

Migrant Smuggling

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Summary

This brief brings together key lessons emerging from Global Initiative against Transnational Organized Crime research on the smuggling of migrants³ (SOM) between 2015-23. The research emphasises:

1. the need to provide sufficient opportunities for legal migration;
2. the importance of timing for enforcement-led responses; and
3. the adaptive nature of the smuggling industry, with route changes being implemented swiftly in response to seemingly formidable obstacles to population movement.

The brief is timely because in the aftermath of COVID-19 and related economic slowdowns, the political climate in many developed and developing states has become ever more hostile to migrants (Cajiao, 2022, p. 3).⁴ Yet, the drivers of migration, whether poverty, conflict, climate change, aspiration or a combination of all of them, have intensified.

The dominant trend is towards the consolidation of regional migrant smuggling markets and routes under a few influential polycriminal actors, with lower-order players being squeezed out by government counter-measures. To slow and ideally reverse this consolidation should be the priority of state intervention efforts, and this requires a holistic approach to combating migrant smuggling through development interventions rather than an exclusive focus on interdiction.

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3 The term 'migrants' in this note is used to encompass all people on the move who may use a smuggler to facilitate their journey, without prejudice to their status as asylum seekers.

4 Cajiao, A., Tabo P. & Botero Restrepo, M. (2022, November). *On the Border: The Gulf Clan, Irregular Migration and Organized Crime in Darién*. Global Initiative against Transnational Organized Crime. <https://globalinitiative.net/wp-content/uploads/2022/11/Andre%CC%81s-Cajiao-Paula-Tobo-Mariana-Botero-Restrepo-On-the-border-The-Gulf-Clan-irregular-migration-and-organized-crime-in-Darie%CC%81n-GI-TOC-November-2022.pdf>

What is smuggling of migrants

Smuggling of migrants has been defined under specific protocols to the United Nations Convention against Transnational Organized Crime (UNTOC) 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 a permanent resident’ (Re SOM Protocol).⁵ It is typically a contract into which a migrant enters willingly with a service provider.

As a category of criminal offence, it receives less analytical attention than trafficking in persons (TIP), defined as ‘the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception for the purposes of exploitation’ (SOM Protocol).⁶ Having a clear intent to exploit another person distinguishes trafficking from smuggling. Smuggling of migrants is a crime against a state, whereas trafficking is a crime against a person. Although many SOM offences can involve the exploitation of migrants, and most contain a potential risk of violence, cases of aggravated SOM can still be differentiated from TIP in that violence is caused by circumstantial factors and is not inherent to the crime.

Why is it difficult to prevent and contain?

In most migrant smuggling cases where arrests are made, these are of junior members of a smuggling network who perform high-risk tasks

such as driving migrants from one location to another. The financiers remain unknown to law enforcement agencies, barring those officials from whom they have purchased protection. When such collusive deals are struck with elements of the state apparatus, it can even be dangerous for civil society activists to provide migrant care, as they risk exposing the (informal) revenue streams of government servants. This could lead to them being targeted (Cajiao et al., 2022, p. 29).⁷

With countries such as China and India, which have diasporas scattered widely, some of whose members can act as facilitators for illegal migration, it can be especially difficult to investigate smuggling offences. Often, the initial phases of the migrants’ journeys might be legal, with them travelling on genuine travel documents to a waypoint, or even several waypoints, before they attempt to illegally enter their intended destination country. Indian migrants, for example, seek to enter the United States illegally through the Dominican Republic, which allows visa-free entry for Indian passport holders. Investigating the entire network that brought them to this point can be a complicated affair if the migrants previously travelled through several jurisdictions legally (Cajiao et al., 2022, pp. 9-10, p. 14).⁸

Community support for migrant smugglers in places where out-migration is strong means that gathering evidence to support a prosecution can be a challenge. Most smugglers are former migrants themselves, and their personal life stories can be seen in their communities of origin as examples of overseas entrepreneurial success to be emulated.

