (FATA), two were from Punjab Province, and two were from Afghanistan, but had lived in Pakistan prior to being smuggled to the UK (Ahmad, 2008a, 2008b). The average age of the smuggled migrants was 30, and ranged from 24 to 50 years of age. Just two of the men were married. All but one arrived in the UK between 2002 and 2004. This respondent had been smuggled into the UK in 1992. Their levels of education ranged from primary education (the migrant had left before he turned 11 years old) to a Bachelor of Arts degree. All of the smuggled migrants had attained legal residency by the time that the research was carried out.

UNODC (2010) research also presents some general characteristics of smuggled migrants according to different market segments (see **Table 13**).

The most fundamental generalization, according to the report, is that the vast majority of smuggled migrants on the routes mentioned above are men between the ages of 18 and 35 (UNODC, 2010). In all the research reviewed, the overwhelming majority of irregular and smuggled migrants were male (Ahmad, 2008a, 2008b, 2008c; Arif, 2009; Gembicka, 2006; Hasan, 2010; Human Rights Council, 2007; Koser, 2008; UNODC, 2010).

### **b) Motivation**

Irregular and smuggled migrants are largely moti-

<sup>25</sup> Irregular migrants (19 of 138 in total) were included in the sample of return migrants.

<sup>26</sup> Based on April 2011 exchange rates.

Table 13: General characteristics of smuggled migrants (Pakistan)

Destination	Migrant's Characteristics
The Gulf and Middle East (overland/sea)	<ul style="list-style-type: none"> <li>• Low income</li> <li>• Low education</li> <li>• Low skilled</li> <li>• 15-30 years of age</li> <li>• Revolving door return/re-entry</li> <li>• Price sensitive</li> </ul>
European Union (overland/sea)	<ul style="list-style-type: none"> <li>• Middle income or land holders</li> <li>• Strong diaspora ties</li> <li>• 18-30 years of age</li> <li>• Mid to long term intentions</li> <li>• Somewhat price sensitive</li> </ul>
European Union (air)	<ul style="list-style-type: none"> <li>• Middle and high income</li> <li>• Well educated &amp; English skills</li> <li>• Asylum seeking</li> <li>• Reputation sensitive</li> </ul>
European Union and North America (air)	<ul style="list-style-type: none"> <li>• Liquidated assets</li> <li>• Asylum seeking/claim to be Afghans</li> <li>• Reputation sensitive</li> <li>• Strong diaspora ties</li> <li>• Overstay intentions</li> </ul>
To Australia (air/boat)	<ul style="list-style-type: none"> <li>• Asylum seeking</li> <li>• Afghans/claim to be Afghans</li> <li>• Strong diaspora ties</li> </ul>

(Source: UNODC, 2010, p. 27).

vated by economic reasons (Ahmad, 2008b; Arif, 2009; Koser, 2008; UNODC, 2010). Poverty is pervasive in Pakistan and migrants believe that opportunities in destination countries are ultimately superior (UNODC, 2010). Upon arrival in the UK, smuggled migrants quickly access pre-existing Pakistani or South Asian employment networks to secure jobs, typically in the service sector (e.g. catering, small retail shops, restaurants, grocery stores, and small corner dairies (Ahmad, 2008b; UNODC, 2010). Their aim is to increase the family's well-being or elevate their clan's social status (Ahmad, 2008b; UNODC, 2010). Other migrants work overseas to accumulate savings so that they can start or expand a business upon their return to Pakistan (Arif, 2009).

The choice to take on the risks and costs of smuggling or irregular migration is not always economically driven. Several young male migrants interviewed by Ahmad (2008c) admitted they were driven by an adventure overseas and the freedoms of the West. Materialism and wealth, which brings status to young Pakistani men in particular, were other motivating factors according to the respondents.

#### 4) Smuggler-migrant relationships

##### a) Migrant perceptions of smugglers

There is a complete lack of research on migrants and their perceptions of smugglers.

##### b) Nature of migrant-smuggler relationship

There is a complete lack of research about smuggler-migrant relationships.

##### c) Factors influencing the relationship between smugglers and migrants

There is a complete lack of research factors influencing the relationship between smugglers and migrants.

#### 5) Organization of migrant smuggling

##### a) How is migrant smuggling organized?

Smuggling grew from the acts of Pakistani nationals who returned from the UK in the 1960s and 1970s,

with material goods and then actively recruited individuals and groups of men to be transported overland irregularly to the UK for payment of a fee (Ahmad, 2008c). Since then, migrant smuggling from Pakistan has developed into an organized business that involves a network of actors, including recruiters, transporters/guides, drivers, forgers, airline staff, immigration officials, and other intermediaries both within Pakistan and in different parts of the world (UNODC, 2011; Koser, 2008; UNODC, 2010). The network is best explained through **Table 14**, which illustrates the process of migrant smuggling via a direct route from Pakistan to the UK (Koser, 2008). The processes involving indirect travel are more complex.

Two observations are relevant here. First, smugglers offer migrants and their families a guarantee of return. If the smuggled migrant does not arrive at his or her end destination, the total payment is refunded. Typically though, the migrant is offered three attempts for a single price (UNODC, 2010). If the smuggler is successful, about half of the fee is received as profit. Second, there was evidence of competition among the small number of smugglers operating in Pakistan at the time of Koser's research. Smugglers were willing to undercut competitors and offer group discounts because the cost per migrant was reduced. Smuggling a group was appealing to a smuggler because if one of the migrants arrived safely, the entire fee paid by the group was released.

Smuggled migrants who had travelled to Europe via the African route also reported that Pakistani smugglers were part of an organized transnational net-

work. According to respondents in a research carried out by UNODC (2011), Pakistani smugglers were in regular phone contact with West African (Burkina Faso and Mali) and North African (Morocco and Algeria) smuggling counterparts along the entire route. Pakistani migrants explained how they were transported from Burkina Faso to Morocco via Mali and Algeria in cars driven by local smugglers who coordinated drop off and pickups at border crossing using walkie-talkies along the route. Other interviews revealed that West African smugglers, contracted through Pakistani smugglers based in either Pakistan or West Africa, at times picked the migrants up at the airport. Their passports were confiscated and the migrants were kept in a private house until onward travel to Europe, including flights and visas, was organized. Also on occasion, smugglers accompanied migrants from Pakistan by air to West Africa or met them in person when they arrived. But as explained previously, these networks are not as strong as they were prior to 2008 when the route was more popular among smugglers (UNODC, 2011).

*b) Are persons involved in migrant smuggling also involved in other criminal activities?*

There is little research on whether persons involved in migrant smuggling are involved in other criminal activities. One smuggled migrant was reportedly forced by criminal networks in Moscow (Russia) and Kiev (Ukraine) to engage in pick-pocketing as well as drug and migrant smuggling for local criminal gangs in order to survive and facilitate his onward movement. According to the BEFARE research, linkages exist between irregular Bengali and Afghan migrant

**Table 14: Organization of migrant smuggling in Pakistan**

The smuggling network, process, and payments	
<b>Stage 1</b>	Potential migrant makes full payment (up to USD 14,000) to a third party who issues a receipt and holds the money until it is confirmed the migrant has arrived at the end destination.
<b>Stage 2</b>	Smuggler obtains a passport and/or visa for the potential migrant from an intermediary (approx. USD 2,000, although costs vary according to the nationality and quality of the passport/visa).
<b>Stage 3</b>	Smuggler pays off airport staff responsible for checking passports, approximately USD 5,000 in total, although costs vary according to the quality of the passport.
<b>Stage 4</b>	Migrant travels by direct flight to destination for the cost of approximately USD 1,000.
<b>Stage 5</b>	Migrant telephones family upon safe arrival at destination. The third party pays the full deposited amount smuggler (USD 14,000) who makes approximately USD 6,000 in profit.

(Source: Adapted from Koser, 2008).

communities and crime, such as trafficking in arms, drugs, and humans, in Karachi as well as other urban areas (EBDM, 2009). Clearly though, more studies are needed before any definitive conclusions can be made. Yet other research suggests that there appears to be little overlap between migrant smuggling and other type of criminal activities (UNODC, 2010). According to UNODC (2010), networks involved in migrant smuggling and drug smuggling, for example, tend to remain separate.

*c) Does migrant smuggling attract persons who have a history of involvement in other crime?*

No conclusions can be drawn from the reviewed literature as to whether migrant smugglers have a history of involvement in other crime.

*d) What levels of professionalism/specialization is there within migrant smugglers?*

Although further research is required, the reviewed research indicates that there is a well developed level of professionalism among Pakistani smuggling networks. As Section 6)b) shows, smugglers are only paid in full once the migrant has reached the intended destination (Koser, 2008; UNODC, 2010). In effect, smugglers offer a “money back guarantee” (Koser, 2008, p. 19). This system represents a substantial investment for the smugglers without a guaranteed return of their investment.

*e) What influences shape the way migrant smugglers are organized? How and why do these organizations evolve?*

Conclusions cannot be drawn from the reviewed literature about what influences the way migrant smugglers are organized.

## 6) Migrant smuggling *modus operandi*

### *a) Recruitment methods*

There is a dearth of research on the methods of recruitment. According to UNODC (2010), social networks in destination countries are important as migrants are introduced to smugglers through these connections. Interviews with migrants reveal that

the reputation of an agent is important, and potential migrants often select a smuggler whose reputation increases the likelihood of success (UNODC, 2010). Smugglers also promote their services openly, assumingly through advertisements (Koser, 2008). Illegal labour agents, as well as subagents of licensed private recruitment agents and overseas employment promoters are also involved in the recruitment of migrants interested in the services of smugglers (Arif, 2009; U.S. Department of State, 2010). False job offers and the overcharging of fees are not uncommon practices, and as a result, some labour migrants find themselves in exploitative situations, including involuntary servitude or debt bondage overseas.

### *b) Payment methods*

Payments are made to smugglers in advance either as a lump sum or instalments to a third party (Koser, 2008; UNODC, 2010). In Peshawar, for example, payments were made to one of the money changers in the Chowk Yadgar bazaar in the Old Town or sometimes to a jeweller (Koser, 2008). Formal receipts were given to the migrant, the migrant’s family, and the smuggler. The third party releases the funds to the smuggler once the smuggled migrant’s family confirms that he or she arrived safely (also see Section 5)a).

Koser (2008) acknowledges that more research on methods of payment is required. For example, it is not known how the money changers benefit. Some respondents claimed that they charged a commission fee. Others said that they earned interest on the deposit. As well, it is unclear how a successful journey is defined. Does the migrant have to reach the intended destination or will reaching European soil suffice? How is this information verified? The smuggled migrant could lie so the fee is returned to the family. Koser acknowledges that the respondents surveyed provided vague answers to these questions. Other research suggests that some smugglers are paid the full amount upfront (e.g. UNODC, 2010, 2011).

### *c) Transfer of criminal proceeds*

There is a complete lack of research on the methods of transferring criminal proceeds derived from migrant smuggling in Pakistan.

#### *d) Transportation methods*

Smugglers transport migrants by air, land, and sea. Direct or indirect flights from Pakistan to intended (e.g. Western Europe) or transit (e.g. Central Asia) destinations are the most common method of transportation (Human Rights Council, 2007; Koser, 2008). The majority of migrants are smuggled by air depart from Karachi airport (Human Rights Council, 2007). Migrants are also known to cross by car or on foot at official and unofficial land borders. Mand Billo and Taftan in Balochistan are popular entry points for irregular and smuggled Pakistani migrants entering Islamic Republic of Iran (Human Rights Council, 2007). Another method is to travel to Islamic Republic of Iran and other parts of the Middle East (e.g. Saudi Arabia and UAE) by boat. Along the African and Central Asian routes into Western Europe, smugglers use a combination of transport options including air, car, and boat (Gembicka, 2006; UNODC, 2011).

#### *e) Document use and misuse*

In arranging a flight out of Pakistan, the first task is to secure a passport and visa (Koser, 2008). Most Pakistani migrants, for example, were flown into West Africa using forged visas (UNODC, 2011). Pakistani and Afghan passports are the easiest to get although some smugglers use passports of other nationalities (e.g. Britain) (Koser, 2008). Passports and visas were obtained through either theft or bribery, or they were forged for a cost of approximately USD 2,000 depending on the nationality of the passport and the quality of the forgeries (Koser, 2008). Other research reveals that a high quality photo replacement in a passport costs around USD 1,200 in Pakistan (UNODC, 2010). Interviews with Pakistani migrants suggest that the supply of tampered documents comes largely from Pakistan, specifically from Peshawar. One blank UK passport costs USD 25,000 while an excellently forged UK passport can be sold for up to USD 20,000.

FIA data also show that the use of falsified or forged travel documents is prevalent (Human Rights Council, 2007). In 2005, airport authorities revealed 178 cases of forged documents. Three years later, just 39 cases were intercepted. Although no explanation is offered, reasons for the difference might be explained by a decrease in the use of fraudulent documents, weak investigative

and detection procedures, or more sophisticated forgeries.

#### *f) Corruption*

Very limited information is available on this point. Koser (2008) found evidence of bribery among airline and airport officials, including immigration officers. On average, USD 5,000 was paid to these individuals.

#### *g) Evolution of migrant smuggling methods in response to changes in migration policies and counter measures*

Two examples of the evolution of migrant smuggling methods in response to changes in migration policies or counter-measures were found in the literature. The first stretches back to Britain in the early 1960s (Ahmad, 2008c). Before the 1962 Commonwealth Immigration Act was passed, citizens of the Commonwealth (e.g. Pakistan, India, and Sri Lanka) had unrestricted entry into Britain as well as the right to live and work without a visa under the British Nationality Act of 1948. Only a small number of South Asians had taken up the opportunity to go overseas. However, when rumours circulated that more restrictive policies were going to be introduced, thousands left for Britain, some of whom, Ahmad purports, may never had gone abroad had not it not been for the impending legislative changes (Ahmad, 2008c). He claims that his research findings reveal that at that moment in the early 1960s “human smuggling in its modern form from South Asia to the West began, not, as it is often assumed, in the 1990s, the 1980s or even the 1970s” (p. 140).

