



# Critical Perspectives on Clandestine Migration Facilitation: An Overview of Migrant Smuggling Research

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## Executive Summary

Current representations of large movements of migrants and asylum seekers have become part of the global consciousness. Media viewers are bombarded with images of people from the global south riding atop of trains, holding on to dinghies, arriving at refugee camps, crawling beneath wire fences or being rescued after being stranded in the ocean or the desert for days. Images of gruesome scenes of death in the Mediterranean or the Arizona or Sahara deserts reveal the inherent risks of irregular migration, as bodies are pulled out of the water or corpses are recovered, bagged, and disposed of, their identities remaining forever unknown. Together, these images communicate a powerful, unbearable feeling of despair and crisis.

Around the world, many of these tragedies are attributed to the actions of migrant smugglers, who are almost monolithically depicted as men from the Global South organized in webs of organized criminals whose transnational reach allows them to prey on migrants and asylum seekers' vulnerabilities. Smugglers are described as callous, greedy, and violent. Reports on efforts to contain their influence and strength are also abundant in official narratives of border and migration control.

The risks inherent to clandestine journeys and the violence people face during these transits must not be denied. Many smugglers do take advantage of the naiveté and helplessness of migrants, refugees, and asylum seekers, stripping them of their valuables and abandoning them to their fate during their journeys. Yet, as those working directly with migrants and asylum seekers in transit can attest, the relationships that emerge between smugglers and those who rely on their services are much more complex, and quite often, significantly less heinous than what media and law enforcement suggest.

The visibility of contemporary, large migration movements has driven much research on migrants' clandestine journeys and their human rights implications. However, the social contexts that shape said journeys and their facilitation have not been much explored by researchers (Achilli

2015). In other words, the efforts carried out by migrants, asylum seekers, and their families and friends to access safe passage have hardly been the target of scholarly analysis, and are often obscured by the more graphic narratives of victimization and crime. In short, knowledge on the ways migrants, asylum seekers, and their communities conceive, define, and mobilize mechanisms for irregular or clandestine migration is limited at best.

The dichotomist script of smugglers as predators and migrants and asylum seekers as victims that dominates narratives of clandestine migration has often obscured the perspectives of those who rely on smugglers for their mobility. This has not only silenced migrants and asylum seekers' efforts to reach safety, but also the collective knowledge their communities use to secure their mobility amid increased border militarization and migration controls.

This paper provides an overview of contemporary, empirical scholarship on clandestine migration facilitation. It then argues that the processes leading to clandestine or irregular migration are not merely the domain of criminal groups. Rather, they also involve a series of complex mechanisms of protection crafted within migrant and refugee communities as attempts to reduce the vulnerabilities known to be inherent to clandestine journeys. Both criminal and less nefarious efforts are shaped by and in response to enforcement measures worldwide on the part of nation-states to control migration flows.

Devised within migrant and refugee communities, and mobilized formally and informally among their members, strategies to facilitate clandestine or irregular migration constitute a system of human security rooted in generations-long, historical notions of solidarity, tradition, reciprocity, and affect (Khosravi 2010). Yet amid concerns over national and border security, and the reemergence of nationalism, said strategies have become increasingly stigmatized, traveling clandestinely being perceived as an inherently — and uniquely — criminal activity. This contribution constitutes an attempt to critically rethink the framework present in everyday narratives of irregular migration facilitation. It is a call to incorporate into current protection dialogs the perceptions of those who rely on criminalized migration mechanisms to fulfill mobility goals, and in so doing, articulate and inform solutions towards promoting safe and dignifying journeys for all migrants and asylum seekers in transit.

## **The Facilitation of Clandestine Migration**

While representations of recent migration flows into Europe and the United States have been characterized as unprecedented and crisis-like, historical evidence suggests migratory flows have been significant in other times in Western history. For example, Donato and Sisk (2015) demonstrated contemporary migration levels in the United States are in fact

considerably smaller than those taking place during the 1980s following the passage of the Immigration Reform and Control Act of 1986. The historical record also shows that clandestine or irregular migrations, far from being under the control of organized crime, have been carried out through far less nefarious mechanisms. Instead, they often reflect long-standing social relations and migration traditions (Lopez-Castro 1998; Spener 2009; Kandell and Massey 2002; Ayelew 2016). Moreover, the social relationships that are maintained and developed as a result of transnational migration facilitate ensuing transits, with people relying on friends and family members for the purpose of moving to other locations. These methods are significantly less violent or dark than what media and official accounts suggest.