Finally, as a book by Tinti and Reitano (2016) concluded, as migration has become an increasingly

5 UN Transnational Organized Crime Convention, *Protocol on the Smuggling of Migrants over Land, Sea and Air*, https://www.unodc.org/documents/middleeastandnorthafrica/smuggling-migrants/SoM_Protocol_English.pdf

6 UN Transnational Organized Crime Convention, *Protocol on the Smuggling of Migrants over Land, Sea and Air*, https://www.unodc.org/documents/middleeastandnorthafrica/smuggling-migrants/SoM_Protocol_English.pdf

7 Cajiao, A., Tabo P. & Botero Restrepo, M. (2022, November). *On the Border: The Gulf Clan, Irregular Migration and Organized Crime in Darién. Global Initiative against Transnational Organized Crime. chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://globalinitiative.net/wp-content/uploads/2022/11/Andre%CC%81s-Cajiao-Paula-Tobo-Mariana-Botero-Restrepo-On-the-border-The-Gulf-Clan-irregular-migration-and-organized-crime-in-Darie%CC%81n-GI-TOC-November-2022.pdf*

8 Cajiao, A., Tabo P. & Botero Restrepo, M. (2022, November). *On the Border: The Gulf Clan, Irregular Migration and Organized Crime in Darién. Global Initiative against Transnational Organized Crime. chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://globalinitiative.net/wp-content/uploads/2022/11/Andre%CC%81s-Cajiao-Paula-Tobo-Mariana-Botero-Restrepo-On-the-border-The-Gulf-Clan-irregular-migration-and-organized-crime-in-Darie%CC%81n-GI-TOC-November-2022.pdf*

political issue, with the scale of migration on the increase, options for legal migration dwindling, and significant hostility to migrant groups in host populations, governments are forced to take urgent measures to reduce the number of people in transit, and to strike hard at smugglers. These measures have stretched the limits of refugee and human rights law, have led to a growing

securitisation of the migration debate as a whole, and have broadly played into making the space more profitable for organised crime. There is an urgent need to find new approaches that will balance short-term political necessities with longer-term developmental approaches that can address root causes, promote better integration of migrant communities and de-escalate tensions.⁹

Types of SOM

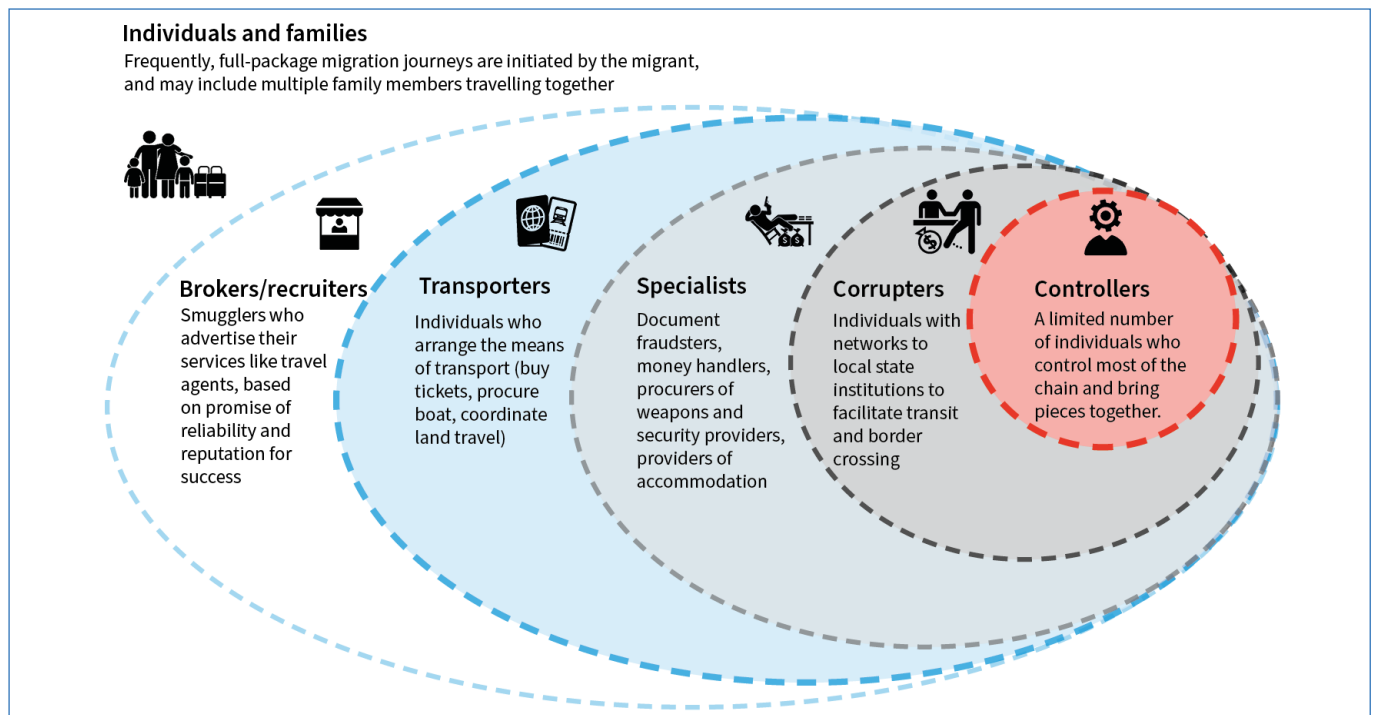
There are two broad models of SOM:

