



NAVARRA CENTER  
FOR **INTERNATIONAL**  
**DEVELOPMENT**

**MIGRATION  
AND SECURITY:  
A EUROPEAN  
PERSPECTIVE**

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# ABSTRACT

“Irregular migration, that is the one that takes place outside of legal channels, carries a series of risks that justify approaching it as a matter of security. These risks work on a double level: national security and human security.

This essay examines the risks operating on the latter, which is those affecting migrants, specifically to the southern border of the EU. The existing model of irregular migration in this area is based on the extraction of profits by facilitators, most of whom belong to Organized Crime.

## THE ESSAY FOCUSES ON THE RISKS FOR MIGRANTS

Both the EU and its member countries have recognized the nature of the problem and have put in place measures aimed at increasing border control and pushing barriers further south. However, this has not reduced the demand for the services of facilitators or their turnover. That can be partly explained by the flawed approach of some measures, which ignore that migration is a multidimensional phenomenon with a reduced sensibility to the policies of countries of destination.

A better understanding of migration would help to come up with an adequate response, aimed at managing migration rather than trying to stop it. This involves creating legal alternatives to irregular migration, re-driving the focus of deterrence measures and providing real incentives, so the countries of origin and transit become part of the solution, instead of part of the problem. ●

# INDEX

<i>Introduction</i>	1	The migration phenomenon has been approached as a matter of state security whilst there are some much more worrying risks operating at the individual level. This paper focuses on migrant's security.
<i>Channels &amp; methods</i>	2	More than 90% of migrants traveling to the EU irregularly purchase the services of facilitators which belong mostly to Organized Crime, which offer different packages.
<i>Risks</i>	3	Migrants face diverse risks in their journey ranging from fraud, theft, extortion, abuses, sexual violence and the possibility of being intercepted by authorities.
<i>Policies of the EU</i>	4	Public policy in Europe contemplates the risks for the State deriving from irregular migration but ignores or relegates the risks affecting migrants. A better understanding of the migration phenomenon may provide solutions for those migrants who can hardly be deterred like those fleeing conflict zones.
<i>Conclusions</i>	5	A different path based on a better understanding of this phenomenon would result in measures oriented towards managing irregular migration, which can involve creating and expanding legal channels, speeding up asylum processes and creating temporary work visa schemes, replacing the existing state security approach.

# INTRODUCTION

The migration phenomenon, defined as the movement of people between states, has been approached from cultural and socioeconomic perspectives and more recently, as a matter of security.<sup>1</sup> Although the “securitization”<sup>2</sup> of migration has been harshly criticized for stigmatizing migrants, it is self-evident that there are certain risks associated with migration that justify its examination as part of the so-called security studies. Specifically, to irregular migration, the one that takes place outside of the legal channels of the States concerned.<sup>3</sup>

Up until now, this issue has been approached from a State perspective. In this sense, the risks associated with irregular migration have to do with health reasons, public order and the social fabric.<sup>4</sup> However, these risks have a minor impact, and most authors agree that they tend to be overestimated.<sup>5</sup> Following the distinc-



tion between national security and human security,<sup>6</sup> There are some much more worrying risks operating at the individual level. These risks affect mainly migrants, hence the need for a different approach that addresses the risks associated with migration from an individual perspective instead of a State perspective.

This essay aims to identify the risks faced by migrants when trying to reach EU territory irregularly. More specifically concerning the southern border of the EU, which comprises the Mediterranean basin, including the land border with Turkey and Spanish enclaves in Africa. Throughout the essay, the different channels and arrangements for irregular migration will be examined. The goal is to assert the existence of a sector based on the extraction of profits by Organized Crime acting as a facilitator and elaborate on the implication that this has for migrant’s security. Considering these findings, the policies of the EU and its member countries will be analyzed, suggesting a change of approach.

<sup>1</sup> Wohlfeld, “Is Migration A Security Issue.” 62-67.

<sup>2</sup> The process by which perceptions of risk are created around a certain issue. See Farny, “Implications Of The Securitisation Of Migration.”

<sup>3</sup> “Migration Key Terms.” International Migration Organization (IOM).

<sup>4</sup> For instance, the lack of control over the inflow and outflow of individuals from countries with poor vaccination schemes can lead to the re-emergence of illness that were previously eradicated in countries of origin. Also, there is a risk regarding the movement of dangerous individuals like those affiliated with Islamic extremism. Other risks have to do with the nature of the social fabric. In historically homogeneous societies experiencing great influxes of migrants, there are sometimes risk perceptions around their integration, their stances regarding the public agenda, cultural erosion, etcetera. Feist, *The Migration-Security Nexus: International Migration And Security Before And After 9/11*. p.7- 9.