Data attest that most people who eventually become undocumented or irregular migrants did in fact enter destination countries legally, relying on a vast system of licit and illicit practices. For example, the majority of newly undocumented immigrants in the United States in recent years have entered legally through air and land ports of entry (Pew 2013; Warren and Kerwin 2015). Legally issued documents to cross borders or enter a destination country are frequently borrowed, purchased, or rented among travel documents from friends, family members, and third parties (Kyle and Dale 2001; Abel 2012). Others may claim to be a national of a specific country, having “learned” to perform foreign identities that may allow them to “pass” for nationals or residents of a specific nation in order to be admitted into it or to avoid detection and removal (Stone-Cadena 2016; Brigden 2016). Marriage is also used with the purpose of being allowed admission or official authorization to reside in a country (Tsay 2004).

There is also a strong industry comprised by entrepreneurs who illicitly, but also legally — and often taking advantage of gaps in laws and regulations — provide services that may be conducive of, or facilitate, irregular or clandestine migration. Businesses like travel agencies, employment brokers, print shops, passport or visa forgers, language schools, or even individuals training those seeking to travel abroad in social or cultural etiquette are broadly defined as brokerage. The term, in conjunction with the recognition of migrants and asylum seekers as owning and mobilizing their agency, seeks to encompass how migration-related information and processes are “controlled, evaluated, and processed” (Alpes 2012, 90) by migrants, asylum seekers, and their families and friends in order to advance and complete their migratory journeys.

Combined, all of these efforts may lead to the migration of many seeking to reach a destination. Many other persons, however, unable to secure visas, passports, or the mechanisms required to travel, may opt for another kind of service, perhaps the most visible and popularized form of irregular migration: the services provided by migrant smugglers.

### **Defining Migrant Smuggling**

Human smuggling is defined as the “procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State party of which the person is not a national or permanent resident” (United Nations 2000). It is most often depicted as a violent, exploitative, and criminal act controlled by groups of men from the Global South. Conceived as organized into vast, complex networks of

transnational reach, and as operating in partnership with other criminal organizations like drug smugglers (Davila 2015), human traffickers (Shelly 2014), and even terrorists (Bensman 2016), migrant smugglers are described as posing an incredible threat to the security of the nation-state. They are described in media, policy, and academic circles as greedy, as driven by the purportedly immense profits derived from the human trade, and as banking on the desperation of naïve, desperate migrants and asylum seekers worldwide.

There is in fact an abundance of graphic and tragic representations of the experiences of migrants and asylum seekers in transit at the hands of smugglers which provides a particularly alarming portrayal of the dangers present in clandestine migration. While it is important to acknowledge the precariousness of smuggling transits, it is also fundamental to establish that globally, empirical research on smuggling and its organization is scant. Most data pertaining to smuggling activity comes from law enforcement or other official sources (Zhang 2007), which in turn rely on the most dramatic of failed clandestine journeys to further justify enforcement practices. In this context, it is not surprising that depictions of smuggling will most often reflect the experiences of migrants and asylum seekers who were the target of threats, scams, and violence before being rescued by authorities or NGOs.

The reliance on these representations despite and alongside the absence of empirically-collected data raise critical methodological and conceptual concerns. Who are the migrant smugglers? How are they organized? How do they perceive the work they perform, and how is it in turn seen by those who rely on their services? What are the motivations leading smugglers to engage in this activity? What do they think about the violence? And most importantly, are there ways to make smuggling-involved journeys safer for those who rely on them?

During the last decade, there has been an increase in the number of empirical engagements on smuggling facilitation. Researchers have posed critiques of the dominant characterization of smuggling as a violent and predatory, urging a closer look at its community dimensions. This body of scholarship argues that the facilitation of irregular migration involves a multiple and diverse range of interactions, many of which are far less tragic or sensationalistic than what politicized, mediated narratives suggest (Sanchez 2015; Majidi 2016). This still narrow body of scholarship has however articulated important critiques on the need to re-evaluate smuggling dynamics in order to more critically engage on its reliance by migrant and refugee communities, and on its role at facilitating mobility amid increasing border enforcement and controls.

## **Smugglers and Their Views**

Hired around the world by those seeking to migrate and who are unable to secure the protection of visas, permits, or passports, smuggling facilitators have been throughout history key facilitators of migration flows (Gamio 1931; Andreas 2013; Khosravi 2010; Chu 2010; Chao-Romero 2010). Despite being often described as cunning, deceiving, and greedy, smugglers and their services maintain a systematic demand among those seeking to migrate in light of stepped-up migration and border enforcement measures.