1. Full service

The full service model involves payment for transportation, accommodation and any necessary documentation from the migrant's point of departure through to their intended

final destination (See Figure 1). It is often integrated with legitimate businesses, such as travel agencies. Fees can run into tens of thousands of dollars per person, with travel routes being customised to match the profile of the migrant and lower the chance of interdiction (Bird, 2020, p. 14).¹⁰

Figure 1: Full-package smuggling: The parties involved



Source: Tuesday Reitano, Human smuggling from West Africa to Europe, in *Illicit Financial Flows: Criminal Economies in West Africa*. Paris: OECD Publishing, 2018

9 Tinti, P. & Reitano, T. (2016). *Migrant, refugee, smuggler, saviour*. Hurst Publishers. <https://www.hurstpublishers.com/book/migrant-refugee-smuggler-saviour/>

10 Bird, L. (2020a, April). *Smuggling in the time of Covid-19: the impact of the pandemic on human-smuggling dynamics and migrant-protection risks*. *Global Initiative against Transnational Organized Crime*. <https://globalinitiative.net/wp-content/uploads/2020/04/GIATOC-Policy-Brief-003-Smuggling-COVID-28Apr0930-proof-4.pdf>

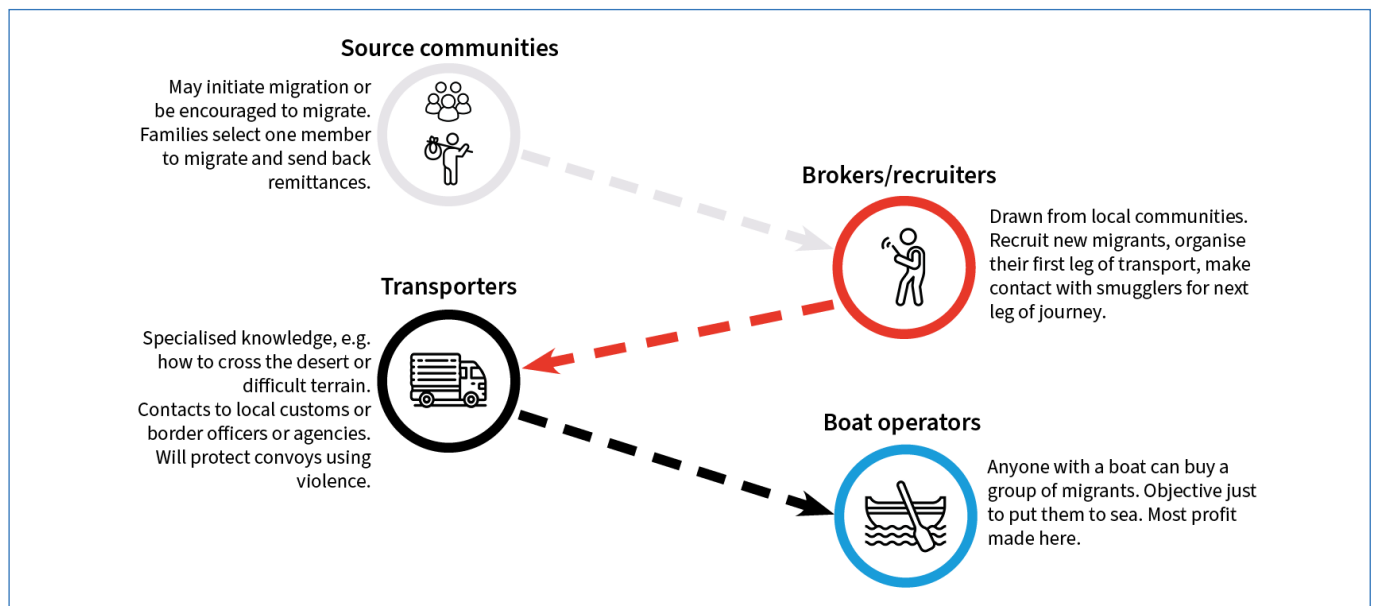
2. Pay as you go

The pay as you go model is looser, with steps in the journey negotiated en route, rather than necessarily from source, and the migrant's journey will consist of a series of relay stops, with each geographic stretch being handled by a different transporter (See Figure 2).

Migrants will be expected to pay separately for each portion of their journey. Local recruiters can use deception to identify new clients: this can include misrepresenting the opportunities

in a destination country, underplaying the risks of illicit travel and offering discounts and other fee structure incentives if a potential migrant can induce others to go along. The transporters will usually not have the same nationality of the migrants but, rather, the nationality of the country that the migrants are passing through (although they might be co-nationals of the migrants with residency rights in the transit or destination country) (Hedwards et al., 2022, p. 17).¹¹

Figure 2: Pay-as-you-go smuggling



Source: Tuesday Reitano, Human smuggling from West Africa to Europe, in *Illicit Financial Flows: Criminal Economies in West Africa*. Paris: OECD Publishing, 2018

A variant of the pay as you go model is the 'migrate now, pay later' model, wherein migrants are encouraged to embark on journeys with the belief that they will be able to work off the debt they owe the smugglers. In reality, the work conditions often turn out to be exploitative. The low financial cost of entering such schemes means that persons from impoverished households, who might have less access to reliable information about emigration risks, can be lured into leaving their homes. Once they are cut off from family and other support networks they can be victimised (Reitano, T. & Bird Ruiz-Benitez de Lugo, pp. 6-7, p. 9, p. 17).¹²