<sup>5</sup> Wohlfeld, “Is Migration A Security Issue.” 69.

<sup>6</sup> Catia Gregoratti, “Human Security | Political Science,” *Encyclopaedia Britannica*, 2016, <https://www.britannica.com/topic/human-security>.

# CHANNELS & METHODS

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There are three main ways of entering the EU and the Schengen zone irregularly: The first is clandestine access, which requires crossing the borders of the countries of destination without being detected. This is usually done via routes that are difficult to police either by sea (in small boats sailing across the Mediterranean or the Atlantic) or by land (through Turkey or through the enclaves of Ceuta and Melilla). Although there are alternative routes through the eastern frontier of the EU the number of migrants using them is much lower.<sup>7</sup> Another method of entry takes place through official entry points such as airports or border checkpoints, by using fake documents or some other type of fraud.<sup>8</sup> A third way consists of procuring oneself a tourist visa for a country in the EU or the Schengen space to stay there permanently. In this case, the entry takes place within legal channels, and the migrant's situation does not become irregular until they overstay their visas or violate its terms; for instance by joining the workforce.

Each option has a higher cost depending on the complexity and the likelihood of success. There are therefore limited options depending on the purchasing power of migrants and their place of origin. For instance, the ways of entry that require a temporary visa are out of reach for most migrants from sub-Saharan Africa for whom it is almost impossible to get such a document<sup>9</sup>. A common trait of all ways of entry is that they require the cooperation of third parties with the means and the

knowledge to overcome the barriers met by migrants. Amongst these barriers are the control measures of states of origin, linguistic barriers, geographical features like the Mediterranean Sea and the Sahara Desert, conflict zones, etcetera. These obstacles make it nearly impossible to get through autonomously. According to Europol, more than 90% of migrants traveling to the EU irregularly purchase the services of facilitators.<sup>10</sup>

These facilitators belong mostly to Organized Crime. This term comprises everything from criminal networks operating internationally to "locally-based opportunists" who offer their services independently and with a profit motive.<sup>11</sup> This last characteristic is essential when talking about the participation of Organized Crime in irregular migration for it distinguishes facilitators acting with humanitarian motives offering eventual help to migrants. That includes private citizens, NGO's and else. However, facilitators with humanitarian motives have a minor presence in an area between illegality and legal vacuum so they can hardly offer alternative services to those of the Organized Crime.

For most irregular migrants the travel takes place along a series of routes that take them from their countries of origin, through countries of transit to the border with the countries of destination where the crossings are attempted.