The recent tightening of legislation in Pakistan and Europe has made smuggling more risky, difficult to get intermediaries involved, and altered the routes of smugglers. For example, Pakistani smugglers tend not to use anymore the route from West and North Africa to Europe via Spain because the boat crossing to Spain became more difficult due to patrols (UNODC, 2011; Koser, 2008).

#### **7) Migrant smuggling fees and mobilization of fees**

There is some research on the costs of smuggling of migrants and how fees are mobilized. Koser



(2008) offers detailed information about fees paid to smugglers (see **Table 15**). It is clear that costs vary depending on factors such as destination, means of transport, additional services required (e.g. forged documents), and whether the journey is direct or involves transit points. The information presented in **Table 15** is supported by empirical research carried out by Ahmad (2008b) who found that migrants paid the equivalent of USD 13,000 to be smuggled into the UK between 2003 and 2004.

Koser's data were collected between October 2003 and January 2004, and he notes that smuggling costs have risen over the last four to five years. More recent research suggests that migrant smuggling fees from Pakistan to the US via Bangkok are between USD 18,000 and USD 26,000 while Pakistan to Australia via Malaysia and Indonesia costs between USD 12,000 and USD 18,000 (UNODC, 2010).

Regarding how fees for smuggling were mobilized, only 30 of the 50 households Koser (2008) surveyed were willing to answer the question. The most common response was savings, with some households indicating that they had put aside several thousand US dollars. Other households sold possessions, such as land or jewellery, to raise the required funds (see also UNODC, 2010). Loans from relatives, friends, the bank, or private lenders were also used to pay fees. It was not uncommon for households to have several sources of funding. Clearly though, it is the families rather than the migrants themselves who mobilize the smuggling fees. As a result, smuggling represents a significant communal investment on which a return is expected by entire families through remittances, even if people within these households benefit disproportionately.

Research carried out by Arif (2009) on regular migration supports the above findings. Pakistani workers who migrated through authorized channels to the Middle East raised funds to cover the fees (e.g. for tickets, passports, visas, medical tests, professional agents, etc.) through personal or family savings, loans or mortgages, and/or the sale of possessions, such as property or jewellery. Migrants often needed a combination of sources to raise the required amount.

When the southern route into Europe via Africa was more popular, young Pakistani men reportedly sold land or borrowed funds from banks or informal money lenders to pay the advance sum of EUR 12,000 to EUR 18,000 to organized smuggling networks. The fees were paid at the start of their journey, which included a plane ticket to West Africa, visa, and overland transport into North Africa. As the journey became increasingly difficult, migrants were forced to pay different smugglers an additional EUR 3,000 for the crossing to Spain (UNODC, 2011).

## 8) Human and social costs of migrant smuggling

Smuggled migrants are vulnerable to exploitation because of the debts incurred in migration. In his research on smuggled Pakistanis in the UK, Ahmad (2008b) found that newly arrived migrants use Pakistani and South Asian employment networks to find work, usually in the service sector. Irregular and smuggled migrants often work without contracts, six days a week/12–16 hours per day, for months in poor working conditions.

If migrants are unable to find employment or leave employers because of exploitative conditions, it is

**Table 15: Costs for smuggling from Pakistan**

Cost (United States Dollars)	
<b>Direct flight to:</b>	
United States and Canada	USD 17,000 to USD 20,000
United Kingdom	USD 13,000 to USD 14,000
European Union mainland	USD 9,000 to USD 10,000
<b>Indirect flight</b>	USD 6,000 to USD 12,000 (depending on transit country)
<b>Flight then overland journey to:</b>	
United Kingdom	USD 4,000
European Union mainland	USD 3,000

(Source: Koser, 2008 based on 2004 field data).

not uncommon for men to ask for further financial support from relatives in Pakistan (Ahmad, 2008b). The debts are both economic and psychological burdens for the migrants. Ahmad's research found that smuggled migrants believed that they needed to make the most of their time in the UK in case they were caught. It also revealed that the realities faced by the migrants were harsher than expected. Some expressed doubt about their decision to come irregularly to the UK, although explicit regret was rare. Returning to Pakistan was not an option because of the sacrifices made by their families.

The research shows that the sacrifices made by families are significant. On average, it takes a Pakistani household two years to repay their investment using remittances (Koser, 2008). Typically, remittances are used for consumption, such as building or improving homes, starting business enterprises, and improving lifestyles (Hasan, 2010). Migration and remittances can also exacerbate household inequalities. Remittances seldom benefit the household as a whole (Ahmad, 2008c). As Ahmad states, there can be gendered implications from remittances:

It is not uncommon for women to experience greater seclusion and confinement to their home when their households are lifted out of material poverty by overseas male migrants, who tend to deploy their resources to impose stricter purdah and increase their own social standing... (p. 135)

Ahmad also points out that the departure of the husband can weaken the position of the wife in the extended household. As a result, the decision to migrate through regular or irregular channels is a decision that is sometimes made against the wishes of the household as they are left to bear at least some of the costs.

### 9) Factors fuelling irregular migration and migrant smuggling

Since the 1970s, the Pakistan government has encouraged migration as one means of alleviating the country's economic problems. Ahmad (2008c) found that several of the irregular migrants he interviewed came from families that benefited from migration to the Middle East. Five out of the six Pash-

tun (also called Pathans) respondents he interviewed, for example, either had fathers who had returned or were still in the Middle East. He argues that large scale migration to the Gulf States had a pronounced impact in the NWFP and in particular because before 1970, migration was not common, unlike other parts of Pakistan, such as Punjab. However, over the last 40 years, remittances have kept the economy afloat, and most respondents stated that it was now the norm for men to live and work overseas at some stage in their life (Ahmad, 2008c). Unemployment and underemployment also were cited as push factors (Arif, 2009).

## 10) Conclusions

### a) *What we know about migrant smuggling in Pakistan*

Although Pakistan is a country of source, transit, and destination for smuggled migrants, there is very limited research on this issue and much more research needs to be done. There are a handful of empirical research studies on the smuggling of Pakistani migrants abroad, but in terms of scope, there are no reliable estimates. In terms of destinations, popular ones are the UAE, Islamic Republic of Iran, Saudi Arabia, the UK, Greece, and Turkey. Most of the available research examines the smuggling of Pakistani migrants to Western Europe, in particular the UK, which is reflected in the reviewed literature about the following migrant smuggling routes:

- Pakistan → Middle East → Turkey/Greece/Italy → Western Europe,
- Pakistan → Central Asia<sup>27</sup> → Russia → Eastern Europe → Western Europe
- Pakistan → Western Africa → North Africa → Western Europe (no longer used)
- Pakistan → Western Europe

The majority of smuggled migrants come from a select number of districts in Punjab as well as the Northwest Frontier Province. Most were not from the poorest households, but even so, investing in the smuggling of a family member was an enormous financial burden as most migrants must draw upon their family's savings, sell possessions, or take out loans to cover the smuggling fees that were around

<sup>27</sup> Kazakhstan, Kyrgyzstan, Tajikistan, Uzbekistan

USD 13,000 to USD 14,000 for a direct flight to Western Europe. It is families, not the migrants themselves, who mobilise the fees to pay the smuggler for the services. Payments are made to smugglers in advance either as a lump sum or instalments to a third party. Smugglers are only paid in full once the migrant has reached the intended destination. In effect, they offered a ‘money back guarantee,’ which involved a substantial investment for the smugglers without a guaranteed return. Smuggling migrants is a business in Pakistan and involves a network of intermediaries, all whom stand to profit.

The realities faced by smuggled migrants are often harsher than expected. Evidence suggests that because of their irregular status, smuggled Pakistani migrants are more at risk of experience harsh and exploitative conditions, both on route and in destination countries, than regular migrants. Stories of exploitation are not uncommon, and some smuggled migrants openly expressed doubt about their decision to migrate through irregular channels. For some, the choice to take on the risks and costs of smuggling is not always economically driven. Several young male migrants interviewed in one research project admitted they were driven by an adventure overseas and the freedoms of the West. Materialism and wealth, which brings status to young Pakistani men in particular, were other motivating factors according to respondents.

#### ***b) What we don't know about migrant smuggling in Pakistan***

Although some empirical studies exist, rigorous research is required on all aspects of migrant smuggling and irregular migration to, from, and through Pakistan. Clear distinctions need to be made among irregular migration, migrant smuggling, and trafficking in persons as the concepts were used interchangeably in the literature reviewed. The blurred relationships hinder reliable data collection on the scope and nature of migrant smuggling. Moreover, literature reviewed in this report is neither comprehensive nor representative of migrant smuggling in Pakistan. Most of the studies are based on small samples of irregular or smuggled migrants. Some of the research is outdated. Smugglers shift and adapt their services according to the needs of migrants; equally important, countermeasures are being deployed by destination countries to manage migration. How

these realities are affecting the situation is unknown. There are clear knowledge gaps that should be addressed through further research on the following:

- quantitative assessments of irregular migration, migrant smuggling, and trafficking in persons flows;
- the major routes used, particularly to other destination countries outside Western Europe;
- the profiles of smugglers and smuggled migrants;
- the motivations of smugglers and smuggled migrants;
- smuggler-migrant relationships, including their perceptions of one another;
- how migrant smuggling is organized, including the level of professionalism and specialization;
- linkages to other forms of criminality and the transfers of criminal proceeds;
- the modus operandi of migrant smuggling, including methods of recruitment, payment, and transportation;
- the role of corruption and the misuse of documents;
- fees paid to smugglers and their mobilization; and
- the factors — political, economic, and social — that contribute to irregular migration and smuggling.

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## Chapter Twelve: Singapore

### 1) Quantitative assessments and flows of irregular migration, migrant smuggling, and trafficking in persons

#### *a) Estimated numbers and major routes: Irregular migration from, to and through Singapore*

No estimated figures are available for irregular migration to Singapore, but experts believe numbers are low (IOM, 2008). According to Asis (2004), Singapore has succeeded in preventing irregular migration because governmental policies and restrictions were in place before migrants arrived, and because law enforcement agencies efficiently execute these policies. Singapore's status as an island with few points of entry has also contributed to official efforts to prevent irregular migration into and through the country.

The literature does not describe the various forms that irregular migration takes in Singapore, nor does it specify those nationalities most highly represented among irregular migrants.

#### *b) Estimated numbers and major routes: Migrant smuggling from, to and through Singapore*

Migrant smuggling exists in Singapore, but little is known of its frequency or routes.

Organized criminal groups in Singapore have reportedly smuggled people from Afghanistan, the Middle East, and North Africa through to Australia (Crock et al., 2006). Specific routes for these movements are not specified in the literature.

Santhiago (2005) provides information concerning agents who were prosecuted for migrant smuggling between Malaysia and Singapore. One driver was charged for smuggling Chinese, Myanmar, and Thai nationals from Singapore to Malaysia in a car boot. Another smuggler was prosecuted in Singapore for smuggling Bangladeshi, Chinese, Myanmar, and Nepalese nationals from Malaysia to Singapore by boat. These cases, however, are isolated examples that do not necessarily reflect common smuggling practices in Singapore.

#### *c) Estimated numbers and major routes: Trafficking in persons from, within, to and through Singapore*

According to the U.S. Department of State (2010), Singapore is a destination country for forced prostitution of women and girls, and possibly for labour for some migrant workers, including domestics. Most trafficked migrants originate in Bangladesh, India, Indonesia, Myanmar, the Philippines, Sri Lanka, Thailand, Viet Nam, and other Asian countries.

The literature offers no basis for estimating the number of trafficking victims in Singapore.

#### *d) Cross-over or overlap, if any, between populations or routes*

The literature offers insufficient information about irregular, smuggling, and trafficking flows to, through, and from Singapore to determine whether these flows overlap.



## 2) Profiles of migrant smugglers

### a) *Socio-economic characteristics*

The literature provides no information on the characteristics of migrant smugglers.

### b) *Motivation*

No details are given in the literature on individuals' reasons for engaging in smuggling operations.

## 3) Profiles of irregular and smuggled migrants

### a) *Geographical and socio-economic characteristics*

Irregular or smuggled migrants were not explicitly profiled in the literature reviewed, but irregular migration flows may to some extent mirror authorized flows. Most foreign nationals in Singapore are migrant workers. Singapore attracts skilled and unskilled workers as well as female migrant domestic workers from the region. Most migrant women in Singapore are from Indonesia, the Philippines, and Sri Lanka (Human Rights Watch, 2005).

### b) *Motivation*

Economic growth and a declining birth rate in Singapore create a high demand for workers at almost all job levels (Pudjiastuti, 2005). The literature leaves it unclear whether motivations among irregular migrants are different from those among authorized migrants. Neither does the literature address the question of why migrants choose to migrate to Singapore through unauthorized channels.

## 4) Smuggler-migrant relationships

### a) *Migrant perceptions of smugglers*

The literature at hand provides no information on the relationship between smugglers and migrants.

### b) *Nature of migrant-smuggler relationship*

The literature at hand provides no information on the relationship between smugglers and migrants.

### c) *Factors influencing the relationship between smugglers and migrants*

Because no information is provided in the literature regarding the relationship between smugglers and migrants, it is impossible to determine what factors influence this relationship.

## 5) Organization of migrant smuggling

### a) *How is migrant smuggling organized?*

Given how little related information appears in the literature, it is impossible to describe the inner structures of smuggling groups and syndicates. Unlicensed labour recruitment agencies in countries of origin facilitate unauthorized migration to Singapore, and the organization of these entities may reflect the structure of authorized agencies, as is the case in Indonesia (Human Rights Watch, 2004). No details are provided in the literature, however, and no specific countries of origin are mentioned in connection with unlicensed agencies.

According to Crock et al. (2006), organized groups facilitate migrant smuggling through Singapore from Afghanistan, the Middle East, and North Africa onward to Australia, but the structure of such groups is not addressed in the literature.

### b) *Are persons involved in migrant smuggling also involved in other criminal activities?*

The literature provides no information on additional forms of criminality among smugglers.