Spener (2009) and Zhang (2008) have argued that the continued reliance on smuggling by migrants and asylum seekers constitutes an indication of the practice's success amid and

in spite of the frequent reports of smuggling-related tragedies and of stories pertaining to the abuses faced by migrants and asylum seekers in transit. In fact, reliance on smuggling service can also be interpreted as evidence of how immigration enforcement and control along borders has given place to the continued reliance on alternative, underground if criminalized activities to overcome mobility restrictions, and to the professionalization of smuggling activities (Andreas 2009).

While the empirical gap on migrant smuggling is significant, a few generalizations on their activities and perceptions can be made on the grounds of studies involving direct contact with smugglers and their clients. The following sections describe some of the findings of this body of work.

***Smugglers and their backgrounds.*** While the ethnographic evidence suggests smugglers do not present a unique or specific demographic profile, some general observations can be made. Most smugglers are migrants or asylum seekers themselves who provide services on behalf of friends, acquaintances, and family members relying on their past migration experiences (Stone-Cadena 2016; Maher 2016). Many tend to share the nationality or place of origin of their clientele (Zhang 2008). In terms of their immigration status, they are likely to be or have been irregular migrants at some point in their lives (Sanchez 2015), although the participation of authorized residents and citizens from countries where smuggling activities take place is also commonplace (Achilli 2015). Men as well as women of all ages participate in the provision of smuggling services;<sup>1</sup> however, the majority of those arrested for smuggling and smuggling-related offenses are men (despite women also being key actors of smuggling facilitation) (Zhang, Chin, and Miller 2007; Sanchez 2016). The majority of facilitators tend to be members of highly marginalized communities — working class, low-income laborers, residing in or traveling through areas of high migration flows. In short, data indicate that smugglers are ordinary citizens from multiple backgrounds. At best, they appear to share a highly entrepreneurial drive, further identifying themselves as self-starters and as enjoying working independently (Zhang 2007; Achilli 2015).

***The social organization of migrant smuggling.*** Migrant-smuggling groups tend to be constituted primarily by groups of friends and family members. Entry into the smuggling market mostly occurs in two ways: through interactions with friends and family members already involved in smuggling activity (Zhang 2008; Chin 1999), or when approached to participate in the smuggling process in the context of their own migratory journey (Achilli 2015), most often in exchange for a reduction of their smuggling fees (Sanchez 2015). Tasks are gendered. Women most often perform feminized tasks (cooking, cleaning, childcare), as well as financial transactions (like cashing checks and ensuring fee payments have been made or wired) (Sanchez 2016; Zhang, Chin and Miller 2007). Men are more frequently involved in guiding and driving groups, acting as lookouts, recruiters, and guards (Spener 2009).

Smuggling requires no specialized or technical training or investments (Zhang 2007), with facilitators relying on the skills or resources they already possess — the ability to drive, owning a dwelling or a vehicle, speaking the local language, or having knowledge of local

<sup>1</sup> Researchers on the US-Mexico border and North Africa have also documented reports of minors participating in the smuggling market who receive monetary compensation or who pay off their transits by performing smuggling-related tasks (IOM 2016; Moreno and Avedano 2015).

roads (Sanchez 2014). While border enforcement and militarization has made crossings more challenging, smugglers consistently rely on their knowledge of their territories and on the strength of their connections, rather than on technological savviness or skill. Some scholars have suggested that increased controls have led not just to higher smuggling prices but also to smugglers' reliance on more sophisticated technology and equipment (Andreas 2009). It is perhaps more accurate to point out that most smugglers and their clients rely on basic cellphones and radios (McAuliffe 2016; Newell et al. 2016) for communication purposes. The use of smart phones, and most recently, of social media by smugglers to recruit and guide their clients has also been documented by some scholars (Petrillo 2016; McAuliffe 2016), although said usage should be interpreted as a reflection of the affordability and availability of mobile technology, rather than as a marker of smugglers' sophistication.

Data indicate that smuggling facilitators work independently, relying on their personal resources and social contacts. They perform a single, highly specific task only (guiding a group through the desert, cooking, recruiting, driving) (Zhang 2007; Campana 2016) which is performed in coordination with other facilitators. Facilitators are not always known to each other — they may live in different cities, states and even countries. This is also an effective protection mechanism organic to smuggling operations: In the event one facilitator is arrested, he or she cannot identify others involved (Zhang 2008). Simultaneously, it is important to reiterate that significant portions of the communications among smuggling facilitators take place through mobile technology (including cell phone-based applications) and social media, further eliminating the need for face-to-face interactions. The tasks, when performed effectively and in coordination, will lead clients to their final destination.