A 2023 study by Hedwards, Bird and Traxl found that in the case of smuggling from Indonesia to Malaysia, a relatively short distance, there is a tendency to streamline payment systems. Part-payment is made to a 'broker' or a 'head smuggler' before a migrant begins their journey, and the balance is paid once the migrant arrives at the agreed destination. Sometimes, the payment is made entirely prior to departure or upon arrival. The streamlining ostensibly reduces the chances of migrants being victims of opportunistic violence along the way but assures that such violence will be inflicted if the migrant's family

11 Hedwards, B., Bird, L. & Traxl, P. (2022, February). *Maritime people smuggling in South and South East Asia: Emerging trends and issues*. *Global Initiative against Transnational Organized Crime*.

12 Reitano, T. & Bird Ruiz-Benitez de Lugo, L. (2018, May). *Understanding contemporary human smuggling as a vector in migration: A field guide for migration management and humanitarian practitioners*. *Global Initiative against Transnational Organized Crime*, <https://globalinitiative.net/wp-content/uploads/2018/05/TGIATOC-Understanding-Contemporary-Human-Smuggling-1936-hi-res.pdf>

does not complete the payment. This was not the case six years ago, when migrant smuggling to Malaysia more closely followed the pay as you go pattern, with each portion of the journey having a different price (Hedwards et al., pp. 18-19).¹³

Key findings

Three main findings emerge from our review of GI-TOC's body of research on smuggling of migrants.

Timing of external interventions is crucial

Attention tends to focus on an organised crime threat when it becomes unusually violent or when the scale of irregular migration has become particularly high, due to domestic pressures from the host populations.

Research by Reitano et al. (2018) suggests that this is the worst time for external interventions in any criminal market including migrant smuggling. Such interventions are most effective either when the market is small and dispersed with criminal actors too weak to corrupt government agencies, or when the market is highly consolidated under a single criminal actor (Reitano et al., 2017, pp. 208-211).¹⁴ Both these scenarios tend to feature low violence levels due to the absence of inter-group competition. Violence rises during the intermediate phase, when the level of demand for smuggling services is high and there is considerable potential for profit making, but when the barriers to entry into the market are still low, so there are a large number of opportunistic suppliers who then engage in turf wars between themselves to secure market

share. It is in these situations that inter-group violence as well as uncontrolled provision of (illicit) services occurs. Usually after time the market will consolidate, with a fewer number of established groups providing smuggling services, and the turf disputes largely resolved.