### c) *Does migrant smuggling attract persons who have a history of involvement in other crime?*

The literature does not address the personal background of smugglers in this way.

### d) *What levels of professionalism/specialization is there within migrant smugglers?*

The literature provides insufficient information about smugglers and smuggling rings to judge respective levels of professionalism and specialization within their trade.

e) *What influences shape the way migrant smugglers are organized? How and why do these organizations evolve?*

Because the overall organization of smuggling syndicates in Singapore remains an unknown, it is not possible to determine what shapes this structure and how it evolves.

## 6) Migrant smuggling modus operandi

a) *Recruitment methods*

The literature provides almost no information about recruitment of smuggled migrants in, to, or from Singapore. In Indonesia, which is a sending country for Singapore, the process of recruitment through both regular and irregular channels begins in the home village with the local recruiter, who is also known as the sponsor, agent, broker, or middleman (Hosen, 2005). Local brokers often have a good reputation and have had previous contact with the migrants' family (Hugo, 2004; Rudnyckij, 2004). It is unclear whether similar patterns of recruitment exist in other countries of origin.

b) *Payment methods*

Migrants in Singapore are normally indebted to their recruitment agency and obliged to repay them in instalments from their salary, which can amount to 4 to 10 months without pay (Human Rights Watch, 2005). The literature provides no details on the specific situation of smuggled migrants, but they may also be trapped in a similar debt cycle upon arrival.

c) *Transfer of criminal proceeds*

The literature provides no information on how smugglers transfer their criminal proceeds.

d) *Transportation methods*

Minimal information is provided by the literature on various methods of transporting migrants. One study notes two specific examples of smugglers being prosecuted for smuggling migrants from Singapore to Malaysia via car and from Malaysia to Singapore via boat (Santhiago, 2005). Although criminal groups allegedly smuggle people from Afghanistan,

the Middle East, and North Africa through Singapore to Australia, the literature does not so much as hint at their modus operandi (Crock et al., 2006).

e) *Document use and misuse*

The falsification and forgery of documents to assist in the smuggling process to, through and from Singapore remains unaddressed in the current literature.

f) *Corruption*

The literature does not discuss the role of corruption in the smuggling process.

g) *Evolution of migrant smuggling methods in response to changes in migration policies and counter measures*

No information was provided in the literature regarding the evolution of smugglers' modus operandi.

## 7) Migrant smuggling fees and mobilization of fees

The literature provides very limited information on smuggling fees and migrant mobilization of this capital. One Malaysian 'snakehead' prosecuted in Singapore had charged SGD 2,000<sup>28</sup> (USD 1,200) for transportation by boat from Malaysia to Singapore. To protect smugglers from apprehension by the authorities, the passengers had been forced to swim the last two kilometres to shore (Santhiago, 2005).

No further specific fees are detailed in the literature, and no information is provided on how migrants mobilize the necessary funds to finance their migration to Singapore.

## 8) Human and social costs of migrant smuggling

The literature reviewed revealed very limited information about the human and social costs of migrant smuggling. According to Human Rights Watch (2005), once in Singapore, migrants are more likely to experience poor conditions if they used the services of an unlicensed recruitment agency. Female

<sup>28</sup> SGD = Singapore Dollar.

migrants who enter Singapore through unlicensed agencies are more likely to earn less, have no days off, and be illegally deployed to multiple households. Several Indonesian workers in Singapore who migrated through unlicensed agencies reported being threatened by their agents with trafficking into prostitution or paying substantial fines if they failed to complete their debt repayment.

The reviewed literature provides no further information about the human and social costs of migrant smuggling with regard to Singapore.

### 9) Factors fuelling irregular migration and migrant smuggling

According to a report by Human Rights Watch (2005), strict enforcement of its immigration laws, as well as its small geographical size, has helped Singapore to maintain lower levels of irregular migration than other countries in the region. Beyond this and the appeal of the country's economic success, the literature suggests no other factors that contribute to fuelling irregular and smuggling flows.

### 10) Conclusions

#### a) *What we know about migrant smuggling in Singapore*

What is known about migrant smuggling in Singapore remains greatly outweighed by what remains unknown. Perhaps it has been Singapore's overall success in preventing irregular migration and migrant smuggling that has limited research on these topics. Irregular migration and migrant smuggling do occur, but details of their structure and operation remain unclear.

Apprehended smugglers provide case studies for understanding smuggling routes and modus operandi. These are only individual cases, however, and may not reflect wider trends among smuggling operations in the region. Such examples supply little or no information regarding the organization of migrant smuggling or the motivations of smugglers and migrants.

Overall, the current knowledge base regarding migrant smuggling in Singapore is so limited, the ex-

isting evidence so scant, that it is difficult to make interpretations or draw substantial conclusions.

#### b) *What we don't know about migrant smuggling in Singapore*

The literature at hand provides no information on overall migrant smuggling trends, and what information is available remains piecemeal.

Irregular migration and migrant smuggling operate on a lesser scale in Singapore than in neighbouring countries. Nevertheless, such operations do exist. And the literature provides no information on the various forms of irregular migration in Singapore or which nationalities are most represented. Migrant smugglers have been apprehended in Singapore, but little is known about the frequency of smuggling activities, their modus operandi, or their routes. Migrant smuggling to and through Singapore allegedly moves irregular migrants from the Middle East, but the literature does not detail routes or methods of transport. Neither is it clear whether their smugglers originate in the Middle East or whether they are from Singapore or other countries.

Thus, further research on migrant smuggling with regard to Singapore is needed to clarify the following:

- quantitative extent of irregular migration, migrant smuggling, and trafficking in persons;
- profiles of smugglers and their motivations;
- profiles of irregular and smuggled migrants and their motivations;
- migrant-smuggler relationships;
- organization of migrant smuggling;
- modus operandi of such smuggling;
- fees paid to smugglers and their mobilization;
- human and social costs of migrant smuggling; and
- factors contributing to irregular migration and smuggling.

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## Chapter Thirteen: Sri Lanka

### 1) Quantitative assessments and flows of irregular migration, migrant smuggling, and trafficking in persons

#### a) *Estimated numbers and major routes: Irregular migration from, to and through Sri Lanka*

There are no accurate estimates of the scope and magnitude of irregular migration from Sri Lanka. However, some indications of trends are provided through the reviewed literature, in particular through a UNODC research report written by Saha (2009). An examination of Indian immigration related records by the UNODC reveals that 23 percent of deportation cases (39 of 169 in total) related to irregular migration of Sri Lankan nationals from July 2006 to June 2007 (Saha, 2009). Some of these irregular migrants were already in India with refugee status or as temporary residents. The UNODC report argues that due to strict migration checks for Tamils in Sri Lanka, migrants prefer to come to Chennai, the capital of the Tamil Nadu state before migrating irregularly to destination countries in Europe. The report goes on to highlight three separate cases involving Sri Lankans who attempted to depart for Greece, France, and Italy respectively using forged documents or fake passports. Although the majority of the Sri Lankan Tamil deportees originated from the LTTE dominated areas of Jaffna (38.5%), Vayuniya, and Trincomalee, the place of origin was unknown for almost one quarter (23%) of the Sri Lankan irregular migrants.

#### b) *Estimated numbers and major routes: Migrant smuggling from, to and through Sri Lanka*

The identified research literature does not provide any statistics on the smuggling of migrants are, but some information, largely from intergovernmental agencies or the media, sheds light on the major routes used. A IOM report (Gembicka, 2006) reveals that several countries of Central Asia are used a transit points for smuggled Sri Lankan migrants, who often enter with false student, tourist, or business visas. This IOM report also discusses a December 2000 case in which 25 Sri Lankans were deserted by their smuggler on the Russian-Kazakhstan border. The migrants travelled to the UAE by air, moved to Kazakhstan, and then went overland by truck to the Russian-Kazakhstan border. In 2001, there were 100 Sri Lankans caught in Northern Kazakhstan. A quarter of the migrants were repatriated to Colombo. Around the same time, 150 migrants arrived in Tajikistan with student visas. No other information was revealed about their irregular situation. According to the same report, a more typical route is to arrive first in Kyrgyzstan or Tajikistan, then travel further with the help of smugglers through Kazakhstan and Russia, passing through Belarus and Poland to reach Western Europe. However, it should be cautioned that this information is a decade old, and it is difficult to ascertain its current validity.

Information from media reports about the smuggling of Sri Lankan migrants is more current. For instance, Canadian authorities intercepted the ship

MV Sun Sea off the coast of British Columbia in August 2010. On board the ship, which reportedly travelled from Thailand and then crossed, were 492 Tamil migrants who had spent three months at sea (“Tamil died during voyage from Sri Lanka,” 2010). The arrival of the MV Sun Sea follows the Ocean Lady, which reached Canadian shores in October 2009 carrying 76 Sri Lankan migrants.

Migrant smuggling from Sri Lanka is also a matter of concern to the Australian Government (Crock et al., 2006; “Australia Halts,” 2010). Again, while research has not focused on this issue in greater detail, the media regularly reports about migrant smuggling incidents. For example, in February 2011 Australian authorities intercepted a fishing trawler, and detained 17 irregular migrants from Sri Lanka (“Sri Lanka Foils Smugglers,” 2011).

**c) *Estimated numbers and major routes: Trafficking in persons from, within, to and through Sri Lanka***

The reviewed research literature does not provide statistical information about trafficked Sri Lankans, and little information exists on the major routes used. The U.S. Department of State (2010) *Trafficking in Persons Report* maintains that Sri Lanka is largely a source, and to a much lesser extent, a destination for trafficked persons. The report states that men and women migrate through authorized channels as construction workers and domestic servants, largely to the Middle East (also see Shaw, 2010). Some of these workers subsequently find themselves in conditions of forced labour (e.g. through threats, physical or sexual abuse, withholding of passports, restricted movement) or debt bondage (e.g. due to inflated recruitment fees charged by licensed and unlicensed agents). Some women are forced to work in brothels, largely in Singapore, while a smaller number of women are trafficked to the Maldives for the purposes of prostitution.

Some material produced by non-governmental organizations (NGOs) and academics highlights the treatment and conditions of Sri Lankan migrants overseas without referring to trafficking in persons per se. For example, several Human Rights Watch (2005, 2007, 2008) reports have documented deception by Sri Lankan recruitment agents as well as inhumane treatment by employers in several Middle

Eastern countries. Other studies have described the conditions of Sri Lankan domestic workers as contemporary forms of slavery (Jureidini & Moukarbel, 2004; Moukarbel, 2009).

Only a few actual cases of trafficking in persons are referenced in the literature. The UNODC and UN.GIFT (2009) *Global Report on Trafficking in Persons* notes that 14 trafficking cases were recorded by Sri Lankan police in 2005 and 35 were recorded in 2006. Through to June 2007, an additional 16 cases were reported.<sup>29</sup> Most, if not all, of the victims involved in these cases were Sri Lankan. Other research suggests that the trafficking in persons problem in Sri Lanka is also an internal one. A study carried out by Jayatilaka (2008) also supports this claim. Her research was based on interviews with 46 internally trafficked female migrants. She also interviewed 39 externally trafficked female migrants, but provided no information about internal or external flows, patterns, or forms of exploitation.

The U.S. Department of State (2010) *Trafficking in Persons Report* also states that women and children are trafficked into brothels, particularly in the Anuradhapura area, which is a transit point for members of the Sri Lankan Armed Forces heading north. In the coastal areas, some of which are popular domestic child sex tourism destinations, boys are more than likely than girls to be trafficked into prostitution. Finally, the report suggests that children are subjected to bonded labour in dry zone farming areas and on plantations to help pay off loans taken by their parents.

**d) *Cross-over or overlap, if any, between populations or routes***

Much like other labour sending countries, the lines between regular, irregular, smuggled, and trafficked Sri Lankan migrant populations are blurred. The available research suggests that most irregular migrants enter destination countries through authorized channels, but many migrants overstay their visas or leave their regular employment for other irregular jobs; thus, their status becomes irregular (Moukarbel, 2009). Other reports indicate that violations of labour rights represent considerable risks for Sri Lankan

<sup>29</sup> There were no convictions for trafficking in persons between 2005 and June 2007.

workers abroad (Human Rights Watch, 2005, 2007, 2008). Although abuse and exploitation occur in all types of employment and destination countries, evidence indicates that domestic servants in the Middle East are more at risk than other workers. Housemaids are especially vulnerable to exploitation because they work in unregulated environments and in isolated conditions (Human Rights Watch, 2005, 2007, 2008; Jureidini & Moukarbel, 2004; Moukarbel, 2009). Clearly though, there is a lack of substantial research on irregular migration, migrant smuggling, and trafficking in persons in Sri Lanka.

## 2) Profiles of migrant smugglers

### a) *Socio-economic characteristics*

There is a complete lack of research on the socio-economic characteristics of migrant smugglers.

### b) *Motivation*

There is also a notable lack of research on the motivations of migrant smugglers.

## 3) Profiles of irregular migrants and smuggled migrants

### a) *Geographical and socio-economic characteristics*

Although there is some research on the characteristics of migrants in general, the reviewed literature provides only little information about irregular and smuggled migrants' profiles. The UNODC report (Saha, 2009) highlights that out of the 39 irregular migrant cases involving Sri Lankans, four deportees were women. The age range was from 15 to 60 years, with the majority of irregular migrants between the ages of 26 to 30 years.

### b) *Motivation*

According to UNODC (Saha, 2009), the limited available research reveals that migrants, in general, seek work abroad primarily for economic reasons although in the case of Sri Lanka, consideration must be given to political motivations. According to Shaw (2010), most of Sri Lankan Tamil deportees from

India originated from LTTE dominated areas. Stringent migration policies have led to limited opportunities for authorized migration (e.g. to Europe), leading potential migrants to rely upon smugglers to provide transport as they search for work overseas.

## 4) Smuggler-migrant relationships

### a) *Migrant perceptions of smugglers*

There is no empirical research on migrants and their perceptions of smugglers.

### b) *Nature of migrant-smuggler relationship*

There is no empirical research on the nature of the relationships between smugglers and migrants.

