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DOCTORAL THESIS

**Organisation, Cooperation and Reduction:**

**A socio-economic analysis of illegal market actors  
facilitating irregular migration  
at EU-internal transit points**

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*Dedicated to my parents, my siblings and my close friends who have co-piloted me through this challenging process with their undying support, reassurance, patience and love.*

*Also dedicated to all those who have left, or are leaving their homes in the hope to find another.*



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*'Crime and bad lives are the measure of a State's failure, all crime in the end is the crime of the community.'*

H. G. Wells (1905)

*'There is no society known where a more or less developed criminality is not found under different forms. No people exists whose morality is not daily infringed upon. We must therefore call crime necessary and declare that it cannot be non-existent, that the fundamental conditions of social organization, as they are understood, logically imply it.'*

Émile Durkheim (1897)

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## List of Abbreviations

<b>OC</b>	Organised Crime
<b>OCG</b>	Organised Criminal Group
<b>EMSC</b>	European Migrant Smuggling Centre
<b>EU RTF</b>	European Regional Task Force
<b>EURODAC</b>	European Dactyloscopy
<b>SOCTA</b>	Serious Organised crime Threat Assessment
<b>CMR</b>	Central Mediterranean route
<b>EMR</b>	Eastern Mediterranean route
<b>WMR</b>	Western Mediterranean route
<b>IOM</b>	International Organisation for Migration
<b>MMP</b>	Missing Migrants project
<b>UNODC</b>	United Nations Office for Drugs and Crime
<b>UNHCR</b>	United Nations High Commissioner for Refugees
<b>GI-TOC</b>	Global Initiative Against Transnational Organised Crime
<b>BKA</b>	Bundeskriminalamt
<b>DDA</b>	Direzione Distrettuale Antimafia
<b>DIA</b>	Direzione Investigativa Antimafia
<b>DNA</b>	Direzione Nazionale Antimafia
<b>CARA</b>	Centro di Accoglienza Richiedenti Asilo
<b>CAS</b>	Centro di Accoglienza Straordinaria
<b>SPRAR</b>	Sistema di Protezione per Richiedenti Asilo e Rifugiati

## Abstract

*The facilitation of irregular migration by organised criminal groups [OCGs] at EU-internal transit points represents a specific illegal market type. This PhD thesis uses a mixed methodology approach to study this market with a focus on Italy, one of the main entry and transit countries for irregular migrants aiming to reach Central and Northern Europe, as well as the pulsating heart of intense EU-public and political debate around issues of mismanaged, undocumented immigration.*

*While the debate has concentrated on the organised smuggling of irregular migrants via sea routes, less attention has been paid to EU-inland routes. What is known about the latter is mainly restricted to sporadic cases in which smuggling journeys have ended tragically. This has led to the rather uninformed and sensationalist notion that the market for human smuggling is monopolised by highly structured and sophisticated transnational OCGs. However, existing empirical evidence rather suggests OCGs to be weakly-tied and fragmented in structure. Considering that these OCGs operate on a highly uncertain market, which lacks in institutional control and formal contracts, it becomes not only interesting, but vital to understand how these OCGs nevertheless execute their business successfully.*

*The purpose of this thesis is to shed light on the organisational structure of OCGs operating on this illegal market type, to elucidate how its decentralised structure influences the market's operation, and to analyse relational mechanisms that induce cooperative rather than opportunistic behaviour by illegal market actors. In doing so, the specificities and parallels of this distinct illegal market actor are compared to human smuggling organisations operating at EU-external borders. On the basis of these results, novel market reduction measures are pointed out, which are context-tailored, as well as more generally applicable to countering human smuggling into and within the EU.*

*The study aims to achieve its purpose through a context-specific socio-economic analysis of organised human smuggling at transit points internally to the EU by means of: (i) a critical review of the literature on EU-related human smuggling; (ii) a thematic analysis of secondary sources as well as expert interviews on EU-internal organised human smuggling, and finally, (iii) a social network analysis of a selected, large-scale human smuggling organisation in Northern Italy.*

*Together, these three different analyses lead to significant conclusions. OCGs involved in EU-internal human smuggling exhibit a decentralised organisational structure, which includes at most a two-tier level, including resourceful smugglers at the top and precarious individuals at the bottom. These OCGs are constituted not only by foreign- but also largely by European actors. Common ethnicity appears to facilitate cooperation between smugglers, as well as the criminal experience of a few. Compared to increasingly structured OCGs operating at the borders of Europe, the EU-internal human smuggling market appears still less organised and less violent and/or life-threatening for migrants. The latter is exhibited by a shift from physical transport to the progressive use of fraudulent documents on the EU-internal human smuggling market, which however might indicate increased involvement of resourceful smugglers.*

*It is argued that such a highly resilient illegal market structure can only be countered through (i) the improved targeting of high-tier smugglers but more importantly, necessitates (ii) recruitment prevention strategies that target the marginalisation and socio-economic precarity of smugglers, which are measures that notably overlap with the aim to reduce the demand of irregular migrants for smuggling services in the first place.*



# 1. CHAPTER: Introduction

## 1.1. Background

This PhD thesis uses a mixed methodology approach to the study of OCG-facilitated irregular migration from a socio-economic perspective. Generally, the work contributes to the analysis of illegal markets through the lens of Economic Sociology, which has as-of-yet focused mainly on the study of legal or informal markets (Beckert and Wehinger, 2012). More specifically, the here presented work contributes to the established human smuggling literature through:

- (I) the analysis of a specific under-researched illegal market *type*, i.e. the EU-*internal* facilitation of irregular migration at transit points, with a specific focus on Northern Italy, which acts an instructive model through the country's important position as entry and transit state for irregular migrants aspiring to reach Central and Northern Europe;
- (II) the examination of organisational structure and novel reduction methods related to a specific *actor* operating on this illegal market type, i.e. OCGs, and;
- (III) the operationalisation of social mechanisms which facilitate cooperation between *individuals* who constitute the specific market actor, i.e. smugglers.

The topic is so current that it can hardly be avoided, since we are confronted with it on an almost daily basis when reading the news or switching on TV – with senior government officials preventing yet another NGO ship from disembarking rescued migrants and refugees at Italian ports (ANSA, 2019; Reuters, 2019), or the current US president making another headline with his (apparently failing) attempt to put up a massive wall on the border with Mexico to keep irregular migrants out of US territory (BBC, 2019; Rizzo, 2019), as just two examples that dominate the media.

Daily life is tainted by this topic as well, for example, when one encounters large numbers of mostly African migrants stranded at Milan's Central Station, waiting either for their asylum application to be accepted, for their status to be regularised, to find an informal/illegal job when it is impossible to get a regular one or it takes far too long, or simply because they have nowhere else to go; or on a train across the Italian border to France, with selective border checks in place that attempt to uncover passengers travelling without documents; or being approached by street vendors, who are often irregular migrants or refugees, in the neighbourhood park, in front of the next-door supermarket or simply down the street.

Today, these exemplary situations are particularly prevalent in the border region and metropolises of Europe, and may have pushed themselves into the foreground of public awareness only relatively recently. Yet, irregular migration, with all its impacts on multiple levels, has been occurring in Europe and elsewhere ever since larger groups of people have started migrating and states have exercised their sovereignty in deciding who they want and do not want to enter their country – in Europe most prominently during the Great Migration that accompanied and accelerated the decline of the Roman Empire (see e.g. Gibbon, 1776; Halsall, 2007; Beard, 2016).

Adopting many different phenotypes and stretching many epochs and theatres of history, irregular migration has been a global phenomenon with global consequences, i.e. social, economic, cultural, psychological, legal and of course political. The significance of this topic is mirrored in the academic literature, which demonstrates a long-standing history of discussions around irregular migration and its causes and effects from all these diverse approaches (see e.g. Ghosh, 1998; Jandl, 2007; Triandafyllidou, 2016; Ambrosini, 2018).

Nonetheless, there are several elements that are novel to the phenomenon of irregular migration and its discussion *today*, not only regarding the scholarly debate but also in the public, media

and political discourse, which demonstrates that research in this field still raises more questions than it has answered. Thus, further scientific as well as theoretical exploration into the topic and its current context is vital.

In his latest book (2018), renowned historian Yuval Noah Harari, summarises and groups the current global discussion on immigration into three distinct debates on: (i) whether being able to immigrate should be seen as a duty or as a favour; (ii) whether immigrants should be obliged to conform to the culture of the receiving country; and (iii) whether, if the latter has occurred, how much time has to pass before immigrants become full members of the receiving state. The last debate on whether immigrants or receiving society, as two parties to this ‘immigration deal’ (2018: 140) can actually adhere to the rules of the deal depends on the development of answers to the first three discussions.

In Harari’s words ‘as long as we don’t know whether absorption is a duty or a favour; what level of assimilation is required from immigrants and how quickly host countries should treat them as equal citizens – we cannot judge whether the two sides are fulfilling their obligations’ (2018: 146). Thus, what would be required in order to make such a judgement is a *common* approach by EU-governments in how to manage immigration.

However, it is pointed out by several scholars that Europe is essentially lacking a coherent, effective migration management strategy (see e.g. Ambrosini, 2018; Carrera et al., 2019), as member states adapt different policies in the attempt to halt irregular migration (D’Appollonia, 2019; Fontana, 2020). In fact, this general failure of governments globally, and EU-governments more specifically, in dealing with irregular migration, is an element which is not new but has become most evident in current times with regard to the phenomenon (Castles, 2010; Roberts, Murphy and McKee, 2016; Ambrosini, 2018; Estevens, 2018). Especially in relation to the increased flow of irregular migrants and refugees that reached Europe since 2015.

It can be argued, that the so-called ‘migration crisis’ did not stem from the flow itself, as in terms of numbers, Europe (as one of the world’s wealthiest continents) only receives a very small percentage of the world’s asylum seekers<sup>1</sup>, but instead, it is rather a crisis of the EU government’s handling of migration flows (a ‘migration management crisis’ [Carrera et al., 2019]), and even more importantly, a humanitarian crisis<sup>2</sup> in terms of people who have died on their journey to and through Europe (Goodman, Sirriyeh and McMahon, 2017; Carrera et al., 2019).

One major public, political and academic discussion, which has emerged in recent years around the topic of irregular migration is the so-called ‘crimmigration’ debate, first termed by Stumpf, (2006) [Van der Woude, Barker and Van der Leun, 2017; Koulish and Van der Woude, 2020). The dispute regards the global trend of steadily merging crime control and restrictive immigration legislation (Van der Woude, Barker and Van der Leun, 2017).

Case studies in Europe, regarding legislative and policy reforms in countries such as Italy, Spain, Greece, the Netherlands and Sweden, are support for the fact that crime control mechanisms are especially directed against poor migrants, of ethnic minority backgrounds because they are perceived to present some sort of economic, social or criminal risk to the member states. Simultaneously, these studies also show the resulting efforts by migrants to evade these control measures (Van der Woude, Barker and Van der Leun, 2017), as the demand to migrate and the demand for migrant labour is likely to only increase in the future (Horwood and Powell, 2019).

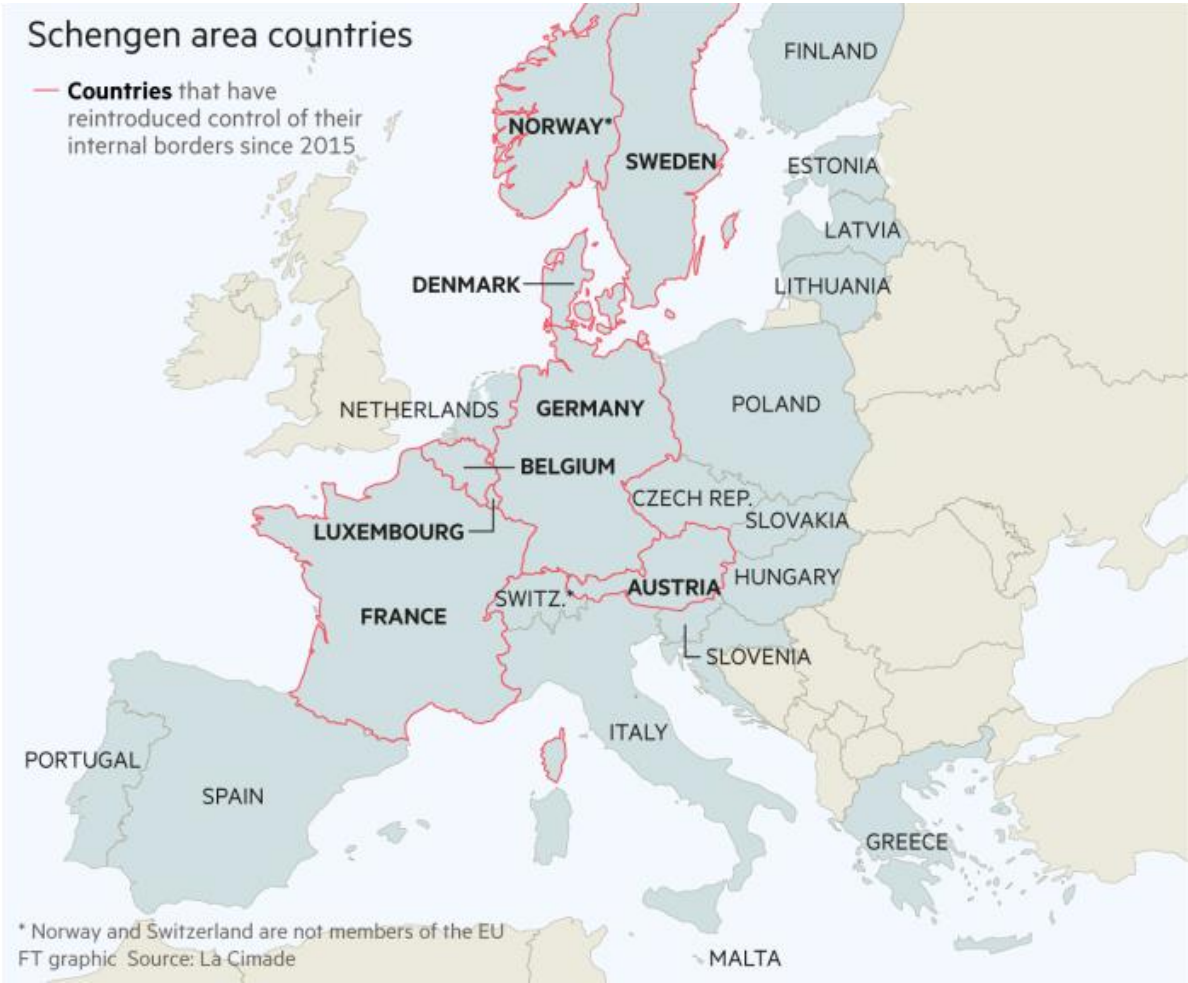
Interestingly, the scholarly crimmigration debate has mainly focused on EU-external borders, whereas internal borders remain under-investigated (Van der Woude and Van der Leun, 2017).

<sup>1</sup> Developed countries receive only 16% of the world’s asylum seekers (UNHCR, 2019).

<sup>2</sup> In 2018 alone around 2,275 people died or went missing from trying to cross the Mediterranean sea (UNHCR, 2019). From 2014 until 2019 an estimated number of 60,000 people have died worldwide on their migration journey (Migration data portal, 2019).

This may appear justified, as Europe, in terms its official political and economic unity as well as free movement between Schengen countries, is often presented as joint ‘fortress’ in the media (see e.g. Malik, 2018; Stone, 2018) refusing entry to irregular migrants at its external borders. However, in practice, Europe’s internal borders are in fact quite present. In particular today, where mobility regulation across EU borders, e.g. in the sense of the construction of border fences or increased identification controls (Karaçay, 2018), is carried out at a higher discretion of individual member states, than before the major mixed migration influx via sea of 2015 (Van der Woude and Van der Leun, 2017; D’Appollonia, 2019). In this context, **Figure 1** below visually represents those European countries that have reintroduced (temporary) internal border controls with the justification of responding to increased migratory pressure and terrorist threats (Schacht, 2019).

**Fig. 1.** Map of EU countries that restored internal borders since 2015 (Khan, 2018)



The crimmigration debate shows that novel elements of the debate around irregular migration regard the fact that the latter has never been associated so directly with being a ‘threat’ and a criminal activity, i.e. the figure of the smuggler himself but also the association of human smuggling with a series of other crime types such as organised crime, drug trafficking (Triandafyllidou and Maroukis, 2012; Shelley, 2012) and terrorism (Walt, 2015; Europol and Interpol report, 2016; Eurojust, 2018). Even though, specifically concerning the smuggling-terror nexus, there is no robust empirical evidence to corroborate this link (Matar, 2017; Tinti, 2017; Palacios and Rubio, 2018; Sumpter and Franco, 2018; Ferreira, 2019). The crimmigration phenomenon is fuelled by a type of media coverage characterised by anecdotal, biased and often rare cases, as well as the alarming spread of right-wing populism especially in Europe but also globally (Sumpter and Franco, 2018).

Furthermore, an extensive amount of money is being pumped into trying to deter migrants from entering the EU in the first place<sup>3</sup>, through information campaigns about the risks of the journey (Oeppen, 2016), training of coast and border guards, not only at the margins of Europe but also internally and in transit countries (such as Libya)[Mancini, 2018]. Yet again, there is no empirical evidence that these measures are cost-effective and/or are actually demonstrating positive results in reducing human smuggling (see e.g. Tjaden, Morgenstern and Lazco, 2018).

While the number of irregular migrants arriving at Italian shores has significantly decreased<sup>4</sup>, the latter cannot be associated with a decrease in the demand to migrate but rather, with the shifting of routes (e.g. from Southern Europe to Western Europe) [Marten and Volkenborn, 2019]. The statement of the Italian Minister of the Interior claiming that migrant lives have been saved by obstructing them from disembarking or even leaving the African continent

<sup>3</sup> An amount of 2 billion Euros was offered by EU governments as part of the EU-Africa trust fund in order to stop people from migrating to Europe (McIntyre et al., 2018).

<sup>4</sup> The period from September 2018 to August 2019 sees a decrease in sea arrivals at the Italian shores of 75% compared to the year before (Colombo, 2019).

towards Italy, is highly misleading and arguably actively contributing to the physical and psychological abuse of migrants who are stuck in contexts such as Libya, where they are subjected to inhuman treatment and torture in migrant detention camps (Rosini, 2019). Moreover, deaths of migrants in these centres often go unreported (Rosini, 2019).

Thus, this uncertain political climate calls for more robust, precise and empirically grounded research into the facilitation of irregular migration into the specific context of the EU. An investigation into the actual perils and risks associated with this facilitation is required when and if it is undertaken by criminal organisations (OCGs) which are argued to aliment a vast underground economy (UNODC; 2018; Europol, 2019).

The literature on irregular migration presents a large set of scholarly work concerned with the facilitation of irregular migration. Over the years researchers have become increasingly interdisciplinary in their theoretical approach, as well in their analysis of human smuggling in the EU context (see e.g. Bacas and Kavanagh, 2013; Siegel and Nagy, 2018; Zhang, Sanchez and Achilli, 2018). The latter research is empirically robust and contradicts the misleading public discourse that claims human smuggling to be controlled by monopolistic Mafia-type enterprises, which have to be disrupted in order to reduce irregular migration. In fact, this research points to a fragmented, loosely-structured human smuggling market that should be countered rather by focusing on strategies that tackle the demand for irregular migration facilitators (Zhang, Sanchez and Achilli, 2018).

However, three major construction sites are open with regard to the established literature. Firstly, up until now in the existing literature, a great focus has been put on who facilitates irregular migration at the *external* borders of Europe, whereas, very little attention has been paid to the facilitation of irregular migration internally to the continent. Especially, with regard to OCGs engaged in said facilitation service. The increased mixed migration influx via sea of

2015 into the EU, the crimmigration-centred political climate and the reintroduction of (temporary) internal borders within the EU, make it crucial to study the actual reality in terms of organisational structure and strategy of these OCGs in this distinct human smuggling context.

Secondly, while socio-economic perspectives have focused mainly on the relationships between irregular migrants and their travel facilitators (see e.g. Achilli, 2016; Sanchez, 2017), the relationships between smugglers belonging to the same criminal group involved in human smuggling remains under-investigated<sup>5</sup>. Developing a better understanding of this relationship, is not only important vis-à-vis a political and public setting which associates OCGs with Mafia-type structured syndicates but it could also prove vital in the analysis of this specific illegal market's functioning and its resilience.

Thirdly, the literature on reduction strategies regarding human smuggling has mostly focused on reducing the demand for irregular migration (see e.g. Zhang, Sanchez and Achilli, 2018) and strategies aimed at curbing supply are focused primarily on criminal network disruption (Europol and Interpol, 2016; Eurojust, 2018). However, the development of measures that diminish both supply of smuggling services and demand for the latter simultaneously, through socio-economic prevention strategies targeting the precarity and marginalisation of irregular migrants that are specifically tailored to the EU-context are still missing. Last but not least, little is still known on social mechanisms that occur within human smuggling organisations, between individual smugglers, which are vital for the functioning of these criminal organisations. These construction sites present limitations to the scientific knowledge of the human smuggling phenomenon, which this thesis aims to address.

<sup>5</sup> A notable exception is Zhang and Chin's (2002) analysis of Chinese human smuggling organisations.



## 1.2. Purpose and research questions

These gaps in the current state of the art regarding the study of irregular migration facilitated by OCGs at transit points within the EU, have produced the following overarching research question:

*How can socio-economic theory illuminate novel aspects regarding structure, operation and intra-organisational relations of organised illegal market actors facilitating EU-internal irregular migration, and thereby point towards context-tailored, effective reduction strategies?*

In order to be able to answer such a broad question, the query has been broken down into three theme blocks, with more distinct sub-questions.

### **I. Set:** Expanding theoretical perspectives on human smuggling

- *How can terminological distinction bring more clarity to the understanding of human smuggling internally to the EU?*
- *What makes the specific EU-internal transit stage a particular human smuggling context?*
- *How have socio-economic theoretical approaches contributed to the understanding of human smuggling as a socially embedded illegal market and what are they missing?*
- *What type of market reduction strategies have these approaches defended and what type of measures have been neglected?*

### **II. Set:** Smuggling organisations: Structure, operation and reduction

- *How is knowledge on EU-internal human smuggling by OCGs produced and how can this be improved?*

- *How does EU-internal human smuggling parallel or differ from other geographical contexts in organisational structure and operational strategy?*
- *How can this context-specific organisational knowledge be used to develop novel effective market reduction strategies?*

**III. Set:** Intra-organisational relations: Cooperation between smugglers

- *What type of social mechanisms facilitate cooperation between smugglers operating in an uncertain market context?*
- *What keeps smugglers from free-riding?*
- *How can the case study of a specific illegal market type inform the analysis of similarly structured market types in different geographical contexts?*

It was deemed most appropriate to respond to the three sets of questions through three distinct research papers, which each adopt a different methodology in the examination of EU-internal human smuggling by OCGs from a socio-economic perspective. Thus, instead of a traditional monograph, this dissertation presents a collection of papers, in which each article presents its distinct theoretical background<sup>6</sup>, a methodological discussion, the analysis of results and an interim conclusion.

The last chapter of the thesis (**Ch.5**) offers an overall discussion of how these three papers have each individually helped to answer the general, as well as sub-set of research questions. The chapter also provides a discussion with regard to potential limitations of the overall applied research methodology. In addition, the chapter examines general lessons that can be deduced from the here presented results for the understanding of illegal markets generally, as well as the

<sup>6</sup> Theoretical concepts applied in Chapters 3 and 4 are discussed in detail as part of the critical literature review of Chapter 2 and are thus only briefly explained in the subsequent chapters.

human smuggling market specifically. Future research avenues are also discussed, with specific focus on improving knowledge production and reduction measures related to human smuggling.

### **1.3. Addressing the key questions**

The three papers aim to answer the specified research questions, from a (i) purely theoretical perspective based on the analysis of established scholarly work (**Ch. 2**); through (ii) a qualitative analysis of secondary source and expert interview data (**Ch. 3**), as well as through (iii) a quantitative social network analysis of a specific large-scale human smuggling organisation based on the extraction of information from related court documents (**Ch. 4**).

In order to answer the first set of research question this paper presents a critical literature review related to the facilitation of irregular migration into Europe and beyond. The review clarifies blurred terminology when speaking about irregular migration as a background to the misperception of human smuggling in the public as well as political discourse. The review focuses specifically on the economic as well as sociological debate around migrant smuggling and discusses the advantages presented by past research in combining these two approaches to explain human smuggling as a socially embedded illegal market.

Beyond the latter, the review highlights the missing theoretical insights that are yet to be gathered in this field of study. Most notably, with respect to the geographical context of EU-internal facilitation of irregular migration by OCGs and under-investigated relationships between smugglers.

The second paper is aimed at providing an answer to the second set of research questions, by collecting and critically analysing the available information on human smuggling by OCGs internally to Europe, through a thematic analysis of secondary sources and expert interviews.

Through this qualitative analysis an updated knowledge framework is produced, which uncovers the organisational structure and strategy of criminal organisations facilitating EU-internal human smuggling today, with specific focus on Central Europe (i.e. the borders between France, Italy, Austria and Germany). The analysis compares this organisational framework with criminal organisations operating at the EU-external borders with distinct regard to the Central Mediterranean route. On the basis of this examination the article presents context-targeted reduction strategies that are tailored to the organisational advantages of decentralised OCGs.

With the purpose of answering the third set of research questions, a case study is undertaken, concerning a specific large-scale organised human smuggling investigation in Northern Italy. The case involves a criminal network that facilitates irregular migration and operates mainly between Milan and Ventimiglia in 2015, which presents a bottleneck region for EU-internal migration. By means of data accessed through the Tribunal of Milan in the form of case-related court documents, a social network analysis is conducted.

The latter allows for the analysis of potential effects of a set of established proxy variables (ethnicity, social control and reputation) on facilitating cooperation between smugglers belonging to the same criminal organisation. On the basis of this case study analysis, more generally applicable theoretical and methodological guidelines are deduced for the research into other illegal market types.

Answering the three sets of research questions through this approach is hoped to provide an enhanced understanding of: (i) the general illegal market type of EU-internal human smuggling, (ii) the structure and functioning of specific illegal market actor operating on this market, i.e. OCGs, as well as, (iii) intra-organisational relations between individuals constituting this distinct market actor, all with the aim to produce effective market reduction strategies.

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## **2. CHAPTER: Literature Review**

### **The market for human smuggling in the Mediterranean and beyond: A socially embedded illegal business**

*With more than 1 million irregular entries into the EU in 2015, irregular migration has moved to the centre of the current political and academic debate. Due to governmental inadequacy in dealing with the issue or even as a direct result of increasingly restrictive border control measures and stern immigration policies, the market for the facilitation of irregular migration has grown in size and professionalisation. However, due to sensationalist media accounts, blurred terminology and the general complexity of the human smuggling phenomenon, the latter is still widely misperceived and misrepresented. The following paper presents a review and critical discussion of the literature on human smuggling into the EU and more specifically into and through Italy, as a focal region of entry and transit for irregular migration. The review clarifies terminology regarding the phenomenon and highlights the advantages of studying human smuggling as a socially embedded illegal market type, as well as pointing out what the literature is still missing: a socio-economic investigation into the peculiar context of Schengen-internal facilitation of irregular migration by OCGs at transit points and an increased focus on social relationships between smugglers, as well as a new outlook on reduction measures.*

## 2.1. Background

Never before has the topic of irregular migration into the EU and the facilitation of the latter received this much attention in the academic debate (see. e.g. Cheliotis, 2017; Strange, Squire and Lundburg, 2017; Ambrosini, 2018; Sanchez and Achilli, 2019) and political sphere (see e.g. Peel and Khan, 2017; Rijneveld, 2017; Morris, 2018). While it is far from being a ‘new’ phenomenon, as it has been studied and heatedly debated already for the past 30 years in several different contexts globally (see e.g. Brennan, 1984; Salt & Stein, 1997; Reyneri, 1998; Kyle and Koslowski, 2001; Düvell, 2006), irregular migration has recently received even more attention as part of a frenzied political, social, and economic debate.

Specifically, this heightened attention refers to the year 2015, in which shared consequences of the Arab Spring, the Syrian civil war and the rise of several revolutions in Northern Africa were felt directly in Europe (Achilli, 2016; Ambrosini, 2018; Ryan, 2019), with more than 1 million refugees and migrants having arrived through the Mediterranean sea route (UNHCR, 2015). In fact, what is *recent* regarding irregular migration is the ‘global spread and development of the phenomenon’ related to its facilitation by smugglers (Triandafyllidou, 2018: 214), *combined* with mass media attention and the rapid spread of news, images, misinformation and ideologies via these and social media.

Governments globally and those of the EU more specifically, have had major difficulties in managing migration for years (Castles, 2010; Roberts, Murphy and McKee, 2016; Ambrosini, 2018; Estevens, 2018), and this has become most publicly visible in recent times. This governmental inadequacy of dealing with irregular migration in a formal, state-controlled, efficient and timely manner (Ambrosini, 2018; Ferreira, 2019) did obviously not reduce the demand created by people who needed or wanted to leave their country of origin, whether for safety, job opportunity, family reunification or other reasons. Therefore, an alternative,

informal response to this prevailing demand rapidly emerged and has developed, as official reports maintain (see e.g. Europol and Interpol, 2016; EMSC, 2018), into a substantial shadow economy: human smuggling services.

Human smuggling is as old as irregular migration itself (Aronowitz, 2001; Triandafyllidou and Maroukis, 2012; Baird and Van Liempt, 2016), but in recent years the media has become infatuated with the topic, and we find numerous sensationalist accounts of the danger, inhumaneness, and profitability of the smuggling business which is allegedly led by transnational organised criminal enterprises (see e.g. Ryan, 2016; Petrini, 2017). This depiction of the transnational organised criminal threat linked to human smuggling is reinforced by official reports, such as the SOCTA (2017) and the Frontex Risk Analysis reports (2018; 2019). Evidence presented by these reports as well as public perception of the threat led to the establishment of the European Migrant Smuggling Centre (EMSC) in 2016, as well as placing the countering of smuggling at the top of the European Agenda on Migration (2015).