Moreover, in an issue as politically charged such as irregular migration, waiting until smuggling has reached a level of high intensity can lead to excessively securitised responses, which can result in human rights violations against migrants. Research by Reitano et al. (2018, p. 52) suggests that there are early warning signs that a smuggling market is consolidating with organised criminal control, and that better monitoring along key routes would allow more timely interventions.¹⁵

Smugglers' adaptability to interdiction policies

Blocking some routes leads to smugglers swiftly opening up other ones. This became clear after 2016, when the government of Niger cracked down on SOM through the town of Agadez. Although the number of migrants passing through this town noticeably dropped in the following year, there was no comparable drop in the number of arrivals at Sebha. Sebha is a Libyan town which, in the past, had been the receiving point for migrants coming via Agadez (Reitano et al., 2017, p. 27).¹⁶ This differential suggested that smugglers were merely bypassing Agadez but continuing to send migrants north towards Libya and thereon to Europe.

A similar adaptability has been found in the case of Eritrea, which attempts to restrict emigration especially to Ethiopia, leading migrants to pay as much for merely being smuggled out of the

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14 Reitano, T., Tinti, P., Shaw, M. & Bird, L. (2017, May). *Integrated responses to human smuggling from the Horn of Africa to Europe*. *Global Initiative against Transnational Organized Crime*. <https://globalinitiative.net/wp-content/uploads/2017/05/global-initiative-human-smuggling-from-the-horn-of-africa-may-2017-web.pdf>

15 Reitano, T. (2018). Smugglers Inc.: The illicit industry in human migration. In: T. Reitano, L. Bird Ruiz-Benitez de Lugo & S. Jespersen (Eds.), *Militarized responses to transnational organized crime* (pp. 203-215). Palgrave Macmillan.

16 Reitano, T., Tinti, P., Shaw, M. & Bird, L. (2017, May). *Integrated responses to human smuggling from the Horn of Africa to Europe*. *Global Initiative against Transnational Organized Crime*. <https://globalinitiative.net/wp-content/uploads/2017/05/global-initiative-human-smuggling-from-the-horn-of-africa-may-2017-web.pdf>

country as they do for an onward passage to Europe (Reitano et al., 2017, p. 12).¹⁷ The migrant smuggling market here is dominated by four or five large syndicates capable of carrying out transnational operations. At the lower end of the market there are literally thousands of smugglers who can offer short-distance transportation services (Reitano et al., 2017, p. vii).¹⁸ With an underground economy dedicated to supporting SOM, there is a limit to how effective top-down interventions to shut down specific routes can be.

With COVID-19 having led to border closures in many parts of the world, migrant smugglers were able to increase their prices due to a spike in demand. Whereas previously, some migrants were prepared to risk venturing across borders on their own, without engaging the services of a smuggler, once surveillance at entry points was tightened it became necessary to use a smuggler to either bypass or bribe their way through checkpoints.

In Mali, prices for a passage to neighbouring Algeria doubled through the course of 2020; whereas in Morocco, demand for seaborne routes to Spanish territory increased significantly as the overland route to the Spanish enclaves of Ceuta and Melilla was blocked (Bird, 2020a, p. 15; Bird, 2020c).¹⁹ Since smuggling networks dominated the sea route, the impact of COVID-19 was to further shift power from the migrants, who had very little negotiating power as it was, in favour of the smugglers. Our research has noted that safety has been compromised with the increased use of

sealed containers, as well as smaller boats, which are intended to bypass the new security protocols at entry points. Rather than restrict smuggling, increased controls only drive up the profit margins for smuggling groups, concentrate the market into the more criminalised service providers, and heighten the risks to migrants (Bird, 2020a, p. 13).²⁰

