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7 TAKEAWAYS ON EMERGING CHALLENGES IN THE AREA OF MIGRANT SMUGGLING

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The crisis of 2015 was a watershed moment for European migration policy, highlighting increased urgency in official efforts to counter migrant smuggling networks. The topic has remained at the top of the policy agenda ever since. State actors have an increasing number of tools and platforms at their disposal, which have bolstered law enforcement and operational responses as well as political and practical cooperation. For the current period, the EU's 2021-2025 [action plan against migrant smuggling](#) sets out the framework under which the Union can pursue a multifaceted approach to tackling the issue.

Despite the considerable progress made, particularly in the policy sphere, significant challenges and concerns persist, especially concerning the prevention of dangerous journeys and protection of migrants in precarious situations – seen most recently during high-profile incidents in the English Channel and along the EU external border with Belarus. At the same time, migrant smuggling networks have proven flexible and enduring in adapting to new challenges. This points to the need for comprehensive cooperation frameworks along migration routes to and within Europe, so-called whole-of-migration-route approaches, which centre on international cooperation among countries of origin, transit, and destination – across borders and agencies.

On 1 December 2021, ICMPD and Malta, in its capacity as 2021 Chair of the ICMPD Steering Group, [organised a senior expert discussion](#) to discuss the role that international cooperation can play in strengthening responses to migrant smuggling in the EU. Below are seven key takeaways from this event, which provide a snapshot of the discussion, while also reflecting ICMPD work and experience on this topic.

1. A multidimensional response is necessary

Given the multidimensional nature of people smuggling, it is evident that no single policy area can address every aspect of the phenomenon. Many efforts and effects of measures to date have been fragmentary in nature, which may result in inefficiencies or duplication of efforts.

The multifaceted dynamic of smuggling must thus prompt a multifaceted response, as one-dimensional measures may simply displace rather than resolve the issue. Comprehensive approaches should go far beyond targeting criminal groups. The case of Niger illustrates the importance of holistic and sustained efforts: While Agadez is no longer a key smuggling hub, other hubs have emerged across the country, partly due to the lack of alternative livelihoods available to would-be smugglers. Improved cooperation with the private sector, such as the money transfer companies used by migrants and smugglers, will likely be an ever more relevant area of focus for policymakers. More broadly, counter-smuggling operations should be seen as one part of a multidimensional migration policy that also includes development, trade, and other policy areas.

2. COVID-19 is the latest example of the adaptability of smugglers

A challenge that has long plagued policymakers is the flexibility demonstrated by smugglers and criminal organisations. Such networks have consistently demonstrated the capacity to alter their modus operandi and routes in the face of external factors – in contrast to often formulaic and pre-programmed counter-smuggling efforts on the part of authorities. The COVID-19 pandemic is one such aspect shaping migratory routes and dynamics, further increasing the demand for smugglers, due to the various health-related restrictions in place at the borders. Smugglers have proved agile, adapting quickly to ensure the continuity of their business during the pandemic by reverting to other, often more dangerous, routes and using different means of transportation. Thus, despite widespread border closures and other challenges, smuggling has by no means ceased. In fact, the situation echoes examples of previous years, where inexperienced smugglers enter the field due to increased demand, leading to a rise in reports of deception, exploitation, and endangering of migrants during the smuggling operation.

3. Smuggling has gone digital and official capacities lag behind

Digital tools and social media have changed how migrant smugglers operate, making it more challenging to combat the phenomenon. Social media has become key to advertising smuggling services, while helping smugglers to shield their activities. Due to the proliferation of online activities and the huge volume of information available in different languages and localities, monitoring and analysing smuggling activities – and responding to them – is an increasingly demanding task. Authorities often lack the capacity to counter such new developments structurally or strategically, resulting in largely reactive measures. The trend

toward digitalisation points to the need for more training in the use of digital tools to build the capacity of government stakeholders to proactively respond to evolving smuggling operations. Smuggling in the digital age can also be better addressed by the full digitalisation of visa procedures to reduce fraud and forgery. At the same time, social media plays an increasingly important role in terms of increasing migrants' relative power vis-à-vis smugglers and thus reducing opportunities for exploitation and deception.