This overall very negative and criminalising depiction of human smuggling has attracted the interest of various scholars globally, who have approached the topic by looking at it from diverse, often overlapping theoretical perspectives, including criminological, sociological, network, economic, political-historical and human rights approaches (Baird and Van Liempt, 2016). The criminological approach discusses smuggling as a crime (see e.g. Schloenhardt, 2003; Van Liempt and Sersli, 2012), the network approach highlights the importance of personal networks in the migration course (see e.g. Staring, 2004; Herman, 2006), while economic perspectives analyse smuggling as a business and focus on the importance of profit made through smuggling (see e.g. Salt and Stein, 1997; Bilger, Hofman and Jandl, 2006; Gathmann, 2008; Wheaton, Schauer and Galli, 2010). Instead, the political-historical outlook on smuggling takes into consideration different realities of smuggling in diverse geographical

contexts over time (see e.g. Kyle and Koslowski, 2001). Yet, seeing as the phenomenon is highly complex, these concepts have often been intermeshed.

While each of the named approaches present important theoretical aspects of the phenomenon, it is here argued, in line with established interdisciplinary *socio-economic* studies, that the latter presents a crucial theoretical framework for comprehensively understanding the human smuggling phenomenon as illegal market in a given context. Thus, the aim of this paper is to present a comprehensive review and critical discussion of distinct socio-economic theoretical concepts related to human smuggling and how this discussion can be expanded.

Before going into the conceptual discussion on human smuggling, a few key terms that are associated with the phenomenon but are also often misinterpreted, blurred or simply misused are discussed. This terminological clarification is important as the misuse of labels related to the topic is to an extent also a reason for the misperception of the human smuggling reality in the public discourse. In which ways this misperception manifests itself specifically regarding the EU-context is subsequently examined. Understanding this misperception is crucial, in order to be able to develop human smuggling reduction strategies which are more evidence-based than those currently employed, for which associated unintended consequences are also debated towards the end of this chapter.

The specific context of human smuggling into Italy (through the Central Mediterranean route) and through the country towards other EU countries as builds the focus of this analysis, as it is a study which has yet to be carried out. Italy is exposed due to its geographic position that facilitates uncontrolled entry into the country mainly from North Africa via difficult-to-control sea lanes and a vast total shoreline (Harney, 2006; Monzini, 2007; Zanfrini et al., 2008; Panebianco, 2016). However, studies have previously focused mainly on the South of Italy and

neglected the reality of smuggling in the North of the country towards other Central and Northern European countries. The current study highlights and addresses the latter.

Hence, the main topics of this literature review analysis include: (i) the clarification of terminology and (ii) the examination of different human smuggling stages, with a focus on the peculiarity of the EU-internal transit stage; (iii) the confrontation between public (mis)perception of the phenomenon and a discussion of established empirical evidence of human smuggling; (iv) the theoretical analysis of human smuggling from a socio-economic point of view, including the potential for conceptual extensions to this perspective and last but not least, (v) a discussion of unintended consequences of law enforcement repression in countering this illegal business are discussed with the aim to find new avenues of potential market reduction.

## **2.2. Terminology**

First and foremost, it is essential to define certain fundamental terms related to the facilitation of irregular migration that are used, but are often misconceived or misapplied in the public discourse. As such a practice can quickly result in misrepresentation of facts, prejudices or even bad policy-making (Achilli, 2018), it is important to obtain terminological clarity.

### *2.2.1. Irregular migration vs illegal migration*

While there is no universally valid definition of irregular migration, the International Organisation for Migration [IOM] defines it as the ‘movement that takes place outside the regulatory norms of the sending, transit and receiving countries’ (IOM Glossary on Migration, 2011). The simplest way to distinguish between irregular and illegal migration is by arguing that people who immigrate illegally into a country do so *unlawfully*, as they do not have the

appropriate documents to enter a given country. However, this term is seen as problematic, not only because it suggests that a human being can be ‘illegal’ (which has fuelled many pro-immigration demonstrations, see e.g. ‘No one is illegal’ campaigns [Düvell, Triandafyllidou and Vollmer, 2009; Dauvergne, 2009; Gambino, 2015; Repubblica, 2017] and hence undermines universally accepted humanitarian and moral values, but it is also instantly associated with a criminal act (Sciortino, 2004; Paspalanova, 2008).

The latter is highly misleading as few irregular migrants are actually criminals in the traditional definition of this term. Therefore, defining asylum seekers who are ‘undocumented’ while waiting for their regularisation as criminals does not take into account well-founded reasons for leaving their home country (Sciortino, 2004; Dauvergne, 2009). In this respect, the UN general assembly suggested using the term ‘non-documented or irregular migrant workers’ defining those individuals who illegally enter another country in search of work (Paspalanova, 2008). As irregular migration explains a wider, more general phenomenon than illegal migration, the current paper adopts the former definition.<sup>7</sup>

### 2.2.2. *Refugee, asylum seeker, economic migrant*

UN Convention (1954) defines a *refugee* as someone who is escaping conflict or persecution and who therefore seeks protection in different country. According to the Convention’s definition a refugee could be prosecuted for reasons such as religion, nationality, race, political opinion or for being a member of a certain social group). An *asylum seeker* on the other hand, is defined as ‘someone who has submitted a request for asylum in a country other than his or her own and awaits a decision on the application for refugee status’ (IOM, 2011).

<sup>7</sup> As this dissertation’s focus is on Italy, it should be noted how these terms are comparatively defined in the Italian language. A distinction is made here, between ‘clandestini’ and ‘irregolari’, whereby ‘clandestine’ migrants are those that enter a country illegally and irregular migrants on the other hand are those that have entered in a legal manner but then overstay their visa permit for example (Ambrosini, 2018).



The important difference between the two terms is that a refugee is (officially) an individual that has already received a positive answer to his or her request for protection, whereas an asylum seeker is still awaiting a decision. Moreover, a refugee is ‘enshrined by international law, the other is subject to a country’s immigration policies and procedures’ (IOM, 2011). In fact, administrative access to the initiation of a formal process of asylum seeking differs substantially between geographic regions (i.e. city vs remote rural areas, war zones vs intact communities etc.), thus rendering it virtually impossible for many individuals to enter into the different legally prescribed bureaucratic procedures for asylum seeking in distinct and sometimes even preferred EU member states (see e.g. Crisp, 2003; Jödecke, 2016; Ambrosini, 2018).

An *economic migrant* on the other hand is ‘a person who has left his or her own country and seeks by lawful or unlawful means to make a living for himself or herself (and their family in many cases) in another country’ (Mitchell, 2017). The (economic) migrant hence, makes a conscious decision to leave the country for different reasons to those included in the Convention’s definition. However, this categorisation of people has met much criticism as it is not always easy to distinguish between the reasons for leaving and prioritising one motive over another may result in the victimization or criminalisation of people, who move due to difficult realities in their countries such as extreme poverty, violence and corruption. Importantly, asylum seekers, refugees and economic migrants mostly share the same irregular migratory *routes* and travel facilitating services, which in turn makes the distinction between these three terms less clear (Koser, 2010; Van Hear, 2009; Triandafyllidou, 2018). For the latter reason, when discussing the facilitation of irregular migration, the facilitation of travel for refugees, asylum seekers, as well as economic undocumented migrants is considered in this dissertation.

### 2.2.3. *Trafficking vs smuggling*

A terminological distinction between the terms *human trafficking* and *human smuggling* is not always made in the public discourse and has been widely debated in the academic literature. In fact, in the past 15 years the literature has presented several discussions on whether and how to differentiate between the two terms (see e.g. Salt and Stein, 1997; Hughes, 2000; Aronowitz, 2001; Savona et al., 2004; Shelley, 2010; Gallagher, 2009; Campana and Varese, 2015).

According to the UN Protocol against the Smuggling of Migrants by Land, Air and Sea (2000) trafficking in persons is defined as *'the recruitment, transportation, and harbouring of persons, by means of the threat or use of force or other forms of coercion for the purpose of exploitation'*, whereas the smuggling of migrants is defined as *'the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident'*.

Campana and Varese (2015) critically discuss arguments in support of (e.g. Salt and Stein, 1997; Salt, 2000) – and against the interchangeable use (see e.g. Shelley, 2010) of both terms. The authors conclude that while human smuggling can be placed on a continuum, because it can turn into trafficking at a certain point, as many scholars argue (see e.g. Van Liempt, 2011; Baird, 2014), there are still vital differences between both phenomena that need to be highlighted. One of these differences is the commodity involved in both processes. In the case of smuggling, the commodity bargained with is the illegal entry into a country; this commodity is the fruit of the exchange between migrant and smuggler (Campana & Varese, 2015). In contrast, in the case of trafficking, the commodity involved is the 'control over a human being'.

Another distinctive feature is against whom the offence was committed. In the case of smuggling, it is an offence against the state's immigration legislation, whereas trafficking involves an offence against the trafficked person involved (Campana & Varese, 2015).

Moreover, the degree of agency in both phenomena is different (Van Liempt and Doomernik, 2006). The level of agency of a smuggled person is higher than that of a trafficked individual, in fact in the latter it is often completely absent as trafficking involves coercion (Van Liempt and Doomernik, 2006). The trafficked person might be sold by a third party or might choose to trust the traffickers and then ends up being coerced and exploited. A smuggled person on the other hand, accumulates the information on different smuggling organisations and then makes a choice for one or the other. Both alternatives might of course be undesirable, the latter also depends on how much money the migrant has available but it is nonetheless a choice (Campana and Varese, 2015). When smuggling turns into trafficking at a certain stage, the agency of the smuggled or then trafficked person involves changes of course (Campana and Varese, 2015).

Another important difference is the role of exploitation in both cases. Campana and Varese (2015) adopt a definition of exploitation that is contextualised in an employment scenario, where exploitation is hence defined as ‘the act of treating someone with substantial unfairness in order to benefit from their work’ (Campana and Varese, 2015: 4-5). This unfairness here could for example be paying people less than minimum wage or having to work under inappropriate conditions. In this sense exploitation is closely linked with trafficking as a strong empirical basis demonstrates (see e.g. Lazaridis, 2001; Allain, 2013; Van der Leun and Van Schjindel, 2016).

In the case of smuggling the situation is much more complex. Exploitation in this case happens usually *after* the actual smuggling operation has already been carried out. For example, after having been smuggled into the EU, migrants that are undocumented may have to accept a job that has critical working conditions and is poorly paid, yet having to work in the informal economy is a result of not having documents in this case and not a consequence of the smuggling operation itself (Campana and Varese, 2015).

Another instance of potential exploitation might be the debt-bondage situation in which a migrant might find itself in, if he cannot pay for the smuggling service. Yet, it is argued that again, exploitation is not an integral element of smuggling but of the debt-bondage situation (Campana and Varese, 2015). The important difference is that the migrant's agency to exit an exploitative situation linked to smuggling is higher than that of a migrant who is trafficked.<sup>8</sup>

For the reasons explained, in line with Campana and Varese's (2015) arguments, this paper argues also for the differentiation between smuggling and trafficking and will focus specifically on smuggling as defined by the UN Convention. It is deemed most vital to maintain such a distinction between the two phenomena especially in the current political climate in which migrants are too easily criminalised and labelled as either victims or perpetrators. Where in fact, the reality of smuggling is much more complex as will be described by the following section.

A last important difference between the two terms is that trafficking can also occur within a given state, i.e. a country border does not have to be crossed for human trafficking to take place. However, this is different in terms of human smuggling, as for the crime to have been perpetrated against a state, an effective country border must have been crossed (Campana and Varese, 2015). The latter nicely leads to the importance in differentiating the different *stages* that human smuggling involves.

<sup>8</sup> Use of the term 'human smuggling' in Italian: in the public discourse one hears the term 'traffico dei migranti' (see e.g. Caserta and Premoli, 2017; Petrini, 2017). This is confusing, as the term seems to be translatable in English to 'trafficking', yet it is not. 'Traffico' in the Italian public discourse makes no distinction between smuggling and trafficking. However, a difference is made in the legal sphere: human smuggling is dealt with under Article 12 paragraph 1, *Testo Unico* on Immigration (law 189 of 2002), which regards 'facilitating illegal immigration' (Savona et. al, 2004). Trafficking in human beings on the other hand corresponds to '*tratta di esseri umani*', yet this paper will focus on the former. The legislation on human smuggling was reformed by the Bossi-Fini law (no.189, 2002), which introduced a range of aggravating circumstances to the crime, e.g. intention to gain profit from smuggling, participation of more than three people, facilitation of entry for more than 5 people, providing false or illegally obtained documents, degrading or inhumane treatment of subjects involved etc. (Savona et al., 2004).

## 2.3. Human smuggling stages

### 2.3.1. *Departure routes and destination*

There are several different smuggling routes leading into Europe, with the key ones being the Central Mediterranean route (CMR), the Eastern Mediterranean (EMR) and the Western Mediterranean route (WMR). The EMR and the CMR were the most used routes for irregular migration in 2015-2016. The EMR was taken by the greatest number of irregular migrants in 2015 (885,386 irregular border crossings recorded) departing from countries such as Syria, Afghanistan, Iraq, and Pakistan (Europol, 2016; UNODC, 2018). Migrants would travel to Greece via Turkey first and from there they decide whether to take one of three different travel onward-routes, i.e. via the Western Balkans (through Croatia for example), via the Eastern Balkans (via Hungary, Bulgaria or Romania) or via sea towards Italy (Europol, 2016). While it still represents the most trafficked route (with 38,313 irregular border crossing registered from January to August 2019 [Frontex, 2019]), after the EU-Turkey agreement in 2016, irregular border crossings (especially via sea) decreased greatly on this route (Frontex, 2018).<sup>9</sup>

The CMR presents the deadliest route for irregular migrants, with the highest deaths counted in 2016 amounting to approx. 3,220 people having lost their lives in the attempt to make the crossing. Approximately 90% of irregular migrants on the CMR depart from Libya and arrive in Italy (UNODC, 2018). While in 2015, Italy was second in terms of most irregular migrant arrivals in the EU, it moved to first place in 2016 (with 181,436 arrivals) [UNODC, 2018]. Despite still representing one of the three most heavily travelled routes, since 2016 the number of irregular migrants having arrived in Italy has fallen on this route by 34% from 2016-2017 (The Economist, 2017; Frontex, 2018) and is still steadily decreasing with 2,656 irregular border crossing registered from January to August 2019 (Frontex, 2019).

<sup>9</sup> For a map representing irregular bordering crossings into the EU please refer to **Appendix 6.1**.

However, as borders are tightening, not only at the EU external borders but also at those of cooperating neighbouring countries such as Turkey and Hungary (Sandford, 2017; Baczynska, 2018), and there is increased militarised border control (Jones and Johnson, 2016; Rizvi, 2017; Achilli, 2017; Triandafyllidou, 2018), migratory routes have shifted to the Western borders of Europe as well. For example, Spain has experienced a doubling of irregular border crossings into the country from 2016-2017 [The Economist, 2017; Frontex, 2019] and currently presents the second most travelled route with 14,824 irregular border crossings in 2019.

While this article focuses on the facilitation by land and sea routes via the CMR into the EU, it is important to acknowledge the fact that irregular migration also occurs by people flying into Europe by means of false documentation or simply by overstaying their tourist visas without the direct help of facilitators (Triandafyllidou, 2010; Ambrosini; 2018).

While the arrival points of the EMR, CMR and WMR are at the borders of Europe, the preferred final destination for asylum seekers is often North-Western Europe (Ambrosini, 2018). However, it has to be pointed out that a clear picture, based on quantitative data, of how these routes continue onwards from the first point of arrival into the EU to the irregular migrant's final destination is still lacking. Figures that provide some insight into the destination are transfer requests of asylum seekers under the Dublin regulation to return these individuals to the first county of entry (Horwood and Powell, 2019; Kuschminder, 2019). For example, in 2018, more than 50,000 asylum seekers were requested to be returned to Italy, by France and Germany (Horwood and Powell, 2019). Research undertaken with regard to the main *preferred* European destination countries by irregular migrants and refugees showed that these are in fact Germany, France, as well as Sweden and (prior to Brexit also) the UK [see e.g. Crawley, 2010; Kuschminder, 2015].

### 2.3.2. *The peculiarity of the transit stage*

The first country of arrival within the EU is for most individuals travelling irregularly not their preferred country of destination (Brekke and Bochmann, 2015; Kuschminder, 2019). In fact, Greece, Spain and Italy present important transit countries for irregular migrants wanting to move towards Central and Northern Europe. Regarding the focus on the CMR, the case of Italy as a transit country is more closely scrutinised.

The Dublin Regulations (1990, 2003, 2013) have constrained asylum seekers in terms of where they are able to apply for asylum, as they are required to do so in the first EU country of arrival. The increasing level of secondary movements within Europe over the years and the fear of asylum system ‘abuses’ by applicants, have led to the establishment of the EURODAC system in 2016 (Belloni, 2016). The software system is a means for sharing biometric data of irregular migrants and refugees at their first point of arrival into the EU.

However, Italy, which is the first point of arrival for migrants moving along the Central Mediterranean route focused upon here, is often not the desired destination of asylum seekers due to a series of reasons and thus, irregular migrants and asylum seekers often try to avoid the identification system (Belloni, 2016). Part of the reasons for moving further North, include family or acquaintance reunification but also the fact that Italy presents inadequate housing facilities for asylum seekers, scant integration programs and insufficient financial support for these individuals (Belloni, 2016). Thus importantly, the wish or need for asylum seekers to move to other European countries, is also a result of a dysfunctional asylum system (Carrera et al., 2019).

In fact, Italy has been a transit country for irregular migration for many years. Before 1993 the regional clause of the Geneva Convention applied, which meant that non-EU nationals were not allowed to apply for asylum in Italy and even after this clause was lifted, the asylum

legislation remained weak (Belloni, 2016). Thus, secondary movements have been occurring for a prolonged period of time through the country.

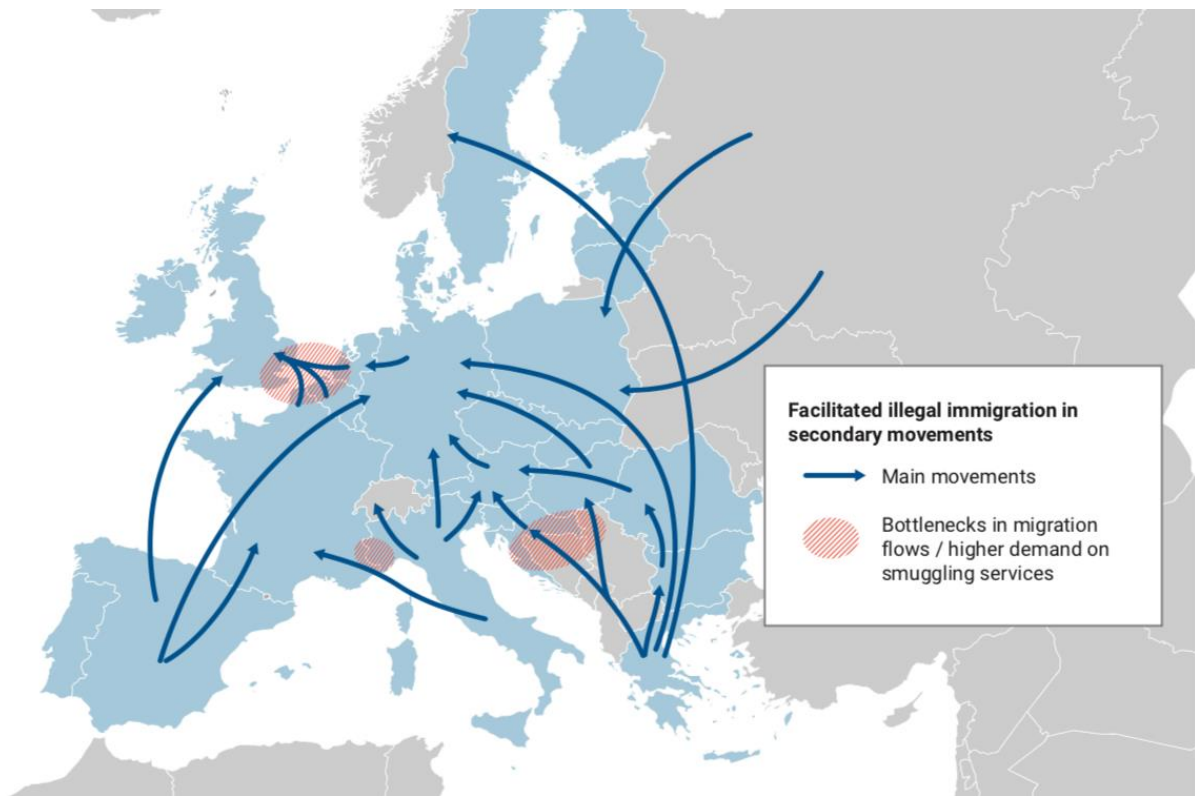
According to Europol, secondary movements are defined as ‘*the journeys undertaken by third country nationals and stateless persons from one EU or Schengen associated country to another without the prior consent of national authorities **with or without the support of migrant smugglers***’ (EMSC, 2018: 6).

This definition also includes secondary movements that are self-organised by migrants, which is indeed a method of irregular travel that frequently occurs (see e.g. Brekke and Brochmann, 2015; Fontanari, 2016; Schapendonk, 2018; English, Grazioli and Martignoni, 2019) and should be acknowledged. However, Frontex (2019) reports that in 2018, there has been an increase of 13% compared to the previous year with regard to EU-inland detections of human smugglers, which is argued to indicate the increased reliance on OCGs to facilitate travel in terms of secondary movements. For a visual representation of facilitated secondary movements see **Fig. 2** below.

The EU-internal border situation as it appears today, demonstrates a peculiarity which sustains the argument to investigate the facilitation of irregular migration of OCGs at transit points within the EU. In terms of terminology, it can be argued that internally to the Europe, *formally* the definition of ‘smuggling across borders’ is not suitable, as under the Schengen Agreement borders are officially open and travelling within the Schengen countries does not necessarily involve identification checks. However, in practice these borders have become increasingly present and firm.



**Fig. 2.** EU-internal facilitated irregular movements (EMSC, 2018)



Since the mass mixed migration influx via sea in 2015, several Schengen member states have re-introduced temporary internal borders and extended these measures several times (e.g. France, Germany, Austria)<sup>10</sup>. After Germany, Norway and Austria had prolonged their temporary border controls in 2015 and 2016, Belgium, Denmark and Sweden commenced increased passport controls at their borders and Estonia, Hungary and Bulgaria started building fences on their frontiers (Karaçay, 2018).

Moreover, actual physical borders were also erected in response to the migration influx, e.g. Estonia, Hungary and Bulgaria started building fences on their frontiers (Karaçay, 2018) and the UK funded the so-called 'Great Wall of Calais' (BBC, 2016). The UK also announced in

<sup>10</sup> For a visualisation of countries which introduced temporary internal borders please refer to **Chapter 1, Fig.1**, as well as **Appendix 6.2**, which depicts the increase of EU-internal border control implementation since 2015.

2018 that it would add security-related funds which included further fencing in the area (Travis and Stewart, 2018). The development and consequences of the historic Brexit phenomenon is also an argument for another definite, resurrected border, internally to what was the former European Union.

In addition, in light of an emerging heated scholarly debate on racial profiling at EU-internal borders (see e.g. Anderson, 2014; Schwarz, 2016; Khan, 2018; Dekkers, 2018), it can be argued that crossing an EU-internal border, in the absence of identification, has become especially difficult for non-Europeans. For example, the French NGO 'La Cimade' states that French border control guards check identification of those travelers coming from Italy 'who do not have the right skin colour' (Khan, 2018).

Thus, in line with recent scholars (Van der Woude and Van der Leun, 2017; Caponio and Cappiali, 2018; Fontana, 2020), it can be maintained that while it was still relatively easy to travel undocumented and without the help of facilitation services within the EU before 2015 (also prior to the introduction of EURODAC) this has changed in recent years. In fact, it is exactly this particular resurrection of (temporary) internal borders that makes the facilitation of irregular migration within the EU such a specific and interesting context to study.

Fontana (2020), amongst one of the very few scholars who considers the facilitation of irregular migration by OCGs with focus on Italy, terms the latter 're-smuggling' of undocumented migrants and refugees, who are aided in their onward travel from the first point of arrival at the borders of the EU to Western or Northern member states. The author argues that secondary movements occur in an irregular manner, in the absence of EU national authority oversight or agreement and often involve the use of fake ID and travel documents (Fontana, 2020).

Moreover, she states that on one hand, the same OCGs which arrange smuggling of migrants via sea into the EU, also conduct ‘re-smuggling’ ventures *within* the EU, as some of these have logistic bases in EU member states. On the other, also separate, independent OCGs are involved in this travel facilitation (Fontana, 2020). However, the latter remains to be empirically investigated.

Therefore, in line with Fontana (2020), considering the reintroduction of temporary internal (and militarised) border controls and the fragmentation of several EU member states in their applied migration management policies (Ambrosini, 2018), it is here argued, that in *practice* the concept of ‘smuggling across borders’ does currently describe the facilitation of irregular migration internally to EU rather well. Yet, in order to highlight this peculiar context, the specific term applied throughout the thesis is ‘**human smuggling at transit points**’.

It should be noted that the smuggling term is not applied to the facilitation of irregular migration within a *single* EU country, as there generally are no ID checks on busses or trains and no actual border crossing occurs. Therefore, it can generally be assumed that it is relatively unproblematic for irregular migrants to travel without the help of facilitators within the same EU country. Yet, this is different with regard to secondary movements, which can also occur *within* a specific state, e.g. Kuschminder (2019), analyses the secondary movements of Eritreans within Italy from 2016-2017. As this dissertation focuses on EU-internal cross-country border facilitation and in order to avoid confusion, the term ‘facilitation of secondary movements’ is avoided.

Interestingly, the reasons for introducing these EU-internal temporary border control measures, usually have to be carefully assessed by the EU Commission, whereby *proportionality* of the measure is confronted its *necessity*, in regard to ‘systematic threats’ to the entire Schengen zone (Bossong and Etzold, 2018: 2), such as terrorist activity or intense migratory pressure for

example (Nielsen, 2019). However, an analysis by the EUObserver has demonstrated that very f

This raises the question of whether there is actually enough evidentiary data to be collected, in order to justify these measures, which without this validation seem rather inappropriate, seeing as there is no proof for their effectiveness (Bossog and Etzold, 2018). The latter is a highly important discussion, not only due to the fact that it challenges the actual empirical data-based understanding and extent of the *threat* (and with it that of EU-internal human smuggling) but also, because a prolonged implementation of internal border control measures by diverse member states endangers the survival of the Schengen Agreement in general (Bossong and Etzold, 2018; Nielsen, 2019).

Thus, it is imperative to examine the empirical reality of human smuggling within the EU-internal context more closely. A starting point for the latter is the scrutiny of established research on EU-related human smuggling.

## **2.4. Empirical evidence of human smuggling**

### *2.4.1. Public (mis)perception*

The misuse of terminology related to actors and processes associated with the facilitation of irregular migration has also contributed to an ill-conceived and misleading public perception of human smuggling. This perception is often dominated by a ‘Mr Big’ or ‘mastermind’ rhetoric that puts forward the notion of a small number of powerful, central crime figures, who have monopoly over the whole smuggling market and are comparable to Mafia-like syndicates (Maroukis, 2012; Achilli, 2016; Campana, 2017; Sanchez, 2017; Triandafyllidou, 2018).

However, this account of human smuggling as portrayed by the lay press (e.g. Ryan, 2016; Wilkinson, 2016; Greenwood, 2017), is quite different to the empirical reality of the human smuggling market, which is in fact much more complex than what the ‘mastermind’ rhetoric assumes it to be. In line with scholars who argue for the latter, such as Campana (2017), Zhang, Sanchez and Achilli (2018), Triandafyllidou (2018) and Maher (2018), this paper attempts to readjust the ill-conceived public narrative to one that is more consistent with what the actual market for human smuggling related to Europe looks like today.

To do so is a fundamentally important task of current research into human smuggling, as the existing rhetoric has already conceived highly problematic consequences: ‘accounts that tell stories of poor and desperate individuals deceived by organised crime cartels’ have resulted in the political perception of criminalising irregular migration in which ‘the evil is represented by the smugglers’ (Achilli, 2016: 1) and in which the migrants are victims of smugglers (see also Kyle and Koslowski, 2001; Triandafyllidou, 2018).

While this rhetoric has surely raised public awareness and policy interest, this narrative inadequately addresses the relations between smugglers and migrants (Achilli, 2016). Hence, both Campana (2017) and Achilli (2016) argue that there is a need to understand human smuggling and the actors involved in this phenomenon *better* and in all its complexity. This understanding is fundamental to the pursuit of EU-policies that are effective in reinforcing EU member states’ control over their borders but also and at the same time, ensuring migrants’ safety and avoiding human rights violations.

A specific notion which is often misperceived is the relationship between smuggler and migrant. In the public discourse [see sensationalist newspaper articles cited above], we often see the image of the ruthless, greedy, violent smuggler who exploits the innocent migrant (Sanchez, 2017, Achilli, 2018; Triandafyllidou, 2018). However, it is vital not to oversimplify

the facilitator-traveller relationship as it is more complicated than a simple *exploiter and exploited* scenario because the lines that differentiate one from the other are often blurred. The latter is especially the case when facilitators are family members, friends, acquaintances or have been irregular travellers themselves before becoming facilitators (Achilli, 2016; Tinti and Reitano, 2016).

While there is no fixed demographic smuggler profile as facilitators have very diverse backgrounds, empirical evidence shows that the majority of smugglers are male<sup>11</sup>, some were (irregular) migrants themselves once, who often share the nationality or language of their clients and can be family members, friends or acquaintances of the smuggled clients (Zhang and Chin, 2002; Achilli, 2016; Sanchez, 2017). Importantly, smugglers are also most often marginalised individuals (e.g. low-income workers) [Sanchez, 2017]. At most, you could say that facilitators share the general characteristic of being entrepreneurial and prefer working independently (Zhang, 2007; Achilli, 2017; Sanchez, 2017). These characteristics rather seem to suggest human smuggling to be a job opportunity for individuals who have few or no employment alternatives in the legal job market.

The criminalisation of the smuggler figure in the public discourse (Koser, 2009) does not acknowledge the fact that smuggling can be and is in fact also seen as positive rather than negative activity in many migrant communities (Achilli, 2018; Coyne and Nyst, 2017; Maher, 2018). In fact, there is a whole literature debate around the notion of the ‘Good vs Bad’ smuggler. Empirical evidence suggests that smugglers see themselves often as people who are meeting the demand of those whose needs cannot be met through legal channels and are also

<sup>11</sup> This generalisation comes from the statistics of arrested smugglers who are predominantly male, this is important to note as the role of the women in these smuggling networks is often overlooked due to the fact that they are carrying out different and potentially less visible tasks than men (Zhang, Chin and Miller, 2007; Sanchez, 2016).

often seen by irregular migrants as saviours or simply people trying to make a living (Tinti and Reitano, 2016; Achilli, 2018).