Corruption as an enabler of SOM

The key to the survival of migrant smuggling networks is corruption within government agencies that are tasked with interdicting the migrants. Field research in Egypt has shown, for example, that when state officials choose for reasons of their own to restrict the movement of migrants, they can effectively do so within a short period of time. In 2017, Egypt was able to significantly bring down smuggling from its coastal waters, a difficult feat of policing. Yet, it seemingly had far less success with blocking the movement of migrants through airports, a task that might have been expected to be easier given the concentration of security infrastructure. The difference was partly explained by political will, amplified by sizeable bribes that smugglers paid to airport immigration officials (Bird, 2020b, pp. 58-59).²¹ A similar phenomenon was seen along the eastern Mediterranean route between Türkiye and Greece, which was a prolific smuggling channel that ceased overnight once the EU-Türkiye agreement was signed (Reitano & Micallef, 2016, pp. 4-5 and p. 9).²²

17 Reitano, T., Tinti, P., Shaw, M. & Bird, L. (2017, May). *Integrated responses to human smuggling from the Horn of Africa to Europe*. Global Initiative against Transnational Organized Crime. <https://globalinitiative.net/wp-content/uploads/2017/05/global-initiative-human-smuggling-from-the-horn-of-africa-may-2017-web.pdf>

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19 Bird, L. (2020a, April). *Smuggling in the time of Covid-19: the impact of the pandemic on human-smuggling dynamics and migrant-protection risks*. Global Initiative against Transnational Organized Crime. <https://globalinitiative.net/wp-content/uploads/2020/04/GIATOC-Policy-Brief-003-Smuggling-COVID-28Apr0930-proof-4.pdf> and Bird, L. (2020c, December 14). *Learning from COVID-19: Implications for the EU response to human smuggling*. IAI Commentaries. <https://www.iai.it/en/pubblicazioni/learning-covid-19-implications-eu-response-human-smuggling>

20 Bird, L. (2020a, April). *Smuggling in the time of Covid-19: the impact of the pandemic on human-smuggling dynamics and migrant-protection risks*. Global Initiative against Transnational Organized Crime. <https://globalinitiative.net/wp-content/uploads/2020/04/GIATOC-Policy-Brief-003-Smuggling-COVID-28Apr0930-proof-4.pdf>

21 Bird, L. (2020b, July). *Human smuggling in Africa: the creation of a new criminalized economy? Enact Africa and Global Initiative against Transnational Organized Crime*. <https://enact-africa.s3.amazonaws.com/site/uploads/2021-05-20-continent-report-stripped-version.pdf>

22 Reitano, T. & Micallef, M. (2016, November). *Breathing space: The impact of the EU-Turkey deal on irregular migration*. Institute for Security Studies and Global Initiative against Transnational Organized Crime, ISS Paper 297. https://globalinitiative.net/wp-content/uploads/2016/12/TGIATOC_ISS-Breathing-Space-The-impact-of-the-EU-Turkey-deal-on-irregular-migration-web.pdf.

The 2004 United Nations Protocol Against the Smuggling of Migrants by Land, Sea and Air is an add-on to the UNTOC but is often viewed as a standalone document. This decontextualisation has been harmful because it has removed SOM from the international debate on organised crime (Bird, 2020b, pp. 14-15, pp. 25-26, p. 30).²³ Instead of attempting to reduce the harms caused by migrant smuggling, migration itself is identified as a problem. In the process, the covert linkages which smuggling networks have with corrupt officials are not mentioned.

Facilitating transboundary movement that would be near-impossible were it not for corrupt state officials who facilitate passage across borders. Given the high levels of security that make illegal migration into Europe all but impossible for private citizens of non-European states, an estimated 95% of all illegal entrants to the continent are thought to employ the services of smugglers (Bird, 2020b, p. 3).²⁴ Without developing policy solutions that factor in the reality of corruption, governments cannot hope to reduce the flow of illegal migrants across international borders just by interdictory measures.

Policy implications

Evidence has shown that no enforcement, punitive or deterrent-based effort to reduce irregular migration and prevent the involvement of networks of smugglers in migration can be successful without **legal migration prospects** also being made available. From an increasing number of states, demands to migrate are overwhelming, despite costs and potentially lethal risk. Legal options would have to be context-specific, but could include:

1. temporary worker schemes (with tax rebates to encourage successful applicants to return home with savings at the end of their visa's validity);
2. diaspora sponsorship plans (with sponsors providing a formal assurance that their nominees will be gainfully employed for a lengthy minimum time period, or the sponsors pay a penalty); and
3. expediting asylum claims, and providing this service at specialised sub-regional hubs located as close as possible to the migrants' countries of origin to prevent journeys being required.

