



Irregular migration in the time of counter-smuggling

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Accepted: 8 February 2023 / Published online: 17 February 2023

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Abstract

This special issue of *Trends in Organized Crime* brings together recent empirical research on migrant smuggling. Challenging the overemphasis on ‘organized crime’ and criminal networks that has long characterized mainstream discussions on smuggling, the contributions refocus our attention towards critical but underexamined dynamics present in the facilitation of irregular migration in a variety of geographic contexts, and shed light on the roles lesser examined elements in smuggling like race, ethnicity, gender, sex and intimacy play in irregular migration.

Keywords Irregular migration, migrant smuggling · Counter-smuggling · Pandemic · Intersectionality

This special issue of *Trends in Organized Crime* brings together recent empirical research on migrant smuggling –the facilitation of the entry of a person into a country different from their own in exchange of material benefit. Challenging the overemphasis on criminal networks that has long characterized mainstream discussions on smuggling, and which gained renewed traction during the pandemic, the contributions refocus our attention towards critical but underexamined dynamics present in the facilitation of irregular migration in corridors around the world.

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strate how the excessive attention to the persona of the smuggler present in smuggling research and migration policy has led to the invisibility of the mobility efforts facilitated by other critical actors –most notably, migrants themselves. Furthermore, using intersectionality-informed approaches, the authors shed light on the roles lesser examined elements in smuggling like race, ethnicity, class, gender, sex and intimacy play in irregular migration, often becoming key determinants in the ability of a person to move.

In this introductory piece, we summarize some of smuggling's current dynamics. We recognize that pandemic-related restrictions did impact smuggling and related crimes. However, we challenge the claims which consistently described smuggling as becoming increasingly sophisticated and complex as a result of the pandemic. Many of the shifts present in smuggling were already in progress and had more to do with the strengthening of drastic deportation and removal mechanisms that in the name of countering smuggling and protecting migrants were being adopted by governments worldwide *prior* to the pandemic, than with the pandemic itself. If at all, pandemic-related restrictions were used to further justify migration enforcement and control measures under the label of protection and rescue, and in the process to criminalize wider groups of migrants and communities on the migration pathway.

We echo the work of several other researchers, who have shown that counter-smuggling measures have had scant impact on the reduction of the need for smuggling services or the feared facilitators that are allegedly behind their provision. If at all, such measures have made smuggling services increasingly unaffordable and inaccessible (particularly for women, young people and children), making irregular journeys even more precarious. In short, the global counter-smuggling project has led to the further fragmentation of an already disjointed smuggling market (Campana 2020; Brachet 2018), while justifying criminalization and enforcement in the name of public health. These contributions help us examine the process.

The pandemic and smuggling's alleged transformation – again

At the onset of the pandemic, and as people around the world – and especially those on the move – tried to find shelter, cross borders or return home, academics, policy makers and migration and border control agencies almost immediately began to make claims concerning a series of troubling transformations in organized crime, including migrant smuggling. During interviews, meetings and even congressional hearings, participants often expressed their fear over the opportunity that the pandemic afforded smuggling networks in the global south to devise improved ways to prey on the vulnerable (US DHS 2021; Europol 2021). Over webinars and other virtual gatherings bringing together organized crime experts from different parts of the world, claims of smuggling groups becoming more complex, developing stronger ties with other criminal groups, and of engaging in new and more heinous forms of exploitation and abuse *due* to the pandemic were also common (IOM 2021; IACP 2020; European Commission 2021). Reports published during the pandemic also documented specialists' concerns over the underground activities of smugglers, including the ways they were allegedly taking over cyberspace –not only social media but the

feared dark web (Interpol 2020). Smuggling facilitators were described as pursuing travel, business or networking opportunities, colluding and profiting with other criminal groups like sex traffickers and terrorists in an unprecedented scale (Hashemi et al. 2022; Crisis Group 2020).

The claims concerning the transformation of migrant smuggling were indeed concerning. They portrayed those behind the facilitation of clandestine journeys as if completely unaffected by the pandemic, able to move at will, identifying victims and devising new ways to carry out even more heinous crimes. They were conniving, astute, hyper-sexual and inherently violent *men* from the global south, which organized into complex networks, did not hesitate to transplant their activities to new regions, profiting from other brown and black men, their women and children, for no other apparent reason than obtaining sexual gratification and financial satisfaction.