The latter is of course only one side of the coin, as in certain contexts the situation is different, where smugglers are violent, exploitative and profit-oriented (specific reference has to be made here to the Libyan context) [see e.g. Colucello and Massey, 2007; Tinti and Reitano, 2016]. However, most recent research, shows that trust, cooperation, and strong social ties are more often than not, fundamental elements of the migrant-smuggler relationship (see e.g. Zhang, 2008; Achilli, 2016; Sanchez, 2017). In fact, Achilli (2016) and Herman (2006) argue that the resilience of such networks is often based on the strength of the relationship between smuggler and migrant.

Overall, this discussion on the extremely negative public perception of human smuggling demonstrates that the picture of the phenomenon is clouded and much more complex to how it is portrayed in the media. Confronting this public misperception with the empirical reality is important in order to avoid poorly targeted and perhaps even harmful reduction strategies that misinterpret the ‘threat’ of the criminal phenomenon and/or overstress the exploitative nature and profit-oriented mindset that is so often associated with organised crime. When the latter is then associated with human smuggling the misrepresentation overlaps both types of norm violations.

A closer look at the spectrum on which human smuggling can occur, as presented in the following section, provides further support in contradicting the public perception of the phenomenon. This conflict between public discourse and empirical reality should also be kept in mind when analysing the EU-internal human smuggling context.

#### 2.4.2. *The range of human smuggling networks*

Generally, authors agree that there is no empirical base for suggesting that major crime (Mafia-type) syndicates are operating in Europe, which universally control the entire human smuggling business (Pastore, Monzini and Sciortino, 2006; Soudijn and Kleemans, 2009; Zhang, 2008; Achilli, 2016; Tinti and Reitano, 2016; Sanchez, 2017; Mandić, 2017; Campana, 2017, 2018; Triandafyllidou, 2018). Instead, it is argued that one is faced with complex smuggling networks (see e.g. Demir, Sever and Kahya, 2016; Campana, 2018). These smuggling networks are complex partly because that they did not simply emerge recently, but are rather born out of ‘historical patterns of movement, trade and exchange’ (Triandafyllidou, 2018: 6). So what do human smuggling networks actually look like?

The market for human smuggling has been shaped by the instability and fast changing environment of irregular migratory flows (Triandafyllidou and Maroukis, 2012; Campana, 2017, 2018). The latter has also influenced the structure and traits of networks that are operating on this market. In order to cope with such instability, smuggling networks need to be easily adaptable in order to survive. Achilli (2016: 3) describes smuggling networks operating at EU external borders as ‘a system of flexible and independent- and largely family-based organisations that enter into partnerships with one another for short periods’.

Research that was carried out in different areas of the Mediterranean in relation to smuggling (see e.g. Antonopoulos and Winterdyk, 2006; Demir, Sever and Kahya, 2016; Achilli, 2017; Mandić, 2017; Campana, 2018) shows that the phenomenon is characterised by the use of diverse *modus operandi* [MO], which depend on factors such as origin of the smugglers, characteristics of the client in question and the type of route taken (Achilli, 2016; Tinti and Reitano, 2016). All different types of smugglers and smuggling networks can be placed on a spectrum that ranges from single-service providers to multi-service providers (Tinti and



Reitano, 2016; Achilli, 2016). It is vital to understand the traits of criminal networks located on both ends of this spectrum, so as to be able to prioritise which ones pose the greatest threat and in order to develop effective counter measures.

Single-service providers of the smuggling market present the following characteristics: they are either individual entrepreneurs or small groups of individuals, who are strongly embedded in the local community (Triandafyllidou and Maroukis, 2012; Achilli, 2016; Demir, Sever and Kahya, 2016; Tinti and Reitano, 2016). Having these strong roots in the community makes these single-service providers experts on the organisation of travel for a certain part of the migrant's journey (Achilli, 2016).

These smugglers do not necessarily have cultural or familiar ties to the migrants they transport, hence the actual recruitment of the migrants can happen through intermediary groups (Achilli, 2016). These single-service providers are usually used by migrants who travel by themselves without facilitation (in a legal manner for most of the journey, e.g. by public transport) and hence, need only to be assisted regarding a *specific* part of their journey (Achilli, 2016; Tinti and Reitano, 2016).

In contrast to the popular narrative, these small-scale networks, rather than a single overarching crime syndicate, are the ones that are most common in operation when it comes to human smuggling (Pastore, Monzini and Sciortino, 2006; Kaizen and Nonneman, 2007; Zhang, 2008; Tinti and Reitano, 2016; Sanchez, 2016; Mandić, 2017; Campana, 2017). It is imperative that the latter is emphasized as the type of counter-smuggling measures change according to how these criminal networks are structured and operate and what geographic reach they have.

On the other end of the spectrum of human smuggling one finds multi-service providers. These are bigger networks which provide many travel services across sea, land, and air and who in comparison to the single-service providers, do have contacts in the migrants' countries of origin

(Triandafyllidou and Maroukis, 2012; Tinti and Reitano, 2016). The migrants who are in need of these services cannot legally enter the transit or destination countries. As it is already apparent from the name, the services offered by these networks are multiple and can vary from assisting border crossing to the escape of detention centres, whereby the smuggling process is a ‘stage-to-stage, pre-organised activity’ (Achili, 2016: 3) which is led by a few *coordinators* who are mostly independent from each other but work together (see also Pastore, Monzini and Sciortino, 2006).

Smuggling activities get outsourced by these figures to ‘local coordinators’, who are needed due to their strong ties to transit or destination country community and due to their contacts to local smuggling service providers (Achilli, 2016). Arguably, these services are also costlier as they involve a higher degree of coordination, sophistication and more contacts (Tinti and Reitano, 2016). However, this also means that the clients buying these services are not at the poorest end of the migrant spectrum.

In most smuggling networks the following roles can be found: manager, recruiter, *passeur*, forgers, enforcers, receivers and drivers (Içduygu and Toktas 2002; Pastore, Monzini and Sciortino, 2006, Demir, Sever and Kahya, 2016; Achilli, 2017). The first three present the most important roles within the network. The manager acts as the group coordinator, manages the smuggling network more generally, and oversees the smuggling operations. The recruiter, who is often of the same ethnic background as the migrants, is responsible for getting in contact with the latter. The *passeur* is in charge of leading the migrants across the actual border (Achilli, 2016). These loose and often relatively small networks are surrounded by more people – often locals – who work as ‘freelancers’ and carry out tasks of lookouts, drivers, providers of accommodation or shelter (Içduygu and Toktas, 2002; Achilli, 2016; Triandafyllidou, 2018; UNODC, 2018).

Overall, the literature shows that rigid, complex hierarchies are generally *not* a characterising feature of smuggling groups even when they are multi-service providers (Zhang and Chin, 2002; Pastore, Monzini and Sciortino, 2006; Triandafillydou and Maroukis, 2012; Tinti and Reitano, 2016; Campana, 2017, 2018). Instead, research suggests a flexible structure with the absence of long-term agreements between smugglers and a diversification of roles (Pastore, Monzini and Sciortino, 2006; Tinti and Reitano, 2016; Sanchez, 2016; Achilli, 2017; Campana, 2017, 2018). While human smuggling organisations with transnational reach which offer multiple services exist, they are rare. As Achilli (2016: 3) points out, it would be extremely difficult for one ‘single centralised organisation to carry out all services alone along a route which comprises journeys of several thousand kilometres and in a market characterised by high levels of instability and unpredictability’.

The discussion of the general empirical reality of human smuggling underlines its multi-faceted nature, and contrasts the misperception discussed above. In view of the same existing potential (mis)perception of OCGs operating in the under-researched context of human smuggling at transit points within the EU, producing empirical evidence on the factual reality of this context is also crucial for the establishment of effective market reduction strategies. Especially, as Triandafyllidou (2018) in line with other scholars (see e.g. Monzini, Aziz and Pastore, 2015; Stone-Cadena and Alvarez-Velasco, 2018) argues that through repression measures, such as intensified border control, EU-external human smuggling networks are becoming increasingly organised (**see section 2.6.**).

The question which presents itself at this point, is which theoretical concepts build the basis of the above discussed empirical research? How can this theoretical framework be of use for the study of organised human smuggling in transit points *internally to the EU* and how might the framework be extended to shed light on novel aspects of the market?

## **2.5. Socio-economic models of human smuggling**

### *2.5.1. Human smuggling: economic perspectives*

Throughout the literature various theoretical approaches have been taken to explain the facilitation of irregular migration, these include, e.g. political, historical, legal, economic, sociological, human rights and gender perspectives. Seeing as it is such a complex phenomenon of study, most of the literature is also quite interdisciplinary in nature. A notable current example of such research is the collection of papers by Siegel and Nagy (2018), which examines the facilitation and control of irregular migration within the EU context, from a socio-political, socio-economic and also legal viewpoint.

However, with reference to studies which specifically concern the involvement of organised crime in facilitating irregular migration, it has to be pointed out that early studies first adopted an economic-centred approach. The approach focuses on migration as a business driven mainly by economic motivations (Triandafyllidou and Maroukis; 2012). Key themes that are relevant to this paradigm regard the profit made from smuggling migrants; the modalities of money transfer which smuggling networks and migrants make use of; cost-benefit calculation assumptions on the part of the migrant when choosing the right smuggling service (Tamuray, 2007; Koser, 2008); the fact that smuggling is skewed towards poorer migrants (Friebel and Guriev, 2006) and the impact of globalisation on transport and communication technologies on the professionalisation of smuggling networks (Salt and Stein 1997; Kyle and Koslowski 2001; Triandafyllidou and Maroukis; 2012).

The main economic model associated with this approach is the one by Salt and Stein's (1997), which sees international migration as a business composed of legitimate and illegitimate markets in which actors pursue profit and commercial gain and smugglers act as important intermediate agents for migration. The authors distinguish between various services offered by

smugglers in different phases of the process and they acknowledge that smuggling comprises different stages.

Yet, this model was criticised, as early economic perspectives of smuggling did not differentiate clearly enough between elements of human smuggling and trafficking, i.e. too little consideration was given to the difference in degree of exploitation, and migrants were classified as criminals, as they are seen as personally gaining from being smuggled (see e.g. Koser, 2008<sup>12</sup>). This early theoretical approach did also not address why smuggling persists or how it adapts and why (Baird and Van Liempt, 2016).

Therefore, by analysing human smuggling into Austria<sup>13</sup>, Bilger, Hofman and Jandl (2006) have revised the simplistic business model and considered smuggling as transnational service industry. The authors describe a market that is incomplete with imperfect information and outline risk reduction techniques. Yet, the authors present smuggling as well-organised, hierarchically controlled and technologically sophisticated enterprise (Baird and Van Liempt, 2016), which is at odds with the more current empirical evidence discussed above.

Moreover, the economic-centred perspective was also criticised as it did not provide insight into several social mechanisms that impact greatly on the facilitation of irregular migration. For example, it ignored potential trust vs fear relations between service provider (smuggler) and customer (migrant); the smuggler's position in the greater migration network; fundamental social and cultural processes that facilitate irregular migration; and failed to convincingly explore that the economic factors that drive human smuggling are intimately embedded into a wider array of social relations and the internal social organisation of the specific smuggling networks at play (Triandafyllidou and Maroukis; 2012; Baird and Van Liempt, 2016). Also, the

<sup>12</sup> Koser (2008) examines both, the economic costs but also the profit on the part of families in Afghanistan and Pakistan who sent one of their members illegally to the UK using the services of a smuggling network.

<sup>13</sup> Due to its border to Italy, examining Austria's model is relevant for the analysis of the migrant smuggling reality in Italy as it could indicate potential parallels in market structure and operation.

discussion in **section 2.4.1** regarding the complex relationship between smuggler and migrant is a fundamental part of this sociological perspective on human smuggling.

Therefore, while the economic model of human smuggling provides vital insights to the study of the facilitation of irregular migration by OCGs, social mechanisms notably influence this business. How the literature has explored these sociological aspects that underlie human smuggling is further explored in the following section.

#### 2.5.2. *Human smuggling: Towards socio-economic perspectives*

One of these social mechanisms affecting the facilitation of irregular migrations regards the importance of social relations between smugglers and migrants. In this respect, Herman's study (2006) on the irregular migration of sub-Saharan and North African migrants to Italy, Spain and the Netherlands deserves special attention. In line with Staring (2004), Herman (2006) argues that social networks made up of familial, friendship and co-ethnic ties are vital when deciding on and planning to migrate. For example, knowing someone who has undertaken the same journey or already lives in the country of destination and can assist with finding the right smuggler or route, an accommodation or a job in the destination country, are vital push factors for migrating and the success of such a process (Herman, 2006). The author argues that strong rather than weak ties with people in transit or destination countries are most important when deciding whether to migrate.

Another important sociological element related to the facilitation of irregular migration concerns the role of culture. In his book on borderland communities of Egypt and Libya (such as the 'Awlwad Ali'), Hüsken finds that a 'culture of smuggling' exists in that context (2019:167). He finds that smuggling is not perceived as criminal activity but rather as behaviour embedded in wider economic, political and cultural practices. In fact, Hüsken (2019) argues that smuggling people across the border is a prevalent custom which generates more than one

third of income in the borderland region of Egypt and Libya. Thus, in the absence of economic alternatives, in this cultural context, smuggling is seen as practical option to make a living.

This notion links in well with the above discussed public (mis)perception of the smuggler always representing a ruthless, profit-driven individual (see pp. 44), whereas in some cultural context the smuggler's role is simply seen as alternative economic profession. In fact, individuals of these borderland region communities do not even identify themselves primarily with being 'professional smugglers', as most also have other jobs, e.g. farmers, manual workers or even politicians (Hüsken, 2019).

Especially recent studies that are emerging in regard to the facilitation of irregular migration involving OCGs adopt a socio-economic research perspective. An important scholarly contribution to the latter is the recent collection of articles edited by Zhang, Sanchez and Achilli (2018), who present a bulk of interdisciplinary empirically-based qualitative research on the social processes shaping human smuggling in different geographical contexts.

For example, Achilli (2018: 77), in his research on human smuggling via the Balkan route, argues for human smuggling to present a so-called 'moral economy', based on concepts of solidarity and reciprocity and more generally, on local concepts of what is termed moral. Sanchez (2016) argues that smugglers also make moral choices in regard to discounted prices which the elderly, children, or individuals which share the nationality of smugglers have to pay for the facilitation service. Another example of the collection of studies is Maher's (2018) work, who studies human smuggling in Senegal as social enterprise and argues for the latter to be 'embedded in socio-spatial economies' (2018:40), internally to which negotiations between market actors depend on degrees of social proximity.

Also Triandafyllidou (2018:1) finds that ‘migrant facilitation activities should be understood as embedded in local economies, often through the involvement of local travel agents of various sorts’. Local economic dynamics frequently support smuggling services. For example, small shop owners selling life jackets, car owners who transport customers, owners of houses/hotels who let people stay for-a-fee (non-taxed), all profit accrued from the latter drive this parallel economy. In this respect, human smuggling has created job opportunities and hence, has its own socio-economic dynamic (Triandafyllidou, 2018). Smuggling networks ‘operate through a combination of economic motivation and profit as well as social meanings of trust and community in a highly insecure environment that needs to be appraised in all its complexity’ (Triandafyllidou, 2018: 3).

The sociological concepts of culture, solidarity and trust associated with human smuggling, that scholars are raising, are vital to the study of human smuggling organisations because they underscore the importance of ‘non-profit’ elements in (migrant) smuggling operations (Baird and Van Liempt, 2016). This notion gives a more comprehensive theoretical understanding of smuggling as a, not merely economic activity, but one that depends much on social relationships, shared cultural bonds and interpersonal trust in order to function. The interplay between moral obligation, economic profit and dependence is tight.

From the above socio-economic discussion of human smuggling it becomes apparent that in whichever context, the phenomenon represents a socially-embedded market. Yet, especially in the European context, human smuggling is an unlawful act under the criminal law in all EU-member states, thus one is studying an *illegal* socially-embedded market type. Hence, next section adapts the here discussed socio-economic perspective and expands it by using theories related to the study of legal markets in order to identify novel aspects of the human smuggling market that remain to be investigated.



### 2.5.3. *Expanding the socio-economic perspective*

While, as demonstrated above, criminologists, social geographers, as well as anthropologists have used socio-economic concepts to analyse the human smuggling market, *economic sociologists* have to the most part focused on the study of legal markets. Yet, there are vital conceptual elements regarding structure and operation of legal markets that can be well applied to illegal markets and most specifically to the socially-embedded human smuggling market. It is argued here that in doing so, one is able to expand the socio-economic analysis of human smuggling.

Beckert and Wehinger (2012) distinguish illegal markets from the informal economy which has been researched more extensively from a socio-economic perspective (see e.g. Portes, 2010). The latter can include the exchange of *licit* goods (the circumvention of standards or economic exploitation then makes this market informal) [Beckert and Wehinger, 2012]. An *illegal market* however, is defined as ‘a place or situation in which there is constant exchange of goods and services, whose production, marketing and consumption are legally forbidden or severely restricted by the majority of states’ (Arlacchi, 1998:203). Importantly, Mayntz (2017) argues, an illegal market constitutes not only one, where the production of goods is illegal (e.g., human smuggling/trafficking, drug trafficking etc.) but also one where the exchange itself is illegal (e.g. organ trafficking, prostitution etc.). Human or human smuggling in this case then can be defined as a market in which the product itself is illegal (Campana, 2017), i.e. the undocumented ‘entry into a country’.

The important characteristic that defines a market as illegal, is the absence of the protection of property rights usually provided for by the state in legal markets (Beckert and Wehinger, 2012). The authors argue that this creates many challenges for illegal market operators, including:

- How to reduce uncertainty and risk on the market (e.g. how to assess product quality without formally enforced quality checks; asymmetric distribution of information between consumer and client; no legally enforceable warranties);
- How to protect oneself from (price) competition (e.g., corruption as strategy to avoid or circumvent competition is crucial in this respect);
- How to cooperate and trust business partners and clients/customers within an illegal market characterised by social risks of exchange (e.g. non-compliance with contracts, as they are not legally enforced).

In view of these difficulties, ‘pre-modern trust devices’ (Beckert and Wehinger, 2012: 13) are therefore adapted to enforce coordination between market actors on illegal markets. Personal relationships rather than institutions play a key role and intermediaries who can vouch for positive reputation, or reliability are vital elements when it comes to the functioning of an illegal market (Mayntz, 2017).

These illegal market characteristics can be well applied to the study of the human smuggling market and its actors. Campana (2017) demonstrates that those that want to travel irregularly represent the *demand* side of the market (i.e. buying the service of illegal entry into a country) while the smugglers who offer their services for the latter constitute the *supply* side. Moreover, this specific illegal market is heterogeneous in its composition (Tinti and Reitano, 2016; Triandafyllidou and Maroukis, 2012). It is flexible and highly adaptable to an environment that undergoes constant change (Monzini, Aziz and Pastore, 2015; Achilli, 2016; Campana, 2017). The market’s adaptability presents itself through the varying migratory and smuggling routes which shift in response to increased law enforcement pressure (Monzini, Aziz and Pastore, 2015).

Moreover, as demonstrated by the discussion of empirical evidence, the human smuggling market has no rigid hierarchical structure and there is an absence of large monopolies by one ‘firm’ (i.e. criminal enterprise) over another (Pastore, Monzini and Sciortino, 2006; Zhang, 2008; Mandić, 2017). Instead, it is an environment shaped by high competition between different networks or actors, especially due to the fact that barriers of entry to this market, i.e. set up and monitoring costs, are relatively low and the skillset needed in order to arrange the facilitation of irregular travel is limited (Campana, 2017; EMSC report, 2018). Market actors generally appear to engage in short-term bonds of employment rather than long-term (Monzini, Aziz and Pastore, 2015; Tinti and Reitano, 2016; Achilli, 2016; Campana, 2017).

Importantly, there is an issue of ‘information asymmetry’ (Campana and Varese, 2015: 11) between smuggler and migrant. The smuggler, having more information about the routes to take and how to cross the border without being uncovered is in a stronger position than the migrant, who is confronted with the challenge of information collection and verification regarding the smuggler and the quality of his service or reliability of his persona (Campana, Varese, 2015;).

Yet, despite the lack of legal devices there are certain informal mechanisms that migrants and smugglers make use of to collect reliable information on each other and their services (Bilger, Hofmann and Jandl, 2006). For example, migrants actively collect information on the reputation of smugglers from among their acquaintances (Bilger, Hofmann and Jandl, 2006; Triandafyllidou and Maroukis, 2012; Campana and Varese, 2015; Tinti and Reitano, 2016). Notably, it remains to be investigated which mechanism smugglers have amongst each other, when making the decision whether to cooperate to organise a smuggling venture or not.

Overall, the illegal market analysis appears to explain the specific market type of human smuggling rather well. Beyond that however, it is helpful in uncovering elements of the market

which have not received sufficient research attention yet. From the above discussion three general themes crystallise which remain to be explored in regard to the facilitation of irregular migration by OCGs.

The first point relates to how a specific illegal market actor, i.e. multi-service providers, or large-scale human smuggling networks operate, within the specific, under-researched market context of EU-internal human smuggling at transit points. Discerning whether this illegal market context differs from the human smuggling market at EU-external borders and what the organisational network structure and operation of these multi-service providers looks like becomes an interesting research inquiry. The latter would provide insights into the realistic threat and extent of the EU-internal human smuggling market.

The second point relates to mechanisms of collaboration internally to these illegal enterprises, which allow the latter to function successfully, despite the lack of formal contracts or state-enforced sanctioning mechanisms. Specifically, the shared ties that are at the basis of these collaborative mechanisms would be of interest here, e.g. shared social or cultural ties. The cultural aspect might well apply to the precise context of EU-internal human smuggling as the available empirical information on smugglers operating at the borders or within the EU, points to smugglers often sharing co-ethnic ties with their clients (i.e. migrants) [see e.g. Triandafyllidou and Maroukis, 2012; Mandić, 2017; Achilli, 2018] and thus often also the same or similar culture.

A third and last point that necessitates further expansion is the investigation into the most effective socio-economic reduction mechanisms related to such a socially-embedded illegal market type. An excursion into the literature on the potential unintended consequences of market repression measures, which have been up until now focused on criminal network disruption, substantiates the need for a novel or different approach.

## 2.6. Unintended consequences of repression measures

Having provided a clearer picture of the human smuggling market structure and operation through the theoretical concepts discussed above, it is much more evident what kind of unintended consequences human smuggling repression measures have had.

Strategies that have been implemented to-date in order to tackle human smuggling have mostly been restricted to enhancing border control, law enforcement action and adopting increasingly restrictive immigration and asylum policies (Carling, 2017; Ambrosini, 2018; Triandafyllidou, 2018). EU governments are set on following security-oriented policy implementation (Gathmann, 2008), as has shown the creation of the European border agency Frontex in 2004 (Achilli, 2016) but also the establishment of the Europol division of the EMSC [European Migrant Smuggling Centre] and the implementation of the EURODAC system (Carrera et al., 2019).

According to the Mixed Migration report 2019, the border security market will only increase in the future, which has already been demonstrated in 2018, through the introduction of the automated border control system 'iBorderCtrl' in Hungary, Latvia and Greece. The system includes an automated lie detector test and facial recognition apparatus. Generally, the report states that artificial intelligence and robotics<sup>14</sup> is planned to be increasingly implemented in border control management. In 2020, the estimates of the costs of this progressive security market in Europe were estimated at 146 billion US dollars (Horwood and Powell, 2019).

<sup>14</sup> See e.g. the 'ROBORDER' research consortium which follows the purpose to develop a 'fully-functional autonomous border surveillance system with unmanned mobile robots including aerial, water surface, underwater and ground vehicles' (Horwood and Powell, 2019: 129).

However, the currently available evidence suggests that these measures have had little positive impact on reducing human smuggling and have not proven very cost-effective either. In fact, most scholars argue the contrary, namely that said measures have had unintended consequences (Carling, 2017; Campana, 2017; Sanchez, 2017; Triandafyllidou, 2018; Stone-Cadena and Álvarez Velasco, 2018), e.g. by ‘redirecting immigrant flow through illegal channels’ (Achilli, 2017: 137).

Specifically, operations to control sea borders have been proven to be extremely costly and often quite inefficient (Campana, 2017). This was exemplarily demonstrated by the evolution of smuggling across the Eastern Mediterranean corridor, as blocking smuggling networks in one area resulted merely in the re-routing of irregular migration flows elsewhere (Guiraudon and Joppke, 2012; Achilli, 2016). Moreover, tightened border control measures also may have themselves contributed to endangering the lives of migrants as smuggling networks were forced to carry out their services along more dangerous routes (Carling, 2017; Zhang, Sanchez and Achilli, 2018).

In addition, these border control measures arguably have made human smuggling more profitable for smugglers as higher fees can be solicited from increasingly pressurised customers (Gathmann, 2008; Roberts et al., 2010). Most recent literature on smuggling argues that border control policies have led to smuggling networks being able to deliver ‘specialised services to would-be migrants in a systematic and standardised manner’ (Achilli, 2016: 103; see also Triandafyllidou, 2018).

In his paper, Carling (2017) presents a taxonomy of strategies for countering human smuggling. This taxonomy is divided into strategies that curb supply on one hand side, and strategies that involve tackling the demand side of the market. The author argues that suppression of supply in the human smuggling market can be divided into three strategies: (i) removing suppliers (e.g.

dismantling smuggling networks, arresting smugglers); (ii) deterring suppliers (e.g. increasing penalties and the risk of getting involved in smuggling in the first place) and (iii) removing resources needed for human smuggling, e.g. vessels, smuggling-advertisement websites (see e.g. Antonopoulos et al, 2020) or corrupt officials.

Yet, most of the relevant literature points to the fact that suppressing the supply of smuggling services is not an effective solution for countering the issue at hand, due to the unintended consequences mentioned previously and it is rather demand for smuggling services that needs to be addressed (Fargues and Bonfanti, 2014; OECD, 2015; Campana, 2017). It is suggested, that the cause of irregular migration should be confronted (Sanchez and Achilli, 2019), even though it is acknowledged that it is a much harder task (Carling, 2017), not the least since this, realistically, is typically beyond the political and economic reach of individual states into which human smuggling occurs (such as Italy).

Carling presents three different strategies to curb demand for human smuggling services: (i) making the use of smugglers needless (providing protection closer to home, large-scale relocation of recognised refugees, humanitarian visas for asylum seekers); (ii) making the use of smugglers futile (i.e. by suppressing illegal employment in destination countries, enforcing readmissions agreements and ensuring rapid returns). However, the latter strategy is contested as it often easily infringes on migrants' human rights (see e.g. DeBono, 2017). Last but not least, Carling (2017) suggests a strategy of (iii) changing the cost-benefit balance for migrants who wish to buy smuggling services (making the cost of being smuggled higher than the perceived outcome, making alternatives to smuggling more attractive). Yet, especially in the last example the strategies put forward are not clear enough for practical implementation.

At this point a combination of policy measures would be the most effective solution (OECD, 2015). Security measures can only show success if accompanied by other solutions such as: the opening of alternative legal channels and the reinforcement of existing ones for refugees and asylum seekers (e.g. family reunification, university fellowships, training programs; labour mobility); the granting of humanitarian visas and the creation of humanitarian corridors leading to Europe; and the expansion of resettlement programs (Achilli, 2016; Campana, 2017; Carling, 2017; Carrera et al., 2019). Generally, scholars argue for a counter smuggling policy that views migration as positive and is open to it while at the same time controlling the extent of irregular migratory inflows (see e.g. Leman and Janssens, 2015).

Arguably, however, presenting these types of solutions is increasingly difficult in the xenophobic climate that has developed in many EU countries (Coluccello and Massey, 2015; Ruzza, 2018). The latter makes it even more crucial to investigate the actual nature of human smuggling in specific EU-contexts.

## **2.7. Conclusions**

Overall, this literature review has deduced the following insights concerning EU-related human smuggling research and developed the following conclusions:

- Ambiguous and ill-conceived terminology around irregular migration creates difficulties in being able to compare diverse research on what appears to be the same phenomenon, thus concepts used in the study of human smuggling need to be well-defined from the beginning;
- Despite the occurrence on a spectrum, human smuggling and human trafficking are two different phenomena in terms of the transported individual's agency, exploitation and coercion, which needs to be acknowledged in any geographical context to be studied;



- The contribution of socio-economic theory in understanding human smuggling as a socially-embedded illegal business has been vital and applicable to diverse contexts;
- However, one context that remains to be investigated is the facilitation of irregular migration by OCGs at transit points internally to the EU;
- Organisational structure and functioning of specific organised actors on this illegal market have to be investigated, particularly in light of the strengthening of internal borders within the EU and the unintended consequences that repressive law enforcement measures are demonstrating regarding the proliferation of human smuggling organisations in other geographical regions;
- Novel socio-economic reduction measures tailored to this market need to be developed and last but not least;
- The role of intra-organisational relationships and shared ties between smugglers constituting enterprises on the human smuggling market, in facilitating the successful functioning of this illegal business which lacks formal rules, remain to be explored.

On the basis of the conclusions here presented, two new studies have been undertaken with the aim to fill the knowledge gaps identified by this literature review on human smuggling into and within the EU context. These two studies are exhibited by the subsequent **Chapters 3 and 4**.

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### **3. CHAPTER: Secondary Source & Expert Interview Analysis**

#### **Organised human smuggling at EU-internal transit points: Strengths of a disorganised illegal market and how to effectively reduce it**

*The current study uses theoretical concepts related to advantages of decentralised organisations and applies these to market actors operating on an under-researched illegal market, i.e. EU-internal human smuggling at transit points by organised criminal groups [OCGs]. Through the analysis of secondary sources and expert interviews, similarities with and differences from human smuggling organisations operating in EU-external border contexts are identified. Results reveal that while difficult to neatly separate, OCGs on the EU-internal market are constituted by more European smugglers, increasingly use fraudulent documents, and appear smaller, more loosely constructed and seem to endanger migrants' lives less than progressively well-structured OCGs operating at EU-external borders. It is deduced that such a disorganised illegal market can be effectively disrupted through enhanced targeting of resourceful smugglers and corrupt authorities, as well as more importantly, require political and socio-economic market reduction strategies, which also address the precarity and marginalisation of human smugglers. These measures include active labour market policies, alternatives to monetary sanctioning for smugglers and urban development programs in EU-internal bottlenecks for migration.*

### 3.1. Introduction

Targeting the ‘business model’ of human smuggling by OCGs has become a prime focus of EU governments in recent years and yet, attempts to ‘disrupt’ the model have not proven very effective. The latter is exhibited by the fact that demand for irregular migration into Europe via organised facilitation services remains high (Fontana, 2020), smuggling routes have shifted (Schloenhardt, 2019) and there is increasing evidence for the increasing organisation of human smuggling organisations at EU’s external borders (Triandafyllidou, 2018).