4. The link between legal pathways and irregular migration is important, but rarely straightforward

One key reason for the existence of smugglers is the prevailing high demand for their services in a given market. Due to this dynamic, more accessible legal pathways in the context of economic migration are often mentioned as a counter-smuggling measure, as they offer a safer way of coming to Europe which in theory decreases this demand for smugglers. However, it should be noted that while this argument is widely used in the policy debate, in practice it is relatively rare for policymakers to justify opening legal pathways purely to address irregular migration concerns, including in regard to smuggling. It is equally important to note that the connection between offering more legal pathways and reduced irregular migration is not a simple one, as examined in a [November 2021 Annual Policy Initiative discussion](#). The effectiveness of legal pathways in reducing irregular migration is always context-specific, and has the potential to reduce unauthorised migration only in combination with other measures such as international cooperation frameworks and effective border controls. Additionally, while it may make a dent in the number of people choosing to leave, the expansion of legal pathways is unlikely to completely satisfy the demand for regular migration.

5. Take migrant vulnerabilities into account in policy approaches

Migrants who make use of smuggling services do so under constrained circumstances, including in order to access protection. They may experience exploitation and abuse across different migrant smuggling contexts, including in connection with human trafficking and other extreme forms of human rights violations. Smugglers are not always the abusers – other categories of malefactor exist. During the entire smuggling process, different categories of recorded abuses are in evidence, ranging from labour exploitation and sexual violence to hostage-taking. This implies that counter-smuggling operations and policies should take into account frameworks for assistance and protection for smuggled migrants who have specific

vulnerabilities or are victims of violence, and avoid compounding migrants' vulnerabilities. In particular, the transposition of the EU Facilitators Directive and the criminalisation by some states of assistance provided to migrants being smuggled (including life-saving assistance) are some areas that deserve further examination.

6. Emerging challenges require new tools

The role of state actors in potentially facilitating irregular migration as a political tool has become a top policymaker concern. The situation with Belarus underscores the importance of a comprehensive toolbox of counter-smuggling measures – and, in this unique case, one that includes specific tools to address current challenges at the EU borders, chiefly the state-sponsored instrumentalisation of migrants. In response, the EU has sought to blacklist transport operators knowingly involved in facilitating the smuggling or trafficking of people, enact official sanctions, and remove visa privileges. Another challenge that requires new tools relates to secondary movements within the EU, which are to large extent facilitated by criminal networks. In this area, approaches should include the enhancing of capacities and expertise to quickly react to a changing environment.

7. Data plus information exchange equals situational awareness.

Data are critical for fostering situational awareness, understanding trends, and ultimately for developing evidence-based political and operational responses. At the same time, the challenges in preparing robust, evidence-based responses have demonstrated the importance of cooperation among law enforcement agencies, multiple governments, and actors on the ground, the latter having more in-depth, up-to-date knowledge of how the situation is unfolding. Unexpected events repeatedly highlight the need for reliable and up-to-date information on migration trends and illustrate that the lack of such information can cloud the picture and complicate the coordination of an appropriate response. As part of efforts to strengthen data collection and analysis, early warning systems and multilateral and early information sharing are indispensable. Additionally, the increasing digitalisation of migrant smuggling necessitates more effective leveraging of big data to render a solid picture of the situation and craft effective responses. The experiences of smuggled migrants should also be gathered to inform smuggling policies. These can come from tailored interview and debriefing techniques with smuggled migrants, particularly those who have experienced abuse – as is done by, for instance, Maltese authorities and UNHCR staff.

The meeting was held as part of the Maltese Chair theme “Redefining migration partnerships” and the ICMPD 2021 Annual Policy Initiative, “Whole-of-route approaches to countering irregular migration”.

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