If any of the claims above sound familiar it is because statements concerning smuggling's increasing complexity and sophistication have been part of the discourse surrounding the crime even before the signature of the United Nations Protocol against the Smuggling of Migrants in the year 2000. By the late 1990s, Skerry and Rockwell (1998) had already penned an essay on the “sophisticated immigrant smuggling rings with ties to organized crime and drug traffickers.” Peter Andreas (2000), in the first edition of his influential *Border Games*, was also making references to the increasing sophistication of migrant smuggling groups on the US Mexico border. Since then, almost every report from international organizations and think tanks has made reference to smuggling relying on the very same terms and focusing on the same actors.¹

Weaponizing the pandemic

We do not underestimate the suffering that the spread of COVID-19 inflicted on humanity. Neither do we deny the abuse and victimization migrants endured –and continue to endure –as a result of the pandemic (as this special issue goes into print, the US Southern border remains closed to asylum seekers with devastating consequences).² Data does indicate that while at the onset of the pandemic, migration inflows reached record lows (IOM 2022b), worsening financial precarity, environmental disasters, political strife and organized violence eventually led thousands to leave their homes despite restrictions, and to embark on irregular migration (IOM

¹ See, for example: “High Seas Crime becoming more sophisticated endangering lives, international security” in reference to migrant smuggling (UNODC 2019); “Migrant Smuggling in the EU” by Europol, published in 2016, or “Smuggling refugees into Europe is a new growth interest” (Birbaum 2015), or “All you need to know about migrant smuggling” (Europol 2018).

² By December 2022, Human Rights First had documented over 13,000 incidents of violence against migrants removed to Mexico in the context of Title 42, the public health statute the US government has enforced during the pandemic to prevent the admission of asylum seekers (Human Rights First 2022). Thousands of Haitian, Cuban and Dominican migrants seeking to reach US territory via the Caribbean have been returned by US CBP and Coast Guard. According to Edwin Viales from IOM's Missing Migrants' Project, 269 deaths and disappearances involving people trying to reach US territory in the Caribbean were recorded during 2022 (IOM 2023), while 1,472 were reported on the US-Mexico border in the 2020–2022 time frame (IOM 2022c). IOM's MMP admits both numbers are an undercount of the total migrants who have perished along these corridors.

2022a), some countries reporting record numbers of apprehensions.³ Many migrants saw at best a reduction of their employment opportunities, if not the complete loss of their sources of income. A deteriorating job market as well as the inability to relocate, meant that many migrants had few options other than accepting poor working conditions, and that many more became the target of scams, wage theft, and labor trafficking (UNODC 2023). There is also strong evidence that the closure of official borders led to the proliferation of clandestine paths used not only to migrate (Collins 2021), but also to return home following the disappearance of jobs, mass deportations and widespread anti-immigrant sentiment (Gomez-Castillo & Molina Castro 2021; Saunders 2020). IOM's Missing Migrants Project also reported an increase in the number of missing and disappeared migrants around the world during the pandemic (IOM 2022c). While many deaths were derived from exposure to the elements, many other were the result of efforts on the part of migrants to avoid migration enforcement and controls.⁴ And while empirical research on the role online platforms and social media play in irregular migration is scant, it was evident that migrants relied on pages like Facebook and Instagram to identify smuggling facilitators or other mechanisms that could allow them to travel irregularly, but also to report scams and fraud involving people who under the premise of facilitating clandestine journeys had disappeared with their money and without delivering on their services (Transparency Project 2022).

In sum, the impact of the restrictions related to COVID-19 on migration are many and undeniable. On the other hand, attributing smuggling transformations to the pandemic alone is vastly overblown, but unfortunately not surprising. Over the years, many of the allegations concerning smuggling's alleged complexity and sophistication have been accepted at full value, despite not being derived from empirical or field-based research (Zhang et al. 2018). It is impossible to forget that strict mobility restrictions imposed during the pandemic prevented most researchers and analysts from conducting research in-situ –not to mention the fact that ethical and health concerns led institutions to cancel most, if not all, plans for field research. And yet, despite the lack of evidence-based research, many of the claims surrounding migrant smuggling during the pandemic were taken as facts, despite involving often unconfirmed, conjectural statements derived from anecdotal events narrated by other bunched-down colleagues unable to reach the field.