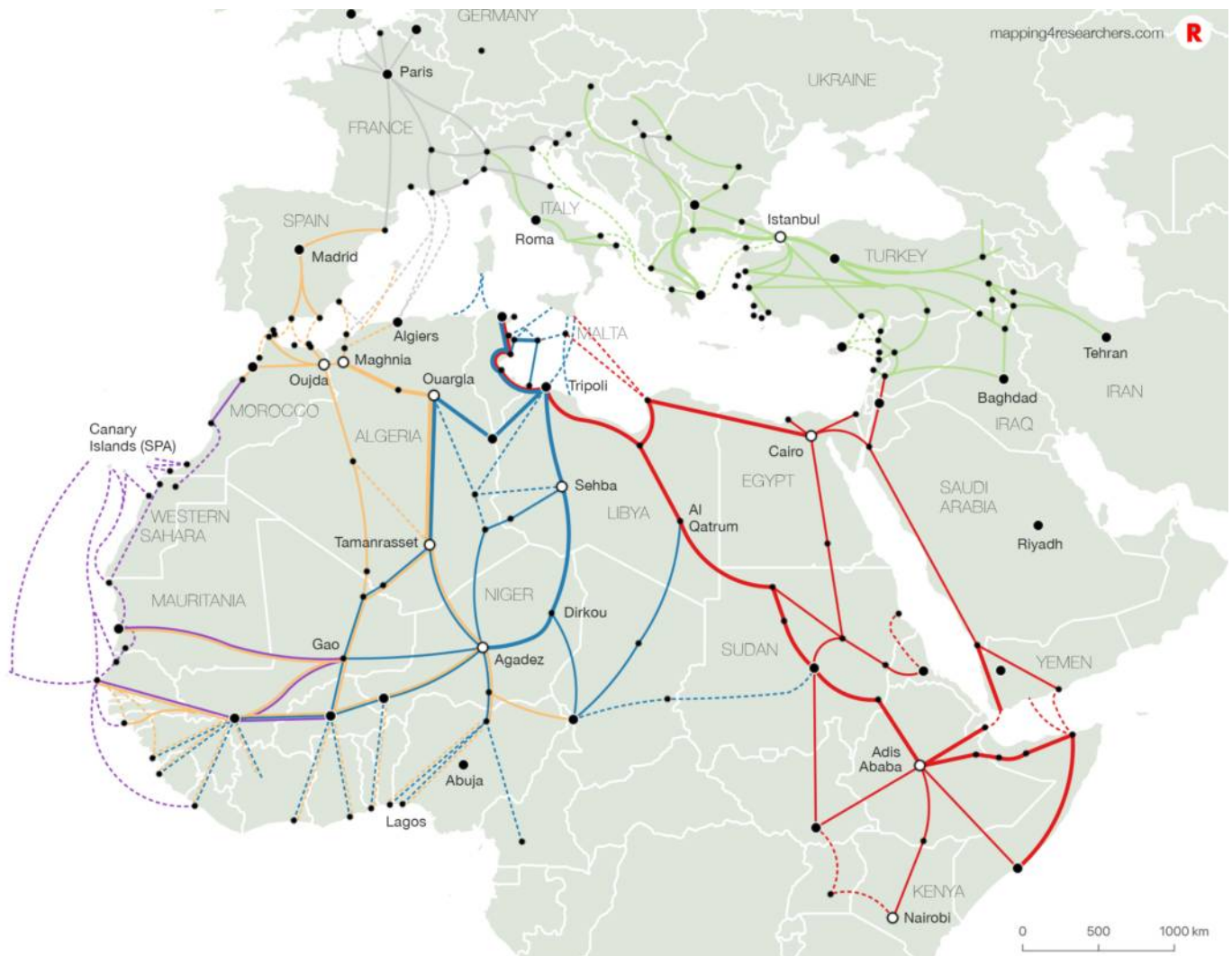
<sup>7</sup> According to Frontex data, around 93% of irregular entrances between January and September 2018 took place in the eastern, central and western Mediterranean routes, including land borders. "Migratory Map." Frontex. Europa. Eu, 2018. <https://frontex.europa.eu/along-eu-borders/migratory-map/>.

<sup>8</sup> United Nations Office on Drugs and Crime., Organized Crime And Irregular Migration From Africa To Europe.

<sup>9</sup> Ibid.

<sup>10</sup> Joint Europol-Interpol Report, Migrant Smuggling Networks, Executive Summary. P. 6.

<sup>11</sup> Ibid.



**IN GREEN:** Eastern Mediterranean route.  
**IN BLUE:** Central Mediterranean route.  
**IN ORANGE:** Western Mediterranean route.  
**IN RED:** Eastern Africa-Middle East Route.  
**IN PURPLE:** Western African Route.<sup>12</sup>

As shown in the map, these established routes cover long distances connecting countries of origin in Sub-Saharan Africa and the Middle East with the crossing points in Turkey and the North of Africa. Albeit some migrants join at the final stages of the routes, for most of them, the travel begins thousands of miles away from crossing points. There are cases of migrants from South Asia, with countries of origin like India, Bangladesh or Pakistan, who fly to transit countries to join the African routes.<sup>13</sup> As the map shows, the routes cross sparsely populated areas, like the Sahel or the Syrian-Arab desert, but converge on urban nexuses. This is due to logistical issues that discourage the exploration of alternative routes given the steep terrain and the absence of infrastructure.

<sup>12</sup> Thomsom Reuters, Europe's Migration Crisis. (Edited by the author).

<sup>13</sup> Frontex, Profiting From Misery – How Smugglers Bring People To Europe.

The services offered by organized crime include clandestine transport between the different points of the route, along with protection and support during the journey, the forging of documents, border crossings and even facilitation services once in the country of destination (accommodation, employment, etcetera).<sup>14</sup>

These services can be purchased in different ways. For migrants in the higher end of the market, some groups offer the so-called “Full Packet Solutions,” which include all the services required to reach the country of destination. For example, 12.000 dollars cover a full packet that includes flights and visas from Pakistan to North Africa, land transport to a crossing point and up to three attempts to enter Europe in different ways.<sup>15</sup> Some of these packs include documents, either fake or obtained via fraud, to settle in Europe. These solutions represent the highest degree of sophistication from Organized Crime and are offered by international networks, capable of producing documentation, with access to public servants and to international payment methods.<sup>16</sup>

Another, more common, way of purchasing services requires joining one of the routes contracting with locally based facilitators along the way. This method is even more complicated for it requires contacting different facilitators along the route as obstacles present themselves. These journeys tend to be much longer, and many migrants spend long times in transit countries until they meet a facilitator and gather enough money to purchase his services.<sup>17</sup> Sometimes migrants attempt to get past one stage on their own, like when they try to jump over the fence in Ceuta and Melilla. This lowers the overall price of the trip as they do without some of the services offered by facilitators; however, there are lower chances of success.