However, what has remained under-researched, is the facilitation of irregular migration by OCGs at transit points internally to Europe, from one member state to another (see **Ch. 2**). The current study argues that in order to reduce human smuggling by OCGs *into and within the EU generally*, a deeper understanding of the specific, under-researched EU-internal human smuggling market is required, as well as a critical analysis of the existing knowledge production related to it. Specifically, it is important to understand which advantages a given illegal market actor enjoys that render its reduction through standard legal measures and government actions difficult.

Therefore, organisation theory-related concepts are applied, that concern the advantages of decentralised and weakly-tied organisations, in order to characterise the organisational structure and strategies of loose network-like enterprises operating on this specific illegal market. Given the peculiarity of the smuggling stage here considered (see **Ch. 2, section 2.3.2**), its similarities with and differences from human smuggling organisations operating at the external European border context are discussed. Specific characteristics of this intra-European organised human smuggling market are established by means of a qualitative analysis of official reports, a caselaw database, and a set of expert interviews.



Through this approach the current study attempts to demonstrate that understanding specific organisational advantages of this illegal market actor is a necessary prerequisite for reducing it effectively. Importantly, the study aims to deduce from this approach concrete pointers for how best to accomplish the reduction of the illegal market actor at hand, through specific legal, political and socio-economic actions that are stringently tailored to it. The study also discusses to which extent the lessons that can be learned from analysing the human smuggling market internally to the EU may be more widely applicable to other similarly structured actors which operate on different illegal market types within the EU.

### 3.1.1. *Reducing the human smuggling market: An unmet challenge*

According to European law enforcement reports the facilitation of irregular migration has become, next to human trafficking, ‘the most pressing criminal threat’ (EMSC, 2018: 8) challenging the EU today. Both, the EMSC (established in 2016) and the European Observatory on Migrant Smuggling and Trafficking institutions (established in 2017), are designed to target the so-called ‘business model of smugglers’<sup>15</sup>, which has been officially defined as a political priority on the European Agenda for Migration (2015: 2).

Yet, neither official reports, nor up-to-date scientific research explains what this business model actually entails with specific regard to the current facilitation of *intra*-European irregular migration facilitated by OCGs<sup>16</sup>. The research neglect of this geographical area, could be argued to have sprung from the fact that due to the Schengen zone representing a free area of travel, the ‘smuggling’ across internal EU borders would not necessitate major organised travel facilitation structures. However, since 2015, in light of increasingly implemented temporary

<sup>15</sup> A visual representation of the ‘human smuggling business model’ according to Europol and Interpol is to be found in the SOCTA (2017) report. This business model remains limited in its generalisability as it does not include any information of organisational structure, diversification of roles or relationships between members of the criminal organisation involved.

<sup>16</sup> For a figure demonstrating the areas internally to the EU where increased facilitation of irregular migration occurs refer to **Fig. 2**.

border control measures internally to the Schengen area, by various member states, in response to increased mixed migration influx as well as the threat of terrorism, these borders have effectively become much more difficult to cross<sup>17</sup> irregularly without the help of smugglers (Van der Woude and Van der Leun, 2017; D’Appolonia, 2019; Fontana, 2020).

Moreover, it is this distinctive human smuggling context that has recently received increased media attention due to dramatic accounts of ‘gang leaders’ organising dangerous journeys for irregular migrants, which for example involve life-threatening risks of crossing the English channel on unseaworthy vessels or asphyxiation by large groups of individuals being hidden in compartments of private vehicles (see e.g. Barnes, 2018; Sheldrick, 2020). A specifically tragic example is the death of 71 migrants in 2015, who suffocated in a truck on the Austrian motorway on the passage to Central Europe (Dunai, 2019).

While these distinct cases are appalling, this type of targeted media coverage fuels an already hostile political climate, prone to uncritically accept insufficiently verified populist beliefs, which generally portray smugglers as ruthless and profit-driven individuals, who are part of large-scale, hierarchical criminal organisations (see e.g. Aronowitz, 2001; Schloenhardt, 2003; Kyle and Scarcelli, 2009). Yet, the latter conflicts with recent empirical evidence (as pointed out in **Ch. 2 section 2.4**), which argues for human smuggling to occur on wide spectrum ranging from small-scale entrepreneurs to large, multi-service providing criminal networks (see e.g. Pastore et al., 2006; Achilli, 2016; Sanchez, 2017; Maher, 2018; Triandafyllidou, 2018).

Therefore, in order to avoid poorly targeted or misleading political counter-human smuggling measures and establish more effective ones, it is important to attempt to resolve this conflict by analysing the organisational structure and strategy of the most large-scale form of illegal market

<sup>17</sup> See **Ch. 2, section 2.3.2**

actors operating in the EU-internal human smuggling setting and thereby understand how best to challenge these.

Notably in this respect, the literature emphasises the unintended consequence of gradually stricter border control and immigration policies on human smuggling groups, in pushing them towards increased professionalisation, organisation, higher smuggling fees and notably more dangerous transport methods for migrants (see **Ch. 2, section 2.6**). Hence, scholars have argued for approaches in tackling human smuggling that are focused on ‘harm-reduction’ instead of ‘business model-disruption’ mechanisms (see e.g. Ambrosini, 2018; Sanchez and Achilli, 2019). More precisely, these studies present arguments chiefly in support of policies which tackle the *demand* for smuggling services<sup>18</sup> by e.g. widening legal pathways for migration, granting of humanitarian visas or the development of European resettlement programs, (see e.g. Achilli, 2017; Campana, 2017; Mandić and Simpson, 2017; Bither and Ziebarth, 2018).

However, there appears to be a lack of consideration as to what extent the demand of individuals to be recruited into human smuggling organisations, which for these individuals can also present an alternative employer (see Hüsken, 2019), could be countered. Seeing as there is evidence in the global literature that human smugglers are or have previously been irregular migrants themselves, are marginalised and/or present precarious socio-economic backgrounds (Achilli, 2016; Missbach, 2016; Sanchez, 2017; Feldman, 2018), approaching the reduction discussion also from this novel perspective appears crucial.

### 3.1.2. *Analysing EU-internal human smuggling via a modified approach*

While human smuggling has been studied through various theoretical approaches, for the purpose of investigating the organisational structure and strategies of human smuggling

<sup>18</sup> See **Ch. 2, section 2.6**

enterprises operating within the EU context, as specific illegal market actor type, it is deemed most appropriate to limit oneself to the socio-economic approach. According to said perspective (as discussed in detail in **Ch. 2, section 2.5.**), human smuggling can be regarded as an industry shaped by rational calculations (Salt and Stein, 1997; Bilger, Hofmann and Jandl, 2006), as well as by negotiations of social proximity, e.g. in the form of trust, reciprocal behaviour, community and ethnic ties (Herman, 2006; Achilli, 2017; Maher, 2018; Triandafyllidou, 2018). In line with this approach to the topic, it is also argued here, that the structure and operation of human smuggling organisations are in fact, most comprehensively studied as socially embedded enterprises in specific geographical contexts.

The social organisation of human smuggling has already been examined in various different global geographical contexts (see e.g. Zhang and Chin, 2002; Heckmann, 2004; Antonopoulos and Winterdyk, 2006; Demir, Sever and Kahya, 2017). These studies assess the ethnic composition of human smuggling organisations, the differentiation of roles, methods of payment and means of transport (Antonopolous and Winterdyk). Bilger (2018) presented a descriptive typology of this organisation, whereby ‘Organised Chain Smuggling’, arguably comes closest to the description of OCGs involved in the facilitation of irregular migration generally. However, these studies have focused primary on the relationship between smuggler and migrant and less on the intra-organisational relationships, e.g. profit distribution internally to the criminal organisation or social ties between smugglers.

Moreover, none of these studies has made use of organisation theory related concepts, which explain the structure and operation of *legal* market organisations and applied these to the most structured form of human smuggling, in the specific market context of EU-internal human smuggling. In doing so however, important insights could be gathered about the advantages of this type of market actor formation and its operational strategy in presenting a resilient organisational network market model. The latter in turn could provide the basis for context-

tailored, effective reduction strategies regarding this specific transit stage phenomenon of human smuggling.

One type of organisational formations are centralised, tightly-coupled organisations, characterised by a set of rules and supervision as method of coordination, high task interdependence and specialisation of its members (Weick, 1976). Arguably, traditional Mafia-type syndicates resemble centralised organisations as these often display a set code of conduct and hierarchical structure. For example, Catino (2014) applies this concept and finds that the Sicilian and Calabrian Mafia both demonstrate ‘high levels of coordination, centralised power and systemic decision-making processes’ (2014: 177).

However, seeing as the currently available empirical evidence on global human smuggling suggests a rather flexible, fragmented market made up of small-scale criminal enterprises, which demands only low-level entry skills and relatively limited resources [Icduygu & Toktas, 2002; Neske, 2006; Pastore, Monzini and Sciortino, 2006; Triandafyllidou and Maroukis, 2012; Campana, 2018; Sanchez, 2018]<sup>19</sup>, a different form of organisational structure appears to better describe human smuggling enterprises: decentralised, loosely coupled organisations.

According to Weick (1976), decentralised organisations are divisional in their task allocation and also the lower levels of the organisation tend to have autonomy in decision-making. At the very extreme end of decentralised organisations, these appear to be more a ‘collection of individuals and cease being perceived as a team’ (Hollenbeck et al., 2011: 65). These organisations could be described as fragmented organisational networks. These *complex systems*, are types of systems that are ‘nearly decomposable’ (Simon, 1962: 473), in which relations among subsystems are weak but not necessarily unimportant, i.e. that the subsystems do not unavoidably depend on each other, but still interact if needed. This notion ties in well

<sup>19</sup> See **Ch. 2, section 2.4.2**

with Granovetter's theory (1973), related to the 'strength of weak ties'. According to this notion, an organisational structure with subsystems that are weakly tied necessitates only low levels of coordination between subsystems, which can easily separate from one another and still function successfully in an independent manner.

Importantly, this fragmented organisational network structure does not necessarily imply inefficacy. Loosely coupled organisations are impacted by their external environment but consequently, also have to be more flexible in structure and adaptable to changes (Weick, 1976; Mahoney, 1992). The fact that the subsystems or different layers of the same organisations are only weakly tied, often means that external turbulences only have subsystem-specific effects and do not distress the whole organisation, which helps the latter in surviving long-term (Sanchez and Mahoney, 1996). This resilience mechanism is important in an uncertain context (Orton and Weick, 1990), comparable to the ever-changing legislative and political context, in which human smuggling organisations have to manoeuvre (Baird and Van Liempt, 2016). Thus, arguably, being structured in this loose manner, is part of the competitive advantage of OCGs operating on this illegal market.

Thus, on the basis of the above discussion, the current study argues that Weick's (1976) concepts related to the strengths of loosely coupled, decentralised organisations also applies well to the study of human smuggling organisations operating in the specific EU-internal human smuggling context and presents explanations for this illegal market's durability.

On the basis of this theoretical background, a thematic analysis of secondary source data and expert interviews, is undertaken with the aim to demonstrate that: i) theories related to how legal market organisations are structured and operate can be instructively applied to the study of organisations operating on the *illegal* market, and specifically to the study of (ii) one selected, under-researched illegal market type (here: EU-internal human smuggling at transit points),

whereby novel insights can be gathered about how the market in question functions by comparing it to the same market in other geographical regions. On the basis of i) and ii), well-informed, unbiased, rational strategies can then be developed for how the specific illegal market in question can be most effectively reduced. The latter has the potential to be useful for the study of how to reduce similarly-structured illegal markets in comparable contexts more generally.

### **3.2. Methodology and Data collection**

The research design chosen for this thesis is strictly qualitative in nature, as an essential basis for future quantitative research, which require a prior qualitative analysis in order to identify instructive and robust read-out parameters and systematic assessment criteria.

In order to test the above hypothesis two types of secondary source analyses were carried out, i.e. a systematic analysis of official reports (**A**) and a case law database analysis (**B**). In addition, an expert interview analysis (**C**) was undertaken with law enforcement, judiciary, researchers and international organisations' representatives. All three analyses regard the facilitation of irregular migration by OCGs *internally* to the EU. The following section explains the choice for secondary sources and expert interviewees in the analysis of this specific phenomenon and discusses potential limitations in the form of issues of validity, as well as ethical considerations regarding the data collected here.

#### **3.2.1. *Systematic analysis of official reports (A)***

Forming one part of the secondary source analysis, is the systematic scrutiny of official reports (EMN, 2015; Guardia di Finanza, 2017; BKA [Germany], 2018; BKA [Austria], 2018; DIA,

2018; EMSC, 2018; Eurojust, 2018a, 2018b; Triandafyllidou and McAuliffe, 2018<sup>20</sup>; UNODC, 2018; Frontex, 2019; Horwood and Powell 2019<sup>21</sup>) that provide information on the facilitation of irregular migration by OCGs *internally* to the EU, in most recent years (2016-2019).

The time frame starts with 2016, as it marks the first year after the beginning of the so-called ‘migration crisis’ with 1 million irregular migrants and refugees having entered the EU via sea in 2015 (UNHCR, 2015) and therefore, represents the start of an increased demand for smuggling organisations in facilitating irregular migratory movements within the EU (Europol, 2016), as well as the prioritisation of politicians and law enforcement in attempting to counter these OCGs.

In addition to the reports concerning the EU context generally, three country-specific reports were chosen for this secondary data analysis regarding information on OCGs involved in human smuggling: The Italian Financial Police report (Guardia di Finanza, SCICO, 2017), as well as two country reports that are specifically concerned with human smuggling, i.e. the German Federal Police report (BKA, 2018) as well as the Austrian Federal Police report (BKA, 2018). These three countries were chosen due to representing a prevalent country of *entry* and subsequent *transit* at the border of Europe (Italy) [see e.g. Giordano et al., 2019], as well as a country of preferred *destination* (Germany) for irregular migrants and refugees and finally, a country which is both: *transit and destination* state (Austria) [see e.g. Sanders, 2019].

Data on human smuggling in Italy is publicly accessible through: the Italian Ministry of the Interior, which publishes official data on number and type of detected irregular entries; publications on the website of the National Italian Police (Carabinieri) regarding specific successful human smuggling operations and through the National Directorate for Antimafia Investigations (DIA). The latter publishes reports twice a year on organised crime in Italy that

<sup>20</sup> Refers to the authors of the IOM report (2018)

<sup>21</sup> Refers to the authors of the Mixed Migration report (2019)



provide some, yet very limited information on the type of OCGs involved human smuggling in Italy (Triandafyllidou and McAuliffe, 2018). More detailed data on arrested smugglers are not publicly accessible.

Human smuggling in Germany is defined by the term ‘Schleusungskriminalität’. The Federal Police report publishes yearly collected data on nationality, age and number of arrested human smugglers. Moreover, the police report differentiates between the number of all individuals arrested for human smuggling-related offences and smugglers who belong to OCGs engaged in the facilitation of irregular migration. While Germany presents more specific and easily accessible data regarding apprehended smugglers compared to Italy, it is more difficult to obtain access to court documents on human smuggling investigations as a researcher, due to stricter confidentiality restrictions in Germany.

Human smuggling in Austria is defined as ‘Schlepperkriminalität’. In terms of data type and accessibility of the human smuggling-related information the country has similar data to Germany, yet, less detailed. It provides figures on apprehended smugglers as well as ‘smuggled migrants’, their respective age, gender and nationality but it is less clear whether these individuals belong to OCGs or not.

### 3.2.2. *Sherloc case law database analysis (B)*

The other part of the secondary source analysis represents a study of court cases concerning EU-internal human smuggling involving an OCG, that were uploaded to the UNODC’s Sherloc case law database<sup>22</sup>. Studying socio-economic elements of illegal markets through the investigation of judicial investigations is a frequently used methodology, especially amongst criminologists (see Campana, 2018; Varese, Wand and Wong, 2019). Member states regularly

<sup>22</sup>UNODC Sherloc caselaw database website: <https://sherloc.unodc.org/cld/v3/sherloc/cldb/index.html?lng=en>

upload large-scale, landmark investigations related to different types of OC to the Sherlock database. A specific section of this database is concerned with human smuggling investigations and a subsection of these cases are characterised by the involvement of OCG.

It would have been an impossible task for the researcher to collect EU-wide human smuggling cases herself, given the resource and time constraints, thus, this collection of cases provides a good first overview of landmark investigations within the EU context that can be easily analysed and compared, due to the overall relatively analogous case-related information representation for each investigation. In addition, only closed human smuggling cases are included, which means that related court documents are also openly accessible through the website.

In order to compare *only* those cases (out of all global human smuggling cases collected through the database), that involve human smuggling<sup>23</sup> as operated by *an OCG internally to Europe*, a smaller case database was established for the purpose of this study. The EU countries for which investigations regarding organised human smuggling were found through the Sherlock database were Italy (23 cases), Spain (3), Portugal (1), Greece (1), France (8) and Austria (5). The investigations refer to those countries because the criminal act was committed on their respective territories. However, all 40 cases represent cross-border investigations and thus, also involve other European countries. As Fontana (2020) argues some OCGs involved in human smuggling internally to Europe are also the same ones that operate at its external borders. While this makes a neat distinction between criminal organisations in both contexts difficult, using the cases on the Sherlock database has the advantage of being able to examine such investigations in more detail, which are important for the context-comparative analysis later on.

<sup>23</sup> Those cases that also involved ‘trafficking of human beings’ were specifically disregarded, due to the difference in phenomena to smuggling explained in **Ch.2, section 2.2.3.**

**Table 1.** Investigation related to human smuggling by OCGs at EU-internal transit points (sample extract from newly established database)

	Year	Court	Defendant(s)	Services	Stage	MO	Payment	Auxillary offences
<b>BEL</b>	2017	Ghent	Syrian origin (12); Employee at Syrian Embassy in Paris; Male	Fraudulent documents	OCG operative in Turkey, Crete and Belgium	Migrants would be recruited in Syria and travel was facilitated from Turkey to Crete to Belgium via fake ID	1,500-4,500€	-
<b>IT</b>	2016	Catania	Somali origin (1+); Formerly domiciled CARA di Mineo; Male; Resident in Italy	Fraudulent documents and train tickets; Food & accomodation	OCG operative in Pozzallo, Ragusa, Naples, as well as other cities in Northern Europe	Migrants would be recruited at port of Pozzallo, avoiding registration by authorities, then accomodated in a rented estate until departure to Northern Europe via train/plane	800-1200€ per person; Estate owner received 30 € per migrant	Kidnapping
<b>IT</b>	2017	Palermo	Tunisian (12) Italian (4) Swiss (1) 2 Female; All expect one resident in Italy	Speedboat and private vehicles	OCG operative in Tunisia, Sicily (Agrigento, Palermo), France and Belgium	Migrants smuggled systematically from Tunisia to Italy and from there to France/Belgium	2,000€ per person	Contraband cigarettes and tobacco smuggling; Money laundering
<b>FR</b>	2015	Nancy	Algerian (2+)	Fraudulent documents	Thiais; Aubervilliers	Migrants would be accompanied to municipalities where they could be assisted in collecting fraudulent ID cards or residence certificates	-	-

Only investigations were included in the analysis in which the judgement date is not earlier than 2013 up until 2019. This time frame was chosen with the reasoning that normally a few years lie between the committing of the crime and the closing of a case (when the verdict is presented in court). While, it should be acknowledged that this time frame is pre-‘migration crisis’ (2015), only incorporating those cases beginning from the year 2015 would have reduced the number of cases so much that it would not be sufficient to make any type of inference from the data.

Through the newly established database all 40 investigations were compared and information was extracted in relation to: countries and law enforcement agencies involved; number and

nationality of people smuggled; but most importantly for this study, information on the number and nationality of defendants; the *modus operandi* of the OCG in question and the (transport) services offered. In the database it was also noted whether in any of the case analyses the reference was made to the OCG acting as a criminal enterprise or following a specific business model.

### 3.2.3. *Expert interview analysis (C)*

In order to complement and extend the secondary source analysis, expert interviews were conducted as well. This method of qualitative analysis was chosen as means to produce further insight on the facilitation of irregular EU-internal transit migration by OCGs, through specifically chosen experts, who are confronted with such investigations in different geographical locations and through different professions. Thereby, being able to present a spectrum of potentially diverse perspectives regarding the phenomenon. The interviews were hoped to give further insight into the organisational structure and operation of OCGs involved in EU-internal human smuggling, as well as intra-organisational relations to be compared to the EU-external human smuggling context.

A total of 13 expert interviews were carried out with (anti-mafia) prosecutors, judiciary, local and financial police officers, Frontex as well as UNODC staff and researchers. Each interview had a duration of around one hour and was semi-structured, as it involved a set of 12 specific questions<sup>24</sup>, accompanied by open follow-up questions. Most interviews were conducted in person or the phone, in Italian language, with a few in English (interviewer 5, 9 & 10). Expert interviewees were selected for diverse reasons.

<sup>24</sup> For the list of interview questions, please refer to **Appendix 6.4**.

More precisely, the Antimafia prosecutor of the Milan directorate was chosen due to her involvement in one of the largest scale cases (uncovered until now) that involved an OCG facilitating irregular migrant journeys out of *Northern Italy* towards France, Germany and Northern Europe. The Antimafia prosecutor of Catania was selected as expert, due to his involvement in several different human smuggling investigations in the *South of Italy*, i.e. Sicily. Whereas, the prosecutor of the national Antimafia directorate was chosen due to his task developing national reports on *country-wide* human smuggling cases and was therefore hoped to be able to provide a more general understanding on these types of cases across Italy.

Whereas, the prosecutor of the DDA in Palermo was chosen due to his involvement in the largest and continuing known transnational human smuggling investigation lead by Italy in recent years: Operation Glauco, which spans three related large-scale-investigations: Glauco I, II and III<sup>25</sup>. It is to be noted, that the knowledge about individual prosecutor's expertise related to human smuggling investigations, was to the most part discovered through research of media as well as police website publications<sup>26</sup>. However, after the first contact establishments with prosecutors, snowball sampling (Littig, 2009) was also added to the method of expert selection, as experts would recommend other professionals to interview. The latter had the advantage of gaining access to otherwise potentially invisible experts in the field.

With the aim to extend the legal expertise perspective to include a more unbiased view of potential cases, it was also decided to interview a representative from the judiciary. Therefore, the judge for the preliminary proceedings of the Tribunal of Milan, who decided over the large-scale human smuggling investigation mentioned before, was contacted and interviewed.

<sup>25</sup> Large-scale police investigation launched into a smuggling organisation which organised journeys from Libya to Italy, after the shipwreck in front of the island of Lampedusa in October 2013 (Campana, 2018). Glauco III, caused heated debate in the Italian as well as international media as it was found that Italian authorities had arrested the wrong 'kingpin' (see e.g. Lyneham, 2018; Tondo, 2018) of the OCG involved in the case, which leaves the last of the three investigations ongoing.

<sup>26</sup> The email addresses of most prosecutors in Italy follow a specific pattern and were therefore easily deduced.

In addition to the selection of prosecutors, the vice sergeant of the Antimafia investigation directorate of Milan was contacted, to provide his expert views as a law enforcement practitioner on the applied investigation of human smuggling cases in the North of Italy. In line with this potential of law enforcement practitioners in providing detailed insight on specific police operations, the head of the Carabinieri<sup>27</sup> of the Lazio region was interviewed, as proposed by the General Command of the Carabinieri (Rome). Besides being able to present his knowledge of human smuggling cases in the region, he also demonstrated years of experience regarding police operations on the island of Lampedusa, one of the most significant first entry points for irregular migrants into Europe<sup>28</sup>.

Moreover, it was decided to include officials of the Specialised Unit for Financial Police Investigations (SCICO) of Italy's financial police force (Guardia di Finanza) as experts for the current research. This was justified by the fact that these individuals could provide expertise on the practical management of organised human smuggling, as well as offer comprehension regarding economic aspects related to the business of human smuggling, i.e. payment methods, resources and profit.

Other experts included officials of international and more specifically European research, as well as law enforcement institutions<sup>29</sup>. Experts from the UNODC were chosen to be interviewed as the institution has a specific research unit concerned with the phenomenon of OC-related human smuggling<sup>30</sup>. Both UNODC representatives were chosen due to their different roles within the institution, as well as diverse career backgrounds and were hence able to provide varied insights.

<sup>27</sup> Name of the Italian police force.

<sup>28</sup> In 2016, around 181,000 migrants arrived at the shores of Italy's most Southern island (D'Alessandro, 2019).

<sup>29</sup> The expert interviews were also intended to include agents from the European Migrant Smuggling Centre (Europol), as well as Eurojust staff. However, unfortunately, in the both cases it was not possible to arrange an interview as contact was interrupted without further explanation.

<sup>30</sup> The communication to both interviewees was established through a contact exchange made at an international multi-institutional workshop entitled 'When smuggling goes wrong' at the European University Institute.

One UNODC representative retained the role of crime prevention and criminal justice officer, as well as coordinator for the Global Program against the smuggling of migrants and was able to discuss characteristics of the criminal phenomenon as well as measures to counter the latter, on a more global scale. Instead, the other UNODC representative, had an economist background as well as being a research expert on trafficking and smuggling in persons, and thus was able to bestow an economic perspective on organised human smuggling.

Another desired expert interviewee included a representative of Frontex, the European coast guard agency. As part of its mandate the Frontex agency was conferred the task to identify and counter human smuggling at EU borders. Contact to the Frontex spokesperson was established at a meeting (organised by the University of Catania through their summer school program on ‘Managing Crises at EU Med borders’) at the EURTF (European regional task force) office in Catania, which facilitates the collaboration between different EU agencies (of which Frontex is one).

Last but not least researchers were interviewed as experts, who studied the EU-related facilitation of irregular migration by OCGs. One expert researcher was chosen due to her affiliation with the Global Initiative Against Transnational Organized Crime [GI-TOC], which is a global network of expert researchers on various areas of OC spread out across the globe. Choosing an expert from this organisation was critical for this thesis project, as one field of research is specifically concerned with the study of human smuggling (globally) and researchers of the GI also collaborate closely with practitioners of the private and public sectors in discussing the countering of OC. It was thus hoped that the expert could present knowledge on the manifestation of human smuggling globally but also specifically, applicable strategies that might assist in thwarting this illegal market.

Also a University-affiliated research expert was chosen to be interviewed, since his journal article provided a first and only partial insight into their potential knowledge on intra-European human smuggling, it was deemed vital to discuss this more specifically in an interview. Through his qualitative research approach it was hoped that the researcher would be able to provide some insight into relationships between smugglers who were part of the same organised criminal group and its social structure.

In addition to the beforementioned interviewees, at the beginning of the interviewee selection process also NGO staff members were chosen as potential experts. The latter included volunteers and staff members of: UNHCR Italy<sup>31</sup>; Associazione NAGA<sup>32</sup>; Farsi Prossimo<sup>33</sup>; a ‘SPRAR<sup>34</sup>’ centre; and ‘Fondazione Somaschi<sup>35</sup>’. However, when conducting preliminary informal talks with the mentioned NGO personnel<sup>36</sup>, (which occurred during the researcher’s volunteering period in two different refugee reception centers in Italy<sup>37</sup>), all contacts specified in one form or another that they could not provide any valuable comments on operation or structure of human smuggling organisations.

The reasoning presented was that volunteers or staff members of primary and secondary reception centres did not discuss sensitive issues related to the visitors’ past, potential involvement in smuggling ventures or their possible affiliation with criminal organisations facilitating irregular travel through Europe. Generally, the informally interviewed staff argued that their relationship with visitors of the reception centers mainly focused on the

<sup>31</sup> <https://www.unhcr.it>

<sup>32</sup> <https://naga.it>; Italian voluntary association that offers health, social and legal aid services

<sup>33</sup> <https://www.farsiprossimo.it>; Italian volunteering association concerned with the accommodation and social integration of individuals in need of protection

<sup>34</sup> *Sistema di Protezione per Richiedenti Asilo e Rifugiati* = System for the protection of asylum applicants and refugees (Secondary reception)

<sup>35</sup> <https://fondazionesomaschi.it>; Italian religious voluntary association which is also involved in accommodating and aiding people in need of protection

<sup>36</sup> Unfortunately it was not possible to get access to a staff member of the UNHCR (Italy)

<sup>37</sup> The volunteering period was carried out in the reception centre (SPRAR) Sammartini in Milan and the reception centre (CAS) Borgovico in Como (CAS).



accommodation, assistance, care and integration of irregular migrants and refugees, which also included protection from reliving past traumas related to their travel or uncomfortable questions regarding issues of legality.

All interviews were first transcribed and then analysed thematically by means of NVivo, a qualitative data analysis software. In the thematic analysis, a technique frequently used regarding qualitative data evaluation (Joffe and Yardley, 2004; Thomas and Harden, 2008), the interviews were examined for specific patterns which describe the phenomenon in question and provide information for answering the posed research questions<sup>38</sup> (Thomas and Harden, 2008; Bryman, 2012). The thematic analysis was undertaken in both, Italian and English in order to generate optimally accurate results, this means that the coding framework was developed in English as well as in Italian. Undertaking the thematic analysis technique through Nvivo was chosen due to its advantage in facilitating the creation of a systematic coding framework<sup>39</sup> in order to analyse the interviews and develop a thematic map based on key themes (Welsh, 2002; Bergin, 211).

The combination of manual as well as computer-based coding was deemed necessary for the comprehensive establishment of these key topics through an inductive as well as deductive analysis of the data. The latter means that in the process of reading through the interviews further themes which materialised were added to the coding framework. Eventually, on the basis of the results of the coding framework, a thematic map was established through Nvivo, which contains the information related to overarching topics and sub-topics examined in the discussion below, i.e. (i) organisational structure and strategy of EU-internal human smuggling organisations, (ii) parallels and differences to those criminal organisations operating at external

<sup>38</sup> See **Ch.1, section 1.2.**

<sup>39</sup>For the coding framework, please refer to **Appendix D**

borders of Europe (with a focus on the Central Mediterranean route) and (iii) context-tailored reduction strategies.

#### 3.2.4. *Potential limitations*

It is important at this point, to address potential limitations of the applied methodology, regarding the examination of official reports, the Sherlock caselaw database analysis, as well as the validity of information provided for by the interviewees and discuss ethical issues.