Why did these claims take hold so easily? They became part of an already existing and vastly accepted narrative concerning smuggling, which became easily integrated into the even larger discourse of migration control coupled with the health public concerns over the pandemic. In other words, COVID-19 became the perfect rationale for countries around the world to consolidate a long-in-the-making restrictionist agenda (Lee et al. 2021), in which smuggling and its actors have long played a key

³ US Customs and Border Patrol (US CBP 2022) reported over 2.2 million encounters during the 2021–2022 fiscal year. At the height of the pandemic, IOM reported record number of migrant arrivals to the Canary Islands (Keeley 2020).

⁴ IOM's Missing Migrants Project (MMP) documented more than 3,400 deaths on migration routes to and within Europe in 2021, the highest number of recorded fatalities in any year since 2016 (IOM 2022a).

deviant role.⁵ Historically, researchers have shown how the focus on smuggling facilitators obscures the main reason behind the demand for their services: the unequal access to mechanisms facilitating safe, orderly and regular migration. The pandemic created the grounds for governments to simply help cement long standing beliefs about smuggling and its actors, while leaving untouched the causes for their demand.

The migrant-smuggling facilitator continuum

While the pandemic allowed for messages concerning the havoc created by smuggling networks to proliferate, migrants – the very recipients of smuggling services— became almost invisible in the pandemic and post-pandemic smuggling discourse and research.

The practice of minimizing migrants in smuggling is not new. The strength of the mainstream smuggling narrative of networks and crime resides on the very articulation of migrants as inherently naïve, weak and invisible, seeking to strip them of any potential agency. It was common during the pandemic to come across social media content generated by state agencies in charge of migration and journalistic coverage that described immigration raids, counter-smuggling operations and pushbacks as ‘rescue’ events.⁶ The ability of the states to control the narrative of protection allowed for the further characterization of immigration enforcers as compassionate rescuers, even though their actions most often involved the detention, return or deportation of the “victims”, and the further vilification of smuggling facilitators.

The focus on victimization or abuse at the hands of smuggling facilitators is simplistic and narrow, especially when we consider that the conditions that lead migrants to rely on them are the result of a migration landscape created by enforcement (Brachet 2018). Furthermore, it presents a partial picture of migrants’ experiences and engagements with smuggling itself. As shown by the empirical work of multiple authors – Sanchez in the US (2016), Achilli in the Mediterranean (2018), Richter in Morocco (2019), Whittle and Antonopoulos in Eastern Africa (2020), Frank-Vitale in Mexico (2020), Arrouche (2023) – smuggling facilitators are most often migrants who opted to take advantage of the knowledge they gained as the result of repeated and unsuccessful attempts to migrate, failed border crossings and/or the inability to cover expensive smuggling fees. As Aziani showcases in this special issue, driven by multiple purposes, smuggling facilitators work independently, or as described by

⁵ According to IOM data, between 10 and 2020, a day before the WHO declared COVID-19 a pandemic, and 28 February 2022, 122.823 movement restrictions were implemented around the world (IOM, 2021a). Most of these restrictions, however, did not aim to target smugglers, but migrants. In many countries and despite restrictions to mobility, migrants were still expected to comply with requirements for status determination, and to obtain authorization and renewal of their migration-related documentation. Deportations and removals continued, often derived from violations of curfews or other COVID-related restrictions (IOM 2020).

⁶ A publication from the UN Office for the Coordination of Humanitarian Affairs, refers to the 14.700 interceptions of migrants by the Libyan Coast Guard during 2020 as ‘rescues’ (OCHA 2021); the Tunisian Coast Guard also reported as a ‘rescue’ the November 2021 interception of a boat carrying 487 people seeking to reach the EU (Turan 2021). The Mexican government described as “rescues” the deportations of over 2.000 Honduran nationals (SEGOB 2020; Khan 2020).

Augustova and Suber (2023), forging critical partnerships with locals, authorities and/or other smuggling facilitators.

While most examinations of this migrant-smuggler continuum have focused on the experiences of men, in this special issue Arrouche examines how some migrant women in Algeria forge intimate partnerships with migration brokers to improve their chances to reach a specific migration destination, or to eventually profit from brokering other women's journeys, while simultaneously having access to intimacy, companionship and protection, which younger, less-experienced male partners cannot always provide.