It is common to find smuggling facilitators who perform coordinating roles. They put facilitators, clients, and community members in contact; help monitor specific journeys; and settle the frequent financial disputes among smugglers and their customers, and among smugglers themselves. Coordination, however, should not be interpreted as a synonym for leadership. Occasionally individual smugglers may assume temporary oversight for a particular journey or a specific group of clients, yet each facilitator is still individually responsible of a specific task during the journey. Temporary oversight typically comes to an end once clients have successfully completed a specific stage of their journeys or reached their destination. While law enforcement and media often articulate smuggling as organized in complex and hierarchical networks (Aronowitz, 2012), ethnographers have identified that the ability to improvise and make decisions independently (Brigden 2016) are essential characteristics of successful smuggling journeys. In other words, most smuggling groups are organized horizontally, and lack centralized, permanent leadership and hierarchical mechanisms (Spener 2009, 147; Zhang and Chin 2002; Sanchez 2015) as they depend on the ability, availability, and skill of individual facilitators. The absence of central leadership does not suggest charismatic facilitators with leadership attributes or inclinations do not exist, but rather than the execution and effectiveness of smuggling activities are more dependent on the collaborations among individuals rather than on leadership.

***Clients' perception of smuggling.*** Despite the infamous reputation smuggling facilitators have in the media, being a smuggler is far from a frowned upon activity within migrant

and refugee communities (Majidi 2016; Koser 2008). Access to or information on reliable, trusted facilitators becomes critical in anticipation of clandestine journeys, as friends and families of migrants and asylum seekers and the travelers themselves are vastly aware of the challenges inherent to their passages and seek to reduce them (Alpes 2012). Those seeking to travel often conduct extensive research on their potential smuggling options well in advance of their journeys. They consult and solicit references from other friends and relatives who have successfully traveled in the past, meet with smugglers in person or over the phone, and “shop around” until a suitable option is found. While smuggling activities are illicit and must remain hidden from the authorities, they cannot be entirely secret or private, as the business relies on referrals and on smugglers’ accessibility to their clients. In this sense, the smuggling market is, as other illicit practices, “more mundane, consensual, and *public* than imagined” (Zaitch 2005, 201).

In turn, the ability of a smuggling group or an individual facilitator to conduct business most often depends on the quality of his or her referrals from past clients and smuggling collaborators (Martinez and Slack 2016; Zhang 2008). Reports on factors like reliability, punctuality, risk levels, cost, and quality of transportation are as important in the decision to travel with a specific smuggler as are the more subjective, affective issues like kinship proximity, levels of respect shown towards women and the elderly, quality of care via personal interactions, friendliness, honesty, cleanliness, and quality of room and board provided (Vogt 2016). Combined, these factors play a role in clients’ decisions to travel with a specific smuggling facilitator, and on the ability of facilitators to generate and secure business for themselves and others.

While clients do not necessarily perceive the work performed by smugglers as criminal, they do recognize their actions as illicit, and are fully aware of the legal implications that an arrest can have on their future and that of the smuggler, including incarceration, possible legal charges, and future inadmissibility (Alpes 2012; Chu 2010). But given the limited options available for transnational mobility, clients most often describe the work of the smuggler as compulsory, in some cases even altruistic. To some, smuggling constitutes a necessary evil amid the challenges posed by immigration and border enforcement.

***Smugglers’ self-perceptions and motives.*** While the main motivation behind their participation in the facilitation of clandestine migration is securing financial or in-kind returns, smugglers provide varied rationales for their involvement, perhaps due to the very scrutiny they face. For smugglers who have a migrant or refugee background, helping others like themselves get access to protection appears to be a constant theme. They express an awareness of the challenges encountered by migrants and asylum seekers in transit having experienced them themselves (Achilli 2015). Smuggling services constitute therefore a way to support other migrants and asylum seekers in their paths toward mobility and security. To other facilitators, smuggling is a way to pay back a favor from the past, the times when other smugglers assisted them in the context of their own journeys. In the context of her research on smuggling along the US-Mexico border, a smuggler interviewed by Sanchez stated: “I am just paying the favor forward” (2015). She also identified cases of women who were invited to take on smuggling tasks during times of unemployment or illness so as to supplement their already low incomes in service and hospitality occupations.