A potential limitation regarding this gathering of secondary source data is that more EU country-specific reports were not included. However, according to Triandafyllidou and McAuliffe (2018), the most comprehensive, publicly accessible data on EU-internal human smuggling cases, which the author could access through her language skills, were from Italy, Germany and Austria. Another limitation is related to the fact that these reports consider mostly detected cases of organised human smuggling or smugglers and the dark figure of human smuggling might be large. This is a general problem regarding illegal market research and can only be partially addressed through the combination of multiple types of data sources, which was attempted here.

A potential limitation of the Sherlock caselaw database analysis concerns the fact that the list of investigations was not exhaustive of *all* investigations involving the facilitation of irregular migration by OCGs within the EU, as this depends on the extent of country-specific research and on external voluntary contributions. However, due to the internationality, variety of contributors and the regularly updating of the database, it can be argued that a large amount of closed, specifically large-scale investigations are included in the database.

It should also be pointed out that certain cases that are part of the database analysis also involve OCGs which operate from outside the EU. However, in the latter case the OCG in question had

contact points in the form of ‘transport aides’ or ‘drivers’ working within Europe. Moreover, information on smugglers within the Sherlock case analysis alone (without extracting more details from the attached court documents), is limited. Not always is the exact same information available for all cases (with the most recently added ones presenting the most detailed information). Yet, as the extract from the established database shows, general comparable features especially regarding defendants and their MO were able to be identified. It should be noted that the Sherlock database analysis proved a useful source of extra information but would not be able to provide broad enough data for a comprehensive country-comparative analysis to be based on it.

A potential limitation regarding the expert interviews concerns their composition. One might argue that interviewee collection is skewed towards a representation of legal and law enforcement expertise regarding EU-internal human smuggling. However, the latter was addressed through the inclusion of diverse research experts with a more objective approach as their professional mandate does not include the detection of organised human smuggling.

Generally, it has to be acknowledged that this study does not include a strong empirical foundation, in the form of data gathered through interviews with smugglers or migrants. There are several reasons for the latter. While it was attempted to contact identified and convicted smugglers through the Italian Penitentiary Department, latter broke off contact without further explanation. Regarding interviews with migrants, a set of informal interviews were in fact undertaken with a limited amount of refugees in three different reception in Italy. However, it became apparent that while important, the interviewees were not able to or perhaps willing (for comprehensible reasons) to provide information on their travel facilitators. Thus, it was deemed more expedient to include experts that directly researched human smuggling or were confronted with smugglers through operations or investigations.

Importantly, the implemented methodological approach which thoroughly examines the combination of secondary source data, investigations and expert interviews is a vital first step in critically presenting and analysing how knowledge on human smuggling internally to the EU is produced and able to be accessed outside the scholarly literature, seeing as it is yet under-researched. The latter was undertaken in response to previous scholar's emphasis that there is a need for understanding how data on human smuggling is effectively gathered (see Baird and Van Liempt, 2016), especially in an under researched context such as the one examined here. Moreover, this approach is able to highlight crucial deficits and inconsistencies that revolve around what is known and what needs to be improved regarding data collection of organised human smuggling within the EU.

### **3.3. Results & Discussion**

The analytical framework of the discussion follows the main argument of the paper, by which theme (I) concerns the description of organisational structure and strategy of OCGs involved in human smuggling internally to the EU. Theme (II) presents the comparative analysis of the EU-internal and EU-external border context and eventually, theme (III) presents the distinct socio-economic measures tailored to the organisational structure that crystallises from the combination of the first two analyses. The last section of the discussion critically assesses the general deficiencies of the existing institutional knowledge production on human smuggling in the EU context.

#### *3.3.1. Theme I: Organisational structure and operational strategy*

- **OCGs operating on the EU-internal human smuggling market are comparable to decentralised organisations that are fragmented into non-coordinated sub-systems.**

The need of irregular migrants to be assisted in their journey by OCGs is exhibited in the statement of the financial police officer (Interview 1), who states that:

*'It is quite improbable that they (irregular migrants) self-organise (in order to pass the EU-internal borders)...the frontiers are extremely surveilled.'*

Most interviewees (11/13) identify the organisational structure of criminal networks involved in the smuggling of migrants within the EU as rather fragmented instead of hierarchical. It is repeatedly pointed out that it would be difficult for one criminal organisation alone to manage the entire journey of irregular migrants through various countries and that instead, local smuggling networks exist (or individual entrepreneurial smugglers), that are contacted in order to organise a specific part of the passage through one country into the next (Interview 1; 3; 6; 7). The latter is very much in line with Achilli (2016) findings presented in **Ch. 2, section 2.4.2**. This clustering of smuggling networks, could also be linked to the decentralised organisational concept of subsystems delineated by Weick (1974), with every subsystem enjoying a certain autonomy and decision-making power.

The concept of local human smuggling subsystems is well represented in the interviews (Interview 1; 2; 6; 7; 8). In fact, one prosecutor (Interview 2), in charge of the large-scale human smuggling investigation in Northern Italy, argued that smugglers coordinating the smuggling journeys would recruit individuals living at a border towns (e.g. Ventimiglia) to take irregular migrants across the frontier in their private vehicles in order to save transport costs and that another criminal group would have taken over the migrants at the French territory for further transport.

The prosecutor also argued, that while their level of organisation was noteworthy, essentially no sophisticated skills were needed to carry out the smuggling operation, which is in line with the literature on human smuggling (see e.g. Antonopoulos and Winterdyk, 2006; Campana, 2018). Naturally, the question here becomes, how to differentiate between the smugglers

belonging to one criminal organisation and those belonging to another. Are diverse small scale groups cooperating or do they belong to one transnational criminal organisation?

In fact, the Sherlock case law database analysis demonstrates that it is not always apparent from the different human smuggling investigations how many smugglers the OCG in question actually includes. Where numbers are available, only the Glauco case (I and II) constitutes a *large*, transnational criminal organisation. In other investigations where figures are known (4 cases), the number of defendants barely reaches the minimum amount of individuals that are needed to make up what is termed an OCG under the UN Convention (2000). This implies that the organisations one is assessing here, are to the most part small in scale and (even if they are greater) not tightly structured.

It is also argued that the organisational structure depends much on the route and border that needs to be crossed (Interview 9). For example, regarding rare cases involving large, transnational OCGs, it is stated by 2 interviewees that the so-called heads of these criminal organisations are mainly located in the country of origin of individuals they transport (e.g. Niger, Egypt, Libya, Morocco, Turkey) [Interview 4; 8].

The Italian DIA report (2018) mirrors this fact and further argues that only ‘foot soldiers’ of the organisation, who are responsible for reception as well as EU-internal transportation of irregular migrants, are to be found on the EU (Italian) territory itself. The latter points towards a basic ‘top-tier’ versus ‘lower-tier’ smuggler diversification within a larger fragmented system. Campana (2018) finds similar results in his analysis of the Glauco investigation. The public prosecutor of Palermo (Interview 11) explains this two-tier level as follows:

*‘When I talk about nodes, what I means is (...) we have to think about a person or several people with a commanding role, an organising role (...) with decision-making power regarding the goals of the organisation...but not in the sense of Mafia bosses, as we might intend it in Italy (...) in contrast to other individuals, who carry out simply executive tasks..’*

The collected data not only provides support for the fitting application of Weick's (1974) subsystems, decentralistic organisational concepts to human smuggling organisations operating in the EU-internal context but also, demonstrates the apparent successful functioning of such a loosely coupled system. It also gives further evidence in contradicting the misperception analysis of **Ch.2, section 2.4.1.**, while acknowledging a basic two-level organisational tier.

- ***Through corrupt intermediaries, OCGs on the EU-internal human smuggling market are successfully operating in a grey zone between legality and illegality.***

Several interviewees (Interviewee 1; 3; 8; 12) argue that OCGs involved in the smuggling of migrants are structured like *legal* enterprises with the exception that they are offering illegal services. The notion that one is presented with an *illicit licit* market, which follows the rules of demand and supply often comes across in the interviews (Interview 1; 3;4; 6; 8). The financial police expert (Interview1) states:

*'These are criminal enterprises... organised with the aim to present an illicit service...but they are organised following the typology of any form of legal enterprise'*

A feature which shows support for this business' organisational structure to be balanced between a legal and illegal operative context is the figure of the corrupt intermediary. For instance, the Eurojust report (2018a) describes the police operation *Hecates*, in which corrupt airport officials appear as a vital part of the detected smuggling organisation, and also the Italian police operation entitled *hawala.net* uncovered the role of corrupt public officials. This is in line with the general literature, which argues that in human smuggling cases involving crooked public officials, these individuals often play an important role of 'broker' in the criminal organisation without necessarily being a 'full-time member' or strictly associated with the organisation (Kyle and Koslowski, 2001; Aucoin, 2019).

Importantly, this weak but nonetheless crucial link between corrupt officials and the rest of the criminal organisation in question, supports Granovetter's (1973) concept concerning the 'strength of weak ties' that these types of structural roles embody for the successful functioning of a human smuggling venture.

- ***OCGs on the EU-internal smuggling market are resilient to external shocks, such as stricter border control, through the gradual adaptation of their operational strategy from physical transport to increased use of fraudulent documents.***

A notion which is frequently brought up by interviewees (Interviewee 1; 6; 11; 12; 13) in connection to questions regarding a potential evolution or change in criminal structure or strategy of OCGs operating internally to the EU, is the notion of 'adaptability' and 'flexibility' in their *modus operandi* or operational strategy.

One of these forms of adaptation is linked to the shift in smuggling routes and transport modes. This is reiterated when comparing earlier reports, e.g. the Italian Financial Police report (2017), with more current reports (UNODC report, 2018; EMSC, 2018), which demonstrates that the presence of OCGs in facilitating irregular migration internally to Europe through the Western Balkan route significantly increased over recent years<sup>40</sup>. In addition, according to the DIA (2018) report, the border police of Trieste (Italian town bordering Slovenia) arrested 29 human smugglers, in 2018, which presented a significant increase to the previous year and could indicate a potential amplified use of the Western Balkan route by smugglers, who facilitate journeys through Slovenia into Italy.

Moreover, the EMSC (2018) report states that OCGs operating within the EU most recently also increasingly coordinate smuggling journeys for irregular migrants via the English

<sup>40</sup> That the Western Balkan route appears to be the main smuggling hub is interesting, given that Italy and Spain and especially Greece (most recently) are still the main points of entry into Europe for irregular migrants (Frontex, 2019). It could imply that *within* Italy, Spain and Greece as well as at these countries' borders with neighbouring EU member states, it is easier for migrants to self-organise their secondary movements instead of relying on smuggling organisations.



Channel<sup>41</sup>. Regarding EU-internal facilitation of movement by land, the use of rental cars is apparently increasingly used as method of transport in this case, with Germany and the UK representing the preferred destination countries for irregular migrants (EMSC, 2018).

A significant example of shift in operational strategy concerns the increased use of fraudulent documents by OCGs involved in human smuggling within the EU. In fact, several official reports state that when it comes to organised secondary movements across the EU, smugglers increasingly offer the provision of fake or stolen travel documents, e.g. IDs, passports or tourist visas, to irregular migrants instead of physical transportation across borders (EMN, 2015; Eurojust, 2018b; UNODC, 2018; EMSC, 2018; Frontex, 2019). Frontex (2019) even highlights that secondary movements facilitated through the use of fraudulent documents internally to the Schengen zone, reached a peak in 2018. Interestingly, UNODC Crime Prevention Officer (Interview 9) points out that this smuggling method represents a safer way of travelling, he argues:

*'(...)There are cases where migrant smuggling can be relatively safe. For example smuggling of migrants through the use of fraudulent documents... Persons who are able to have access to fraudulent documents may travel from their non-EU country of origin directly to an airport of an EU member state..or another non-EU member state and go through the passport control and reach their destination without any type of you know threat'*

Which stands in contrast to risk regarding physical journeys within the EU:

*'Then you have dangerous crossings.. like the border between France and England (...), there is a degree of danger in crossing that border as well right? Whether people are trying to walk between the tracks and on the walls of the tunnel..or under the channel...(..)these present aggravated forms of smuggling (...), so these migrants have access to a protection framework that is very similar to the one for the victims of trafficking..'*

A specific service increasingly offered by OCGs in this regard is the provision of illegal residence permits for the EU (EMSC, 2018). In connection to this, the EMN report (2015) states

<sup>41</sup> See **Figure 2** for a visualisation of facilitated irregular migration movements within the EU (Europol, 2018).

that criminal organisations were identified which sold fake Italian residency cards in Maltese reception centres, with which irregular migrants would then fly via low-cost airlines to Italy or Germany. The German report on human smuggling indicated that there has been an increase of 4% in OCGs which are predominantly engaged in human smuggling from 2017 to 2018. The facilitation of irregular passage in this respect is stated to have especially been organised through false marriages and fake employment visas.

This change in operational strategy is an important indication for a reactive shift in strategy on the part of human smuggling organisations in response to the reimplementation of EU-internal border control and the increasingly strict application of the latter within the Schengen zone since 2015. In fact, a significant number of interviewees specifically argue that the shift in smuggling routes and transport methods has been brought about by stricter immigration control policies, especially in Italy, where smuggling routes have shifted towards and over Spain to other Central, Western and Northern European countries (Interview 1; 5; 7; 9; 10). A law enforcement expert (Interview 3) points out that:

*'Modi operandi have been updated in response also to an augmented security system in terms of internal and external border control of the EU...The evolution of this phenomenon (facilitation of irregular migration) was natural over time.. there was an adaptation to control measures that were implemented to stop the this (migration) in-flow...there is a attention (on the part of criminal groups) how and when it is best to act...'*

While this change in routes and strategy might be easily associated with the flexible and adaptable structure of human smuggling organisations, it is to be highlighted that this potential has been revealed and used in the first place, as a reaction to firmer border control measures within the EU. Thus, it is important to acknowledge that for illegal markets with an organisational structure that implies high potential for structural decomposition and operational adaptability, restrictive policies can have important negative, unintended consequences (see

**Ch. 2 , section 2.6.)** which rather impel these flexible criminal groups to invent new ingenious methods in circumventing the law rather than disrupting the business.

Sham marriages are another example of such law circumvention. A significant increase from 2017-2018 in non-German nationals, most notably Portuguese and Nigerian, in constituting individuals arrested for smuggling in Germany (BKA, 2018), is associated with the increase in organised sham marriages between the two nationalities.

- *Violence or life-threatening circumstances are not distinct features of the EU-internal human smuggling market*

Another source of data, which is associated with human smuggling is the IOM's 'Missing Migrants Project' [MMP]<sup>42</sup>. It is an interesting source because it highlights the 'violent' and 'deadly' characteristic that is ascribed to human smuggling globally, but most specifically when it comes to smuggling via sea (see e.g. Hasrat-Nazimi, 2015; UNHCR, 2019).

Numbers of reported migrant deaths within Europe could thus, also provide a source of knowledge that illustrates the extent of a 'life-threatening nature' related to human smuggling ventures by OCGs operating at transit points internally to the EU. However, as demonstrated by the MMP data, the number of migrant deaths within Europe are significantly lower compared to the number of deaths at the EU's external borders, i.e. from January-April 2020, the IOM counts 15 deaths within Europe, versus already 256 deaths in the (Eastern, Central and Western) Mediterranean.

When extending the calculations to a timeframe from 2014-2019, a total of (at least) 572 migrants lost their lives internally to the EU. While this certainly does not diminish the tragedy of each individual death, when comparing this to the fact that in the month of June 2018 alone,

<sup>42</sup> <https://missingmigrants.iom.int>

564 people lost their lives in the Central Mediterranean region specifically, the difference in fatalities and thus dangerousness of the facilitated journey is substantial. When citing the BKA report (2019), this becomes even more apparent, which presents only 2 cases involving migrant deaths strictly associated with a facilitated journey by smugglers within a time frame from 2014-2018.

When investigating the nature of these deaths in more detail it is not discernible which of these fatalities occurred during facilitated travel by human smugglers and which occurred during individual travel. For example, for the year 2018, 109 migrants died within Europe in diverse locations and various reasons, of which 28 were vehicle accidents and death due to asphyxiation. It could be argued that these cases would be the one most likely to involve smugglers, yet, even in these much more limited incidents it is not clear if these smugglers belonged to a criminal organisation or acted on their own accord.

Thus, without diminishing the grave human fatalities presented, compared to human smuggling at Europe's external borders, the facilitation of irregular migration by organised smugglers is much less deadly than so often portrayed in the media. One reason for this is of course the nature of internal EU border passages, which are in essence less dangerous than long sea crossing. However, the low death rate could also be related to the above-discussed change in operational strategy towards the increased facilitation of irregular travel through fraudulent documents.

Another source which speaks for the less violent and life-threatening nature of the smuggling market within Europe is the Mixed Migration Review report (2019). According to interviews with West Africans and East Africans in Europe, the latter agree that 'the smuggler helped' them to achieve their goal. Whereas, West and East Africans interviewed in Northern Africa report the opposite and even stated the frequent use of violence by smugglers.

The report also provides insights into the type of transport irregular migrants internally to Europe (especially East Africans and Afghans) state to have received by smugglers. Out of 100 Eritrean interviewees, 95 % state to have received ‘safe transit across borders’ and 85% of Afghan interviewees report the same (out of 126 interviews). Almost 100% of Eritreans state to have also received accommodation through smuggling services, while only 48% of Afghan migrants report to have received this service (for a visual representation of these figures please refer to **Appendix 6.2**). While it is not entirely transparent which exact passage within Europe was facilitated by smugglers, this information is nonetheless valuable in characterising the EU-internal human smuggling reality, which again contradicts media representation.

- *OCGs on the EU-internal human smuggling market are not merely foreign but constituted substantially by European nationals. Multi-ethnic OCGs engaged in the business exhibit a partial task diversification in terms of ethnicity.*

The data analysis does not corroborate the existence of a ‘general profile of a smuggler’ who operates on the EU-internal human smuggling market. However, it does point towards shared ties between smugglers, i.e. in the form of shared ethnicity or similar motivations for becoming an employee of this specific socially embedded business activity.

When the interviewees were asked what type of relationships smugglers had to each other the majority stressed that smugglers often shared ethnic ties (Interview 1; 3; 4; 5; 6; 8; 11; 13) or at least the same language (Interview 6; 13). To a lesser extent, familial ties and/or friendship relations were mentioned (Interview 1; 2; 13). In line with this, EU-internal investigations presented in the EMSC report (2018), mostly involved criminal groups constituted by entire families or ‘clans’ from the same country as their clients (EMSC, 2018). At first glance, the latter appears to speak for the fact that EU-internal human smuggling organisations are constituted mostly by foreign actors.

Yet, another important finding from the analysis is that European nationals also appear to be significantly involved in the composition of human smuggling organisations operating within the EU. Notably, the German and Austrian report demonstrate that the majority of smugglers, in terms of apprehended smuggler’s nationality is German and Austrian respectively. In the German case specifically, the largest number of identified OCGs that engage mainly in the activity of human smuggling are German (12 out of a total of 53 in 2018). For detail see **Table 2** below.

**Table 2.** Figures of apprehended smugglers and of smuggled migrants in Austria and Germany (2015-2018)

Year	Germany		Austria	
	Smugglers	Smugglers part of OCGs	Smugglers	Smuggled
2015	5.225	361	1108	72.179
2016	2.996	258	249	27.750
2017	2.101	187	222	8994
2018	2.320	340	223	2843

This is an interesting finding, in comparison to the fact that interviewees argue for smugglers to often share their client’s ethnicity. The latter still seems to apply, as the second most common nationalities among apprehended smugglers belonging to OCGs (in 2018), are Iraqi and Syrian, which are nationalities among the most frequent also in terms of smuggled migrants. However, it also demonstrates that OCGs within (especially central) European countries are also significantly constituted by EU nationals of the country’s nationality through or into which facilitation occurs. This demonstrates that also internally to Europe, human smuggling is an illegal employment alternative for Europeans and not specific to diaspora communities.

Interestingly, the majority of irregular crossings into Austria were identified at the Italian border (51.3%) and only in second place at the Hungarian border (16.4%), which supports the this dissertation's purpose in examining Italy as a important transit country for irregular migration. The majority of apprehended smugglers in Austria was male (85%) and aged between 21-40 years, very similar patterns can be perceived by looking at the German figures. Interestingly, while the number of arrested smugglers has first dropped and then remained relatively stable in Austria, the number of apprehend irregular migrants has significantly decreased. A similar trend can be seen by looking at the German data, where especially the number of apprehended smugglers which were identified to be part of criminal organisation has doubled in comparison to the previous year.

While the above results appear to suggest a limited diversification in ethnic composition of individual smuggling organisations, it is important to point out that the data analysis also finds evidence for smuggling organisations to be composed of diverse nationalities. In fact, two prosecutors did point out that sharing the same ethnicity does not always constitute a general characteristic of the same human smuggling organisation (Interview 2 and 12). In line with this, the Eurojust report (2018a) cites the Greek police operation *Acropolis*, which involved an OCG made up of members of diverse nationalities, i.e. Iraqi, Iranian, Polish as well as Greek individuals.

Moreover, as part of the Sherlock case analysis, two investigations which involved a transnational OCG facilitating the transport of irregular migrants *within as well as out* of Italy, towards other Northern European countries (Glauco investigations I and II<sup>43</sup>, cases 11 and 12), included smugglers from Eritrea, Ethiopia but also from Ivory Coast, Ghana, Guinea and Italy. Also the French human smuggling investigations in the Sherlock database involved OCGs

<sup>43</sup> For a more detailed analysis of the globally spread-out network see Campana (2018).

constituted by smugglers from various countries e.g. Iran, Algeria, Congo, Cameroon, Tunisia and Vietnam.

For these multi-ethnic smuggling organisations operating internally to the EU, there nonetheless appears to be a diversification of roles or tasks within the organisation (see Antonopolous and Winterdyk, 2006), which depends on smugglers' nationalities. For example, the DIA report (2018) acknowledges the role of Italian nationals involved in certain OCGs engaged in human smuggling in Italy by pointing out that their role within the organisation differs depending on the 'context in which they are inserted'. In line with the latter, interviewees, argued that the roles of these Italian nationals were often marginal, e.g. as drivers or 'passeurs' (Interviews 2; 4; 11) <sup>44</sup>.

- ***OCGs on the EU-internal human smuggling market have the potential to make large overall profit. However, especially at the lower,-of the basic two-tier-organisational structure, smugglers use this employment opportunity as means for basic income generation, instead of large profit production.***

The majority of interviewees (9/13), argue that the main unifying motivation behind the business is profit-making. The financial police officer (Interview 1) even argues:

*'It is more profitable and "less risky" in comparison to the trafficking of drugs.. if you transport 10 irregular migrants you might get the same amount of money...it is an extremely lucrative phenomenon at this moment...due to various socio-political factors (...). It might be more convenient today to specialise in the smuggling of migrants than in the trafficking of drugs or weapons...'*

<sup>44</sup> Regarding the involvement of the Italian Mafia as potential OCG involved in the *smuggling* of migrants, 4 interviewees specifically stressed that there was no evidence as of yet for this to be the case (Interviews 1; 3; 4; 5). At most, the Mafia's involvement (specifically, the Calabrian Mafia's) was acknowledged in connection with the management of refugee reception centres and the exploitation of public subsidies assigned to these centres (Interview 1; 3; 4; 5).



However, experts importantly point out that individuals also take up human smuggling as a basic income-generating activity (Interview 7; 10), sometimes due to precarious living conditions and/or the lack of access to legal work (Interview 8). The latter is specifically mentioned by two prosecutors, who have had first-hand access to cases regarding organised human smuggling within the EU and should therefore deserve special attention and emphasis.

The limited evidence available on the ‘smuggler persona’ discussed in **Ch.2 2.4.2** (see Achilli, 2016; Sanchez, 2017) finds increased support through this finding. The precarity of lower-tier smugglers ties nicely into another discussion related to the structure of EU-internal human smuggling organisations: profit generation.

Several interviewees highlight that profits from human smuggling ventures are extensive for criminal organisations involved in the business (Interview 1; 3; 4; 6). This notion also appears in most official reports, which highlight the fact that it is a ‘lucrative, highly profitable business’ (EMSC, 2018: 11). Figures in overall profit range from 2.7-4.7 billion € (Europol, 2017). It is argued that this represents a major challenge to individual countries and their legal markets and is used as a justification for the need to dismantle human smuggling organisations.

Examples of other more precise profit-related figures are described in the Eurojust report (2018b), where two connected smuggling networks made 400,000 € by smuggling at least 100 irregular migrants from Greece to Italy. Also the UNODC report (2018) gives a figure for a profit made from organising the crossing of the English Channel from France to the UK by boat, dinghy or lorry ranging from 4,000-5,000 £ per person. Irregular migrants interviewed for the EMN report (2015) apparently paid between 800-1,000 € to be taken from Northern Italy to Munich by car.

Italian police investigation demonstrate that asylum seekers paid 500-1,000€ to travel from Sicily to Germany and approx. 500 € more to travel further North (EMN, 2015). In a case

exemplified in the Eurojust report (2018b), through every fake marriage organised by a specific smuggling organisation a fee of 13,000 € was charged per person. Thus, the potential to make large revenues from this business, especially if it is carried out over time, for OCGs appear to exist.

However, the breakdown and profit distribution within one OCG involved in the facilitation of irregular migration at EU transit points is rather ambiguous. If the monetary figure named in the Europol report really is accurate (it is not specified in the report how it was calculated), it depicts the revenue made on the human smuggling market *in general*, while it remains unclear, how much profit each of these *individual OCGs* that are involved in human smuggling are effectively making.

Given the above noted diversification of roles within EU-internal human smuggling organisations, which involves at least a two-tier level, it is even less clear how much each *individual smuggler* profits from the business after subtraction of expenses or investments. The latter point is highlighted by three expert interviewees (Interview 1; 2; 10). Unsurprisingly, those who profit the most from the business are smugglers at the top of the very basic hierarchical structure of OCGs involved in human smuggling (Interview 8; 10). One interviewee bases this assumption on her ethnographic research and the other interviewee on police investigations.

It should be noted that those individuals more central to the organisation (specifically referring to Italian cases<sup>45</sup>) sometimes are also residents in the country of transit or destination (Interview 3) and are therefore less at risk of detection. This suggests that these smugglers have increased opportunities for prolonged, relatively undisturbed generation and consumption of profits

<sup>45</sup> Operation *Glauco*, Case Northern Italy, Operation *Scorpion Fish*

raised from human smuggling, compared to those smugglers who have an irregular status and are acting out of persistent need to make a living.

In providing support for the latter point, Sicilian prosecutor (Interview: 8), pointed out that the average income of smugglers per journey was quite low independently of how many individuals the individual transported. More specifically, he states:

*'(...) The turnover is different... if you analyse the Glauco<sup>46</sup> case...those that were arrested, were individuals who from Italy helped their co-nationals to get to other places in Europe...each one of these individuals made an average profit of 50 € you see? This is the sum we are talking about...I mean they are poor individuals...because there is lack of work...those who make the real profit are the bosses in Libya..'*

### 3.3.2. *Theme II: Comparative organisational analysis*

Overall, the above analysis has established that the illegal market for EU-internal human smuggling involves market operators that can be characterised as decentralised, weakly-tied organisations structured by country-clustered subsystems. These smuggling organisations are multiethnic (e.g. in Italy and France), as well as notably nationality-centric and European (e.g. Germany, Austria) in composition. Within a fragmented structure, employees of these criminal organisations that are especially involved in roles of drivers or transport aides, appear to be motivated by the need for basic income generation, while the overall potential of the criminal venture can be substantial. This is especially the case when the operational strategy involves the use of fraudulent document or the arrangements of fake marriages.

Now, how does this human smuggling context compare to human smuggling at EU-external borders in terms of structure and strategy? The following section discusses crucial specificities of the illegal market in question, also based on the discussion of **Ch. 2, section 2.4.2.**, with regard to established empirical evidence concerning human smuggling *into the EU*.

<sup>46</sup> See Footnote 25

- *Parallels*

There are several important similarities between OCGs operating on the EU-internal human smuggling market compared to the same market located at the EU's external borders, with specific focus on those OCGs operating in the Central Mediterranean setting.

First of all, in line with Fontana (2020), it has to be acknowledged that certain large-scale OCGs cannot be precisely separated in terms of context operation because they operate throughout both external and internal EU borders<sup>47</sup>. Examples are especially illustrated by the set of Italian sample investigations identified through the Sherlock caselaw database, see **Table 1**. OCGs in this respect appear to facilitate entire irregular journeys from e.g. Tunisia to Belgium. However, the information regarding operation and structure of the organisational sub-cluster positioned within Europe is always much less evident compared to the one at the external border. The latter raises doubt in how far one can really speak of an overarching criminal enterprise that covers both contexts. In line with the UNODC report (2018), one might thus rather consider that EU-external and internal organisational networks are cooperating to some extent.

Generally, it becomes apparent that in terms of structure, human smuggling organisations operating on both illegal market contexts appear to follow a rather fragmented, loosely coupled organisational structure. Moreover, the role of intermediary, often corrupt authority figures in the form of brokers, is another decisive element which can be generally applied to both contexts. This is not only supported by reports, Sherlock case database analysis and interviewees undertaken by the current research but also by the ample, established literature on human smuggling at its external borders (see e.g. Antonopoulos and Winterdyk, 2006; Di Nicola, 2014; Achilli, 2016; Campana, 2017; Triandafyllidou, 2018). Thus, concepts related to the

<sup>47</sup> As discussed in **Ch. 2, section 2.3.2.**, this is a reason for the author referring to the facilitation of irregular migration internally to the EU as 're-smuggling'.

study of decentralised organisations appear to be well-fitted to describe both contexts and certain reduction strategies can hence be applicable to both contexts.

Also the diversification of roles internally to human smuggling organisations applies to both, the EU-external (see e.g. Antonopoulos and Winterdyk, 2006; Dimitriadi et al., 2015; Aiazzi, Iaria and Monzini, 2015; Campana, 2017) and the here discussed EU-internal border context. While there is no evidence for a complex structured hierarchy, there appears to be a two-tier construction where smugglers either belong to the ‘organisers’ (higher tier) or ‘aides’ (lower tier) [see also Campana, 2018].

However, a novel aspect, which potentially also appears to apply to human smuggling organisations that are especially operative in Italy, in both EU contexts, is the fact that smugglers at the slightly higher tier within the organisation sometimes hold residencies in Italy. In fact, the Sherlock database analysis showed that in two Italian investigations involving human smuggling by sea route, smugglers operating from Italy, were the same nationality as their clients, but also held residency in Italy. The latter resonates with the Italian prosecutor’s statement made above, which also pointed out that most lower-tier smugglers were irregular migrants.