The real cost of smuggling

It is widely accepted that smuggling fees are proportional to migration enforcement –in other words, that increased enforcement has led to higher costs (Roberts et al. 2010; Izcara Palacios & Ortega-Brena 2017; Andreas 2022). However, this claim fails to account for multiple variables. One, the very fact that there are multiple forms of smuggling services available. As documented by Aziani (2021), there is not a single kind of smuggling, nor is it provided on the unique, singular way. Even at the same location, smuggling facilitators can be organized in different fashions, provide different services, and charge different fees even for the same service, often on the basis of age, nationality, race and gender, put simply to increase their profits (US ICE 2022). Furthermore, evidence shows the vast majority of migrants do not hire the services of a single facilitator or provider, which tends to be an expensive option, and instead travel relying on multiple facilitators and brokers relying on a pay-as-you-go strategy, which provides greater flexibility and affordability (Greenfield et al. 2019; EPRS 2021).

Most notably, the stepped-up enforcement- higher pricing model assumes that migrants will simply keep up paying the prices imposed by smuggling facilitators no matter how high. This is not the case of most migrants. As shown by all contributors to this special issue, there is evidence that migrants are being pushed out of the smuggling market, with services becoming increasingly unaffordable – in the event they were affordable to start with.

The desire and the need to depart exist despite the lack of resources, what leads migrants to rely on their own knowledge and skills. Reports of families or groups of friends who self-organized their journeys to depart from countries like Tunisia, Algeria and Morocco without the support of smugglers due to cost were common during the pandemic (Sanchez et al. 2021; Herbert 2022). Frank-Vitale (2023), examines how the Central American migrant caravans were, rather than organized criminal efforts as the Trump White House claimed (US DHS 2018), dedicated attempts on the part of migrants and their families, who saw in this collective method of mobility an opportunity to reduce or even avoid having to pay the fees charged by smuggling facilitators.

Gender, sexuality and love

While examining the economy of smuggling is critical, it is also fundamental to see how it intertwines with gender, sexuality and love. Many analyses seeking to highlight gender dimensions in smuggling immediately turn to the graphic, voyeuristic narratives of survival sex and sex trafficking concerning women, girls and LGBTQ+migrants. (Somewhat strikingly, despite the strong tendency to gender smuggling and the smuggler as male, there has been scant academic interest in examining men's experiences in smuggling through a gender perspective).

We do not deny the acts of gender and sex-based violence that migrants face on the migration pathway, especially those encountered by the groups mentioned above, and which often occur at the hands of a vast range of actors (including other migrants, smuggling facilitators, migration officers, the military, humanitarian personnel and ordinary citizens). However, as contributors, our goal is to look beyond the often voyeuristic, racialized takes on migrant victimization. Instead, by taking a closer look at the ways race, class and gender intersect with migration enforcement and border controls, the contributions problematize the focus on violence alone, while showcasing how even in the context of a global counter-smuggling project which fosters vulnerability, people devise paths to navigate, and counter—with different outcomes—not only migration controls, but gender and sex-based forms of oppression.

Chemlali (2023)—researching the experiences of mothers seeking smuggling services in Tunisia—reflects how pregnancies, complications related to delivery, abortions (or lack of access thereof), alongside gendered expectations concerning childrearing and heteronormative motherhood constitute serious barriers to women's ability to move irregularly. Arrouche (2023) examines the conditions surrounding the decision to leave partners and children behind with the hope of advancing personal mobility projects with the assistance of brokers. In this context both Chemlali and Arrouche's pieces dismantle traditional engagements with motherhood in migration, emphasizing how the desire for love and intimacy (or their loss) play a role in women's mobility and the relationships they forge—or forgo—with their children or romantic partners (often smuggling brokers themselves). The excessive focus on the material and financial dimensions of smuggling have traditionally obscured the gender dimensions present in smuggling as a practice, including love and sexuality, which as Ahmad states, should be “part of the mainstream economic sociology of migration” (2011: 33).

A note on technology

Perhaps one of the most notorious changes to the ways in which migrant smuggling operates involves the increased use of technology—specifically, the reliance on smart phones, social media platforms and messaging applications—to identify and acquire services and to communicate during the entire smuggling process.