### c) *Factors influencing the relationship between smugglers and migrants*

There is a complete lack of information on the nature of the relationships between smugglers and migrants.

## 5) Organization of migrant smuggling

### a) *How is migrant smuggling organized?*

The available research indicates that most irregular migrants enter destination countries through authorized channels, but subsequently become irregular after they overstay their visas or violate conditions of their contracts (Moukarbel, 2009).

### b) *Are persons involved in migrant smuggling also involved in other criminal activities?*

As there is no research on migrant smugglers themselves, it is impossible to say whether persons involved in migrant smuggling are involved in other criminal activities.

### c) *Does migrant smuggling attract persons who have a history of involvement in other crime?*

There is no information as to whether migrant smugglers have a history of involvement in other crime.

**d) *What levels of professionalism/specialization is there within migrant smugglers?***

The level of professionalism among migrant smugglers is unclear based on reviewed research.

**e) *What influences shape the way migrant smugglers are organized? How and why do these organizations evolve?***

As there is no research on how migrant smuggling is organized, it is difficult to draw conclusions about factors that influence it.

## **6) Migrant smuggling modus operandi**

**a) *Recruitment methods***

There is no literature on how smuggled migrants are recruited.

As stated previously, most departures are arranged within the legal framework, but it is clear that irregular channels exist alongside regular labour migration channels (Shaw, 2010). Migrants also use both licensed and unlicensed agents. Unlicensed subagents at the village level, with no formal affiliation with licensed recruitment agencies are often negligent. The overcharging of fees, the falsification of documents, deception with regard to the nature of employment, and contract substitution are not uncommon practices (Human Rights Watch, 2007).

**b) *Payment methods***

Although there is no specific research on how payments of migrants to smugglers are made, information is available on the method of payment to licensed and unlicensed agents, some of whom are likely to be involved directly or indirectly in smuggling. Fees, which are often covered by the agent, are deducted from the migrant's salary once he or she starts work. Otherwise, assets are pawned (e.g. jewellery) or money is borrowed from local lenders, often at high interest rates (e.g. 20% per month) (Human Rights Watch, 2007; Moukarbel, 2009). Return airfares, agency commissions, and work permits are typically the responsibility of employers, although in practice some attempt to shirk their responsibilities so the costs are deducted from the migrant's salary

(Human Rights Watch, 2007). Some migrants end up paying fees twice. The agent's fee is paid in Sri Lanka, but then the first month's salary is also withheld by the agent (Moukarbel, 2009).

**c) *Transfer of criminal proceeds***

There is no research available on the methods of transferring criminal proceeds derived from migrant smuggling in Sri Lanka.

**d) *Transportation methods***

Although there is scant research available on the methods of transportation used, media reports illustrate that migrants are smuggled by boat to transit and/or destination countries, such as Australia and Canada. Evidence exists that migrants are smuggled by air to Central Asia and then travel overland by truck into Western Europe (Gembicka, 2006). Research also reveals that irregular Sri Lankan migrants use Chennai airport in India to reach Europe (Saha, 2009).

**e) *Document use and misuse***

There is evidence of recruitment agents falsifying passports in order to meet age requirements for jobs abroad or bear Muslim names (Human Rights Watch, 2007; Moukarbel, 2009). Research carried out for UNODC by Saha (2009) also revealed at least 14 cases in which Sri Lankan migrants were arrested at Chennai airport with forged Indian or foreign passports. In each case, Europe (UK, Italy, and France) was the intended destination. There were also cases of Sri Lankans with fake foreign visas. In these incidences, Canada and Greece were the destination points.

**f) *Corruption***

The literature does not address the role of corruption in migrant smuggling involving Sri Lanka.

**g) *Evolution of migrant smuggling methods in response to changes in migration policies and counter measures***

Given the paucity of research on migrant smuggling in Sri Lanka, it is not possible to draw conclusions from the available literature on the evolution of migrant smuggling methods in response to changes in migration policies and counter measures.

## 7) Migrant smuggling fees and mobilization of fees

There is no research on migrant smuggling fees or the mobilization of fees. According to Shaw (2010), undocumented migrants report paying up to USD 5,000 per attempt and it may take several attempts before the migrant reaches his or her intended destination. Some media reports support this finding, claiming that migrant smugglers charge up to USD 5,000 for a journey to Canada, Europe, Australia, or New Zealand (“Sri Lanka Foils Smugglers,” 2011). Other media reports claim that Sri Lankan migrants have paid as much as USD 50,000 per person to be smuggled to Canada (“Big Profits,” 2010). Clearly more research is needed on the fees paid for smuggling and irregular migration.

## 8) Human and social costs of migrant smuggling

The reviewed literature on this point is very limited. It is clear from media reports that travel by boat is dangerous due to the poor conditions of the vessels, overcrowding, and long, treacherous voyages through rough seas and weather. For example, a Sri Lankan Tamil refugee died aboard a cargo ship during a 90 day trip from Thailand to Canada in August 2010 (“Tamil died during voyage from Sri Lanka,” 2010). However, this is an issue not examined in the research literature. The literature notes briefly that journeys by land can be perilous. In December 2000, one smuggled Sri Lankan male died on route to Germany due to the severe travel conditions through Central Asia (Gembicka, 2006).

## 9) Factors fuelling irregular migration and migrant smuggling

The reviewed research literature does not specifically address this issue.

## 10) Conclusions

### a) *What we know about migrant smuggling in Sri Lanka*

A systematic review of available resources on migrant smuggling in Sri Lanka confirms that there are huge gaps in our knowledge base. There is no dedicated

research on this issue despite the fact that migrant smuggling from Sri Lanka has existed for decades.

### b) *What we don't know about migrant smuggling in Sri Lanka*

There is a striking lack of reliable data on all aspects of migrant smuggling in Sri Lanka. Research needs to be carried out on irregular migration, migrant smuggling, and trafficking flows from, within, and to Sri Lanka because there are no reliable statistics.

There is a dearth of research on:

- the profiles of smugglers;
- migrant-smuggler relationships;
- the organization of migrant smuggling;
- the modus operandi of migrant smuggling;
- the fees paid to smugglers and their mobilization; and
- the factors that contribute to irregular migration and smuggling.

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### 1) Quantitative assessments and flows of irregular migration, migrant smuggling, and trafficking in persons

#### a) *Estimated numbers and major routes: Irregular migration from, to and through Thailand*

The reviewed literature includes no comprehensive data on numbers of Thai nationals who have migrated through irregular channels.

A 2009 IOM report on *International Migration in Thailand* presents figures relating to irregular Thai migrants living and working abroad (Sciortino & Punpuing, 2009). In 2008, an estimated 200,000 Thais were working in Malaysia. Most of them, presumably, were irregular, given the high cost of obtaining work permits plus the fact that Malaysia, being geographically close, is a popular destination country for Thai migrant workers. As of 2005, the Republic of Korea hosted an estimated 11,146 irregular Thai migrants. Hundreds of thousands of irregular migrants are living and working in Japan, including a large number of Thais, many of whom entered Japan regularly but who then overstayed their visas. In 2006, the Japanese authorities estimated that 10,352 Thai overstayers were residing in the country. It is believed, however, that the number of Thais smuggled or trafficked into Japan by air and by boat is much larger than the number of visa overstayers. Many irregular Thai migrants, reportedly, also reside in Israel, where Thailand ranks as the top sending country for migrant workers.

Huguet and Punpuing (2005) argue that, although no reliable estimates exist for people living in Thailand

with irregular migration status, they probably number in the hundreds of thousands. Reliable estimates are unavailable because irregular migrants are undocumented, residing and working in Thailand without authorization and avoiding detection by the authorities. If discovered, irregular migrants are often arrested and deported or subjected to fines or pay-offs to the police.

Since 2004, the Government of Thailand has attempted to regularize and manage the irregular migrant worker population through a periodic registration process that allows irregular migrant workers who register to work temporarily in Thailand without fear of deportation. According to the reviewed research, however, this process has been poorly managed, is relatively restrictive, and is either inaccessible or unattractive to many irregular migrant workers. Registration is only available to irregular migrants who attain a work permit; offices for registration are found only in certain locations; and registration can only be granted if the worker agrees to stay with the same employer for the course of the registration year. Consequently, the above-mentioned 2009 IOM report argues that irregular and unregistered migrant workers consistently outnumber registered workers, a circumstance that also became evident during the registration rounds (Sciortino & Punpuing, 2009).

The IOM (Sciortino & Punpuing, 2009) estimates that 200,000 unregistered migrants were residing in Thailand in 2004. By 2007, this number had soared to an estimated 1.3 million irregular migrants. This figure was calculated by combining the volume of unmet employers' requests for low-skilled migrant workers at the time of registration, the number of migrants who had failed to re-register since 2004, and an approximate number of new entrants.

According to the IOM report (Sciortino & Punpuing, 2009), various migration routes offer passage into and out of Thailand. Thailand shares land borders with Cambodia, Lao PDR, and Myanmar, offering ample choice of land crossings. Aside from official border crossing points, there are extensive border areas where one can cross through forests, rivers, or other unpatrolled or relatively lightly patrolled areas. In addition, corruption at border points allows people to cross through official checkpoints without proper documentation.

The most common migration route into Thailand is direct entry from neighbouring GMS countries. Migrants from Cambodia, Lao PDR, Myanmar, and Viet Nam typically cross the Thai border overland or by river crossings. GMS migrants may travel internally from their home villages to border towns before crossing into Thailand. Once in Thailand, migrants either live and work in border-town areas, or travel farther into Thailand to the major cities, including Bangkok. A 2008 ILO report (Chantavanich, 2008) identifies the two most common migration routes between Cambodia and Thailand — from Prey Veng to Battambang to Poipet and across the border into Thailand; and the Kampot to Koh Kong route. According to Thai authorities, most irregular Lao migrant workers enter Thailand by crossing the Mekong River at Nong Khai, or from Champasak Province, Lao PDR, to Khemmarat districts in Ubon Ratchathani Province, Thailand. Other unauthorized border crossings are made along the Mekong River where it borders Thailand (Phetsiriseng, 2007).

Irregular migrants from Myanmar clandestinely cross the border into Thailand by river crossings in boats, by walking through forests, and by way of upland hill routes. Some continue onward to the south of Thailand to board boats from Phuket to Malaysia (Sciortino & Punpuing, 2009). Many migrants from Myanmar work in Mae Sot, which is located on the Thai side of the Thai-Myanmar border. The migrants reach Mae Sot by crossing the Moei River from Myawaddy, on the Myanmar side of the border. Another Myanmar-Thailand migration gateway is from Kawthuang, in Myanmar, to Ranong, in Thailand (Mon, 2005).

***b) Estimated numbers and major routes: Migrant smuggling from, to and through Thailand***

The estimated numbers of irregular migrants in Thailand leave unclear how many of these people

have used the services of smugglers. The literature on irregular migration, however, refers to migrants making use of intermediaries and facilitators. This clearly suggests the estimated numbers of irregular migrants include a sub-set of smuggled migrants. The distinction, however, remains unexplored in the literature. The literature also neglects to directly address the issue of related smuggling routes.

***c) Estimated numbers and major routes: Trafficking in persons from, within, to and through Thailand***

Thailand serves as a regional hub for trafficking in persons. People are trafficked into Thailand from Cambodia, China, Lao PDR, Myanmar, and Viet Nam. Some are then trafficked onwards from Thailand to Japan, Malaysia, and other destinations in Asia, Australia, Europe, and the U.S. (Sciortino & Punpuing, 2009). Given the clandestine nature of the crime, reliable estimates are unavailable for the number of persons trafficked within, from, and to Thailand.

Thai people have been trafficked from Thailand to destinations within Asia including Japan, where there are known cases of Thai women trafficked for the purpose of sexual exploitation in the commercial sex industry (Aoyama, 2009). According to the UNIAP SIREN 2010 Datasheet for Thailand, Thai citizens are trafficked to Australia, Bahrain, Canada, Germany, Indonesia, Israel, Japan, the Republic of Korea, Kuwait, Libya, Malaysia, the Maldives, Qatar, Saudi Arabia, Singapore, South Africa, Taiwan Province of China, Timor Leste, the UAE, the U.S., and Viet Nam (UNIAP, 2010). There are known cases of trafficking in Thai women to Australia for the purpose of sexual exploitation. Between May 2004 and January 2008, 62 Thai women victims of trafficking for the purpose of sexual exploitation were provided assistance and support by the Australian Government. Internal trafficking, mostly from rural areas to urban centres in Thailand is also an issue (David, 2008).

***d) Cross-over or overlap, if any, between populations or routes***

The literature does not specifically address this question, and no definitive conclusions can be drawn from it regarding crossovers and overlaps between

populations and routes from neighbouring countries to Thailand. However, the reviewed research suggests that there seems to be a significant overlap between irregular migration, migrant smuggling and human trafficking. Thailand is the most important destination country for irregular migrants coming from Cambodia, Lao PDR, and Myanmar. Irregular migration seems to be facilitated mainly by smugglers, who are often referred to in the literature as ‘brokers’ or ‘recruiters’. At the same time, many victims of human trafficking in Thailand are from Cambodia, Lao PDR, and Myanmar. Although it is not clear to what extent the victims of human trafficking from these countries in Thailand were victims of a pre-organized human trafficking process that started in Cambodia, Lao PDR, and Myanmar, it is clear from the available literature that the irregular status of these migrants significantly contributes to making them vulnerable to a human trafficking process that might have only begun in Thailand. By facilitating irregular migration, migrant smuggling can thus be a key contributor to human trafficking.