Moreover, in connection with the two tier structure, another parallel concerns the fact that lower tier smugglers both in the EU-internal borders and at the EU-external borders use the facilitation of irregular migration as an income generating method.

As GI researcher argues:

*‘In certain geographies (...) it’s really just a way for them [facilitators] to be able to make an income, because they don’t have access to a formal economy... so, for example in the South of Libya traditionally the smuggling industry was dominated by communities that were local to the south of the country and who had been marginalised by the Gaddafi regime and had no*

*access to public services or to the formal labour market and so it was literally like an income generating activity for them...'*

(Researcher GI-TOC, Interview 10)

However, as well as the income-generating aspect related to human smuggling, the external-EU border context also gives indications for large profits to be made from facilitating smuggling journeys, if one assesses the evidence on specific prices (see **Table 1**) and overall illegal market revenue calculations of the business, i.e. according to the UNODC report (2018), Smuggling in the Mediterranean Sea generates 250-300 million € annually for OCGs operating across Libya and Italy. Yet, as discussed in **Ch. 2, section 2.4.1.**, and as pointed out by Sanchez (2017) also here the profit distribution calculation is extremely hard to undertake and an overall market figure hides specificities of payment regulations internally to this market.

Another aspect shared by both human smuggling contexts is related to the sharing of ethnic ties between smugglers (as well as their clients). According to the Frontex report (2019), irregular migrants from Somalia stated to the most part to have been smuggled by other Somali nationals, and to a reduced extent by Libyan and Eritrean individuals. Moreover, the Eurojust report (2018b) describes an Italian police investigation that uncovered a large-scale Somalian smuggling organisation who smuggled mainly Somalian nationals into Italy.

The Italian DIA report (2018) stated that human smuggling (specifically in Sicily), is mainly attributable to foreign transnational OCGs, whereby members often originate from the same country or neighbouring countries. Specifically individuals originating from Maghreb countries appear to be involved in the smuggling of migrants coupled with the smuggling of contraband products in the region. According to the Frontex Report (2019), this generally ethnicity-based relationship is also valid for other migrant groups (e.g. Syrian and Iraqi, Afghan and Pakistani): human smugglers are often fellow nationals or from neighbouring countries.

As demonstrated above, the sharing of ethnic ties between smugglers also describes the composition of a *part* of smuggling organisations operating on the EU-internal market. However, the latter only describes an extent of picture, which leads to those elements that appear specifically related to the EU-internal human smuggling market.

- *Specificities*

The above analysis has demonstrated that on the EU-internal market, human smuggling organisations exist that are constituted by foreign actors, who share migrant's ethnicities and can also be multiethnic in composition. However, importantly, this analysis has also shown that the majority of OCGs involved in human smuggling is in fact constituted by European actors.

This is a crucial result which should be highlighted, especially in the light of increasingly hostile public and political stances towards (irregular) migrants and diaspora communities internally to Europe (Coluccello and Massey, 2015; Ruzza, 2018).

Moreover, within the EU-external border context of human smuggling, two realities exist concerning the structure of human smuggling organisations. On one hand, there is the 'opportunism theory', supported for example, by the Frontex spokesperson (Interview 6), who argues that smuggling organisations that have been present for years on the same territory simply take up the chance which arises from growing demand for the service in a specific geographical location. More specifically, she argues:

*'So it is like squeezing a balloon, you do have networks that are already active because these 5 migratory routes [into Europe] have been there for years. So it is just about the amount of business that one of them is given if one route is closed... And this is what very much happened in Greece in 2015... there is the Turkey-Greece route, which has been active for many many years, with varying intensity... but in 2015 there was so much pressure that the amount of offers of smuggling services has increased.. a lot of them opportunistic.. somebody has a beach, it is very close to Samos... they have access to fishing boats... so it is not about the level of sophistication it is about activating the level of intensifying the services that are already there(...) it is not that the Turkish smuggling networks would move to Spain... to Morocco (...). It is simply that the Moroccans would get more business opportunity'*

On the other hand, this seems to depend specifically on the external border that is examined. A researcher who has undertaken ethnographic research in the area (Interview 10), argues that in the Libyan context there is increasing evidence of the same criminal organisations becoming more professionalised in organising far-reaching journeys across several countries. The latter would suggest that specific human smuggling organisations are potentially moving towards more organised structures that follow centralised organisational patterns.

*'(...) What happens I think when you have high migration flows in an area like Libya or through the central Mediterranean routes and a thriving smuggling industry, then the smuggling network starts to become more organised and more transnational in nature. And then they become really like very organised businesses actually. And then they become more difficult to disrupt.'*

(Researcher GI-TOC, Interview 10)

The researcher argues that in the case of smuggling being organised from Libya to Italy this organisation springs from the fact that migrants are at heightened risk of arbitrary detention in Libya if they have to wait around for a smuggler in one city e.g. Sabha to be transported to a coastal town like Tripolis, it is safer for them to accept the offer of a smuggling network that organises the entire travel from their departure point e.g. Niger all the way to Italy. She argues that for smugglers to be able to do that different smuggling groups have to cooperate and connect. The latter resonates with research undertaken on the increased organisation of Mexican smuggling networks (Stone-Cadena and Alvarez-Velasco, 2018).

The fact that at Europe's external borders the service provided for by OCGs is deemed safer by migrants, than being facilitated by individual smugglers, is interesting and important regarding the discussion of unintended consequences of anti-immigration policies in putting migrants at heightened risk through the reliance on such OCGs. That smuggling groups operating through the CMR are becoming increasingly structured is also supported by public prosecutor working for the DIA, who argues that through telephone interceptions it becomes apparent how informed



smugglers are about the risks they are facing in terms of imprisonment sanctions for organised human smuggling in Europe.

Instead, from the above analysis the structural situation *within* the EU appears to still rather be line with the ‘opportunism theory’, in which fragmented clusters of smugglers take up business opportunities in distinct internal European locations. One prosecutor sums this difference up as follows:

*‘There is two types of organisations...those that operate in Italy, that organise the transportation of migrants to other parts of Europe, these groups are not at all pyramidically structured. Instead the organisations that operate in Libya (...) there we certainly have a pyramidal structure, there are the bosses...individuals who dictate...who have the control within the organisations and there are the intermediaries...individuals who transport people..’*  
(Prosecutor DDA Catania, Interview 8)

However, the fact that restrictive anti-human smuggling policies at Europe’s external borders have had such a detrimental effect in encouraging the proliferation of human smuggling organisations (Triandafyllidou, 2018), this structural development should be regarded as a forewarning as to what could happen to smuggling organisations internally to Europe if counter strategies are not altered.

Another important difference between the two contexts regards the fact that at the external EU-borders a difference between human smuggling groups and human trafficking organisations is becoming increasingly more difficult to make out. The researcher for the GI-TOC (Interview 10) points out:

*‘(...)In Libya, in the centres we see a lot of different forms of human trafficking. And we also start to see trafficking networks and smuggling networks becoming more aligned and working more closely together.’*

A distinct specificity of the EU-internal market regards the use of fraudulent documents and sham marriages in facilitating irregular migration internally to Europe. While this strategy is

also applied by smugglers in the EU-external context (see e.g. Dimitriadi et al., 2015; Aiazzi, Iaria and Monzini, 2015, Triandafyllidou and McAuliffe, 2018), it becomes especially apparent that this operational strategy is on the increase in the EU-internal context.

Interestingly, one might argue that this smuggling method actually presents a far less dangerous transport mode than the physical moving and hiding of individuals in private vehicles, boats or planes. Yet, the risk of detection is much higher for the irregular migrant, compared to the members of the smuggling organisation who remain covert. Moreover, to be able to afford the production of large amounts of fraudulent documentation a certain amount of financial resources have to be supplied by at least one part of smugglers engaged in the business, which supports the notion of top-tier and lower-tier distinction between smugglers.

To sum up, the EU-internal and external human smuggling market share substantial similarities. The organisational concepts of decentralised, loosely tied organisations and the connected advantages for the resilience and adaptability of criminal organisations structured this manner are applicable to both contexts. It should however be noted that in terms of organisational constitution market operators are also significantly European and not merely foreign. Moreover, in terms of organisational complexity it is important to point out that the EU-internal context might be one step behind the EU-external market and arguably presents still smaller scale, more sub-clustered criminal organisations than those morphing into more complex, transnational ones increasingly found at the union's external borders.

### 3.3.3. *Theme III: Socio-economic market reduction strategies*

How to tackle such a disorganised illegal market that is easily decomposed and reassembled in different locations and through diverse operative methods? How to counter such a seemingly undisruptable socially embedded decentralised organisational network?

On the basis of the discussed results, there are in essence two general strategies that could target the EU-internal human smuggling market effectively. These strategies, as premise, acknowledge that within these fragmented and flexible market operators there is: (i) a small but higher-tier of smugglers with resources and some organisational control and a larger, (ii) lower- and poorer-tier of smugglers who execute the physical smuggling task and perceive the criminal organisation as an alternative (illicit) employer.

Thus, the here presented effective reduction strategies have a two-fold purpose, i.e. to address the high criminal potential of a *few* and the precarity and marginalisation of *many*. The current study is one of the very few in trying to combine these two approaches and in arguing for reduction methods that include both views of smugglers (as discussed in **Ch. 2, section 2.4.2**): the profit oriented one, but also and arguably more importantly, the basic income-generation oriented view of the smuggler. Details of the proposed strategies are subsequently discussed.

- ***Targeting the higher tier:*** *EU-internal human smuggling can be reduced by improved identification and higher risk connected to criminal liability of corrupt figures and resourceful smugglers*

In terms of unsettling the organisational structure of large-scale human smuggling organisations, there are essentially two main aspects which promise to be effective. First, is the targeting of higher-tier smugglers with resources and means to effectively make extensive profit out of human smuggling, who are hiding behind the lower tier of foot soldiers. The latter are at considerably greater risk of being detected and of falling into a vicious cycle of recidivism due to disproportionately harsh monetary sanctions and risk of unemployment. Novel measures to be employed here, could relate to making the alternative of becoming a collaborator of justice safer and more attractive. Whereas normally, migrant or ‘client’ testimonies are those focused upon by law enforcement, it is here suggested to more strongly incentivise smugglers to provide

testimonies on their ‘employers’. Naturally, this would necessitate strong collaborator-protection measures.

Moreover, taking on the role of ‘organiser’ in establishing a human smuggling venture, should be associated with much higher risks for that individual in terms of taking on the responsibility for his/hers employees. There should be a well-defined difference in sanctioning (i.e. in terms of monetary fines as well as regarding imprisonment sanctions) and targeted asset seizure. This is in line with a financial police officer’s statement (Interview 1):

*‘These OCGs acquire wealth and consequently, the organisation has the financial funds in place to survive. So, it is also an issue of resource seizure. It is not only important to impede the logistical part of the organisation but also impede the self-financing of these criminal organisations.’*

This asset seizure, whether it involves direct monetary confiscation, buildings or transport mediums bought with illicit revenues, could be re-used for social and economic integration purposes, such as social housing or language and vocational training courses.

The second aspect relates to the important role of intermediary figures, such as corrupt authorities who facilitate human smuggling in diverse manners. These figures could be more effectively identified and persecuted by increased transparency checks, training and sanctioning for individuals in bureaucratic and border control professions.

- ***Targeting the lower tier:** EU-internal human smuggling can best be reduced by concrete political and socio-economic measures that provide employment alternatives, better social integration and regularisation of undocumented migrants within the EU*

First of all, results of the following study with regard to the EU-internal smuggling context, confirm what has been called out for by previous scholars: the need for measures that present an *alternative* to law enforcement repression, which can have detrimental unintended

consequences for the proliferation of OCGs involved in human smuggling and the endangering of migrants' lives (see discussion in **Ch. 2, section 2.6**). Secondly, and beyond the latter, the current study has demonstrated that these law enforcement measures are not effectively able to disrupt an organisational structure that is easily recompilable in different geographical locations, does not have a fixed hierarchical structure and quickly comes up with new operational strategies to keep the business alive.

Whereas previous studies argued for policies which reduce the demand for smuggling services by migrants (Kyle and Koslowski, 2001; Zhang, Sanchez and Achilli, 2018), the current study proposes to focus on reducing the demand of individuals to be recruited into OCGs offering this type of illegal service, as a means of alternative employment. Thereby, proposing to perceive smugglers, especially of the lower-tier, as individuals in rather precarious socio-economic conditions who, in the face of an irregular and/or unemployed status, perceive the facilitation of travel for irregular migrants as an employment opportunity and the OCG involved as effective alternative, albeit illicit, employer.

According to the Crime Prevention and Criminal Justice Officer of the UNODC (Interview 9):

*'(...) A focus should be given to prevention.of migrant smuggling...and everything that this involves...you know increased incentives for people not to leave their countries...possibilities for sustainable development...in the countries of origin of migrants...'*

In fact, some of the demand-related reduction measures the interviewee mentions (and as discussed in **Ch. 2, section 2.6**), could also be used in reducing the supply side of human smuggling services, in terms of recruitment inhibition through prevention-focused methods. These measures refer to e.g. the creation of legal channels for migration, specifically for temporary workers in low-skilled employment, resettlement programs, humanitarian visas and bilateral labour agreement programs (Kyle and Koslowski 2001, Lazcko, 2004; Gammeltoft-Hansen and Noll, 2016; Newland and Riester, 2018).

More specifically, these programs could reduce the pool of smugglers available for recruitment, seeing as (discussed in **Ch. 2, section 2.4.2**), smugglers are or have often also previously been undocumented migrants with an irregular status in the EU, as this thesis has indicated. Especially for those, who are in effect refugees, but have not been granted protection or are awaiting it, resettlement programs and humanitarian visas could work as a prevention mechanisms sheltering these individuals from being recruited into OCGs.

Other mentioned measures, such as temporary worker programs (especially for low-skilled employees) and bilateral labour agreements between EU and third countries concerning the opening or widening of legal labour channels (Lazcko, 2004; Carrera et al., 2019), would work as recruitment prevention as well as direct measure. These measures could avert recruitment before it happens, as well as countering potential recidivism, when the employment alternative of human smuggling appears attractive. In fact, recidivism related to human smuggling is a completely under-researched aspect, yet highly important for alimentering the illegal market on a long-term basis. This is especially crucial with regard to monetary sanctioning of low-tier smugglers who engage in the criminal activity primarily for basic-income generating purposes.

It is here argued here, that there are more socio-economic and political tactics that would reduce the recruitment pool of smugglers internally to the EU, that are directed specifically but not exclusively towards tackling the irregular status as well as the precarity and marginalisation of *smugglers* as individuals. Explicitly, these measures include:

- **Mandatory active labour market programs [ALMPs]:**

ALMPS are more cost-effective than incarceration or increased policing, as they are temporary and are meant to lead to employment afterwards. The latter could prevent the need to find an employment opportunity through the human smuggling business. Furthermore, ALMPs have an incapacitation effect on committing crime because leisure

time is reduced. There is increasing evidence that this method is having a positive effect on the reduction of crime levels in general (Tranaes; 2015; Pinotti, 2017; Fallesen et al., 2018; Bell, 2019).

- **Alternatives to monetary sanctioning for smugglers:**

Seeing as also smugglers are marginalised individuals with precarious backgrounds (Achilli, 2016; Missbach, 2016; Sanchez, 2016, 2017; Feldman, 2019), imposing a high monetary fine on them when convicted (especially smugglers at the lower-tier of the organisation, such as drivers or recruiters), would not deter them from engaging in (the same) irregular employment again. Community service sanctions, as well the requirement to attend evening courses and training programs might be better suited.

- **Targeted development programs in EU human smuggling bottlenecks**

While previous studies have argued for the implementation of development measures in origin countries (see e.g. Kyle and Koslowski, 2001; Laczko, 2004), EU-internal human smuggling specifically, could also be reduced by well-targeted development initiatives in *destination* countries. For example, the EU Commission has various development programs in place under the European Regional Development Fund, which promote and finance sustainable EU internal urban development. These avenues could be exploited and expanded with the aim to improve social, economic and environmental conditions in human smuggling EU-internal hotspot cities, such as Milan, Calais, Madrid, Vienna, Berlin, Athens (McAuliffe and Lackzo, 2016). Improving the socio-economic conditions in peripheral districts, especially in those areas of the city that are ethnically segregated, could have a positive impact on reducing the recruitment of other irregular migrants and precarious workers into OCGs engaged in EU-internal human smuggling.

While these measures are certainly not exhaustive, they may provide both, a sensible and pragmatic starting point for countering the EU-internal human smuggling market from a different angle than the one currently adopted. Shifting some of the vast border control funding and information campaign funding (see **Ch. 2, section 2.6.** for a discussion on the weaknesses of latter), to these novel measures could prove cost-effective and have long-term positive impacts for the receiving country as well as for marginalised and desperate individuals looking to sustain their livelihood (for those who are undocumented migrants), in a country-context potentially quite foreign to them in terms of language, culture and values.

#### 3.3.4. *Room for improved data collection*

The methodological section of this Chapter (specifically, **section 3.4.4.**), pointed out that this qualitative analysis responds to scholar's (Baird and Van Liempt, 2016) appeal to provide further critical insight on the knowledge production related to human smuggling. Therefore, on the basis of the discussion above, the following section examines the potential for improvement in terms of data collection on human smuggling specifically related to the European context.

In line with a number of results from the IOM reports (McAuliffe and Lackzo, 2016; Triandafyllidou and McAuliffe, 2018) on human smuggling data, the above results demonstrate that there is still no uniform approach on data collection and presentation by individual EU member states. The latter appears to be mainly related to differences in legislative frameworks, their application and the lack of transparency in the tools used to effectively measure human smuggling generally and OCG-related facilitation of irregular migration (McAuliffe and Lackzo, 2016; Triandafyllidou and McAuliffe, 2018).

The EMSC report, which should present a general picture on the phenomenon concerning the EU-internal context, instead presents quite generalistic statements without much backing of related figures. The German, closely followed by the Austrian federal police reports present the



most detailed information on human smuggling related cases, those that involve OCGs and figures on individual apprehension of smugglers, their gender, nationality and age, as well as the location as to where they were apprehended. Thus, other EU member states could take these reports as a guiding model for the analysis and presentation of their own human smuggling-related figures.

Furthermore, research and data collection and presentation should be undertaken with reference to cases where corrupt officials or general intermediaries belonging to the ‘legal market sphere’ were involved. Although, admittedly tricky to identify and investigate, signalling those cases would also be vital for the analysis of how closely human smuggling organisations foster or exploit corruption of authorities in a specific EU country. Moreover, the identification and further analysis of profit generation by individual OCGs as a whole and the distribution of profit internally the latter is crucial for the understanding of structure, operation and realistic threat the criminal group in question poses. It could also provide knowledge related to the diversification of roles, the identification of central figures and the methods of payment within the criminal organisation itself, which is currently lacking.

Overall, through the establishment of a more comprehensive and uniform data collection on EU-internal human smuggling, as well as the implementation of the discussed socio-economic counter measures and more specifically targeted actions aiming at structural characteristics of human smuggling organisations, this specific illegal market type could be reduced in a sustainable and long-term manner.

### **3.4. Conclusions and Perspectives**

The following study presents the analysis into a specific market actor operating on an under-researched illegal market type: OCGs involved in EU-internal human smuggling at transit point.

Overall, a set of key conclusions can be presented, on the basis of the qualitative research undertaken here.

Firstly, in terms of Europe-wide data collection on human smuggling organisations internally to the continent, there is much room for improvement. For example, the lack of a uniform approach on data collection and presentation by individual EU member states, could be addressed by taking the German and Austrian federal police reports, which appear to present the most detailed information on human smuggling related cases as a guiding model. Furthermore, those EU-internal cases involving corrupt officials or intermediaries belonging to the 'legal market sphere' need to be signalled more lucidly. Also, the analysis of profit generation and distribution within human smuggling organisations that have been effectively dismantled should be more clearly noted and if not possible more carefully presented in official reports.

Secondly, organisation theory-related concepts which describe structure and operation of formal decentralised organisations can be applied to OCGs operating on the EU-internal human smuggling market and thereby highlight organisational advantages of these types of illegal market actors in forming an extremely resilient criminal market. Most notable, are the characteristics of swift and easy structural recomposition after organisational disruption and operational strategic flexibility in adapting new *modus operandi*. While the latter results mainly support established theories on the organisational structure and operation of OCGs operating at EU-external borders, organised actors on the EU-internal human smuggling market exhibit specific characteristics that this study has importantly highlighted.

Notably, against common assumptions that OCGs engaged in the human smuggling market within Europe are often foreign, results of this research show that they are also considerably composed of European nationals. The latter is crucial to point out, considering the immigration-

hostile political climate faced by many EU members' states today. Moreover, while there is evidence for OCGs on the EU's external borders to becoming increasingly sophisticated, the same criminal groups within the EU appear still to the most part fragmented, small scale. Only a very basic hierarchical division between a higher-tier and a lower-tier of smugglers can be detected. In addition these OCGs appear to gradually move from the organisation of physical transport towards human smuggling via fraudulent documents and sham marriages. Partly potentially related to the latter, the EU-internal market is also considerably less deadly.

On the basis of these results, it is argued that two general methods would prove to be effective in specifically targeting EU-internal human smuggling organisations: (i) legal measures directed at the identification and seizure of corrupt officials, higher tier smugglers and their assets, as well as (ii) distinct socio-economic and political measures aimed at the regularisation, as well as enhanced economic and social integration of lower tier (potential) smugglers, which effectively represent a vulnerable group of individuals. This research has demonstrated that especially the latter measures are fundamental, in the light of the fact that this illegal market type presents an essentially indestructible business model.

Finally, this research has the potential to provide instructive, more widely applicable pointers for how to reduce similarly structured illegal EU-internal markets in which OCG are active, such as the smuggling of counterfeit medical products (see e.g. Hall, Koenraadt and Antonopoulos, 2017) or the illegal trade in tobacco (see e.g. Filippov, 2019). The current study encourages one to systematically explore whether these illegal markets share important organisational characteristics with the one for human smuggling and whether similar action items as those suggested here might also be promising for these other EU-internal markets. For example, reduction strategies aimed at tackling the higher tier of these generally fragmented criminal groups is easily translatable to different illegal markets, independent of the criminal

activity they are involved in. The issue here, is whether organised crime-related legislation is developed enough to easily incorporate these legislative alterations.

The latter points to the fact that, adapting socio-economic policies which tackle the lower (and greater)-tier of individuals involved in the specific illegal market type in question, might be more simply implemented. Thus, instead of employing expensive, short-term envisioned disruption methods of ‘employers’ on these illegal market type structures, this study underlines that removing the potential pool of employees by providing legal employment alternatives and better social integration within specific geographical areas could prove more effective in reducing this illegal market type in a sustainable manner.

### 3.5. References

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## 4. CHAPTER: Case Study

### **Resolving cooperation dilemmas on illegal markets:**

### **The case of human smuggling organisations in the North of Italy**

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#### Abstract

*Illegal markets are characterised by the absence of institutions, formal contracts and rules. Under such uncertain circumstances, what type of relational factors facilitate cooperation between illegal market actors and prevent these from engaging in opportunistic behavior? This question is tested empirically through the socio-economic analysis of a specific and under-researched illegal market type: the market for human smuggling within Northern Italy. This market differs from traditional Mafia-type syndicates, in that it is not necessarily bound by family or kinship ties, where violence is not generally used to intimidate and where no territorial control or code of conduct is enforced by the criminal organisation. Instead, the authors hypothesise that factors such as ethnicity, social control and reputation are important facilitating factors associated with cooperation between associated smugglers on this specific human smuggling market. The latter is tested by applying social network analysis to a specific case study: a large-scale human smuggling organisation operative in Northern Italy and across the French border. While the results do not support social control to be a considerable factor in facilitating cooperative behaviour between smugglers, ethnicity and reputation have a significant effect, provide insight into the functioning of this illegal market and should thus be considered in regard to human smuggling prevention measures.*

## 4.1. Background

The following paper presents a socio-economic analysis of interpersonal cooperation in the field of illegal markets. More specifically, this work focuses on the manner in which illegal market actors resolve collective action problems within criminal organisations, by overcoming potentially destructive opportunistic behaviour by members of the illicit enterprise.

Only recently, have economic sociologists started showing interest in applying their theoretical framework to the study of illegal markets, by acknowledging that not only legal markets are socially embedded (Polanyi, 1968; Granovetter, 1985; Peck, 1996; Uzzi, 1997), but also their illegal counterpart (Kleemans and Van de Bunt, 1999; Beckert, 2009; Mclean, Holligan and McPhee, 2018). While important sociological studies exist, that highlight the social embeddedness of organised crime (e.g. see Gambetta, 1988; Kleemans and Van de Bunt, 2002), research which empirically examines relational factors within criminal organisations from an ‘illegal market perspective’ are limited. Yet, as pointed out in Chapter 2, investigating these relational factors that underlie illegal markets is vital, as it offers important insights into how these markets emerge, operate, survive and in how far they can be distinguished from legal markets in these aspects (Bouchard and Morselli, 2014; Hübschle, 2015; Beckert and Dewey, 2017).

In order to test empirically what type of relational factors facilitate interpersonal cooperation within criminal organisations, a specific illegal market type is focused on: the facilitation of irregular migration by OCGs at transit points within the EU. This particular human smuggling stage and geographical location requires urgent investigation for reasons amply discussed in Chapter 2 (**section 2.3.2**). For the purpose of the current study, the specific border between Northern Italy and France (as well as Germany) is investigated, as a bottleneck area of irregular migration flow internally to Europe, where Europol detects an increased use of smugglers in

order to facilitate irregular border crossings (see **Fig.2**). In fact, the small town of Ventimiglia, the ‘Calais of Italy’ has become a major hotspot for irregular migration since 2015 and is often cited in the Italian media as a symbol for the failure of EU governments in managing the inflow of irregular migrants in a humane manner (see e.g. Hauswedell, 2017; Gjergji, 2019; Giliberti and Queirolo Palmas, 2020).

The current study adopts Beckert and Wehinger’s (2012) theoretical framework (discussed in detail in **Ch. 2, section 2.4.3**), regarding the study of a specific issue faced by illegal markets that is essential for its functioning: cooperation. The authors argue that an illegal market is an uncertain environment in which social risks associated with market exchanges are high, due to the absence of official contracts, regulations or institutions. Thus, the risk of defection or opportunistic behavior by illegal market actors operating in criminal organisations becomes an issue.

According to Williamson (1975: 255), opportunistic behaviour is defined as ‘self-interest seeking with guile’. It is a calculated behaviour for the maximisation of one’s own profits, which can lead to a moral hazard, which includes e.g. cheating, lying or stealing (Mahoney, 2016). In regard to human smuggling by OCGs this behaviour may manifest itself in the illegal market actor, for example, keeping profits to himself instead of sharing resources with their colleagues, establishing his/her own rules of conduct regarding clients, or working secretly for different competing employers at the same time.

Beckert and Wehinger (2012) argue that the problem of is mainly resolved through personal relations (e.g. ethnic, kinship, or friendship bonds), the creation of a viable reputation or the use or threat of violence. It is to be noted that the latter two factors in facilitating the maintenance of ‘order’ within organised criminal groups are mainly discussed in relation to Mafia-type organisations (see e.g. Gambetta, 1988; 1993; Della Porta, 1999; Campana and Varese, 2013).

Yet (as described in **Ch. 2, section 2.4.1**), this particular illegal market is quite different in structure and operation from the ‘traditional’ criminal enterprises which the organised crime literature tends to focus on (i.e. Mafia-type syndicates)<sup>48</sup>. Generally, there are three main elements distinguishing the human smuggling market (in the EU) from other more traditional Mafia-type syndicates: (i) the absence of territorial control, (ii) no strict rules of affiliation and (iii) no common application of violence to enforce ‘rules’ within the criminal organisation (Pastore et al., 2006; Triandafyllidou & Maroukis, 2012; Campana and Varese, 2015; Zhang, Sanchez and Achilli, 2018).

Elements of territorial control and violence do apply to the human smuggling market in other countries, such as Libya, Egypt and Nigeria, where the boundaries between smuggling and trafficking of migrants are much more blurred because of the involvement of militias, corrupt state authorities and torturous conditions in detention centres (Carling, 2006; Tinti and Westcott, 2016; UNODC, 2018). It is precisely this variance in smuggling contexts that makes it important to study the EU, where smuggling organisations appear to differ to an extent in structure, criminal bonds and functioning to EU-external contexts (see **Ch. 3, section 3.5.2**).

The specificities of this illegal market make the question of why smugglers cooperate with each other, instead of engaging in opportunistic behaviour (e.g. overcharging clients, hiding or disappearing with profits, working for the competitor), even though they are not necessarily bound by directed family or kinship ties, where violence is not necessarily used to intimidate and where there is no territorial control or code of conduct within the criminal enterprise, an intriguing research query.

In line with the literature, the authors argue that variables such as shared ethnicity, social control and or reputation may be crucial factors that enable cooperation between smugglers within

<sup>48</sup> see e.g. Arlacchi, 1998; Savona and Riccardi, 2015; Dino and Macaluso, 2016; Catino, 2019



human smuggling organisations. This is tested by means of a social network analysis [SNA] of a large-scale human smuggling organisation identified by the Italian police to be operating in Northern Italy. The use of SNA allows for the visual representation of the overall criminal network and for the empirical testing of our research hypothesis.

The article is organised as follows: firstly, the theoretical framework for the analysis of illegal markets from a socio-economic perspective is presented, followed by the working hypotheses. Secondly, the criminal investigation which the analysis is based on is described, as well as the definition of the dependent and independent variables. Thirdly, the results of the analysis are discussed in relation to the theoretical assumptions; finally, the study concludes by summarising main findings, discussing the strengths and the weaknesses of the work and sketching potential future research perspectives in this field of study.

## **4.2. Theoretical approach**

Socio-economic theories that examine legal markets are well-utilisable in the study of social mechanisms underlying the functioning of illegal markets. More specifically, the three coordination issues which markets face<sup>49</sup>, namely (i) value establishment, (ii) competition and (iii) cooperation, apply not only to legal but also to illegal markets, for which they embody an even greater source of uncertainty. Whereas legal markets have fixed solutions in place to counter these issues, the latter are absent with regard to illegal markets, i.e. public institutions, formal contracts, laws and regulations (Beckert, 2009).