The goal in providing legal options is to allow for the clear delineation between licit and illicit means of entry, and for the swift return of those who have entered outside the established channels.

Setting up humanitarian support

infrastructure along smuggling routes could reduce the power disparity between migrants and smugglers. This could include creating information-sharing apps similar to those used in the legitimate tourism industry (Reitano & Bird, 2018, p. 29).²⁵ Such apps can inform migrants about travel hazards including the risk of being trafficked by networks in high-risk areas.

Multilateral intelligence collection by European states, and all others that have visa-free travel arrangements between them, could be mounted to track violence and pricing indicators. These could help identify early signs of criminal consolidation along key routes and identify specific geographies for enhanced interdiction as well as individual smuggling networks for counter-action.

23 Bird, L. (2020b, July). *Human smuggling in Africa: the creation of a new criminalized economy? Enact Africa and Global Initiative against Transnational Organized Crime*. <https://enact-africa.s3.amazonaws.com/site/uploads/2021-05-20-continent-report-stripped-version.pdf>

24 Bird, L. (2020b, July). *Human smuggling in Africa: the creation of a new criminalized economy? Enact Africa and Global Initiative against Transnational Organized Crime*. <https://enact-africa.s3.amazonaws.com/site/uploads/2021-05-20-continent-report-stripped-version.pdf>

25 Reitano, T. & Bird Ruiz-Benitez de Lugo, L. (2018, May). *Understanding contemporary human smuggling as a vector in migration: A field guide for migration management and humanitarian practitioners*. Global Initiative against Transnational Organized Crime. <https://globalinitiative.net/wp-content/uploads/2018/05/TGIATOC-Understanding-Contemporary-Human-Smuggling-1936-hi-res.pdf>

Differentiating among migrant smuggling networks, to separate those that provide services as a standalone (albeit illicit) side business from those populated by career criminals. The former tend to invest the profits of their illicit activities into the local community, while the latter invest into their own smuggling operation to capture a larger share of the market (Reitano & Bird, 2018, p. 18).²⁶ Career criminals also are more inclined to prey on the local population and mix migrant smuggling with human trafficking.

Partnering with NGOs and CSOs could help map out the nature and spread of smuggling networks. Many aid organisations consider it beyond their remit to compile information from migrant accounts, seeing their own role as limited to providing humanitarian assistance (Reitano & Bird, 2018, p. 23).²⁷ When government departments themselves collect such information, lack of technical resources can mean that the information is not computerised (Reitano & Bird, 2018, p. 27).²⁸ Thus, it is nearly useless for purposes of pattern recognition.

Strengthening of data collation capacity within law enforcement agencies can build up a long-term evidence base to curate policy responses. In particular, it would help separate TIP victims from migrants who become entangled with aggravated SOM. TIP victims have higher rights and entitlements than irregular migrants. For governments to avoid stretching finite victim care resources, it is necessary to focus rehabilitation efforts primarily on such victims while not forgetting about migrants' human rights which are also threatened by criminal actors.

It should also be noted that awareness-based campaigns intended to highlight the risks of particular journeys as a disincentive to migrate have widely been shown to be an ineffective response to the problem, though they remain a favoured policy option (Alpes & Sørensen, 2015).²⁹ The multi-generational cost-benefit calculation for migrants overwhelmingly favours taking a journey with a smuggler despite its risks.

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26 Reitano, T. & Bird Ruiz-Benitez de Lugo, L. (2018, May). *Understanding contemporary human smuggling as a vector in migration: A field guide for migration management and humanitarian practitioners*. Global Initiative against Transnational Organized Crime. <https://globalinitiative.net/wp-content/uploads/2018/05/TGIATOC-Understanding-Contemporary-Human-Smuggling-1936-hi-res.pdf>

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The Serious Organised Crime & Anti-Corruption Evidence (SOC ACE) research programme aims to help 'unlock the black box of political will' for tackling serious organised crime, illicit finance and transnational corruption through research that informs politically feasible, technically sound interventions and strategies. Funded by the UK's Foreign, Commonwealth & Development Office (FCDO), SOC ACE is a component of the Anti-Corruption Evidence (ACE) research programme, alongside Governance & Integrity ACE (GI ACE) and SOAS ACE. SOC ACE is managed by the University of Birmingham, working in collaboration with a number of leading research organisations and through consultation and engagement with key stakeholders.

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