## 2) Profiles of migrant smugglers

### *a) Socio-economic characteristics*

Little research has been conducted on this topic. One exception is a 2006 ILO study by Pearson and Punpuing (2006) on levels of labour exploitation experienced by migrant workers. This report focuses on four low-skilled employment sectors in Thailand: the fishing sector (both commercial fishing boats and fish-processing factories), domestic workers, agriculture, and manufacturing. The research included interviews with 10 Myanmar recruiters seeking insight into the recruitment process. These recruiters helped to find employment for potential migrants, but were not directly involved in transporting the migrants across the border into Thailand. These interviewees had worked in Thailand as migrants themselves, and had become recruiters because they were familiar with the Thai migrant worker context. The study leaves it unclear whether these recruiters were working to smuggle or facilitate the entry of migrants into Thailand for profit. The study does show, however, that some recruiters offer additional services to migrant workers, for example acting as a channel of communication between workers and their families and providing remittance services for

migrants to send money back home. These ‘extra’ services are to the economic benefit of the recruiter. According to both this ILO report and Curran (2005), family and friend networks are also favoured by potential irregular and smuggled migrants as facilitators of the journey to and from Thailand. One recruiter claimed that, instead of facilitating travel and employment for profit, he helped friends and family for altruistic motives.

### *b) Motivation*

The recruiters identified in the 2006 ILO report (Pearson & Punpuing, 2006) said that one reason they chose to become recruiters was to use their own knowledge and experience of the migration situation to and from Thailand, including their familiarity with the employment context and ability to facilitate employment for potential migrants in Thailand. Another motivating factor was the opportunity to financially benefit from providing migrants with remittance and communication services with family back home. Interestingly, some recruiters who organize smuggling and unauthorized employment opportunities in Thailand do not view smuggling as a crime. One of the 10 Myanmar recruiters operating in Thailand interviewed in 2006 believed his actions, rather than being criminal, were more like a favour, merely helping family and friends to migrate and find better economic opportunities. Though he did not necessarily demand payment for his services, financial profit was an incentive for the other recruiters interviewed for the study.

## 3) Profiles of irregular and smuggled migrants

### *a) Geographical and socio-economic characteristics*

Most Thai migrants working overseas are regular migrants who have left their home country and entered their destination country through authorized channels. These people become irregular migrants only when they overstay their visas or when they take on employment not permitted by their visa restrictions (Huguet & Punpuing, 2005). The only data available on Thai national overseas migrant workers including destination, gender, and age relates to those workers who migrated through regular government channels. Such data show that most Thai migrant

workers abroad are men — in 2007, of a total population of 161,917 Thai overseas migrant workers, 85 percent were men. The data also show that most Thai migrants are over the age of 25 years (Sciortino & Punpuing, 2009).

Rural to urban migration is common in the GMS countries both internally and transnationally, including to and within Thailand. On the one hand, many migrants in Thailand that come from neighbouring GMS countries are from rural areas, such locations often being less socio-economically advantaged than urban centres, and lacking the economic opportunities and demand for workers that cities can provide. Much of the overseas Thai migrant worker population, on the other hand, comes from the poorest and most disadvantaged areas in Thailand's North and North-east (Sciortino & Punpuing, 2009).

Most migrants who arrive in Thailand in search of work are unskilled or low-skilled and poorly educated, and take on low-skilled jobs (Pearson & Punpuing, 2006; Sciortino & Punpuing, 2009). Most male migrants workers find employment in manufacturing, construction, agricultural, and commercial fishing. Female migrants typically work in factories (garment and seafood); in the commercial service sector as caregivers, maids, entertainers, and sex workers; and as domestic workers (Sciortino & Punpuing, 2009).

Both formal and informal migrants arriving in Thailand from Cambodia and Lao PDR are typically aged 17–35 years (Chantavanich, 2008). The 2006 ILO study by Pearson and Punpuing indicate that 4.8 percent of migrant workers in Thailand are younger than 15 years, with 20.7 percent aged 15–17 years. Most child migrant workers in Thailand, according to this study, work in the fishing and agricultural sectors.

#### *b) Motivation*

Factors that influence the decision of migrants to move to Thailand include the lack of economic opportunity at home and the desire to escape poverty, the allure of Thailand's perceived economic development, an established community of family and friends already working in Thailand, and ease of entry into Thailand because of its porous border (Chantavanich, 2008).

Migration both to and from Thailand is sustained, on the one hand, by continuing demand for low-skilled migrant workers from abroad in certain sectors of the Thai economy, and, on the other hand, by the demand for low-skilled workers in destinations attractive to Thai migrants, including Israel, Qatar, and the UAE in the Middle East, and Hong Kong (China), Japan, the Republic of Korea, and Taiwan Province of China in East Asia (Sciortino & Punpuing, 2009). The prospect of work that is better paid than are potential jobs at home is a major pull factor for migration to and from Thailand among both regular and irregular migrants. Opportunities to migrate for work abroad provide powerful economic incentives, where potential migrants believe they can improve the quality of life for themselves and their families in ways that may not be achievable in rural villages at home.

Arguably, the very existence of smuggling networks to facilitate irregular migration to Thailand and entry into the Thai workforce provides motivation for potential migrants (Human Rights Watch, 2010). Smugglers and recruiters can make the journey for work easier, cheaper, and faster than it is through official channels — regular migration routes are often more administratively complicated, more costly, and more time consuming. Porous borders with Thailand's neighbouring GMS countries, corrupt police and border authorities, and a robust demand for migrant workers in Thailand generates good business for smugglers.

The same factors motivate Thai migrants who leave their country to work abroad. These people are often from poor backgrounds with limited educational attainments and low skill levels. Yet some low-skilled Thai migrant workers in Taiwan Province of China reportedly earn four times as much as they would in similar employment in Thailand (Sciortino & Punpuing, 2009).

#### **4) Smuggler-migrant relationships**

##### *a) Migrant perceptions of smugglers*

The literature provides only limited information on migrant perceptions of smugglers. No specific information regarding smuggler-migrant relationships is available, since the literature tends instead to discuss



the role of informal recruiters and their services. No dedicated discussion of the role of smugglers is available, although it can be assumed that informal recruiters do operate as smugglers, to the extent they facilitate the unauthorized entrance and employment of migrants to Thailand for work.

The migration services used by informal recruiters are usually cheaper than the formal recruitment process for migrant workers. Informal recruiters have a reputation for being more efficient in terms of time and organization of travel, providing relevant documents, and helping with employment opportunities (Chantavanich, 2008).

Many migrants use family and social networks to establish contact with recruiters that they know and trust. This is very important for migrants who travel to Thailand from the neighbouring GMS countries. Some migrants have had family members migrate before them through the same networks, and therefore trust these recruiters to successfully facilitate their entry to and employment in Thailand in the same way (Pearson & Punpuing, 2006).

#### *b) Nature of migrant-smuggler relationship*

The available research identifies personal connections to the recruiters through trusted social networks of family and friends as the most important consideration among migrants from Cambodia, Lao PDR, and Myanmar when employing a recruiter to transport them to Thailand (Pearson & Punpuing, 2006; Chantavanich, 2008; Curran, 2005). The 2008 ILO study found that social networks play a pivotal role in the decision to migrate for many regular and irregular migrants (Chantavanich, 2008). It is important for migrants to know and have confidence in their recruiters for facilitating their irregular migration, finding them a good job, assisting with sending remittances home, and acting as a communications channel for sending messages to family and friends back home. Migrants are usually introduced to their recruiters through social networks and contact them directly (Pearson & Punpuing, 2006; Chantavanich, 2008).

The relationship between migrants and their informal recruiters may or may not continue once the migrant has arrived at the place of employment. According to the 2006 ILO study, which examines

the migrant-recruiter relationship in the post-recruitment phase, recruiters often do not maintain ongoing relations with migrants once they have arrived in Thailand. But some recruiters do maintain contact with the migrants they recruited by providing additional services, including help with sending remittances, money lending, and communicating with family back home (Pearson & Punpuing, 2006).

#### *c) Factors influencing the relationship between smugglers and migrants*

Personal connections to the recruiters through family or friends exerts a major influence on decisions among potential clients to migrate from the neighbouring GMS countries into Thailand by irregular means for the purpose of employment (Chantavanich, 2008). Migrant networks are relatively well established, with long-standing irregular migration patterns from these other countries into Thailand. Thus, potential migrants often have personal connections with a recruiter or with others who have used the recruiter and trust his or her services (Pearson & Punpuing, 2006).

### **5) Organization of migrant smuggling**

#### *a) How is migrant smuggling organized?*

According to the 2008 ILO study (Chantavanich, 2008), migrant smuggling to Thailand in the region involves small groups, networks, large groups, and individuals who facilitate the recruitment and transport process. Brokers are largely responsible for facilitating the journey to the Thai border, and some escort the migrants to their workplace.

#### *b) Are persons involved in migrant smuggling also involved in other criminal activities?*

The reviewed research provided no information or discussion on this topic with relation to Thailand.

#### *c) What levels of professionalism/specialization is there within migrant smugglers?*

No discussion of the history of involvement in other crime among migrant smugglers was found in the literature.

***d) What levels of professionalism/specialization is there within migrant smugglers?***

The available literature makes no clear distinction between smugglers and informal recruiters, with respect to migrant workers from Cambodia and Lao PDR entering Thailand, though it may be suggested that informal recruiters effectively operate as smugglers. But irregular entry into Thailand does not require sophisticated measures, and the reviewed literature does not provide grounds to conclude that migrant smugglers operate networks with a high degree of planning, specialization, and division of labour. Informal recruiters do, however, also offer additional services including facilitating remittances and communications to family back home (Pearson & Punpuing, 2006; Chantavanich, 2008).

***e) What influences shape the way migrant smugglers are organized? How and why do these organizations evolve?***

The literature under review provides no direct information on this topic. Discussion within the literature on push-pull factors for migration, however, can offer insights into the organizational evolution of migrant smuggling. As mentioned earlier, the literature largely refers to informal or irregular migration through the services of recruiters or informal recruitment agencies, and does not directly address migrant smuggling networks. According to discussion in the literature of push-pull factors for migration, the greatest influences on the evolution of irregular migration are (1) the demand for low-skilled migrant workers in Thailand, on the one hand, and in destination countries for Thai migrants on the other, coupled with (2) the migrants' hope for better economic opportunities working abroad. Meanwhile, the inefficiency and expense associated with formal recruitment agencies has caused migrants to turn in preference to informal recruiters or recruitment agencies. At the same time, some foreign employers have turned to employing irregular migrants because the formal recruitment process has failed to satisfy demand with regular migrants (Vasuprasat, 2008; Phetsiriseng, 2007).

Another theme that emerged from the literature (Chantavanich, 2008; Pearson & Punpuing, 2006) is the importance of family and social networks. These networks organize or facilitate entry to and

employment in Thailand for migrants, and can significantly influence the decision to migrate. Many recruiters have worked or currently work irregularly in Thailand, and are thoroughly familiar with the irregular migration and employment process, an asset which they use to promote their recruitment services. The connection of potential migrants to other family members or friends who successfully migrated irregularly to live and work in Thailand also influences the evolution of such informal recruitment operations. Trust and word-of-mouth promotion of recruiters among migrant networks helps to sustain the recruiters' businesses — confidence in recruiters' success clearly increases demand for their services.

Yet another influential factor in the organization of migrant smuggling to Thailand is perceived shortcomings in migrant labour policies (see also Section 9, below). The literature indicates that official migration policies often impose expensive, inefficient, and time-consuming restrictions on migrants, and often restrict the migrant worker to one employer. Smugglers and informal recruiters help to bypass such constraints, and the organization of migrant smuggling networks, arguably, is thus shaped by official migrant labour policies (Vasuprasat, 2008; Chantavanich, 2008).

## **6) Migrant smuggling modus operandi**

### ***a) Recruitment methods***

According to the literature, informal recruitment channels are attractive to many potential migrants because they are cheaper and less time consuming than formal migration processes. Informal recruiters approach potential migrants, who are usually family or friends of those they have assisted to migrate to Thailand already (Sciortino & Punpuing, 2009). Alternatively, if they are trusted, recruiters may be approached by potential migrants to facilitate their journey to and employment in Thailand. Thai employers may also pay for recruiters to facilitate the irregular migration of workers from Cambodia and Lao PDR and to escort the migrants to their workplace (Pearson & Punpuing, 2006). The fees paid by the employer for the migrants are then deducted incrementally from migrant wages each month, usually at a high rate of interest.

### ***b) Payment methods***

The literature provides little discussion of how migrants pay their smugglers or recruiters. The 2008 ILO report (Chantavanich, 2008) concluded, on the basis of interviews with 160 irregular Cambodian and Lao migrants, that most informal migrants make a one-time service payment to their recruiters to facilitate their travel and entry into Thailand. Other migrants using the services of informal recruiters incur a debt to their recruiters to facilitate their migration to and employment in Thailand. Money can be loaned to potential migrants by family, friends, or the recruiters themselves.

In other cases, the Thai employer pays a recruitment agent (Chantavanich, 2008). The costs are then deducted from migrants' salaries after they begin work. In such cases, the migrant may be effectively held in debt bondage to his or her employer, making him or her vulnerable to exploitation. This can also be true for people who migrate to Thailand for work through formal recruitment agencies. If they cannot pay the recruitment fees up front, they become indebted to their employers or recruitment agencies (Chantavanich, 2008; Vasuprasat, 2008).

Most irregular Thai migrants pay a private recruitment agency in Thailand in advance, including fees for travel and entry into their destination country (Huguet & Punpuing, 2005). However, Thai migrants often use the services of recruitment agencies to enter Japan, Singapore, and Taiwan Province of China with a legitimate visa, which does not give them the right to work in these countries (Chantavanich, 2008). Although the migrants enter these countries regularly, they often enter the workforce illegally and/or overstay their visa, thereby becoming irregular migrants.

### ***c) Transfer of criminal proceeds***

The literature provides no information or discussion of how criminal proceeds might be transferred in Thailand.

### ***d) Transportation methods***

The literature reveals little about methods of transport used for migrant smuggling from neighbouring GMS countries to Thailand. Transporters take

migrants to the border in small groups. Some assist with the border crossing and then take the migrants to their place of employment in Thailand (Chantavanich, 2008). Some migrants living in Myanmar border towns simply cross over the border on foot to work in Thailand each day (Arnold, 2005; Sciortino & Punpuing, 2009). Some irregular Lao migrants in Thailand cross into the country using so-called border passes. These documents are issued for a maximum stay of three days in Thailand, and with the further restriction that the pass holder may only stay within the Thai province that they entered at the border crossing. Many Lao migrants who enter Thailand with a border pass travel beyond the official geographical limits, and/or overstay the time limit allowed by the pass (Phetsiriseng, 2003).