## **RISKS**

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All options entail a variety of risks particularly serious for migrants. The first is the risk of fraud. As the services of facilitators are only available in the black market, there are little guarantees. Migrants take out these services from a position of helplessness given the scarcity of options and the absolute lack of legal certainty. It is quite common for facilitators to disappear after receiving the first payment or to deliver incomplete services. Some migrants must pay several times before actually seeing the services materialize and when they do, they often do not meet the conditions agreed.<sup>18</sup>

## **MIGRANTS FACE WIDESPREAD RISKS SUCH AS FRAUD, THEFT AND EXTORSION**

For facilitators, there are no incentives to deliver other than the risk of dissuading future clients, so it is common practice to abandon migrants halfway or at the first contingency.<sup>19</sup> This risk is particularly severe considering that some services often cost more than the annual average income of the countries of origin.

To pay for a single trip, migrants turn to their families, who take on debt and even sell their assets so that a single fraud can jeopardize their subsistence.<sup>20</sup>

Similarly, risks as theft and extortion are also widespread. Since migrants usually carry cash with them to purchase the services of facilitators, they are also the victims of theft perpetrated by facilitators and third parties including the security forces of countries of transit.<sup>21</sup> It is common for prices to be renegotiated throughout the journey, for example, in the middle of the desert, where migrants are not in

<sup>14</sup> Organization for Economic Cooperation and Development (OECD), Can We Put An End To Human Smuggling? p.8

<sup>15</sup> United Nations Office on Drugs and Crime., Organized Crime And Irregular Migration From Africa To Europe. p. 12

<sup>16</sup> European Migrant Smuggling Centre, Two Years Of EMSC: Activity Report. 7-15.

<sup>17</sup> UNODC, Organized Crime And Irregular Migration From Africa To Europe. 15-16.

<sup>18</sup> Eric Reidy, “Special Report Destination Europe: Desperation,” IRIN News, 2018, <https://www.irinnews.org/special-report/2018/07/03/destination-europe-desperation>.

<sup>19</sup> Salt, “Trafficking And Human Smuggling: A European Perspective.” 32-33.

<sup>20</sup> “Prices Charged By Human Smugglers,” <https://www.havocscope.com/black-market-prices/human-smuggling-fees/>. Véase también Polis y Kovidjaca, “The Crossing Point.”

a condition to say no. Sometimes they are kidnapped and held captive until they manage to put together a rescue.

These are not the only abuses faced by migrants who are also vulnerable to exploitation during the journey or once they reach their destination. Besides forced labor, there are numerous cases of sexual violence, especially against women and children.<sup>22</sup> Many of the groups of Organized Crime who offer facilitating services are also involved in human trafficking. These groups facilitate the trip for migrants with the intention of exploiting them in conditions that are close to slavery, in prostitution networks, begging and unpaid labor.<sup>23</sup>

Another type of risks, linked to legal barriers, arises with the possibility to be intercepted by the authorities. According to Frontex estimates, only in 2017, there were 183.548 denials of entry (crossing attempts that were detected and stopped by the authorities before consummation) 204.719 illegal crossings (consummated but detected by the authorities) plus 435.786 people detected when living in Europe illegally.<sup>24</sup> Considering that yearly arrival estimations fluctuate between 500.000 people and slightly more than 1.000.000 since 2015, it seems the chances to se-

tle in Europe irregularly and remain undetected are very low. For migrants who do not qualify for asylum, this implies being held, often in countries other than their country of destination, and sometimes facing deportation.<sup>25</sup>

Nonetheless, it is much more dangerous to be captured in transit countries outside of the EU, particularly in the North of Africa where human rights violations happen daily.<sup>26</sup>