Most importantly for this study, market actors are confronted with problems of cooperation emerging from the social risks of exchange, most significantly defection (see Olson, 1965;

<sup>49</sup> For a detailed discussion refer to **Ch. 2, section 2.5.6.**

Parsons, 1968; Williamson, 1975; Ouchi, 1980; Axelrod, 1984). Legal markets operate on the basis of formal contracts, court systems, enforcement institutions and (to a varying extent) accessible information about other market actors (Axelrod, 1984; Dasgupta, 1988; Campana and Varese, 2015).

On the illegal market, however, cooperation between actors within criminal organisations is arguably more difficult to enforce. In fact, within illegal market landscapes higher social risks of exchange tend to persist, due to the fact that market actors only have limited knowledge about each other's intentions; furthermore, the risk of non-fulfillment of contracts is high, given that the protection of contracts by the state is absent (Beckert, 2009; Beckert and Wehinger, 2012; Mayntz, 2016). Thus, the potential or actual occurrence of opportunistic behaviour on the part of illegal markets actors becomes an issue, including the risk of free-riding.

The general notion of free-riding is related to a discussion about the exploitation of public goods, whereby certain individuals within a group do not pay (enough) for the good at the expense of others (Olson, 1965; Hardin, 1971). Free riding behavior within criminal organisations may manifest itself in the form of, for example, illegal market actors keeping profits to themselves, establishing their own rules of conduct regarding clients, or working secretly for different employers at the same time. Thus, personal benefits (e.g. in terms of profit) of the individual actor might be put above the collective benefit of the enterprise operating on the illegal market. In order to prevent free riding from occurring on the illegal market, solutions to this coordination issue have to be found.

The lack of resources, of formal institutions and of official financial tools available to illegal markets, makes personal relations between members imperative as a structural condition of the illegal market and as a tool for its successful functioning (Gottschalk 2009: 15). The social risks

of market transactions are understood as depending on the structure of social networks according to this line of thought (Fligstein and Dauter, 2007). The most important supporter of this theory is Granovetter (1973; 1985), who argues that specific network structures and pre-existing social ties influence economic exchanges in market societies.

In fact, these markets rely primarily on personal networks in order to solve the three coordination problems of value, competition and cooperation (Karpik, 2010) and it is much more *unlikely* that impersonal forms of relations emerge in an illegal market, in contrast to its legal counterpart (Arlacchi, 1998; Beckert and Wehinger, 2012; Mayntz, 2016; Beckert and Dewey, 2017). In this vein, Uzzi (1997) terms this type of environment a socially ‘overembedded’ market.

A classic example for criminal organisations in which personal relations play an important role in terms of organisational functioning and structure are Mafia-type syndicates (see e.g. Gambetta, 1993; Varese, 2012; Agreste et. al, 2016). While these types of criminal organisations build the foundation of much literature concerning organised crime, another type of criminal organisation -that actually represents the most frequently found type of organised criminal group on global illegal markets - are small-scale, temporary, fragmented, weakly-coupled criminal associations, with at very basic hierarchical structure at best (Wright, 2013; Paoli, 2014; SOCTA, 2017). A specific example, as discussion in Chapter 2 and Chapter 3 have demonstrated, are criminal organisations facilitating irregular migration at transit points within the EU.

Despite frequent terminological confusions and exaggerated media accounts (see **Ch. 2, section 2.2.1.; 2.3.1**), the human smuggling market is a different form of organised criminal structure compared to more traditional Mafia-type syndicates and presents specific characteristics. First, there is not one large-scale criminal organisation that has territorial control or monopoly over

the market (Zhang, 2008; Achili, 2016; Tinti and Reitano, 2017; Campana, 2017; 2018; Triandafyllidou, 2018). Rather, this illegal market is characterised by local small-scale smuggling networks that are in competition with each other and where criminal networks within the market display (at most) a very basic hierarchical and rather fragmented structure (Zhang, 2008; Achilli, 2016, 2018; Sanchez, 2017; Campana, 2017; 2018; Tinti and Reitano, 2017).

Second, there are no strict rules of affiliation (as in the case of most Mafia-type syndicates (see e.g. Gambetta, 1993; Varese, 2006), generally no sophisticated skills are needed to enter the market and intermediary entrepreneurial figures operating at the margins of smuggling networks (such as brokers) often play an important role for smuggling operations (Campana, 2017; Sanchez, 2017; Tinti and Reitano, 2017; Triandafyllidou, 2018). Overall, these characteristics blur the boundaries between diverse smuggling organisations and simultaneously allow for the market to expand rapidly as new illegal market actors join the business (Campana, 2017).

Notably, in criminal networks of this type, usually issues of collective action emerge, as incentives exist that favour individual interest over common goals (see e.g. Adler, 1985; Antonopolous and Winterdyk, 2006; Soudijn and Kleemans, 2009). According to Matsueda (2006), collective action emerges in contexts where a robust normative system is lacking and hence spontaneous and creative acts are needed which lead to coalitions and consensus building. Furthermore, the model of collective action among informal groups entails dynamic processes that are also relevant to institutional action within formal organisations when a novel problem arises, and rules and routines break down (Matsueda, 2006).

Opportunistic behaviour in the form of free riding is an example of such a collective action problem (Olson, 1965). In the case of human smuggling, this could be imagined as individuals that are located at the margins of the criminal network taking more money from the customers

than agreed, transporting more customers than arranged or in different conditions than originally planned, opening up their own personal small-scale ventures on the side, working for a competitor in secret or simply taking the smuggling profits without sharing with the rest of the criminal enterprise and disappearing. Seeing as the figure of the smugglers as opportunistic entrepreneur is well supported in the literature (e.g. Kyle and Koslowski, 2001; Auriol and Mesnard, 2016; Tinti and Reitano, 2017; UNODC, 2018), this sort of behaviour is highly probable also within human smuggling organisations more generally.

Considering the previous literature, it becomes apparent that cooperation between people in a criminal network ridden with uncertainty and high social risks becomes difficult. Yet, the expansion of the human smuggling market (Mixed Migration Review, 2018; EMSC, 2019) and the emphasis on combating it, raised by law enforcement, policymakers and the media (see e.g. Larger, 2018; EMSC, 2018), suggests that smuggling operations are often successful and thus, it could be argued that cooperation within these smuggling rings must function rather well.

Therefore, the main guiding research question of this study becomes:

*How are problems of cooperation resolved on the market for human smuggling by OCGs at transit points internally to the EU?*

The specificities of the human smuggling market discussed above lead us to adopt a theoretical approach based on the importance of personal networks and social embeddedness of markets, already advocated for by Granovetter (1985); Uzzi (1997); Kleemans and Van de Bunt (1999) and most currently taken up again by Beckert and Dewey (2017), as well as their colleagues with specific regard to illegal markets.

Concerning the literature on illegal markets, personal ties are often associated with the tendency to form cohesive groups composed of *similar* actors, following the notion of homophily

(McPherson, Smith-Lovin, and Cook 2001; Simpson, 2006; Ward, Buchan and Jeong, 2012; Smaldino, 2017). In this regard, a vast array of literature argues for the importance of similarities in facilitating general cooperation between individuals (see e.g. Roberts and Sherratt, 2002; Traulsen, 2008; Cruciani, Moretti and Pellizzari, 2015).

Examples of significant elements of similarity in facilitating cooperation are shared culture and shared language (Gächter, Herrmann and Thöni, 2010). Indeed, previous studies showed that culture and individual action are often closely related in illegal markets (see e.g. Antonopoulos, 2008; Arsovska and Kostakos, 2008; Sandberg, 2012). Sharing a common set of beliefs toward the criminal 'business' is arguably part of this culture and is widely recognised as a basic precondition to operate for instance in Italian Mafia organisations (Mastrobuoni and Pattachini 2012; Iacolino, Pellerone and Ferraro, 2017).

However, depending on the type of criminal activity, the perception of what has to be considered as morally acceptable varies across criminal organisations and even across countries: in fact, in several contexts certain activities are generally still considered morally legitimate, even if they are formally illegal, and this is the case of human smuggling.

In most European countries the facilitation of irregular migration is a criminal act (as enforced by the law) and thus, often also socially disapproved. However, there are communities in which smuggling is perceived as a legitimate and sometimes even a laudable business (Zhang, 2008; Ayalew, 2018; Achilli, 2018; Maher, 2018; Sanchez, 2018; Slack and Martinez, 2018), especially in the countries where employment opportunities are scarce and human smuggling contributes significantly to the local economy (Global Initiative, 2018; Triandafyllidou, 2018; Hüsken, 2019).

For instance, previous studies indicate that this is the case of many countries of the Sahel region (see Tinti and Westcott, 2016) but also for border communities between Egypt and Libya (see Hüsken, 2019). Given such a heterogeneity, we believe that a basic condition to successfully collaborate in the field of human smuggling is sharing similar beliefs towards the morality of the overall ‘business’. In other terms, cultural affinities, as one part of common ethnicity between members may be an important precondition for a successful functioning of human smuggling organisations.

The organised crime literature indicates that also the language can be an important factor when it comes to cooperation between criminal actors, especially when criminal organisations operate in a foreign country and/or transnationally (e.g. Albanian criminal networks and Turkish drug trafficking organisations operating in Western and Central Europe). Indeed, some authors argue that language may be used as a form of ‘defence mechanism’ by criminal organisations operating abroad (Williams, 2001), through being able to communicate amongst each other, regarding illegal activities, without law enforcement being able to immediately comprehend. Next to culture, language constitutes another important aspect of a shared ethnicity.

Hence, in order to investigate the role of similarities between illegal market actors in facilitating to cooperation within human smuggling organisations, one factor the author’s consider in this analysis is the actors’ shared ethnicity. This factor might (a) provide a smuggler with a hint of another person’s (moral) attitude towards the business, which may facilitate cooperation between two peers, even without previous personal knowledge, as well as (b) act as defence or concealment mechanism in regard to law enforcement persecution through verbal communication.

A second critical factor associated with cooperation is the reputation of reliability and so-called ‘character-trust’ of an individual operating on the illegal market (Zucker, 1986; Von Lampe,

2004; Beckert and Wehinger, 2012; Przepiorka, Norbutas and Corten, 2017). Signs indicating this reliability in cooperating for a criminal venture could be for example, the fact that a person has served time in prison (Gambetta, 2009). In the criminological literature time served in prison can be associated with bestowing the individual with a specific reputation or ‘credentials’ as it bestows individuals with criminal skills (Blumstein et. al, 1986; Pager, 2003; Gambetta, 2009; Hickox and Roehling, 2013). Gambetta (2009: 110) identifies time spent in prison as one of the best signals one can give of ‘criminal skills’ once outside the prison.

Skarbek (2012: 96) calls this mechanism of control within prisons, but also historically used in effective decentralised regimes, ‘reputation-based governance’, which is adapted when norms are absent and conflict or opportunism arises (see also Smith and Varese, 2001; Skarbek, 2016). Reputation in this sense can have an intimidating effect and represent a measure of ensuring respect from other individuals without having to apply violence or carry out the actual sanction (Reuter, 1982; Gambetta, 1993; 2009; Campana and Varese, 2013; Varese, 2017).

A third factor that can facilitate cooperation between illegal market actors is direct and indirect social control, whereby the latter is defined as managing individual’s behaviour through sanctioning (Das and Teng, 1998), e.g. through social exclusion or more physical forms of punishment such as violence. Gräbner, Elsner, Lascaux (2018) studied informal value transfer systems (an example being the *hawala*<sup>50</sup> system often used by migrant smugglers) and what keeps brokers from engaging in opportunistic behavior, where one of the preventative elements is in fact social control, exercised in the form of remembering, monitoring and punishing those individuals that have cheated in the past.

<sup>50</sup> The *Hawala* system is an informal remittances system in which a person transfers cash money from one country to another by using a trusted intermediary, the *hawaladar* (Gräbner, Elsner, Lascaux, 2018). The receiver of the money accesses it via a specific remittance code which is eliminated after the transfer, which makes the system untraceable (Gräbner, Elsner, Lascaux, 2018).



When applied to the illegal actors on the human smuggling market, in the *first scenario*, two smugglers might have the same domicile or residence. In this case, the geographical living proximity between two smugglers may represent a form of *direct* social control on an individual who thinks about engaging in opportunistic behaviour, as the potential free rider may be easily identified and sanctioned by other members of the criminal organisation.

In the *second scenario*, if the geographical distance between domiciles is larger but the place of origin of two criminals is the same, this could present a measure of *indirect* social control when it comes to preventing potential defection. This is due to the fact that the social distance remains small through the sharing of direct or indirect social ties and thus the same home community. Defecting might be fatal in this case, as negative reputation could easily be spread or worse, betrayed criminals might resort to violence or threats.

### 4.3. Hypotheses

On the basis of this theoretical assessment concerning the cooperation issues on the market for human smuggling, the following working hypotheses were developed:

- I. The sharing of **ethnicity** is a basic condition that facilitate cooperation (Simpson, 2006; Ward, Buchan and Jeong, 2012; Smaldino, 2017) in the smuggling organisations; here, sharing a common language and beliefs may be crucial elements.
- II. A measure of (indirect as well as direct) **social control** is employed in order to guarantee cooperation (Razavy and Haggerty, 2009; Schramm and Taube, 2003; Van de Bunt, 2008; Gräbner, Elsner and Lascaux, 2018) between smugglers. For instance, by employing smugglers from the same city of birth or domicile, a potential free rider will face repercussions (through reputation damage or threats) in his home community

(indirect social control) or is going to be identified at his current home (direct social control) and risk punishment by the smugglers who were deceived.

- III. Carrying a previous conviction and having spent time in prison for having organised the facilitation of irregular migration, provides the smuggler with a (negative) **reputation** which has an intimidating effect (Reuter, 1982; Pager, 2003; Gambetta, 2009; Campana and Varese, 2013; Hickox and Roehling, 2013) on other smugglers, discouraging the latter from engaging in opportunistic behaviour out of fear for potential sanctions.

In order to test the effect of these independent variables, i.e. ethnicity, social control and previous conviction, on the dependent variable (interpersonal cooperation) a set of proxy measures are established on the basis of information collected on migrant smugglers from a large-scale criminal investigation.

#### **4.4. Data and Methods**

Owing to the fact that the facilitation of irregular migration internally to the Schengen area remains relatively unexplored, the authors of this study chose to investigate a current, large-scale and closed human smuggling investigation in the North of Italy. The tribunal of Milan and specifically, the DDA (Direzione Distrettuale Antimafia) office provided such a case. The Antimafia prosecutors office is not only concerned with Mafia-type cases but with organised crime-related operations generally, and thus assured the researchers that this specific case represented the most large-scale, up-to-date case concerning a criminal organisation operating in the North of Italy.

Court documents in the form of a pre-trial detention order (80 pages) and the final judgment of the case (1000 pages) presented the material of analysis for this study. By means of a thorough examination of the court documents and wiretap transcripts, it becomes apparent that the smuggling ring uncovered by the Italian authorities included 69 smugglers, mainly from Maghreb countries but also a few individuals from the Horn of Africa, as well as Eastern and Central Europe.

The smuggling ring organised a total of 62 journeys from May 2015 until August 2015 for at least a few hundred migrants mainly of Syrian origin, as well as Egyptian, Sudanese and Eritrean nationals. The logistic center of the smuggling ring was based in Milan with contacts to one specific individual located in Catania (Sicily), who informed a small set of people located in the North of Italy (mainly Milan), when and how many people were travelling to Milan with the intention to move further towards Central European countries such as France and Germany. The smugglers based in Milan also had contacts in Hungary and the UK.

A few distinct smugglers located in Milan would arrange for the rest of the smugglers to collect irregular migrants and or recruit others at Milan central station (where the migrants got to by bus or train from Sicily) or at refugee reception centers close by, for their prospective onward journey mostly via Ventimiglia (in some cases also Pavia, Imperia). The smugglers would buy the migrants' train tickets to Ventimiglia, often also accompanying them on the train (in a different train compartment) to the destination, where they would then be collected by other smugglers. In Ventimiglia the irregular migrants would often be picked up immediately by a small truck or vehicle that would drive them in the direction of France or Germany or they would be assembled and sheltered in hidden accommodation until night time (mostly), when the smugglers believed it safest to travel unnoticed across the Italian border. One car would often be used as 'test vehicle' to make sure there were no border checks on the way.

The prices paid by the ‘clients’ vary depending on the leg of the journey, the month of travel and also the ‘organiser’ who would give the indications. However, in most cases smugglers would ask migrants to pay around 50 to 100 Euros in order to travel from Milan to France and from 150-200 Euros from Milan to Germany or the Netherlands. The organisers would ask the ‘aides’ to demand half of the money before the journey and the other half when they reach the destination. If migrants could not prove that they were able to pay the amount asked for, they would not be accepted as clients by the smugglers.

The money to pay the migrants’ train journey would be provided by the smugglers, as well as money for food and drinks. From reading the wiretap transcripts, it becomes clear that often the money provided does not seem to suffice and aides have to contact the organisers for more. In fact, in several conversations smugglers argue about the price to ask for and the fact that they were not making enough profit from organising these journeys.

Moreover, if one examines the statements made by a few of the accused and convicted smugglers after having received their sentences in court, the notion that the smugglers were engaged in the business in the first place to generate basic income, is illustrated rather well. A set of sample statements include:

*Defendant 1: ‘I ask for forgiveness to the Italian people for what I have done, which was wrong. Poverty has driven me to commit this offence. In prison you understand the mistake and error made. It is the only offence I have committed, if I had not been forced to by economic necessity, I would have not committed any offence. I have only committed these offences out of need for money, not to harm other people.’*

*Defendant 2 (wrote a letter): ‘(...) he tried in vain to find work as a welder [since arriving in Italy in 2015] but in vain..’*

*Defendant 3: ‘(...)I only accompanied a few Syrian families to Ventimiglia to help them. (...) I only acted in order to help these people, who sometimes would give me something [money] for the day of work that I had missed.’*

It is to be noted that these statements are not generalisable as they relate to a very limited number of individual smugglers and the veracity of the statements cannot be guaranteed completely. However, the fact they were deemed illustrative as the statements were made after the sentence was read (thus not influencing the verdict) and they are representative of smuggler's views<sup>51</sup> related to this specific criminal investigation. This finding is supportive of the reality of low-tier smugglers also identified in **Ch. 3, section 3.5.1**).

Based on information from this investigation, an extensive database was established which includes several characteristics related to each of the individual smugglers involved in the case. The characteristics include gender, age, potential kinship or marital relationships, place of birth, nationality, residency, domicile, (prior) occupation, which journeys they had helped coordinate (this was easily retrievable from the court documents as each of the 62 smuggling trips was allocated a specific date and entailed the names of the specific smugglers involved in its coordination) and eventually whether they had any previous convictions. This information was retrieved by reading through the entirety of the court documents related to the investigation in detail: the coercive measure ordered for by the court, the final judgement and the related wire-tap transcripts. This type of analysis is widely used among criminologists in studying other types of organised criminal groups (see e.g. Varese, 2012; Campana, 2018).

With the help of this structured and comprehensive database, it was then possible to construct the proxy variables that would constitute the dependent variable of cooperation as well as the independent variables of ethnicity, social control and reputation.

<sup>51</sup> Further statements related to the lack/insufficiency of revenue generated through the activity and the concept of providing an income-generating criminal activity can be found throughout the court documents, which invites to a follow-up qualitative analysis of the wire-tap transcripts.

The methodology applied here follows the one of Campana (2018), who investigated the issue of coordination within the human smuggling ring behind the Glauco (I and II)<sup>52</sup> case by applying an extensive social network analysis. Yet, in the current study, cooperation is not measured by looking at the amount of times individuals phoned each other, but by calculating the amount of times smugglers organised an ‘event’ together, i.e. a transport of people from Milan (mainly, if not also from Catania) to the countries of Northern Europe. In order for this variable to be used in the social network analysis a 65 x 62 matrix was created representing the smugglers on the rows and ‘events organised’ on the columns, thereby providing information on which smugglers organised which journeys.

The independent variables to be tested, i.e. ethnicity, (indirect and direct) social control and intimidation are made up of individually established proxies for each variable. The ethnicity variable is developed through the creation of a matrix which represents the shared nationality between smugglers. It is a 65 x 17 matrix with smugglers on the rows and the nationalities on the columns. Ethnicity is here defined by the nationality of the individuals as identified in the investigation.

The social control variable is measured through the geographical distance (in kilometers) between (i) each of the smugglers’ places of birth from one another<sup>53</sup> and (ii) each of the smugglers’ domicile locations from each other<sup>54</sup>. The kilometers between one place and the other, for both matrices (i+ii) were measured using Google maps. The place of birth and domicile of the smugglers often represent two different locations as this network is made up

<sup>52</sup> Glauco (I and II) investigation followed the shipwreck in Lampedusa, October 2013 in which 366 people had lost their lives.

<sup>53</sup> For some smugglers, information regarding their place of birth was missing. In these cases the authors decided to take the capital of the country of nationality and measure the distance in kilometres from there. In the cases where the place of birth was known, for individuals of the same country, often the place of birth was located close to the capital which supports the researchers’ decision in handling the missing values.

<sup>54</sup> The specific domicile was not known for every smuggler in the investigation, however, often the residence was known which was then taken as a substitute for the city of domicile. In cases where both information was missing, it was analysed in which city the smugglers had committed the crime of facilitation of irregular migration and the latter was then chosen as replacement for the city of domicile.

mostly of foreign nationalities, even though it operates chiefly in the North of Italy. This variable is represented by a 65 x 65 matrix with smugglers on both rows and columns.

The variable regarding a smuggler's reputation is established through a proxy that measures whether an individual is known to have had previous convictions<sup>55</sup> for the same or similar crimes committed in the past. The latter is represented by a simple 65 x 1 matrix which has smugglers on the rows and the fact of having been previously convicted on the column.

In order to test the working hypotheses and establish what kind of effect (if at all) the above mentioned independent variables (ethnicity, social control and reputation) have on cooperation between smugglers, a SNA was chosen as the preferred method of data analysis. In general as a research tool for investigating criminal networks, undertaking a SNA has many advantages: it provides specific tools in order to recreate and visualise the large-scale criminal network identified in a police investigation and thus, analyse the general structure of the network but also the centrality of certain individuals' positions and the type and strength of ties between criminals (Xu and Chen, 2005; Schwartz and Rouselle, 2008). In this sense the illicit market type we are investigating here is defined by a 'collection of actors and ties' (Campana, 2016: 1). These SNA tools were used in order to recreate the smuggling ring identified in the investigation. See **Figure 3**. for a visual representation of the general criminal network structure.

The SNA was also useful in that it offered a hypothesis testing method known as Quadratic Assignment Procedure [QAP], which presents a regression model in order to analyse factors that influence the structure and organisation of a criminal network (Campana, 2016). Scholars have argued that past and still current criminal network research is mostly descriptive in nature (Calderoni, 2014; Papachristos, 2014; Campana, 2016). The QAP regression however, is able

<sup>55</sup> It has to be pointed out that the individual files regarding previous convictions of all defendants were inaccessible, thus only information available in the court document was used as basis for this proxy.

to test specific hypotheses concerning criminal networks and thus give a significant explanatory element to research on organised crime. From a socio-economic perspective, which is explicitly adopted here, this is significant as the relational factors associated with cooperation between smugglers might be fundamental to the structure and organisation of the human smuggling market. Hence, the QAP regression fits the current analysis well as a research tool.

#### 4.5. Results

The investigation involves around 69 smugglers<sup>56</sup> of 17 different nationalities (mostly from Maghreb countries with some Eastern European individuals as well as few Italians and French). Most individuals identified as smugglers in the investigation are male, ranging from 18 – 50 years old, with an average age of 33. In terms of numbers, most individuals involved in the facilitation of irregular migration are of Tunisian origin but the second most frequent nationality and those individuals that appear at first reading to be most often involved smuggling ventures in the network, are of Egyptian origin.

From reading the court files it surfaces that smugglers were either previously employed or parallel to being involved in the human smuggling business in job positions such as baker, carpenter, waiter, welder, electrician, cleaner or event organiser<sup>57</sup>. For a summary table with analysis of the characteristics of smugglers involved in the investigation, which built the foundation of the comprehensive database for the SNA see **Table 3** below.

<sup>56</sup> Out of 69 individuals 10 people were linked to one or more smuggling ventures but were unable to be identified by name and residence. This resulted in missing values which, even if most probably in a minor way, might have skewed the results. Yet, even if not fully identified, the nationality of the smugglers was established for almost all cases which make the results still relevant.

<sup>57</sup> Unfortunately, the available court document data did not provide this information for all smugglers in the network to be used as additional explanatory variable.



**Table 3.** Database: summary of smuggler’s characteristics (*N* = 69)

Variable		N
Gender	Male	60
	Female	9
Age	18 – 50 years	
	avg. 33 years	
Nationality	Egypt	10
	Tunisia	16
	Afghanistan	2
	Iraq	1
	Algeria	3
	Morocco	3
	Libya	1
	Sudan	1
	Eritrea	1
	Ethiopia	1
	Ghana	1
	Romania	1
	Ukraine	2
	Moldova	1
	Albania	2
	Italy	5
	France	5
Stage of Journey	Catania	1
	Milan	44
	Ventimiglia	12
	Nizza	3
	Pavia	1
	England	2
	Hungary	1
Previous convictions	For the crime of <i>facilitation of irregular migration</i> (amongst other crime types)	9

The identification of the defendant’s geographical location revealed that the smuggling network operated in different cities across Italy as well as beyond in countries of Central and Northern Europe. Distinct stages of the smuggling journey thus crystallise. Counting the number of people involved in each stage however demonstrates that the main hub and therefore logistic base is

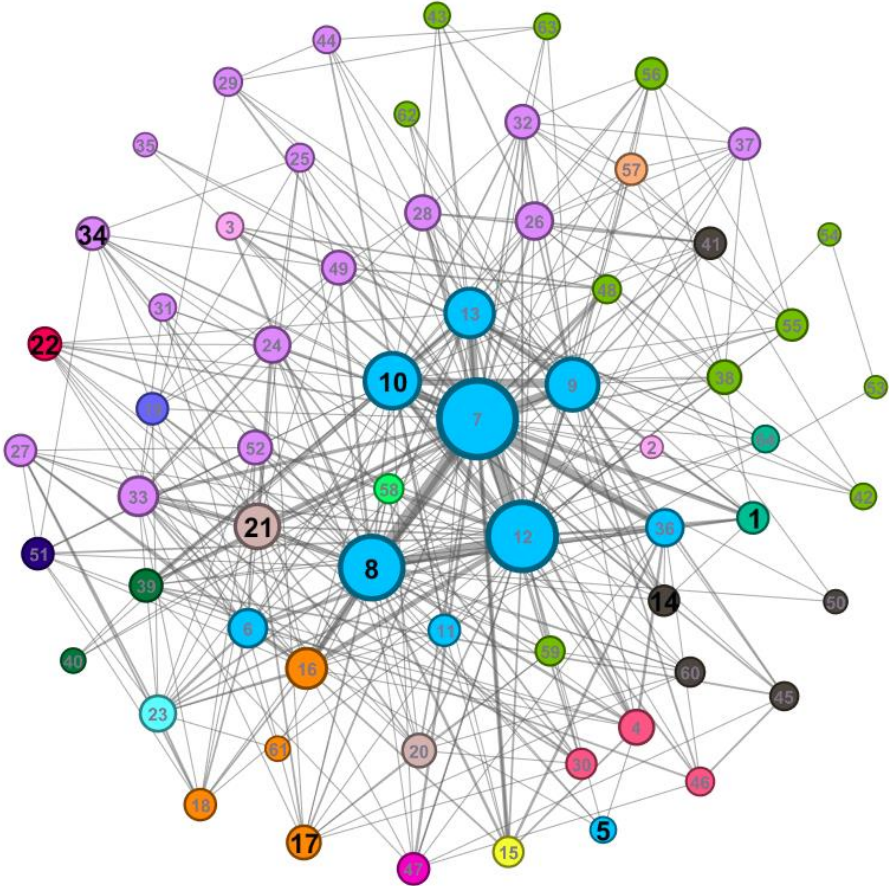
the city of Milan and the city of Ventimiglia in second place being more closely located at the border of Italy to France. The number of smugglers located in cities that are further away from the main hub is limited to 1-3 contacts. While it could be argued that the tribunal of Milan focused primarily on smugglers operating in Italy, a strong cooperation with the French authorities also pursued those individuals active in France and thus these figures represent relatively accurately the clustering of the network.

The types of crimes committed by those smugglers who possessed previous convictions, were all for the crime of having facilitated irregular migration. Few individuals had additional convictions for crimes such as drug trafficking, weapon carrying and crimes against a person. The access to individual files related to previous convictions was unable to be made accessible to the authors, hence said information is limited to what could be retrieved from the court documents. The latter exposed that two smugglers had previous drug trafficking convictions, one of these individual was also sentenced for having carried a weapon and having committed crimes against a person. From the court documents it also emerges that one of the smugglers, who had formerly to the current investigation already spent time in prison, had met other co-defendants there.

For a graphic representation of the smuggling ring please refer to **Figure 3**. The smuggling network is made up 69 nodes, with each node representing an individual smuggler (anonymised by the represented numbers). A link between two smugglers represents the fact of two smugglers having cooperated with one another in organising at least one out of the 62 smuggling journeys. The thickness of a tie between nodes demonstrates how often smugglers have cooperated (based on the above definition) and thus, the strength of contact between individual nodes.

By looking at the visual representation, it becomes apparent that there is a limited number of large nodes at the centre of the network, which implies that these individuals work together in facilitating the most smuggling journeys, as well as share most contacts with other nodes. The more marginal the nodes are in the network the fewer times they were involved in the facilitation of a smuggling journey. Thus, arguably they demonstrate a less integral part of the criminal network. Instead the core individuals (represented by the six largest nodes) could represent the ‘higher-tier smugglers’ within the smuggling ring.

**Fig. 3.** Visual representation of the smuggling network



Another feature to be read out from the network representation is the colour of nodes representing the diverse ethnicities involved in the smuggling ring. Whereas at the core of the

network, the core nodes share the same nationality (blue = Egyptian), the further one moves to the outskirts of the network, the more diverse the network composition becomes in terms of origin of smugglers. This mirrors the high number of diverse nationalities but the fact that many nationalities are only represented by one or two smugglers each (see **Table 3**). A slight clustering is however also perceivable for nodes of colour violet and green, which shows that even where individuals did not cooperate many times ethnicity does seem to have somewhat of a bonding effect.

Where smuggler's identifying numbers are marked in bold, this is an indication for these individuals having been previously convicted. It is noticeable that these are quite sparse throughout the network, thus, collaborating more with smugglers who do not have previous convictions than with each other.