Most smugglers justify their participation in strictly utilitarian terms: The returns are often minimal, but welcome. In addition to constituting an income-generating mechanism, some smugglers perceive the work they perform as building social capital investment for the future — a community-based form of insurance. They often see their participation as a future way to cash-in the favors provided to migrants, asylum seekers, and their families (Sanchez 2016). A small number of facilitators manage to build a client base and a positive reputation, which over time, and as a result of the notions and community practices of reciprocity ruling communities, can ensure the duration of an enterprise (Spener 2009). Most clients express gratitude for their smugglers' services when their journeys had a positive outcome, or as a result of the attention and the care provided to those traveling with them (Hagan 2008).

***The economy of smuggling.*** The smuggling market is often described as incredibly profitable, with its returns matching or even exceeding those of drug trafficking (Soo 2015). However, estimating the size of the migrant smuggling market in terms of its finances is a virtually impossible proposition. Smugglers do not keep official records of their transactions, they may charge different fees to different clients, many rely on informal forms of banking (Koser 2008; Majidi 2016), and some are paid in kind while others may charge no fees at all. In other words, costs and profits associated with clandestine travels vary considerably depending on locations, clients, and facilitators.

There are, however, a few generalizations that can be made regarding the smuggling economy. Smuggling fees are dependent on multiple variables, with distance to and from a desired destination being just one of them. They are also tied to the means of transportation used, routes, access to state and non-state actors that may expedite transits, and to documents that may facilitate them (Izcara- Palacios 2013). The age, gender, or health condition of the person who seeks to travel is also a matter of consideration for smugglers, who often must deal with the impact of transporting a sick or vulnerable migrant upon the rest of a group (Hagan 2008). Some facilitators provide specialized services for clients like children, pregnant women, and the elderly that reduce travel times and exposure to risks (Sanchez 2016), at a cost several times higher than those pertaining to a “regular” trek. Families and friends in both countries of origin and destination cover these additional fees with the intention of improving the chances of a successful and safe journey.

Given the cost of their services, smugglers often provide guarantees. For example, smuggling fees are deposited with a third party and only when the arrival of the migrant to his or her destination is confirmed are the funds released to the smuggler. Other smugglers offer a certain number of crossing attempts (Guevara-Gonzalez 2015) while others do not charge unless the client reaches his or her destination (Zhang 2008).

While there is an abundance of variables that help determine smuggling costs, a correlation between the cost of a journey and its level of risk does seem to exist. Migrants with access to sources of financial and social capital are more likely to travel through faster and safer mechanisms, exponentially reducing the levels of risk they face. The opposite applies to those unable to secure or access funds or connections, as their options to protection are minimal or not readily accessible (Martinez 2015). Unequal access to protection is also pervasive in smuggling. Low-income migrants with limited knowledge of migration processes (most often women and children traveling alone) are more likely to endure



violence, detention, extreme levels of environmental exposure, and death, compared to those who possess better knowledge (Pickering and Cochrane 2013). The most vulnerable migrants are more frequently the subject of scams, extortion, kidnapping, or forced disappearance (CNDH 2009; CNDH 2011). In brief, higher smuggling fees often imply reduced travel time and environmental exposure, travelling along safer routes, and limited risk of detection. These advantages, however, are not always available to the poorest of migrants and asylum seekers in transit.

Smuggling journeys are financed in a number of ways. The ethnographic record suggests that costs are covered by friends and family members of those who travel. Migrants, asylum seekers, and their families take loans, spend savings, sell personal property, or set up payment plans. A journey takes place only after the terms associated with the transit have been established and agreed upon by all parties. The existence of these agreements, however, is often not enough to guarantee that the terms will be respected, especially when the ultimate destination of the migrant is a distant or non-traditional country.<sup>2</sup> Migrants report smugglers often charge additional fees, fail to deliver contracted services, or even disappear prior to any services being provided or completed, taking any fees that already have been paid with them (O'Leary 2009).

Most smugglers however are open to negotiating their fees, given the socio-economic circumstances faced by their clientele and their market pressures (Casillas 2010; Sanchez 2015; Maher 2016). Many migrants or asylum seekers and their families run out of resources to cover their fees, having then to devise arrangements with facilitators to pay off service by performing smuggling-related tasks themselves (Sanchez 2015) or working out payment plans (Koser 2008). While most smuggling facilitators favor negotiations, many threaten their clients, and many may engage in acts of extreme violence, like physical or sexual abuse, extortion, kidnapping, and torture in order to obtain their fees (CNDH 2011).