An additional risk affects those migrants who attempt border crossings at sea, that is most of them (in 2017 less than 10% of irregular entries to the EU happened by land).<sup>27</sup> Both in the Atlantic and the Mediterranean it is widespread for boats to be overcrowded and incapable of making the trip; without enough fuel, or water and sometimes without even being able to sail in open waters. In the Mediterranean, there is a certified 2-4% death rate in crossings between 2016 and 2018<sup>28</sup>, however, the real numbers must be much higher given the difficulties to register the wreck of small boats and to retrieve and count bodies. Also, this does not include boats that are forced to turn around and return or those who land in different destinations after being stranded at sea. In the Atlantic only in the Mauritania-Canary Islands route, an estimated 40% of vessels do not reach their destination.<sup>29</sup>

21 For instance, In Niger, the bribery system is institutionalized to a degree where receipts are sometimes handed to migrants, and there are formal agreements between the different bodies of security forces for the distribution of profits. RU Report, "Irregular Migration And Human Smuggling Networks In Niger" (repr., Netherlands Institute of International Relations, 2017), 28-29. [http://file:///C:/Users/falva/Desktop/irregular\\_migration\\_and\\_human\\_smuggling\\_networks\\_in\\_niger\\_0.pdf](http://file:///C:/Users/falva/Desktop/irregular_migration_and_human_smuggling_networks_in_niger_0.pdf).

22 Lizzie Dearden, "Migrants Being Raped, Shot And Tortured On Desperate Journeys To Europe," The Independent, 2015, <https://www.independent.co.uk/news/world/europe/migrants-being-raped-shot-and-tortured-on-desperate-journeys-to-europe-doctor-reveals-10457130.html>.

23 See EU strategy for the eradication of human trafficking (2012-2016), COM(2012) 286 final.

24 Frontex. "Risk Analysis For 2018", p. 16

25 Ibid.

26 For instance, in Libya migrants are held captive in inhuman conditions, mistreated, exploited... Global Detention Project, "Country Report - Immigration Detention In Libya: "A Human Rights Crisis" (repr., relief web, 2018), <https://reliefweb.int/report/libya/country-report-immigration-detention-libya-human-rights-crisis-august-2018>.

27 UNHCR. "Refugees & Migrants Arrivals to Europe in 2017", 2018.

28 UNHCR. "Refugees & Migrants Arrivals to Europe," 2016-2017-2018 reports.



The risks faced by migrants result mainly from the modus operandi of Organized Crime as a facilitator of irregular migration. The current model of irregular migration is based exclusively on the extraction of profit by facilitators. They act without any humanitarian consideration exploiting the helpless situation of migrants. Their role is not to “channel” migration delivering a service on demand but making the highest profit possible from a tragedy that they actively contribute to, by advertising their services in the countries of origin.<sup>30</sup> Their practices take place in a systematic and organized manner that generates more than 5.000 million dollars annually.<sup>31</sup> In this business model migrants are victims, rather than clients, whose life is put in danger both deliberately and because of idleness.

## THE POLICIES OF THE EU

The EU, its member countries and their partners have taken measures to address irregular migration and interrupt the business model of Organized Crime. At the legislative level, all member countries punish the facilitation of irregular migration, as defined in the 2002/90/EC directive. Besides, the

different judicial process involved has been harmonized and streamlined after the Decision 2002/946/JHA, which has led to a relatively homogenous regime regarding the activities of Organized Crime as a facilitator.<sup>32</sup>

At the strategic level both the European Security agenda adopted in April 2015 and the EU Action Plan against migrant smuggling (2015-2020)<sup>33</sup> Pinpoint a series of practices that are now being implemented by member states in cooperation with EU agencies and third countries. Namely, improving police response in border areas to identify and arrest smugglers by increasing the number of border police, providing training and financial support.<sup>34</sup>

At the operational level, the cooperation between member countries and EU agencies like Frontex has resulted in joint actions (Operations Triton, Poseidon and EUNAVFOR/Sophia) that have led to the fall of criminal networks either directly, with the arrest of 87 smugglers during EUNAVFOR or indirectly thanks to the information obtained from rescued migrants.<sup>35</sup> Another measure that has been put in place is the requisition and disposal of vessels used to facilitate irregular migration throu-

<sup>29</sup> Red Crescent representative in Mauritania UNODC., *Organized Crime And Irregular Migration From Africa To Europe*, p. 10.

<sup>30</sup> There is evidence of the promotional work of facilitators who advertise their services in countries of origin, actively enhancing irregular migration. *Ibid* p. 14.

<sup>31</sup> Joint Europol-Interpol Report, *Migrant Smuggling Networks*, Executive Summary, p. 8.