According to Sciortino and Punpuing (2009), some migrant workers from Myanmar who travel through Thailand and Malaysia to eventually reach Singapore by swimming. This is dangerous and exhausting, and drowning is common. Other migrants from Myanmar travel to Malaysia by boat. Migrants leaving Thailand for work in Japan are generally transported by air or by sea.

### ***e) Document use and misuse***

According to the literature, irregular migration between Thailand and the neighbouring GMS countries often does not require the use of documents. Thailand has such porous borders with neighbouring countries, and migration routes are so well established, that irregular migrants from Cambodia, Lao PDR, and Myanmar easily cross into Thailand without papers (Sciortino & Punpuing, 2009).

A few migrants in Thailand from Cambodia, Lao PDR, and Myanmar arrive through formal channels with valid travel documents and work visas, but then overstay their visas, living and working in Thailand without authorization (Sciortino & Punpuing, 2009; Huguet & Punpuing, 2005).

### ***f) Corruption***

According to the literature reviewed, low level corruption plays an important part in smuggling migrants into Thailand (Phetsiriseng, 2007; Pearson & Punpuing, 2006). Travel to Thailand and entry into the country at official border checkpoints may re-

quire irregular migrants to deal, directly or indirectly, with corrupt authorities. Recruiters sometimes establish personal relationships with the authorities at border checkpoints, thereby easing the passage of their migrants. The police can also be involved in the placement process of irregular migrants, receiving payments for transporting migrants and assisting with finding jobs. According to the 2006 ILO report (Pearson & Punpuing, 2006), 34 out of the 376 Cambodian and Lao migrants surveyed said that they had paid a police officer to facilitate their employment in Thailand.

*g) Evolution of migrant smuggling methods in response to changes in migration policies and counter measures*

According to Vasuprasat (2008), Thai migrant labour policies have contributed to the large number of irregular migrants arriving in Thailand to engage in low-skilled work. Given the demand for such labour in many sectors of the Thai workforce, a significant proportion of the Thai economy is supported by irregular migrant labour, and the Government has entered into bilateral agreements designed to help meet domestic labour demand. Thai migration management policies are embodied in bilateral MOUs on the Cooperation of Employment of Workers between Thailand and Cambodia, Lao PDR, and Myanmar (2003).<sup>30</sup> The MOUs are the primary legal framework for regulating formal labour migration to Thailand from Cambodia, Lao PDR, and Myanmar. The reviewed research literature indicates that the MOUs have failed to discourage irregular migration to Thailand. In fact, they may have contributed to the continuation of irregular migration to Thailand and to the reduced number of Lao and Cambodian migrants willing to register through formal channels. According to Martin (2009), the migration process set out under the MOUs is time consuming, costly, and tedious for the potential migrant, thus making the option of employing the services of a smuggler or recruiter more attractive. For example, the formal government migration fee is 4–5 months' wages for many potential migrants, whereas smuggling fees typically amount to about 1 month's earnings.

<sup>30</sup>The terms of the Cambodian and Lao PDR MOUs were not implemented until 2006, while the MOU with Myanmar still had not been implemented at the time the report under review was prepared.

Most significantly, in an attempt to manage irregular migration to Thailand, in 2004 the Thai Government, aiming to regulate the irregular workforce, allowed all irregular labour migrants and their dependents already in Thailand to register for free one-year work permits. In the event, close to 1.3 million irregular migrants from Cambodia, Lao PDR, and Myanmar registered. Over the years until 2008, however, the number of registered migrants decreased to only 500,000. Reports indicate that labour migration to Thailand, on the other hand, increased over the same period, leading to the conclusion that more migrants were choosing to enter Thailand by irregular means, outside of the formal registration process (Mon, 2010; Sciortino & Punpuing, 2009).

**7) Migrant smuggling fees and mobilization of fees**

Migrant smuggling fees can vary according to the specific irregular migration journey from place of origin to destination. According to the literature, irregular migrants travelling from rural Lao villages into Thailand, for example, pay a one-time THB 2,500 to THB 3,000 (USD 80 to USD 96) service fee to their recruiter for recruitment and transport across the border (Chantavanich, 2008). Another reported estimate was USD 60 to USD 85 (Martin, 2009). Smuggling costs from Myanmar to Bangkok, Thailand, have been calculated at between THB 10,000 and THB 15,000 or USD 320 and USD 480 (Mon, 2010). Full upfront payment to recruiters means that migrants do not incur any debt for their transport and recruitment unless they have borrowed the smuggling fee from friends, family, or the recruiters themselves (Chantavanich, 2008).

Alternatively, recruiters may collect money from Thai employers who use their services to recruit irregular migrants in Cambodia and Lao PDR for their workplaces. Once the migrants arrive for work in Thailand, their recruitment costs are deducted from their salaries. In other cases, recruiters are paid by Thai employers per migrant worker recruited, collecting between USD 5 and USD 12.50 per migrant worker. Additional costs to the migrants may be added to their recruitment fee. Once recruited, migrants will likely need to pay for transport to and entry into Thailand, as well as for any additional costs associated with the facilitation of employment, homeward

remittances, and communication with friends and family back home (Pearson & Punpuing, 2006).

### 8) Human and social costs of migrant smuggling

The reviewed literature suggests a number of factors that lead to significant human and social costs of migrant smuggling.

Smuggling journeys can be particularly dangerous. For example, 54 Myanmar migrants suffocated in the back of a truck while travelling to job sites in Thailand (Gjerdingen, 2009). Some Myanmar migrants put their lives at risk by swimming from Malaysia to Singapore (Sciortino & Punpuing, 2009). In addition, the reviewed research suggests that Thai migrants may end up in debt, either to the recruiter or to employers who may have provided for travel and recruitment costs (Sciortino & Punpuing, 2009).

Because of their irregular status, migrants are highly vulnerable to exploitation and abuse in their Thai workplaces. Irregular migrant workers in low-skilled jobs — e.g. those employed in fish-processing factories and other manufacturing sectors; in agriculture; on commercial fishing boats; and as domestic workers or commercial sex workers — often suffer long hours of work, underpayment, delays in payment, no payment at all, wage deductions to service debts to their employer, work in dangerous and hazardous conditions and, in extreme cases, physical, sexual, or emotional abuse at the hands of employers (Pearson & Punpuing, 2006). Thai workers in Taiwan Province of China, on the other hand, have reported similar workplace situations (Sciortino & Punpuing, 2009).

Irregular migrant workers are also vulnerable to a number of health risks, including sexually transmitted diseases such as HIV/AIDS. This is particularly likely for those who work in the commercial sex industry. Those who contract HIV/AIDS are often stigmatized, furthermore, and this can affect their livelihoods and social interactions both abroad and at home (Huguet & Punpuing, 2005). Other workplace hazards endured by irregular and regular migrant workers in Thailand include inadequate safety measures in the workplace, dangerous and faulty equipment, and exhaustion from overwork, sleep deprivation, and malnutrition (Huguet & Punpuing, 2005; Leiter et al., 2006; Mon, 2010).

### 9) Factors fuelling irregular migration and migrant smuggling

The reviewed literature reveals a number of push-pull factors that contribute to irregular migration to and from Thailand. Perhaps the most powerful pull factor is that of demand for low-skilled migrant workers in low-skilled sectors of the Thai economy and in low-skilled sectors in East Asia and the Middle East. This is complemented by an equally powerful push factor — the many Thai migrants in search of economic opportunity in such attractive destination countries (Sciortino & Punpuing, 2009).

The supply of Thai workers prepared to work in Thailand in low-skilled, 3-D sectors (dangerous, dirty, and difficult) is limited. This has led to substantial labour shortages in many sectors, and Thai employers in these sectors thus tend to view both regular and irregular migrant labour as the only guarantee of sufficient workforce numbers. Indeed, industries such as fishing, agriculture, manufacturing, seafood processing, and domestic work have become dependent on irregular migrant workers (Chantavanich, 2008; Human Rights Watch, 2010).

The ready supply of migrant workers willing to come to Thailand is fuelled by issues such as poverty and lack of economic opportunity in homelands and villages, particularly among those migrants who live in poor rural locations (Chantavanich, 2008). Thailand is alluring because of its economic opportunities. The Thai media and word of mouth from friends and family who have enjoyed a positive experience of migration to Thailand reinforce this perception of the country among potential migrants in neighbouring GMS countries (Phetsiriseng, 2007; Chantavanich, 2008).

The literature also points to shortcomings in formal migration channels to Thailand. As we have seen above, bilateral MOUs with Cambodia, Lao PDR, and Myanmar have helped to shape relatively costly and inefficient recruitment channels. As a result, many migrants wanting to work in Thailand prefer irregular migration because it is often simpler, faster, and cheaper. There is greater demand for formally recruited regular migrant workers in Thailand from Cambodia and Lao PDR than the Lao and Cambodian government ministries can supply through official channels. This also contrib-



utes to the sustainability of the relatively more efficient irregular migration organized by informal recruiters and recruitment agencies (Chantavanich, 2008).

## 10) Conclusions

The literature focuses mainly on irregular migration from Cambodia, Lao PDR, and Myanmar to Thailand for the purpose of labour. It discusses irregular migration of Thai citizens — including smuggling of these people to destination countries for the purpose of labour — only to a much lesser extent. It can be assumed that migrant smuggling is a part of the irregular migration patterns, but this distinction is rarely made within the literature.

### a) *What we know about migrant smuggling in Thailand*

Little is known about migrant smuggling to Thailand. Some information is available regarding established migration routes and border crossings used by informal recruiters into and out of Thailand. The literature includes more discussion of irregular migrant profiles, which identifies a number of common characteristics. Irregular migrants are often from poor backgrounds, rural villages with little economic opportunity, and are aware of better employment opportunities in Thailand. Social networks are significant in terms of helping to encourage irregular migration, connecting potential migrants to recruiters and facilitating transport to and employment in Thailand.

Migration to Thailand arrives through both formal and informal channels. Formal, government-supported recruitment agencies work to ensure authorized worker migration to Thailand, providing documents needed for border crossings, transportation, and employment in Thailand. Formal recruitment agencies are severely criticized within the literature for their inefficiency, high cost, and lengthy recruitment period. According to the reviewed literature, informal recruitment agencies and recruiters offer a more efficient, cheaper, and faster migration service, thus presenting an attractive migration option. In addition, informal recruiters are often more trusted because they are usually known to potential migrants. Some recruiters are themselves

former irregular migrant workers, and are familiar at first hand with the geographical and employment context in Thailand. Demand for low-skilled migrant workers that cannot be met by formal recruitment channels arguably works to fuel irregular migration. Where demand for low-skilled workers cannot be met by formal recruitment agencies, informal recruiters will continue to operate to facilitate the entry to and employment in Thailand for many irregular migrants.

### b) *What we don't know about migrant smuggling in Thailand*

Obvious gaps persist in the literature on migrant smuggling and the effect it has within Thailand. Most of these regard migrant smuggler typologies, the organization of smuggling operations, and their modus operandi. The literature focuses on irregular versus regular migration channels, presenting many examples of both formal and informal migrant recruitment agencies without specific regard for the probable involvement of migrant smugglers, in the informal recruitment sector, who offer transport and facilitation of entry services.

Further empirical research needs to address the following areas:

- numbers of smuggled migrants into, from, and through Thailand;
- smuggler profiles;
- migrant-smuggler relationships;
- organization and methods of migrant smugglers;
- transfer of criminal proceeds derived from smuggling operations;
- roles and misuse of documents in smuggling operations; and
- involvement, or history of involvement, of migrant smugglers in other forms of criminality.

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## Chapter Fifteen: Viet Nam

### 1) Quantitative assessments and flows of irregular migration, migrant smuggling, and trafficking in persons

#### *a) Estimated numbers and major routes: Irregular migration from, to and through Viet Nam*

The reviewed literature provides only limited insight into the estimated size of irregular migration from, to, and through Viet Nam, and major routes used. Some information is available about the size of irregular migration to the UK, the EU and to a lesser extent, the Republic of Korea.

Silverstone and Savage (2010) provide information about the various waves of regular and irregular migration from Viet Nam to the UK. They note that at the end of the US - Viet Nam War, the first waves of approximately 16,000 Vietnamese refugees came to the UK, as part of a planned resettlement programme from South Viet Nam. Most of the refugees settled in London and in the south-east of England, but significant numbers also moved to north-western cities in the UK such as Birmingham, Liverpool, and Manchester. This was followed by smaller migrations to the UK in the 1980s and early 1990s. Around 50,000 Vietnamese citizens are estimated to be legally residing in the UK at present, of which 35,000 are based in London. However, irregular migrants, who arrived during the late 1980s and early 1990s as part of a 'third wave', have significantly augmented this total number of Vietnamese migrants.

According to Silverstone and Savage (2010), Vietnamese migrants entered the UK through the former Soviet Union and other Eastern European countries.

Irregular Vietnamese migrants who arrived in the UK in the late 1990s appear to have been smuggled mainly from North Viet Nam. Concerning recent migration, official estimates for 2004–2005 record 800 irregular migrants, whereas other estimates suggest up to 20,000 arrivals in the UK. Regarding the arrival of unaccompanied asylum seeking children in the UK, Viet Nam took the second place with an average of 10–15 Vietnamese children per month claiming asylum throughout 2004 and 2005.

During their research, Silverstone and Savage (2010) obtained estimates that there are approximately 100,000 irregular Vietnamese migrants in other European countries. These Vietnamese communities are mostly based in the Czech Republic and Slovakia, Germany and Poland. According to Nozina, estimates place the present number of Vietnamese residents with irregular status in the Czech Republic between 10,000 and 25,000 (Nozina, 2010).