During the pandemic, and often unable to move, many migrants took to social media their searches for information concerning access to international protection, the availability of services and assistance provided to people stranded or in transit,

and recommendations concerning reliable smuggling services. As contributors, we witnessed migrants' and facilitators' reliance on their phones during and after our time in the field. The ease of communication afforded by these tools (applications like Whatsapp are easy to navigate for those unable to read or write through voice messages), and the ability to share images, maps, and overall information in real time made it easier for migrants and their facilitators to remain in touch—and for us to remain in touch with them across vast distances.

There is, however, scant empirical research on migrants' engagement with social media, and specifically, on the way they obtain and evaluate the quality or validity of online information about smuggling and other services that can facilitate migration. Researchers have only begun to examine “the sources [migrants] trust, how they parse fact from fiction, and the impact of social media on their real-world experiences” (Tech Transparency Project 2022). Anecdotal information and journalistic coverage suggested that scams and fraud were also rampant during the pandemic, as migrants did not have the access they regularly have to facilitators, or to the mechanisms that allow them to verify the identity of their interlocutors or the veracity of their claims. But empirical examinations into these dimensions are still scant.

There is even less work on the way smuggling facilitators themselves engage with technology. An exception is the work of Antonopoulos et al. (2020) among smuggling facilitators, which showed that while having an online presence (i.e. Facebook profiles) was an important tool in smuggling activities—in particular the recruitment phase to advertise services—there was significant variation in the extent to which they used social media platforms. Furthermore, empirical evidence indicates migrant recruitment most often takes place offline through friends, relatives, or acquaintances who know a specific facilitator and his or her occupation (Antonopoulos et al. 2020; Sanchez et al. 2018). While it is indeed a possibility that the pandemic limited the ability of people to contact facilitators in person, it is quite likely that in their majority, the decisions to hire a specific facilitator continued to rely on personal referrals and involved different forms of communication beyond online platforms.

Conclusion

This special issue emerges from our collective concern as scholars over the absences in smuggling research generated, but more specifically, justified by the pandemic. Drawing largely on empirical data collected through direct work with migrants, those behind their journeys and the communities where they converge, the contributions to this issue of *Trends in Organized Crime* challenge the focus present in mainstream organized crime scholarship on the persona of the smuggler and *his* networks. As contributors, we emphasize that the hyper-emphasis on organized crime has hidden the strategies upon which migrants themselves rely in order to achieve their mobility goals. The articles in the special issue put migrants at the center of the conversation on mobility, as agents which despite having to operate within the constraints of the global counter-smuggling project strengthened by the pandemic, and often pushed out of the smuggling market due to its costs, systematically devise alternatives and solutions to address their mobility needs.

But the conversation on smuggling should not, and in fact cannot focus on migrants alone. It must also recognize that quite often, the communities and the people that provide the services that allow migrants to move are involved in long-standing struggles for justice. It is critical to examine how forms of agency which “enable mobility in what is typically considered to be a highly immobile context” (Procter 2021), emerge and exist despite –and often as a result of –economic precarity, political repression, and ethnic containment and control. The testimonies collected by Augustova and Suber (2023) on smuggling in the context of Kurdistan, Frank-Vitale’s (2023) caravans in Central America, and mothers and their children in Algeria (Arrouche, 2023) and Tunisia (Chemlali, 2023), stand as proof of the collective efforts to counter from below migration controls labeled as rescue efforts funded by the EU and the US worldwide.

Along these lines, we also avoid engaging with the moralistic claims concerning smugglers’ actions often present in smuggling discourse, to instead examine how counter-smuggling activities and migration enforcement create the conditions for smuggling to emerge, but also for increasing numbers of people to devise mechanisms that allow them to pursue their mobility goals with or without the assistance of facilitators.

These contributions reveal how the roles smuggling facilitators play in migration are often secondary to migrants’ decisions and actions. This does not seek to suggest or position migrants as heroes, or to dismiss the risks they face on the migration pathway. Instead, by taking an intersectionality-informed approach, we examine how in the context of a global counter-smuggling project, people navigate enforcement spaces, returning or occupying others perceived or seen as unlivable, as part of their efforts to move, live, love and thrive.

Declarations

Conflict of interest The authors declare that they have no conflicts of interest.

Human and animal participants This article does not contain any studies with human participants or animals performed by any of the authors.

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