<sup>32</sup> However, there is still a significant difference regarding the treatment of migrants and humanitarian facilitators. In many cases, those who facilitate migration for humanitarian reasons work under great uncertainty arising from the discrepancy of state laws. European Parliament. “*Combating Migrant Smuggling Into The EU*,” 2016. [http://www.europarl.europa.eu/RegData/etudes/BRIE/2016/581391/EPRS\\_BRI%282016%29581391\\_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/BRIE/2016/581391/EPRS_BRI%282016%29581391_EN.pdf).

<sup>33</sup> “EU Action Plan against migrant smuggling (2015-2020).”

<sup>34</sup> For instance, operation Mare Nostrum undertaken by the Italian navy received a total of 1,8 million euros from the EU Commission. Elisabeth Collet and Camille Le Coz, “*After The Storm: Learning From The EU Response To The Migration Crisis*” (repr., Migration Policy Institute Europe, 2018), p.9.

<sup>35</sup> European External Action Service. “*Eu Operations In The Mediterranean Sea*,” 2016.

<sup>36</sup> European Commission, “*EU Action Plan Against Migrant Smuggling (2015 - 2020)*”, COM(2015) 285 final, p. 3.

gh the Mediterranean and the identification and surveillance of vessels that might be used for such ends.<sup>36</sup>

At the national level, most European States have answered the growing influx of migrants by narrowing legal channels. For instance, Germany, Belgium, and the Netherlands have expanded the list of safe countries, which increases the difficulty of obtaining asylum for the citizens of those countries. Other European nations, like Norway, Finland, Sweden, and Denmark, have raised the requirements to obtain residence permits and allow for the family reunion.<sup>37</sup> Germany, Denmark, and Sweden have reduced economic aid to Migrants or even allowed seizures of valuable objects possessed by Migrants to cover their stay.<sup>38</sup> This sort of measures has been complemented with others aimed at accelerating the integration of migrants such as mandatory courses in language and culture or the requirement of evidence of integration to obtain residence permits.<sup>39</sup>

There is also a growing tendency to criminalize irregular migration. All EU member countries, except Malta and Portugal, have sanctions such as fines, or internment for people entering or residing irregularly. Plus, deportations. One of the points emphasized by the EU Action Plan against migrant smuggling is the need to expel those who have no legal right

to stay in the EU and prevent them from coming back. The 2008/115/EC directive establishes action guidelines to speed up expulsions. Additionally, the 2009/52/EC directive forces sanctions upon people who employ irregular migrants, reducing their chances of livelihood.

In the southern countries, most of the measures have been aimed at restricting irregular migration and increasing border control, particularly in Italy and Greece. These countries have faced a massive influx of migrants without a policy to manage migration in the long term.<sup>40</sup> Also, they have been forced to process a large number of asylum claims due to the introduction of border controls in the Schengen space. In sum, the reaction of these countries has been to increase border control instead of their intake capacity.<sup>41</sup>

Added to the police measures of member countries and EU agencies there are also measures targeting transit countries. Turkey, Libya, Morocco, and Tunisia have received funding and resources for border policing. Besides reinforcing their capacities, the EU has also announced the creation of processing centers in Morocco, Algeria, Tunisia, Libya, Egypt and Niger to deal with irregular migrants there, instead of Europe.<sup>42</sup> Ultimately these are measures that push border control further south, outside of the EU.

37 Dominik Hangartner, and Matti Sarvimäki. 2017. "Dealing With The Refugee Crisis: Policy Lessons From Economics And Political Science." University Of Zurich, 8-13.

38 Dan Peleschuk, 2016. "These European Countries Are Seizing Cash And Valuables From Refugees." Public Radio International. <https://www.pri.org/stories/2016-01-24/these-european-countries-are-seizing-cash-and-valuables-refugees>.

39 Dominik Hangartner, and Matti Sarvimäki. 2017. "Dealing With The Refugee Crisis: Policy Lessons From Economics And Political Science." University Of Zurich, 8-13.

40 Anna Triandafyllidou, 2009. "Políticas De Control En Europa Del Sur. ¿Una Tarea De Sísifo?". Espacio De Estudios Migratorios. "Miradas En Movimiento" II.

41 Carlota Solé (2004) Immigration policies in Southern Europe, *Journal of Ethnic and Migration Studies*, 30:6, 1209-1221, DOI: 10.1080/1369183042000286313.