According to official statistics, a total number of 10,608 irregular Vietnamese migrant workers were in the Republic of Korea. This corresponds to 4.1 percent of all foreign irregular migrant workers in the country for that period of time (Kim, 2004).

#### *b) Estimated numbers and major routes: Migrant smuggling from, to and through Viet Nam*

The reviewed literature provides very little information about the estimated size of migrant smuggling from, to, and through Viet Nam and the major routes used.

Research conducted by Silverstone and Savage (2010) indicates that the smuggling route from Viet

Nam to the UK could include several transit countries: from Viet Nam to China, Russia, the Czech Republic, Germany, France and, finally, the UK.

Nozina (2010) found that migrants smuggled to the Czech Republic most frequently travel to Russia by plane, from where they are transported by trucks across Ukraine to Slovakia and finally to the Czech Republic.

According to datasets of the German Federal Police (Neske, 2006, 2007; Neske et al., 2004) a total of 94 Vietnamese smuggled migrants were recorded in 2005, corresponding to 42.5 percent of all recorded irregular Vietnamese migrants in Germany for that period. These datasets indicate decreasing numbers of smuggled Vietnamese migrants in Germany: in 2001, there were 388 smuggled migrants from Viet Nam recorded, whereas these numbers had dropped to 356 in 2002, 247 in 2003, and 151 in 2004. Furthermore, since the Czech Republic joined the Schengen security system, smuggling activities have moved from the German-Czech border to the external borders of the EU in Slovakia, Poland, and Hungary (Nozina, 2010).

***c) Estimated numbers and major routes: Trafficking in persons from, within, to and through Viet Nam***

The reviewed literature provides some information about the estimated size of trafficking in persons from, within, to, and through Viet Nam and major routes used.

Viet Nam is primarily a source and to a lesser extent a destination country for men, women and children, trafficked for forced prostitution and labour exploitation (U.S. Department of State, 2010; UNIAP, 2010). Trafficking in Viet Nam occurs both domestically and internationally. Domestic trafficking, specifically in women and girls, is mainly directed from poor rural areas to developed urban areas (UNIAP, 2010).

Tucker, Kammel, Lehman & Ward (2010) identified four main routes for international cross border trafficking leading out of Viet Nam:

- Viet Nam to China (for forced marriage, forced labour, sex work and boys for adoption);
- Viet Nam to Cambodia (as part of the sex trade and for begging);
- Viet Nam to Lao PDR and Thailand (for sex work); and

- Viet Nam to beyond the Mekong Subregion (for forced marriage, sex work and forced labour);

Other destination countries include Malaysia, Taiwan Province of China, the Republic of Korea, Japan, Thailand, Indonesia, and countries in Western Europe and the Middle East (UNIAP, 2010; U.S. Department of State, 2010).

The primary source country for trafficking in persons into Viet Nam is Cambodia, specifically for the purpose of begging in Ho Chi Minh City as well as other urban areas (Tucker, 2009; UNIAP, 2010).

For the period of 2004 to 2009, Viet Nam's Ministry of Public Security (MPS) recorded a total of 2,935 Vietnamese victims of (domestic) trafficking (UNIAP, 2010).

Several reports (RTWG, 2008; Tucker et al., 2010; Sandy, 2006) cite a calculation by Steinfatt (2003) according to which up to 4,000 commercial sex workers from Viet Nam could be considered as having been trafficked to Cambodia in 2002–2003. Besides that, the reviewed literature does not provide quantitative estimates available about the number of Vietnamese victims trafficked internationally.

***d) Cross-over or overlap, if any, between populations or routes***

The literature does not specifically address this question, and no definitive conclusions can be drawn from it regarding crossovers and overlaps between populations and routes from Viet Nam to other countries.

## **2) Profiles of migrant smugglers**

***a) Socio-economic characteristics***

The literature at hand provides no information on the socio-economic characteristics of migrant smugglers.

***b) Motivation***

Generally, no information on the motivation of Vietnamese migrant smugglers is provided by reviewed literature.



Silverstone and Savage (2010), however, suggest that Vietnamese citizens in the UK who are active in illicit enterprises such as the smuggling of migrants (as well as cannabis cultivation and money laundering), are mainly motivated by monetary gain.

### 3) Profiles of irregular migrants and smuggled migrants

#### *a) Geographical and socio-economic characteristics*

The literature on the geographic and socio-economic characteristics of irregular and smuggled migrants from Viet Nam is fairly limited. In the specific context of irregular migration from Viet Nam to the UK, research conducted by Silverstone and Savage (2010) indicates that by far the most irregular migrants that arrived in the UK recently ('new arrivals') came from North Viet Nam. Most irregular migrants in this study originated from the provinces of Hai Phong and its neighbouring province of Quang Ninh.

The literature in general concludes that irregular migrants from Viet Nam originate from poorer rural areas (U.S. Department of State, 2010; Tucker et al., 2010; Nozina, 2010; Arnold, 2005).

#### *b) Motivation*

The research of Silverstone and Savage (2010) provides some insights into the motivations of irregular migrants from Viet Nam to the UK; they note that senior law enforcement in Hai Phong province (a migrant sending region) describe the people of this province as outward looking and resilient. The lucrative nature of the cannabis business, both in the UK and Canada, is well known to the people within that province. This has particularly been the case since several migrants returned after managing to accumulate great wealth abroad.

Based on interviews with irregular Vietnamese migrants (N=24), Silverstone and Savage (2010) also found that the predominant motives for Vietnamese minors seeking migration to the UK were to find work, to gain an English education, or to become proficient in the English language (or a combination of the three). Furthermore they suggest that these minors come from well connected and rather

well to do families, which through their contacts and influence are able to facilitate the journey into the UK.

Vijayarasa, (2010) points out that various studies document parental-decision making in Viet Nam as a driving force for the internal and international migration of young women in Viet Nam, and argues that specifically young women in Viet Nam are perceived as an additional source for generating remittances.

Literature in general concludes that irregular migrants from Viet Nam originate from underdeveloped rural areas and thus may be considered predominantly economic migrants (U.S. Department of State, 2010; Tucker et al., 2010; Nozina, 2010; Krebs & Pechova, 2008; Asia Foundation, 2008).

### 4) Smuggler-migrant relationships

#### *a) Migrant perceptions of smugglers*

The reviewed literature provides no information on the perception of migrant smugglers by migrants.

#### *b) Nature of migrant-smuggler relationship*

Silverstone and Savage (2010) is the only source identified that examines the nature of the relationship between smugglers and migrants. According to their research, the relationship can be characterized as a business relationship. Based on research carried out in Viet Nam, they argue that smugglers aggressively and proactively seek new clients who are interested in travelling to the UK, rather than simply waiting to be approached. The authors note that trust and informal 'contracts' characterize Vietnamese migrant smuggling operations and payment of smuggling fees. Little evidence was found that violence is used in enforcing these contracts and both sides (smuggler and migrants) appear to honour their agreements.

#### *c) Factors influencing the relationship between smugglers and migrants*

The literature at hand provides no information on factors that influence the nature of the relationship between smugglers and migrants.

## 5) Organization of migrant smuggling

### a) *How is migrant smuggling organized?*

The information in the literature about the organization of migrant smuggling is fairly limited. Silverstone and Savage (2010) found that Vietnamese migrant smuggling operations involve networks of 'agents' in Viet Nam as well as transit countries (depending on the smuggling route). These agents facilitate the smuggling operation mainly through Vietnamese channels (e.g. transport is provided by Vietnamese drivers, migrants are accommodated in Vietnamese safe houses, etc.). Furthermore, Silverstone and Savage observed that Vietnamese migrants tend to travel in homogenous groups, rather than mixing with migrants of other nationalities. However, in the case of smuggling to the UK, research indicated that the transportation process in the final leg of the journey (from France to the UK) involved non-Vietnamese facilitators.

According to Nozina (2010), migrants from Viet Nam who are smuggled into the Czech Republic generally travel via Moscow, from where they are brought to a flat (a so-called 'waterhole'). Once there, migrants are usually locked up and isolated, and wait for the next step, which is initiated as soon as a sufficient number of migrants have been collected by the smugglers. At this point of time, the migrants are divided into smaller groups and then transferred by car (or other means) to the next destination en route.

Nozina (2010) found that Vietnamese criminal groups with connections to Czech criminal organizations arrange for transport of smuggled migrants of Chinese smuggling networks exclusively across the Czech Republic.

### b) *Are persons involved in migrant smuggling also involved in other criminal activities?*

According to Silverstone and Savage (2010), Vietnamese smuggling networks offer end-to-end service from Viet Nam to the UK, which usually includes a promise of employment or education in the destination country. Migrants are offered work in the illicit cannabis cultivation industry. It is assumed that many migrants know about the option of working in cannabis cultivation in the UK when they choose to utilize the services of migrant smugglers. Whereas, cannabis

farmers in the UK are almost exclusively irregular migrants the connection remains unclear, as it is also assumed that the networks of smugglers who facilitate irregular migration are not the same people who cultivate cannabis. Research rather indicates that Vietnamese smuggling networks operate autonomously and have most of their members outside the UK.

### c) *Does migrant smuggling attract persons who have a history of involvement in other crime?*

No information is provided on whether or not people who are involved as migrant smugglers have a history of involvement in other crimes.

### d) *What level of professionalism / specialization is there within migrant smugglers?*

The literature does not provide any details on the level of professionalism or specialization within migrant smugglers.

### e) *What influences shape the way migrant smugglers are organized? How and why do these organizations evolve?*

The literature does not provide any information about what influences or shapes the way migrant smugglers are organized.

## 6) Migrant smuggling modus operandi

### a) *Recruitment methods*

The literature provides very limited information about the methods of recruitment used by migrant smugglers. Research conducted in Viet Nam about smuggling to the UK observed that smugglers aggressively and proactively seek new clients who are interested in travelling to this country (Silverstone & Savage, 2010). Smugglers target people who are looking for work and extol the benefits of moving and working in the UK, by exaggerating the wages earned and quality of life.

### b) *Payment methods*

According to Silverstone and Savage (2010), payment for smuggling operations is made in various

ways. Sometimes, payment is made in Viet Nam prior to the journey and in other cases payment is made on delivery to the destination country. In the case of smuggling into the UK, payment is generally made over time (up to one year). Furthermore, Silverstone and Savage found that family members of smuggled migrants based in Viet Nam or the destination country often make the payment or part of the payment for the smuggling operation. The better the family is known to the smugglers, the longer the migration debt repayment period will be.

#### *c) Transfer of criminal proceeds*

The literature at hand provides no information on the methods of transferring criminal proceeds.

#### *d) Transportation methods*

The literature provides very little information about methods of transportation used in smuggling migrants from Viet Nam. In the case of the Czech Republic, Vietnamese migrants often to fly to Russia, from where they are transported by truck (or other means), transiting through Eastern European countries (Nozina, 2010).

#### *e) Document use and misuse*

Research in the Czech Republic (Nozina, 2010) found that counterfeit documents are frequently used in irregular Vietnamese migration, including counterfeit visas and altered passports from Western countries (mainly Germany and Belgium). Furthermore, selling of identities is a common practice among the members of the Vietnamese community in the Czech Republic. Thus, migrants who decide to return to Viet Nam can easily sell their complete identity (e.g. passport, visa, business licence) to a recently arrived irregular compatriot, who then himself can start his own business quickly.

Silverstone and Savage (2010) found evidence that adult Vietnamese migrants often successfully pass themselves as minors in order to strengthen their case for asylum in the UK.

#### *f) Corruption*

No details on the role of corruption are provided in the literature at hand.

#### *g) Evolution of migrant smuggling methods in response to changes in migration policies and counter measures*

No information exists on the evolution of migrant smuggling methods in response to changes in migration policies and counter measures.

### **7) Migrant smuggling fees and mobilization of fees**

Research in the UK by Silverstone and Savage (2010) found that some Vietnamese migrants were smuggled into the UK via a number of transit countries and were charged considerable smuggling fees between GBP 12,000 and GBP 15,000 (USD 19,700 and USD 24,600). Additional costs of up to GBP 3,000 (USD 4,900) could be charged for fraudulent travel documents, such as identity cards and passports. Furthermore, they found that migrants were offered marriage fraud schemes to support residency applications for GBP 30,000 (USD 49,300) per marriage. Furthermore, it was observed that smuggling fees fluctuated considerably depending on the demand and the effectiveness of the counter-smuggling operations.

### **8) Human and social costs of migrant smuggling**

There is very little information in the available literature about the human and social costs of migrant smuggling from Viet Nam. One of the interviewees (N=24) of Silverstone and Savage mentioned having been left behind with ever-growing debt as a result of his journey to the UK. Another migrant mentioned life threatening 'forced marches' as part of his journey (Silverstone & Savage, 2010). Other than that, the literature does not provide further information on human and social costs directly related to migrant smuggling.

However, the fate of many regular Vietnamese labour migrants in the Czech Republic, highlighted by Krebs and Pechova (2008), provides insight into the difficulties that irregular migrants (some of whom appear to have paid intermediaries) may face in the destination countries. According to official statistics, there are 60,000 Vietnamese living in the Czech Republic at present. However, up to 20,000 alone arrived be-

tween 2006 and 2008, attracted by the urgent need of labour in Czech industries. The migrants arrived on work and business visas arranged by officially registered and unofficial intermediary agencies in Viet Nam, which cooperate with agencies in the Czech Republic. Many of the migrant workers, who came from rather poor areas, paid these intermediary agencies between USD 6,500 and USD 14,000 for the travel. In the course of the global economic crisis however, masses of Vietnamese labour migrants were laid off and thus, lost their visas. As returning home with huge debt was an unthinkable alternative for many, they stayed in the country and subsequently became irregular migrants. According to the study, irregular migrants in the Czech Republic live in constant fear of not being able to pay off debt, of ill-health due to lack of health insurance, and of immigration authorities. In some cases, this situation even lead to suicide.

### 9) Factors fuelling irregular migration and migrant smuggling

According to the literature reviewed, poverty, specifically in rural areas and the surplus of labour in Viet Nam may be considered as one of the driving factors for irregular migration and migrant smuggling in Viet Nam (U.S. Department of State, 2010; Tucker et al., 2010; Nozina, 2010; Krebs & Pechova, 2008; Asia Foundation, 2008).