Lastly, despite the often exorbitant amounts that are quoted in connection with smuggling costs, research indicates that individual facilitators' earnings vary considerably (Sanchez 2015; Zhang 2008). Once all the costs associated with a journey have been recovered, the remaining amount is split among those who participated in its facilitation. Compensation generally depends on the task performed, the number of clients, and the number of facilitators involved. On the US-Mexico border, compensation also varies greatly across genders. Tasks typically performed by women (cooking, cleaning, and cashing wire transfers) often involve lesser compensation than those executed by men (like driving and guiding groups through the desert) (Sanchez 2016). These limitations also mean that few people consider smuggling a full-time occupation. Most facilitators report holding regular jobs in the mainstream economy or support themselves by performing additional informal forms of labor (Zhang 2007; Sanchez 2015). In other words, smuggling constitutes in the majority of cases only a supplemental income-generating strategy, its structure only allowing for limited, seasonal, and occasional job opportunities. And since most facilitators' earning abilities are already limited, this also translates into their smuggling earnings being almost immediately re-circulated into the local economy to cover basic needs like food, rent, or school supplies (Sanchez 2015).

<sup>2</sup> Majidi (2016) has identified that in long-distance journeys, like those involving transit from Pakistan and Afghanistan into Europe, the initial net of protection provided by local smugglers becomes more tenuous as the distance from the place of origin increases.

## Smuggling, Violence, and Organized Crime

Representations of the migrant smuggling market describe it as plagued by violence and risk. We must keep in mind, however, that violence does not occur in a vacuum. Most references to violence in human smuggling focus on the persona of the smuggler, leading audiences to forget the role of structural violence in dictating the forms of interpersonal violence that take place in the context of clandestine migrations.

Violence in smuggling should be understood in the context of the global migration enforcement system, which has been conducive of heightened states of precarity and risk among those who travel irregularly. However, it has been primarily narrowed to simplistic characterizations where smugglers appear as predators, organized in transnational networks of far reach whose spread is explained as the result of “globalization and population migration” that allow criminal organizations to grow “increasingly unattached to a specific territory” (Varese 2011:3-4).

The reports of physical violence, sexual assault, homicide, labor trafficking, extortion, and kidnapping occurring along the migrant and refugee trail must not be ignored. Yet renouncing them far from provides contextual or theoretical insights into their occurrence. Illegality alone is not sufficient to create high levels of violence in criminal markets (Reuter 2009), particularly in smuggling, where the service being sold is protection — even if limited or scant. Scholars have argued that engaging in violence against migrants and asylum seekers as a smuggling facilitator would be impractical and counterproductive, as the business depends on referrals from satisfied customers (Zhang 2007; Spener 2009). Furthermore, smugglers are not the only characters that engage in activities that negatively impact the safety of those in transit. Abuses by state actors (CNDH 2009), robbers (O’Leary 2009), and even the general public (Lazaridis 2015) have an impact on migrant and refugee well-being and security. Furthermore, physical violence is far from being the only cause behind migrant and refugee death. The work of Rubio Goldsmith et al. (2006), and that of Martinez et al. (2013) have established the correlation between migrant deaths and environmental exposure emerging from migrants opting for more remote and isolated routes in order to avoid detection at the hands of law enforcement.

Claims that smuggling is in the hands of transnational criminal networks must also be treated with caution. Globalization should not be simply translated as a synonym of the ability of an organization or group to become mobile or operate at a different location at will (Varese 2011, 4). Most smuggling operations are set up at the local level (Campana 2016; Zhang 2007; Chu 2010) or within migrant or asylum seeker communities (Majidi 2016; Sanchez 2015). While interactions and encounters with members of other criminal organizations do take place, they suggest, rather than the existence of transnational collaborations or partnerships among criminal groups, the presence of communications and exchanges among them, and the sharing of routes and most likely similar mechanisms for their operations, but not the domination or take-over of a specific group (Wolf 2012). Furthermore, we must also remember that the evidence shows smugglers work independently, connecting with multiple other facilitators and not for a single, specific group.