42 Organization for Economic Cooperation and Development (OECD), *Can We Put An End To Human Smuggling?* p. 10-11.

What these measures revealed is that, generally, public policy in Europe contemplates the risks for the State deriving from irregular migration but ignores or relegates the risks affecting migrants. Although such policies have damaged the business model of facilitators, these have adapted to maintain similar levels of activity. The disposal and surveillance of vessels have led to the proliferation of more precarious, non-registered, single-use rafts. Also, it has become common practice to let migrants commandeer the boat themselves reducing the exposure of facilitators. This has increased the level of risks faced by migrants.<sup>43</sup> The outsourcing of border control to transit countries, most of which offer little guarantees when it comes to human rights, has also harmed migrant's security, lowering their protections.

The justification of these measures is based on their deterring character.<sup>44</sup> It is believed that the best way to diminish the risks associated with irregular migration is preventing others from making the journey. However, this is a flawed approach for it is built on the assumption that the decision to emigrate is taken as a result of a cost-benefit analysis and therefore can be altered by a policy that changes the prospects of irregular migration. Irregular migration is a multidimensional phenome-

## **IRREGULAR MIGRATION RESPONDS TO PUSH FACTORS FROM THEIR COUNTRY**

non that responds to different factors at the macro and micro level, beyond the policies of the countries of destination.

Many question the impact of these sort of deterrence measures.<sup>45</sup> For instance, in the case of Spain, the implantation of the Integrated Surveillance System (SIVE) between 2002 and 2008 significantly increased control over maritime borders. Simultaneously there was a decrease in the percentage of Moroccan migrants vis a vis their sub-Saharan counterparts.<sup>46</sup> Certain authors saw a link between this decrease and the deterrence that came with the increased chance of being detected and deported.<sup>47</sup> However nowadays the proportion of Moroccan migrants, most originating from the Rif region, is rising again despite the similar levels of policing.<sup>48</sup> This can be interpreted as a sign that irregular migration responds especially to the so-called "push factors" which motivate someone to leave their country of origin (insecurity, lack of opportunities...) and are in some cases insensible to the policies of countries of origin.<sup>49</sup> This is the case of migrants leaving conflict zones but could also apply to many of the so-called "economic migrants" who have multiple and complex motivations.

<sup>43</sup> Thoma Spijkerboer, s. "High Risk, High Return: How Europe's Policies Play Into The Hands Of People-Smugglers. The Guardian, 2018. <https://www.theguardian.com/world/commentisfree/2018/jun/20/how-europe-policies-accelerate-people-smuggling>.

<sup>44</sup> European Commission, "EU Action Plan Against Migrant Smuggling (2015 - 2020)", COM(2015) 285 final.

<sup>45</sup> Effene, Libby, and Fethi Mansouri. "Deterrence Policies And Asylum Seekers: The Case Of Australia." *International Journal Of Migration And Border Studies* 1, no. 2 (2014): 217. doi:10.1504/ijmbs.2014.066309. 217-219.

<sup>46</sup> Jorgen Carlin, "The Merits And Limitations Of Spain's High Tech Border Control," *Migrationpolicy.Org*, 2007, p.5 <https://www.migrationpolicy.org/article/merits-and-limitations-spains-high-tech-border-control>.

<sup>47</sup> Ibid.

<sup>48</sup> Ministerio Del Interior, 2018. <http://www.interior.gob.es/prensa/balances-e-informes/2018>. María Martín, "La Llegada De Inmigrantes Bate Su Récord En España," *El País*, 2018, [https://elpais.com/politica/2018/10/03/actualidad/1538568850\\_790110.html](https://elpais.com/politica/2018/10/03/actualidad/1538568850_790110.html).

<sup>49</sup> Effene, Libby, and Fethi Mansouri. "Deterrence Policies And Asylum Seekers: The Case Of Australia." *International Journal Of Migration And Border Studies* 1, no. 2 (2014) 217-219.

Up until now, the efforts to alleviate migratory pressure have managed to divert it rather than reduce it, particularly towards developing countries who now endure the higher migration flows.<sup>50</sup> This suggests the need for a change of approach. In this respect, certain authors advocate for managing irregular migration rather than trying to stop it. To do that they propose establishing legal channels with enough capacity to offer an alternative to irregular gateways.<sup>51</sup> These channels already exist but are inaccessible for most migrants, and the attempts of the EU to widen them has met with reluctance from many member states. A better understanding of the migration phenomenon may help to overcome such reluctance and provide solutions for those migrants who can hardly be deterred like those fleeing conflict zones.