Parental-decision making in Viet Nam may also fuel the internal and international migration of young women in Viet Nam. It is argued that specifically young women in Viet Nam are perceived as an additional source for generating remittances (Vijayarasa, 2010).

### 10) Conclusions

#### a) *What we know about migrant smuggling in Viet Nam*

Empirical studies on migrant smuggling in Viet Nam are scarce. In addition, studies that do highlight some aspects of the phenomenon do so merely within the context of Vietnamese organized crime in destination countries, such as the UK and the Czech Republic. As a result, no general conclusions can be drawn from literature at hand.

Vietnamese migrant smugglers operating in European countries, specifically in the UK and the Czech Republic, may be part of or at least connected to organized crime networks within the Vietnamese communities. In the case of the UK, there appears to be a connection to the illicit cannabis industry. Migrants in Viet Nam are aggressively recruited through job offers in the destination countries, which include illicit activities.

In the case of the UK, the relationship between smugglers and migrants seems to be of a business nature, respected by both sides and without use of force.

Migrants seem to be generally transported to Europe via transit through Russia. Smuggling fees can be high and result in heavy indebtedness. Family and friends of the migrant seem to help with repayment, which, in the case of the UK, is done through instalments over a period of time.

Migrant smuggling and other forms of irregular migration appear to be facilitated by the surplus of labour in Viet Nam and poverty in general.

#### b) *What we don't know about migrant smuggling in Viet Nam*

There is a clear need for further research regarding migrant smuggling in Viet Nam. This lack of information concerns all aspects of the phenomenon including irregular migration and trafficking flows. No general conclusions on Vietnamese migrant smuggling can be drawn from reviewed empirical studies, as the little information available is mainly limited to smuggling into to the UK and the Czech Republic. The gaps in knowledge specifically concern:

- the profiles of smugglers;
- the profiles of smuggled migrants;
- migrant-smuggler relationships;
- the organization of migrant smuggling;
- the modus operandi of migrant smuggling;
- the fees paid to smugglers and their mobilization; and
- the factors that contribute to irregular migration and smuggling.

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# Annexes



## Annex A: Complete list of databases, catalogues and websites searched

Database / catalogue/ website	ENG	FRE	GER
ProQuest Central	Y	Y	Y
JSTOR	Y		
Web of Science	Y	Y	Y
Wiley Online Library	Y		
Sage	Y		
APAFT	Y		
Informaworld	Y		
Ingenta	Y		
Scopus	Y		
Anthropology Plus	Y		
CIAO (Columbia International Affairs Online)	Y		
International Bibliography of the Social Sciences (IBSS)	Y		
MAIS: Multicultural Aust. & Immigration Studies	Y		
Sociological Abstracts	Y		
Econlit	Y		
Pubmed	Y		
Medline	Y		
Factiva	Y	Y	Y
Westlaw (using World journal tab)	Y	Y	Y
LegalTrac (entire document search)	Y		
Informit Online	Y		
Google Scholar	Y	Y	Y
FRANCIS		Y	
IBZ <a href="http://www.library.auckland.ac.nz/databases/learn_database/public.asp?record=IBZOnl">http://www.library.auckland.ac.nz/databases/learn_database/public.asp?record=IBZOnl</a>		Y	Y
Bibliography of Asian Studies <a href="http://library.auckland.ac.nz/databases/learn_database/public.asp?record=bas">http://library.auckland.ac.nz/databases/learn_database/public.asp?record=bas</a>			
Project Muse <a href="http://www.library.auckland.ac.nz/databases/learn_database/public.asp?record=projmuse">http://www.library.auckland.ac.nz/databases/learn_database/public.asp?record=projmuse</a>	Y		
Gender Studies Database <a href="http://www.library.auckland.ac.nz/databases/learn_database/public.asp?record=womri">http://www.library.auckland.ac.nz/databases/learn_database/public.asp?record=womri</a>	Y		
Institute of Southeast Asian Studies E-Book Collection <a href="http://www.library.auckland.ac.nz/databases/learn_database/public.asp?record=ISEE-BCol">http://www.library.auckland.ac.nz/databases/learn_database/public.asp?record=ISEE-BCol</a>	Y	Y	
Palgrave <a href="http://www.library.auckland.ac.nz/databases/learn_database/public.asp?record=PalConn">http://www.library.auckland.ac.nz/databases/learn_database/public.asp?record=PalConn</a>	Y		

Oxford Scholarship Online <a href="http://www.library.auckland.ac.nz/databases/learn_database/public.asp?record=OxfSchOnl">http://www.library.auckland.ac.nz/databases/learn_database/public.asp?record=OxfSchOnl</a>			
WorldCat	Y	Y	Y
UN library ( <a href="http://www.un.org/depts/dhl/">http://www.un.org/depts/dhl/</a> )	Y	Y	Y
vascoda			Y
IREON			Y
EVIFA			Y
CrossAsia			Y
ViFaPol			Y
SOWIPORT			Y
EconBiz			Y
Savifa			Y
FachportalPaedagogik.de			Y
Edumeres			Y
GVK - Gemeinsamer Verbundkatalog des GBV			Y
Verbundkatalog des hzb			
German National Library			Y
Datenbank-Infosystem (DBIS)			Y
Digital Library of University of Duisburg-Essen			
wiso			Y
<a href="http://irregular-migration.hwwi.net/Home.6177.0.html">http://irregular-migration.hwwi.net/Home.6177.0.html</a>	Y	Y	Y
<a href="http://www.focus-migration.de/">http://www.focus-migration.de/</a>			Y
<a href="http://www.network-migration.org/">http://www.network-migration.org/</a>			Y
<a href="http://www.migration-info.de/mub_artikel.php?id=090307">http://www.migration-info.de/mub_artikel.php?id=090307</a>			Y
<a href="http://www.amazon.com/">http://www.amazon.com/</a>	Y	Y	Y
<a href="http://www.adb.org/">http://www.adb.org/</a>	Y		
<a href="http://www.apec.org/">http://www.apec.org/</a>	Y		
<a href="http://www.asiapacificforum.net/">http://www.asiapacificforum.net/</a>	Y		
<a href="http://www.asean.org/">http://www.asean.org/</a>	Y		
<a href="http://www.ausaid.gov.au/">http://www.ausaid.gov.au/</a>			
<a href="http://www.baliprocess.net/">http://www.baliprocess.net/</a>			
<a href="http://www.thecommonwealth.org/">http://www.thecommonwealth.org/</a>			
<a href="http://www.dfid.gov.uk/">http://www.dfid.gov.uk/</a>			
<a href="http://europa.eu/">http://europa.eu/</a>	Y	Y	Y
<a href="http://www.frontex.europa.eu/">http://www.frontex.europa.eu/</a>	Y	Y	Y
<a href="http://g8.gc.ca/home/">http://g8.gc.ca/home/</a>			
<a href="http://www.gcim.org/en/">http://www.gcim.org/en/</a>	Y		Y



<a href="http://www.globalmigrationgroup.org/">http://www.globalmigrationgroup.org/</a>	Y		
<a href="http://www.gtz.de/en/">http://www.gtz.de/en/</a>			Y
<a href="http://www.hrw.org/">http://www.hrw.org/</a>	Y	Y	
<a href="http://www.icmpd.org/">http://www.icmpd.org/</a>	Y	Y	Y
<a href="http://www.icrc.org/">http://www.icrc.org/</a>	Y	Y	Y
<a href="http://www.igc.ch/">http://www.igc.ch/</a> (login access required)	Y		
<a href="http://www.ilo.org/global/lang--en/index.htm">http://www.ilo.org/global/lang--en/index.htm</a>	Y	Y	
<a href="http://www.iom.int/jahia/jsp/index.jsp">http://www.iom.int/jahia/jsp/index.jsp</a>	Y	Y	
<a href="http://www.interpol.int/default.asp">http://www.interpol.int/default.asp</a>	Y		
<a href="http://www.msf.org/">http://www.msf.org/</a>	Y	Y	
<a href="http://www.ohchr.org/EN/Pages/WelcomePage.aspx">http://www.ohchr.org/EN/Pages/WelcomePage.aspx</a>	Y	Y	
<a href="http://www.oecd.org/home/0,3305,en_2649_201185_1_1_1_1_1,00.html">http://www.oecd.org/home/0,3305,en_2649_201185_1_1_1_1_1,00.html</a>	Y	Y	Y
<a href="http://www.osce.org/">http://www.osce.org/</a>	Y	Y	Y
<a href="http://www.saarc-sec.org/">http://www.saarc-sec.org/</a>	Y		
<a href="http://www.homeoffice.gov.uk/">http://www.homeoffice.gov.uk/</a>	Y		
<a href="http://www.undp.org/">http://www.undp.org/</a>	Y	Y	
<a href="http://www.unescap.org/">http://www.unescap.org/</a>	Y	Y	
<a href="http://www.unhcr.org/cgi-bin/texis/vtx/home">http://www.unhcr.org/cgi-bin/texis/vtx/home</a>	Y	Y	
<a href="http://www.un.org/migration/index.html">http://www.un.org/migration/index.html</a>	Y	Y	
<a href="http://www.unodc.org/">http://www.unodc.org/</a>	Y	Y	
<a href="http://www.usaid.gov/">http://www.usaid.gov/</a>	Y		
<a href="http://www.worldbank.org/">http://www.worldbank.org/</a>	Y	Y	

Annex B: Table of criteria to use for initial bibliographic searches

Name:		Date:		Database:			
Term 1	OR	AND	OR	AND	OR	NOT	Criteria
Migrant			People Human Alien	Smuggling	Smuggler Smuggle	Goods Wildlife Drug	Published from 1 January 2004
Irregular	Illegal	Migration	Migrant Immigration Immigrant		Afghanistan Myanmar/Burma- Cambodia China India Indonesia Laos Lao Myanmar Maldives Pakistan Singapore Sri Lanka Thailand Vietnam/Viet Nam		Published from 1 January 2004
Trafficking		Person	People Human	Asia		Weapon Drug	Published from 1 January 2008
Human	People	Trafficking	Traffic Trafficker			Weapon Drug	Published from 1 January 2008
Slave	Slavery						Published from 1 January 2004

## Annex C: Key words used in the annotated bibliography

Table I: Key words for subjects covered

Key word	Description
Irregular migration	movement that takes place outside the regulatory norms of the sending, transit and receiving countries
Trafficking flows	numbers/quantity of trafficked persons being moved, and/or direction of these movements
Smuggling	facilitating the illegal entry/stay of another for profit, and document offences to achieve this
Concepts	use and usefulness of concepts of migrant smuggling, trafficking in persons, or irregular migration
Methodology	research methodologies used in research on irregular migration or migrant smuggling
Quantitative assessment	size of irregular migration or smuggling flows (not TiP flows: these are covered above)
Routes	geography of irregular migration or migrant smuggling
Profiles of smugglers	geographical, demographic, socio-economic characteristics of smugglers, and/or their motivations
Profiles of irregular migrants	geographical, demographic, socio-economic characteristics of irregular migrants, and/or their motivations
Profiles of smuggled migrants	geographical, demographic, socio-economic characteristics of smuggled migrants, and/or their motivations
Smuggler-migrant relationship	how migrants portray or perceive smugglers; the nature or quality of the relationship; and/or factors that impact on that relationship
Organisation of smuggling	the organisational or business structures in smuggling operations; relationships between actors in smuggling operations; involvement in other criminality; specialisation/professionalism of smugglers; influences on organisation
Modus operandi of smuggling	methods of recruitment, payment, transfer of criminal proceeds, transportation, use/misuse of documents in smuggling process, role of corruption; factors that result in changes to modus operandi of migrant smuggling
Fees and payment for smuggling	fees paid by migrants, factors that determine fees, how migrants mobilize fees
Human and social costs of smuggling	death toll, trauma, stranded migrants, socio-economic impact of mobilizing fees for smuggling, increasing vulnerability to trafficking
Factors that fuel irregular migration	push and pull factors for irregular or smuggled migrants; the risks and rewards for smugglers (i.e.: factors that drive them toward getting involved in smuggling or away from it)
West Asia	Geographic focus: from / to / within / through
South Asia	Geographic focus: from / to / within / through
South-East Asia	Geographic focus: from / to / within / through
East Asia	Geographic focus: from / to / within / through
Afghanistan	Geographic focus: from / to / through
Cambodia	Geographic focus: from / to / through
China	Geographic focus: from / to / through
India	Geographic focus: from / to / through
Indonesia	Geographic focus: from / to / through

Lao PDR/Laos	Geographic focus: from / to / through
Maldives	Geographic focus: from / to / through
Myanmar/Burma	Geographic focus: from / to / through
Malaysia	Geographic focus: from / to / through
Pakistan	Geographic focus: from / to / through
Singapore	Geographic focus: from / to / through
Sri Lanka	Geographic focus: from / to / through
Thailand	Geographic focus: from / to / through
Vietnam/Viet Nam	Geographic focus: from / to / through

Table II: Definitions of research methodology applied in allocating key words

Key word	Description
Quantitative	“Quantitative research is a means for testing objective theories by examining relationships among variables. These variables can be measured, typically on instruments, so that numbered data can be analysed using statistical procedures” (Creswell, 2009, p. 233 <sup>31</sup> ).
Qualitative	“Qualitative research is a means for exploring and understanding the meaning individuals or groups ascribe to a social or human problem. The process of research involving emerging questions and procedures; collecting data in the participants’ setting; analysing data inductively; building from particulars to general themes and making interpretations of the meaning of data” (Creswell, 2009, p. 232).
Mixed	A mix of both quantitative and qualitative methods were used.
Unknown	It is not clear from the source precisely what research method was used. However, there is some information in the source to suggest it involved primary research.

<sup>31</sup>Creswell, J.W. (2009). *Research design: Qualitative, quantitative, and mixed methods approaches* (3rd ed.). Thousand Oaks: Sage Publications.



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