Lastly, research on criminal activity shows that violence takes specific forms in specific markets, and is not random in nature (Reuter 2009). While clandestine migration is

inherently precarious, the forms of violence that are present in any market are also specific to its context. In fact, not all clandestine journeys will be violent or involve dire encounters with organized crime. Research indicates that the level of vulnerability and exposure that a person in transit will encounter is connected to the amount of social and financial capital that has been deployed in the context of his or her journey (Martinez 2015). Some migrants and asylum seekers in fact never come in contact with anyone other than facilitators along their journeys, while others (most often, the poorest and most vulnerable of migrants) will systematically be the targets of crime and abuse. The latter, in turn, is more the result of their very vulnerability and visibility, than that of the spread of global criminal networks.

There are other manifestations of violence that appear to be more systematically prevalent in the market. The most common kind is the one emerging from interpersonal conflict. Arguments among smuggling facilitators, and smuggling facilitators and their clients are rather common, especially over the payment of smuggling fees (Sanchez 2015). Many facilitators may opt to charge additional fees on top of previously agreed prices, and may even refuse to continue transporting migrants or asylum seekers to their destinations if such charges are not covered. Others may hold their clients until smuggling fees that were promised are covered. Migrants may also fail to abide by the terms of their journeys. While the relationship between the smuggler and the person in transit may seem to uniquely favor the former, migrants often threaten smugglers with providing poor reviews of their experience, which may in fact damage the smuggler's reputation and make the possibility of conducting future business complicated. Most often, parties negotiate (Casillas 2010) to avoid the loss of capital or fees, or being detected by or reported to law enforcement authorities. Facilitators also reconcile their differences among each other in order to ensure continued business opportunities.

One of the activities that has generated considerable concern in clandestine migration is the incidence of kidnapping among migrants and asylum seekers in transit. The practice appears to be most prevalent in the Horn of Africa-North Africa markets and in the US-Mexico and Mexican contexts. On the US-Mexico border, kidnapping acts are most often described as carried out by crews who rob smugglers of the migrants they transport (Martinez 2015; Slack 2015; Sanchez 2015). These actors, known in the region as *bajadores*<sup>3</sup> retain migrants until a ransom fee from their friends or families is secured. Migrants report being subjected to emotional abuse, intimidation, beatings, sexual abuse, and torture (CNDH 2011). An almost identical practice occurs among Eritrean and Sudanese asylum seekers, with families in the diaspora being contacted to cover large sums of money in order to avoid or stop the further victimization of a victim in transit and to secure his or her release (Ayalew 2016). Many times the perpetrators of these forms of violence are migrants themselves, who are unable to cover their ransom fees and, often under pressure from captors, engage in the commission of acts of victimization against other migrants (CNDH 2011; Izcarra Palacios 2015). While reports of sexual violence against migrant women have occupied the attention of most researchers and policy makers, men are consistently the target of sexual intimidation, humiliation, and violence (CNDH 2011; Sanchez 2014). In some contexts, state actors have been identified as working alongside those engaging in the criminal

<sup>3</sup> The term is the Spanish word for "unload." In northern Mexican popular culture the term was typically used in drug trafficking in reference to the amateurish crews that would rob drug traffickers of their drug cargo during transit.

exploitation of migrants and asylum seekers in transit. Mexico's National Commission for Human Rights, for example, has repeatedly denounced the involvement of members of that country's immigration enforcement corps, the National Institute for Migration, in practices that afflict the safety of migrants traveling through that country.

## Discussion and Way Forward

Through the mobilization of graphic images and tragic stories of migrant victimization, migrant smuggling has been established as the main mechanism behind migrant and asylum seeker flows. As part of these narratives, the public is told that clandestine migration is under the control of transnational criminal organizations that exploit migrants and the displaced, prey on their desperation, exploit them financially, and victimize them physically, sexually, and emotionally.

There is no doubt that exploitative and violent practices exist in the migrant smuggling market, and that many smugglers do prey upon migrants and asylum seekers. Yet the conditions of vulnerability faced by those in transit are rooted first and foremost in their inability to fulfill the ever rigorous requirements imposed by the nation state to secure visas and passports. Critical scholarship on smuggling has therefore challenged the oversimplified narratives of irregular migration, especially those that seek to construct the practice in a manner that exempts the state from its role as generating the conditions that ultimately influence the decision of migrants and asylum seekers to travel with smugglers.