This does not imply preceding the legitimate concerns of the EU and its partners. That is, measures of border control and deterrence measures must not disappear but adapt to the reality of irregular migration to become more effective. The existence of legal channels would not only allow for a screening of profiles, diluting some of the risks for destination countries, but it would also legitimize coercive measures for those who turn to irregular migration despite there being alternative channels. In turn, this would also speed up coercive measures like the expulsion of those who arrived irregularly, decreasing their cost and increase their deterring impact, focusing only on those migrants who are sensitive to the policies of destination countries.

A better understanding of irregular migration should also change the relationship with origin and transit countries, who lack incentives to make genuine efforts in this domain, which has become a source of income both from financial help from the EU and profits extracted from migrants.<sup>52</sup> The efforts should be directed to the fight against corruption and against Organized Crime not so much through financial support but through training information sharing, and development of local capabilities. The existence of processing bodies in countries of origin and a coordinated, expedite policy of returns would alleviate the pressure in borders like the Mediterranean, which are very difficult to police.<sup>53</sup> The ultimate goal is to reduce the risks faced by migrants, whose protection has traditionally been considered a secondary issue.

In this respect, a positive development is the recent signature of the Marrakesh agreement on Migration, promoted by the UN and subscribed by most European countries. Although it is a mere declaration of intent without binding power, it constitutes the first attempt to manage global migration comprehensively at an international level. The agreement emphasizes the need to adopt a “people-centered approach” and enacting policies with an empirical base, including “increasing the flexibility and availability of regular migration channels” and “strengthening the transnational response to migrant smuggling.” All this without the detriment of the sovereign right of States to decide and legislate on migration matters.<sup>54</sup>

<sup>50</sup> Caroline de Gruyter, “Stopping Migration Is Impossible; Managing It Is Smarter,” European Council On Foreign Relations, 2016.

<sup>51</sup> Organization for Economic Cooperation and Development (OECD), *Can We Put An End To Human Smuggling?* p.11.

<sup>52</sup> Raphael Minder, “Spain’S Migrant Wave Grows, Even As Europe’S Subsidies,” *The New York Times*, 2018, <https://www.nytimes.com/2018/06/30/world/europe/spain-migrants-morocco.html>.

<sup>53</sup> Mattia Toaldo, “Do not Close Borders, Manage Them: How To Improve EU Policy On Migration Through Libya,” European Council On Foreign Relations, 2017. 7-9.

<sup>54</sup> “Conferencia Intergubernamental Encargada De Aprobar El Pacto Mundial Para La Migración Segura, Ordenada Y Regular. Final Document”. 2019. Undocs.Org. <https://undocs.org/es/A/CONF.231/3>.

# CONCLUSIONS

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Migratory pressure, exceeding legal channels has created a nonregulated sector in which migrants travel clandestinely with the help of facilitators, most of whom are exclusively motivated by profit and have no consideration for migrant's security. The result is an extractive model, dominated by Organized Crime and tolerated by the authorities of transit countries, under which migrants are exploited and exposed to a high level of risks. The European Union, one of the main destinations of irregular migration has recognized this problem and taken action to address it. Albeit the EU has succeeded in increasing its control over the southern border through policing and cooperation with transit countries, the underlying problem is still unresolved. Despite deterrence efforts, the demand for irregular channels remains high and with it the business model of facilitators, who have adapted to the measures taken against them, diverting their impact towards migrants.

The policy deficits of the EU and its member states derive from its approach which is based on a series of assumptions regarding irregular migration that are not always right, for instance regarding the impact of deterrence policies. The evidence available on irregular migration suggests it is a complex phenomenon, determined by multiple factors, and which can hardly be stopped through coercive measures.



A different approach, based on a better understanding of this phenomenon would result in measures oriented towards managing irregular migration, replacing the existing model. It involves creating and expanding legal channels, as an alternative to the irregular ones. For example, by speeding up asylum procedures and creating temporary work visa schemes based on the needs of the countries of destination. The reduction in the demand for facilitating services that would result from these measures would be complemented with active persecution of the criminal groups involved through the cooperation with the countries of origin and transit. Moreover, that would require changes in the relationships with these countries, which should receive incentives to make real progress on migration issues rather than use them as an income source and an instrument for political pressure.

It is not, therefore, about bypassing national sovereignty by giving up border control, which is a legitimate interest of States, but about better understanding the realities of irregular migration to come up with an adequate response. The implementation of policies with a sounder approach would allow for the optimization of the resources allocated to this domain and the reduction of the risks for countries of origin, transit, and destination as well as migrants.

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