This contribution summarized current knowledge on the facilitation of smuggling activities derived from empirical and critical research on the facilitation of clandestine migration. It outlined how work within migrant and refugee communities indicates that smuggling processes are not only criminal in nature, but that they are often community-initiated, rooted in historical traditions of social obligation and reciprocity that ultimately and collectively seek to provide a system of protection for its members. As these mechanisms are not authorized by the state, they are set up to constitute a form of human security from below. The data also indicate that few smuggling facilitators are members of wealthy transnational criminal networks. They are instead community members, often migrant and asylum seekers themselves who employ their knowledge, skills, and social connections in the facilitation of smuggling in order to supplement their income. While the financial motivations behind smugglers' participation in the market must be acknowledged, there is no indication that profits are destined or shipped to any global, centralized, transnational leader or organization. Rather, earnings stay within the working class, often marginalized communities where migrants, asylum seekers, and facilitators come together, and are in fact almost immediately recirculated to cover basic needs like rent or food.

In light of these findings, what are the consequences of ignoring the community dimensions of smuggling at a time of large movements of migrants and asylum seekers? Research points at the following implications connected with border enforcement and migration and smuggling criminalization practices:

- The increased criminalization of smuggling has transformed what historically and culturally has constituted a community-based and -centered activity. The work of

## Critical Perspectives on Clandestine Migration Facilitation

Izcara-Palacios in Mexico, for example, shows that reliable, experienced facilitators have been forced out of the market, concerned over the risk of detection and arrest and the imposition of fees by organized crime that impact their earnings, leading less experienced facilitators to enter the market, which increases migrant and refugee risks.

- Anti-smuggling law enforcement operations hardly ever lead to the capture of smuggling leaders since as evidenced by the ethnographic record, hierarchical leadership is virtually non-existent in the facilitation of smuggling. Missbach and Sinanu (2011) identified that instead, the members of marginalized, working-class communities, as well as asylum seekers, migrants, and people of color are the ones who are more likely to be detained under smuggling charges, and that their detention and prosecution have no impact on deterring smuggling from occurring.
- Anti-smuggling activities also have a serious economic impact upon migrants, asylum seekers, and their families. Enforcement has raised smuggling costs. Most often law enforcement confiscates any fees in possession of a facilitator as evidence of his or her criminal activity. Fees are not returned to migrants or asylum seekers even in the presence of evidence of violence or victimization. This has a grave impact on the finances of families who might have become indebted in the course of financing migrant and asylum seeker journeys, many of whom are forced to attempt their crossings again, or to disappear to avoid the implications of unpayable debts. The state's actions, in turn, heighten the vulnerability of migrants and their families.
- Concerns over detection by law enforcement force migrants and asylum seekers to opt for more hidden, remote, and dangerous routes to reach their destinations. At these locations, the likelihood of receiving help in the event of an emergency is slim, and the probability of becoming prey of other forms of crime increases, as the case of the interactions between drug and human smuggling in Mexico documented by Casillas indicate.<sup>4</sup>
- Migration criminalization efforts have increasingly expanded to include humanitarian attempts on the part of individuals, civil organizations, and NGOs to transport migrants and asylum seekers. Cases of activists being charged for providing humanitarian assistance to migrants and asylum seekers have been reported in Europe and have been at the center of federal litigation in the United States (Coutin 2012; van Liempt 2016).

In summary, smuggling journeys are built upon collective, accumulated, and also improvised forms of knowledge acquired, developed, and shared by those in transit and their communities. Enforcement controls, including anti-smuggling initiatives that rely on the mobilization of notions of organized crime and that focus on rescue efforts alone, will continue to have little to no deterrent impact on migrant and refugee flows.

The very practice of irregular migration — migrant smuggling included — continues to depend on the mobilization of knowledge among migrants and their communities. This

<sup>4</sup> Mass graves and massacres along sections of the migrant trail in Mexico under the territorial influence of Mexican drug trafficking organizations suggest interactions that severely impact the security of migrants, primarily those from Central America, who are more likely to rely on this route (Casillas 2010).

does not suggest that the role of smugglers as agents of mobility is always altruistic or humane. Rather it highlights how mobility efforts have increasingly and often mistakenly become criminalized, in the process leading to the emergence of dynamics and practices that further the vulnerability of those in transit. Anti-smuggling activity punishes not the feared transnational networks or cartels so often claimed to be behind its facilitation, but marginalized people along the migrant trail. By empirically evidencing the socio-cultural dimensions of irregular or clandestine migration facilitation as a form of protection from below, this article seeks to re-energize the academic dialogue on the topic, calling for empirically-informed research that can lead to policy and practices that stop the actions of predatory smugglers and improve the safety of those on the move.

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