The average degree of the network is 11.8, which means that each smuggler has cooperated at least once with other 11 people in the network in order to organise a smuggling journey. The network density is 0.18, which indicates that out of all possible connections that could have been formed within the smuggling network, only 18 % actually materialised. This may imply that cooperation between smugglers is characterised by some form of selectivity, i.e. not every smuggler cooperates freely with one another but there might be certain factors facilitating intensified cooperation.

In order to identify the significance in effect of any of the independent variables a QAP regression result was carried out. From the regression results (see **Table 4**) it appears that sharing the same nationality (variable '*same nationality*') has a significant positive effect on cooperation. This implies that independent of whether two smugglers share the same age, gender, domicile or place of birth, they are more likely to cooperate with someone of their same nationality.

**Table 4.** QAP regression results. Dependent variable: interpersonal cooperation; ‘\*’ means p-value <0.1 and ‘\*\*\*’ means p-value <0.05

	Standardized Coefficient	P-value	Std Err
<b>Domicile</b>	0.020	0.231	0.000
<b>Birth place</b>	-0.003	0.502	0.000
<b>Difference age</b>	0.000	0.509	0.004
<b>Same nationality</b>	0.193	0.001**	0.135
<b>Same gender</b>	0.061	0.141	0.149
<b>Same previous convictions</b>	-0.082	0.076 *	0.148

Sharing the same nationality and thus, is the proxy for the ethnicity variable that the authors hypothesised (I) to have an effect on cooperation. According to these results it represents the strongest factor impacting on whether two smugglers cooperate. In contrast, it does not seem to have any significant effect on cooperation between smugglers to be born or live in the same city, which again refutes the hypothesis B related to forms of indirect or direct social control impacting cooperation between smugglers.

Another variable that appears to have a significant, but negative effect, is the one of having been previously convicted for the facilitation of irregular migration (and other related crimes). The variable ‘*Same previous conviction*’ is established on the basis of a simple matrix that compares each of the smugglers and whether they were formerly sentenced or not. This result has to be read with caution. From the QAP regression results, it appears that individuals are *less likely* to cooperate if they share the characteristic of having been previously convicted and they are *more likely* to cooperate if one person has been previously convicted but the other person

has not. The implication of these results in regard to the working hypotheses are discussed below.

## **4.6. Discussion**

### *4.6.1. Facilitating cooperation between smugglers*

Generally, the aim of this paper was to analyse the relational factors associated with the cooperation between human smugglers, which may prevent the latter from engaging in opportunistic behavior. Results of this analysis are not only interesting and important for the understanding of the emergence of the human smuggling market but this research question and methodology might very well be more generally applied to the study of other illegal market types.

Every smuggling organisation has to deal with potential free riding of its members, given that putting one's own individual preferences over the collective interest becomes a viable option in a market that is not strictly governed by violence, cohesive family bonds, territorial control or strict codes of conduct. Indeed, the social network analysis undertaken here, has demonstrated that the sharing of nationality and public reputation are significantly associated with cooperation between smugglers.

The effect of these two distinct variables support the working hypotheses (I & III) of this study. Results show that sharing an ethnicity is indeed a factor associated with cooperation between criminal actors. Moreover, possessing a negative reputation (related to having spent time in prison) also seems to have a positive effect on cooperation, as it may facilitate the latter through intimidation. On the contrary, the hypothesis regarding a potential indirect or direct form of social control in enabling cooperation (II) has to be refuted according to this study's results.

Neither the fact that individuals shared the same place of birth, nor the same domicile, has a significant bonding effect regarding cooperation.

From the regression results it becomes apparent, that sharing the same nationality trumps the fact of sharing city of birth or domicile. The latter could be explained through the importance of sharing the same ethnicity in the form of communal language and culture (Simpson, 2006; Smaldino, 2017). This is especially of significance when it comes to the business of human smuggling, where clients are also often of the same nationality of the smugglers (Herman, 2006; Pastore et. al, 2006; Carrera and Guild, 2016) [see **Ch. 2, section 2.2** for an empirical discussion]. In the smuggler-migrant relationship a shared culture and language might be crucial, in order to facilitate communication but also to invoke a sense of trust between service provider and client.

The same appears to apply to the relationship between smugglers. When customary beliefs and values and language are shared, communication is not only easier but there is less risk of conflict to emerge and this might facilitate cooperation. This result is in line with the above discussed literature arguing for the importance of shared culture when it comes to cooperation between individuals.

Moreover, for smugglers who share the same language,-that is different from the country/countries in which the crime is committed (Italy in this case, which for most smugglers differs from their country of origin)-, it can be advantageous to cooperate because the shared language can be a confidential way to communicate amongst each other and potentially act as a protective barrier from law enforcement.

The fact of sharing an ethnicity could have also been significant in regard to bestowing the smuggler with a form of a pre-assessment of the moral attitude of another smuggler towards the human smuggling business and its legitimacy in general. As established by the literature,

the moral inclination towards the criminal business is especially of importance in regard to the facilitation of irregular migration, which is highly debated in terms of lawfulness, social and moral acceptability, depending on the political, geographical and socio-economic context it occurs in (Achilli, 2018; Maher, 2018; Slack and Martinez, 2018; Sanchez, 2018; Triandafyllidou, 2018).

The significance of sharing nationality in facilitating cooperation between smugglers is also mirrored in the structure of the criminal network as becomes clear from the visual representation of the smuggling ring. Egyptian smugglers are located further towards the center of the criminal network, involved in organising most of the smuggling journeys and with most ties to the rest of the smugglers i.e. representing a stable part of the smuggling ring. Whereas, the few individuals involved in the network, who do not share similar traits in language or culture, i.e. Italian, Eastern European or Sub-Saharan African origin are located at the margins of the network. Acting mostly as drivers, they would cooperate internally with members of similar nationality and only have contact with specific organisers. Hence, even across different structural positions of smugglers within the criminal network, the sharing of ethnicity in facilitating cooperation still applies.

In order not to risk biased conclusions resulting in guiding counter measures that would lead to racial profiling (see also **Ch. 2, section 2.3.2**, which highlights the emerging debate on the latter especially at EU-internal borders), it is vital to emphasise at this point that despite this collaboration facilitated by shared ethnicity, the human smuggling organisation analysed here, is nonetheless generally heterogenous in composition.

The other significant effect to be discussed, which relates to hypotheses C, is having been previously convicted for the facilitation of irregular migration. The results show that having served time in prison for human smuggling does have an effect on cooperation between



smugglers, as smugglers without such reputation are more likely to cooperate with smugglers who can demonstrate this sort of criminal credential. In this respect, probably the conviction of individual smugglers acts as a signaling of criminal skills, toughness (Gambetta, 2009) and might instill in would-be free riders the fear of potential punishment by these smugglers with criminal credentials. This finding suggests that factors facilitating cooperation on illegal markets, such as the one for human smuggling, can also be ones which are intuitively counteracting the build-up of trust between individuals through intimidation. This represents a major difference to the functioning of legal markets, where intimidation is seen as counterproductive to cooperation (Robbins et al., 2014).

It is also an important finding as it implies that a severe punishment such as serving time in prison actually seems to have the opposite effect in terms of crime reduction and recidivism, as it appears to encourage criminality instead of thwarting it (which is in line with the wider literature, see e.g. Irwin, 1985; Sullivan, 1989; Chen and Shapiro, 2006) and actually even lead to the amplification of the specific criminal activity that was meant to be countered.

#### 4.6.2. *Potential limitations*

The present study has the value of being one of the very few examples of empirical quantitative research conducted on the basis of an in-depth extensive database. However, there are limitations to this analysis, which should be acknowledged. Firstly, the data used here refers to one large-scale human smuggling investigation and in being a case study, the results naturally present constraints in terms of external validity. Still, this case study sheds light on the reality of a specific smuggling transport route which has as off yet not been empirically studied and thus addresses this knowledge gap.

Secondly, other types of relational networks [e.g. friendship, previous acquaintance or legal work collaboration ties (see Kleemans and Van de Bunt, 2008)] might exist, that could influence whether smugglers cooperate or not that we are not aware of, simply due to a lack of information. An information shortage also applies to the fact that not all smugglers belonging to the criminal organisation were identified by the police. However, regarding the smuggling route here analysed, it can be said with confidence that the investigation as well as the analysis comprises the majority of smugglers belonging to the criminal organisation.

Thirdly, regarding the variable related to previous convictions, in order for smugglers to have a reputation, the authors are assuming that all smugglers know whether or not the other smugglers have been previously imprisoned. While, this cannot be confirmed without further qualitative investigation it is not implausible as, according to Skarbek (2016) for people to be aware of each other's reputation, the community they are in must be sufficiently small, which may be applicable to this smuggling organisation. Moreover, it would not make much sense to actively hide one's reputation from other criminals, as the literature evidences how advantageous such negative reputation can be as a form of governance within organised criminal groups (see e.g. Gambetta, 2009; Varese, 2011).

In order to become even more scientifically instructive and generally relevant, a follow-up study could be conducted, which includes a qualitative analysis of wiretap transcripts as well as of interviewed defendants related to the same investigation. If granted permission and if defendants openly speak about the business (as interviewees have proven to in previous studies, see e.g. Achilli, 2016; Mandić, 2017) this could give extremely valuable insights into shared ties between smugglers and also potential forms of sanctioning in cases where smugglers do free-ride.

## 4.7. Conclusion

In spite of these limitations, important implications follow from the results of this analysis. Indirect intimidation, as here through negative reputation, are associated with ensuing cooperation between criminals, which implies that efforts to arrest smugglers should be concentrated on those with previous convictions still operating in the market. Yet, the fact that those individuals with previous convictions appear to be recidivistic questions the present sanctioning system and calls for some modernisation to keep the pace with these new forms of criminal organisations.

Moreover, while strong family ties or kinship bonds appear not to be at the basis of cooperation in this human smuggling organisation operating internally to the EU, weaker ties are instead found to be associated with cooperation between smugglers. Thus, where demand is high for the illegal service, as well as for the employment opportunity (on the part of the smugglers), weak ties in the form of shared language and culture which enable easy communication and communal moral attitudes can be crucial for criminals to cooperate. However, disrupting such a weakly tied organisation becomes a significant and costly challenge to law enforcement, which in fact rather calls for the implementation of other types of measures to fight organised human smuggling.

Overall, this work has demonstrated the significance of shedding light on an illicit market from a socio-economic perspective, by examining quantitatively relational factors that underlie the market's operation and endurance. This methodology can be easily reproduced and tested on other illicit market types of this sort, which represent (more than Mafia-type syndicates), the more common reality of organised criminal activity in Europe. In a context where the term organised crime remains still vaguely defined and where media discourses tend to oversimplify

the phenomenon of the facilitation of irregular migration by attributing it to powerful Mafia-type syndicates, such research is vital.

Therefore, analysing relational factors associated with cooperation is significant in differentiating not only legal from illegal markets but also, in uncovering the differences internally to the latter, regarding the social embeddedness of each specific illicit market type. Comparing single case studies -like this one- in diverse European contexts could provide such differentiation. Consequently, the current study is a demonstration of how beneficial it might be -not only for economic sociologists- in exploring these under-researched aspects of illegal market dynamics; such insights might hopefully be important also for law enforcement in understanding relational factors that tie criminal actors to each other.

The complexity of the research object calls for a cross-methodological approach. In this regard, a qualitative follow-up analysis would be beneficial to investigate further into these factors enabling criminal cooperation. Furthermore, a content analysis of the wire transcripts, expert interviews and interviews with (former) smugglers directly, could provide the full picture behind the instruments of cooperation on the human smuggling market. The other two main market issues concerning value establishment of the smuggling services and price-competition between smuggling groups could be studied on the basis of this comprehensive research methodology as well.

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## 5. CHAPTER: Conclusion and Future Perspectives

### 5.1. General remarks

The purpose of this work was to qualitatively and – where possible - quantitatively, study the structure, operation and reduction of illegal markets from a socio-economic perspective by exemplarily dissecting one under-researched illegal market type as a model: the facilitation of irregular migration by OCGs at transit points internally to the EU, with specific focus on Northern Italy and its borders to Central European countries.

This analysis revealed insights into an under-investigated geographical area, as well as a distinctive human smuggling stage, i.e. one in which normally no borders should effectively be needed to cross. However, as demonstrated, in light of a fervent crimmigration debate in the public and political discourse, the reintroduction of (temporary) EU-internal borders, as well as individualised approaches taken by member states in order to manage irregular migration inflow, these borders are quite physically present and smugglers are needed to facilitate the crossing.

From a theoretical perspective, this dissertation has provided an analysis of the market for human smuggling on three different levels: (i) on a general market-level related to the EU-internal context (**Ch. 2**); (ii) on a market-actor-level, as operating on this specific illegal market (**Ch. 3**) and finally, (iii) on an individual-level related to dyadic relationships facilitating cooperative behaviour between smugglers which constitute the specific market actor (**Ch.4**).

This final thesis chapter presents firstly, a summary of conclusions deduced from each individual chapter in responding to the overarching research question, as well as to the three sub-sets of questions presented in the first chapter. Secondly, broader contributions to the study of human smuggling are discussed. Thirdly, limitations concerning the adapted research methodology are pointed out and it is outlined how these constraints were managed. Thirdly, resulting lessons for the understanding of illegal markets more generally are presented. Last but not least, specific future research perspectives are offered, which are intended to guide much-needed follow-up investigations at this fast-moving research frontier.

## **5.2. Answering the research question(s)**

The three analyses undertaken here, each answered three different parts of the overarching research question posed by the author at the beginning of the work:

*How can socio-economic theory illuminate novel aspects regarding structure, operation and intra-organisational relations of organised illegal market actors facilitating EU-internal irregular migration, and thereby point towards context-tailored, effective reduction strategies?*

In this respect, the critical literature review highlighted in which manner the use of socio-economic theory helps to understand the social embeddedness of human smuggling as an illegal business and demonstrated how this theoretical framework can be extended through the application of legal market theories (**1st Set**). The qualitative analysis applies this theoretical framework in examining the specificity of organisational structure, operation and potential reduction strategies with regard to (Central) EU-internal human smuggling by OCGs. (**2nd Set**). The quantitative analysis also uses the expanded socio-economic theoretical framework to examine intra-organisational relationships between smugglers which facilitate their cooperation



(3<sup>rd</sup> Set). The specific conclusions presented by each individual research paper is subsequently summarised.

**1<sup>st</sup> Set** *Expanding theoretical perspectives on human smuggling*

The critical literature review exhibits that through a socio-economic theoretical perspective human smuggling can be comprehensively described as socially embedded illegal market type. It is a market for illicit transport services, which functions on the basis of social relations and social mechanisms, e.g. social proximity, reputation, trust, reciprocity and solidarity.

This theoretical framework is expanded by arguing that the study of *legal* markets offers another framework for analysing illicit markets, to comprehend in which ways the latter are structured, function and can be reduced. In this respect, the literature review has identified that relations between smugglers and their motivations for getting involved in the business have not been paid sufficient attention to in the scholarly debate. Most specifically in reference to social mechanisms internally to human smuggling organisations which keep these operative.

Furthermore, the literature analysis highlighted the general need for terminological clarity when studying this phenomenon, especially in relation to maintaining a strict conceptual separation between the act of smuggling and trafficking, in order to avoid misrepresentation and (over) criminalisation of actors involved. While implemented in most EU countries' legislation, it also needs to translate into the global public and political discourse, which has not been sufficiently achieved yet.

More significantly, the literature review emphasized that one specific human smuggling setting received little scholarly attention, which is the EU-internal facilitation of irregular migration by OCGs. Yet, in light of increased secondary movements and progressive law enforcement and political focus on countering this apparently highly threatening criminal activity its reality

needed to be investigated. Most importantly, the critical review highlighted that market reduction strategies which did not lead to unintended consequences in encouraging the proliferation of human smuggling networks, such as those currently implemented were required.

Together, this literature review built the knowledge base for the development of the two subsequent papers which analyse structure, strategy and reduction of OCGs involved in EU-internal human smuggling at transit points, as well as individual smugglers' dyadic relations to each other inside the OCG operating on the specific illegal market.

### **2<sup>nd</sup> Set** *Smuggling organisations: Structure, operation and reduction*

Overall, the qualitative analysis of secondary sources and expert interviews showed that in terms data collection, the knowledge production on human smuggling internally to the EU can and should be developed as there is no clear uniform approach. This showed that the need to combine different data sources in analysing the human smuggling phenomenon is paramount.

Furthermore, the analysis demonstrated the usefulness of applying organisation theory -related concepts to the study of structure and operation of criminal enterprises on this specific illegal market type. The latter was able to demonstrate structural advantages of specific organisational formations, as well as compare them to other structures operating in different contexts. The analysis demonstrated the adaptability and resilient feature of human smuggling groups operating at EU-internal transit points, through their loosely-coupled and decentralised organisation.

Structural recompositing in different geographical locations and change in operational strategy from physical travel facilitation to the use of fraudulent documents and the organisation of fake marriages were established as noteworthy characteristics of this specific illegal market actor. It

was also demonstrated that through the involvement of largely European smugglers, 'safer' smuggling ventures and the (as-of-yet) less structured organisational formation compared to increasingly organised criminal organisations operating at the borders of Europe (most specifically in Libya), the market can be differentiated slightly in terms of its context.

Due to the identification of these organisational advantages it was argued that the only manner, in which market reduction strategies that would demonstrate successful in minimising the power of the market, would be by targeting the basic two-tier level of smugglers. Targeted asset seizure and increasing the risk for resourceful smugglers to establish an illicit business enterprise through differentiated, stricter sanctioning, as well as better developed collaborator of justice programs including strong incentives, were proposed.

However, most importantly, it was concluded that tackling the underlying socio-economic issues related to the human smuggling market, i.e. the irregular status of migrants, the precarity of smugglers, the missing appealing alternative to the smuggling business as form of employment and the demand of such services due to the absence of legal pathways, would be a more effective, sustainable, harm-reducing and human rights-preserving counter strategy.

These strategies were presented as *recruitment prevention* measures, such as urban development programs of hotspot areas internally to the EU, ALMPs and alternatives to monetary sanctioning of low-tier smugglers. These novel measures, was emphasised, should be added to demand-reducing propositions in the form of short-term work visas for migrants and well-crafted EU-wide social and educational integration programs.

### **3rd Set: *Intra-organisational relations: Cooperation between smugglers***

The study demonstrated that while illegal market enterprises share organisational advantages in terms of structure and strategy of decentralised organisations (as demonstrated in **Ch. 3, section**

3.5.), illegal markets still operate in an uncertain context, characterised by the absence of rules, regulations and formal institutions (Beckert and Wehinger, 2012; Beckert and Dewey, 2017). It argued that if opportunistic behaviour is already a risk for markets where all these elements *are* present, free-riding and acting in one's own interest is an even greater issue on a specific illegal like the one investigated in this thesis. Yet, the human smuggling ventures function successfully and have done so for decades. Thus, it becomes important to understand in which informal ways this risk of opportunistic behaviour is kept in check, or at least reduced by illicit market actors.

Through the quantitative analysis of a specific, large-scale organised migrant-smuggling investigation, at a specific EU-internal transit point, the third study established that cooperation between illegal market actors is facilitated via a shared ethnicity (potentially through shared language and moral attitudes towards the business) and the reputation of specific smugglers. It was demonstrated that the illegal market is therefore specifically different from Mafia-type enterprises as no strong ties in the form of kinship, or family bonds are necessarily needed to facilitate cooperation.

However, in line with the second paper of this thesis, the third article also established further support for the difficulty in 'disrupting' this illegal market structure. While the mechanisms discussed in facilitating cooperation are important in understanding the functioning of this socially embedded illegal market, they present factors that are not targetable through repressive law enforcement measures.

Especially, in terms of targeting a 'shared ethnicity', it is noted that this could result in law enforcement engaging in racial profiling with regard to suspected smugglers, which appears to already be a problem in the current EU-internal context (see e.g. Andersson, 2014; Schwarz, 2016; Khan, 2018; Dekkers, 2018). Moreover, it is argued that targeting criminals with previous

convictions, through repressive law enforcement measures would rather boost a vicious cycle of recidivism and the proliferation of the illicit market in question.

In this sense novel policies described in the previous article, addressing recruitment prevention, are considered to have greater potential in reducing the illegal market. Importantly, this article presented a research methodology and operationalisation of social mechanisms that exist internally to illegal markets, which can be applied to other types of large-scale human smuggling investigations in different bottlenecks of irregular migration internally to the EU (as further analysis of the Schengen area is required), as well as to other illegal market types with the aim to compare the perhaps different relational mechanisms facilitating cooperation.

### **5.3. General lessons on human smuggling**

Together, these three analyses have presented a first crucial understanding of the specific illegal market in question. Specifically related to the study of human smuggling, the dissertation has identified a particular, under-investigated stage of organised human smuggling which in light of a predominantly anti-immigration skewed political climate requires urgent research attention.

OCGs engaged in human smuggling internally to Europe are present, can be large-scale and are able to produce extensive profit. However, it was demonstrated here that in contradiction with public misperception of the market and in support of established research on human smuggling more generally, also in this context, organisations represent complex fragmented, loosely-tied networks of individuals with a basic two-tier structure. The greater level of these two appears to be the one involving precarious individuals. The OCGs are highly adaptable in terms operational strategy and very resilient to external shocks.

The understanding of the organisational structure and strategy of an illegal market actor, as well as internal relations, should fit the adapted market reduction measures. If the market demonstrates specificities, the latter need to be acknowledged in the development of context-tailored-reduction methods. Exactly in this respect, the here presented thesis has demonstrated stage-specificities of this human smuggling market which need to be acknowledged.

Context-particularities of the market lie in the fact that smugglers do not merely emerge from diaspora communities in the EU but are also largely European; the market is less violent and life-threatening compared to other organised human smuggling contexts and market actors make increasing use of fraudulent documents and sham marriages to facilitate irregular migration. Moreover, smugglers' ties in facilitating cooperation appear to mainly depend on shared ethnicity and the criminal reputation of a few smugglers. On the basis of these results, the work has presented that the only effective market reduction strategy refers to a two-tier targeting method, which acknowledges the criminal resourcefulness of a few and the socio-economic precarity of many.

Importantly, however, this dissertation has also pushed for an as-of-yet mostly overlooked and potentially more balanced approach in terms of how to perceive individual actors engaged in human smuggling: not as 'saviours' and not as 'ruthless profit-driven criminals', but rather as marginalised, precarious individuals on the EU labour market, searching for an alternative illicit employer in the absence of access to a legal one. The presented market reduction measures could be used in diverse human smuggling contexts depending on the sophistication of the identified OCG in question, as well as for different but similarly structured illegal market types (e.g. counterfeit product or illegal tobacco smuggling).

## 5.4. Limitations

The current study has certain limitations which need to be addressed. One limitation regarding the general methodology of this study is the absence of smuggler's viewpoints and the clients, i.e. migrant's, perspective on human smuggling in this specific context. In terms of the smugglers' opinions, an extended qualitative investigation into the 'culture of smuggling', the moral attitude towards the illegal business and the relationships between smugglers belonging to the same organisation, would have been of specific interest.

It should be noted, that it was not only reflected upon including the perspectives of both these parties but also attempted. It was endeavored, to include in the research methodology: (a) interviews with refugees, who were living in three different refugee centers (Catania, Milan and Como) [in which the researcher's volunteering period was undertaken, see Ch.3] and (b) interviews with defendants of the large-scale human smuggling investigation analysed in **Chapter 4.**

In order to explore the qualitative research avenue (a), a set of informal interviews was conducted with a limited number of refugees in the CARA di Mineo (Catania), as well as in the SPRAR Sammartini (Milan) and the CAS Borgovico (Como). In the first center the researcher was only allowed to visit the complex for a few hours and speak to only three refugees on one occasion. In the other two refugee centers in Northern Italy, only four interviewees were able to be interviewed as other refugees were (understandably so) not willing to talk about their past journeys (mostly due to traumatic experiences). Thus, interviews were too few to be generalisable and generally, even though the interviewees appeared to be open to the researcher, it was impossible to establish an effective relationship of trust with the individuals in the posed time constraints.

Apart from these drawbacks in terms of sensitivity of the discussion topic, validity and generalisability of statements made by the interviewees, the ones that were undertaken did not produce results useable in answering the specific research questions posed here. Accounts of all refugees interviewed concerned smugglers operating on the African continent and not within Europe and even then, the interviewees were not able to provide much insight into structure or operation of the smuggling networks in question as internal business structures appeared rather veiled from its clients. Thus, this methodological avenue was not further pursued.

Regarding methodological path **(b)**, the names of defendants mentioned in the large-scale human smuggling investigation were identified and the Italian penitentiary department was contacted in order to inquire about the location of these individuals and the possibility to interview them. Unfortunately, after a successful initial contact, the department unfortunately broke off the contact at a certain point without further explanation.

It should be noted however, that generally, in criminological research, being able to demonstrate the perspective of offenders themselves, is often not only difficult in terms of access to the individuals but also due to problems concerning the validity of offenders' statements. This is also why the defendants' statements mentioned in **Chapter 4** were included with caution. Whether even imprisoned smugglers might want to disclose sensitive information on their fellow collaborators depends on the relationship between smugglers, the moral attitude towards the business, the sophistication of the organisation they are members of and the preservation of business. Thus, even if undertaken these interviews might have not proven successful.

Overall, the current thesis does not present novel empirical data gathered on the field, due to discussed obstacles. Instead, it presents an as-of-yet absent, critical quantitative and qualitative analysis of the information that can be gathered on EU-internal human smuggling by OCGs,



through a diverse set of sources, which includes scholarly literature, official reports, a caselaw database, expert interviews and a large-scale, comprehensive criminal investigation. The results of this thesis are significant in establishing the knowledge groundwork for any well-targeted, comprehensive follow-up empirical research.

## **5.5. General lessons on illegal markets**

Despite the above discussed limitations, it was demonstrated that the current thesis presents an important contribution to the study of human smuggling more specifically but also to the understanding of illegal markets more generally. The following sections summarises these novel theoretical insights.

The red thread which runs through the theoretical foundation of all three main papers of this dissertation is the aim to understand the structure, functioning, relations and reduction methods of illegal markets from a socio-economic perspective, by examining the specific illegal market type of EU-internal facilitation of irregular migration by OCGs at transit points. Starting from the understanding of human smuggling at market—level, the research thesis got progressively more specific in its examination and ended in the analysis of a micro aspect of this illicit market that in turn, explains an aspect of the macro-level-functioning of the general illegal market.

In synthesising the specific conclusions drawn from the three individual papers discussed above, several important general lessons on the structure, operation, relations and market reduction strategies with regard to illegal markets crystallise:

- The study of organisational structure and functioning of legal markets can be helpful in understanding the aspects of criminal organisations operating on illegal markets;

- The latter is helpful in undertaking comparative analyses of illegal market actors operating in diverse geographical settings;
- The strength of shared ties between individuals have an effect on the organisational structure of enterprises operating on an illegal market, which in turn impact its operation;
- A loosely-tied, and decentralised illegal enterprise is more resilient and difficult to disrupt through law enforcement repression alone, due to facilitated re-composition and adaptability, compared to centralised, tightly structured enterprises;
- Thus, the uncertainty in which illegal markets are operating is not only overcome through strong ties, where demand is high for the service as well as for the employment opportunity (on the part of the criminals);
- Social mechanisms, such as cooperation between individuals internally to the illegal market can be operationalised in order to understand the general market's functioning;
- Sharing of some form of group identity (in terms of language and culture) and previous experience of illegal market actors in the sector can be significant in ensuring criminal cooperation;
- Through the study of a specific illegal market type such as organised human smuggling, general market dynamics emerge that can very well be applied to other similarly structured illegal market types in order to elaborate differences and similarities;
- Illegal market reduction measures that instead of tackling the 'business model' of illegal market operators, address underlying socio-economic issues that foster the demand for the market as service provider but also as employer, will prove more sustainable and cost-effective in the long-term.

## 5.6. Future perspectives

The results of the following thesis, through the use of a socio-economic approach, have led to the visibility of three main construction sites that regard the study of human smuggling by OCGs internally to the EU.

### 5.6.1. *Improving knowledge production on EU-related human smuggling*

The first construction site regards the gathering, availability, and accessibility of human smuggling related data within the EU context. The results of the here presented research demonstrate, that since the general assessment of data on human smuggling in the EU context by the IOM (2016), the picture regarding EU-internal human smuggling is still fragmented.

Data is not uniformly collected across states due to a variety of reasons, which include the divergence of member states legislation with regard to the practical application and formal definition of ‘human smuggling’ as an offence. Moreover, there is a lack of clarity regarding how smugglers are identified to belong to a OCG. Law enforcement also appear to have difficulties in practically distinguishing between organised human smuggling and organised human trafficking cases. In addition, investigations involving human smuggling organisation are more readily accessible by researchers in one EU country (e.g. Italy) compared to another (e.g. Germany).

Another limitation regarding the data collection refers to profit tracing. Secondary source-as well as expert interview analysis, revealed the significance attributed to the presumed revenue made by OCGs through the human smuggling business. Yet, it has become apparent through the current research that there is no clear identification of the amount of profit to be attributed to individual OCG-types on the spectrum ranging from small-scale to large-scale organisations.

In the light of here presented findings that point to precarious economic situations, in which especially those smugglers can find themselves in who work as drivers or accompanists, the distribution of profits within the criminal organisation becomes an important future inquiry regarding the illegal market. The latter becomes especially crucial when regarding a distinction in the severity of punishment for individual smugglers of the same organisation, as some smugglers will profit more than others.

Generally, the fragmented knowledge on human smuggling can be improved. The latter could be initiated by following the data gathering and presentation systems already employed by specific EU-countries such as Germany and Austria. If every EU member state would start collecting annual apprehension figures of suspected versus convicted smugglers, of smuggled individuals and distinguish these figures by gender, nationality and age, the latter would provide a first comparable overview of the issue internally to Europe. The latter then would need to be of course analysed with caution in light of individual member states legislation.

There is an increasing need to merge regional law enforcement reports with regional scholarly research results in providing an overall, more comprehensive and balanced representations of criminal realities in a given context. International organisations such as the GI-TOC could be given a more prominent role and funding in the latter. Through this merger the tracing of profit distribution might become easier.

Considering the amplification of data in regard to especially those human smuggling cases, where OCGs facilitate the irregular journeys of individuals within the EU, the UNODC Sherlock databank could be exploited further. The already existing case database for the collection of large-scale human smuggling cases, could be developed by encouraging member states law enforcement and judiciary to add more current large scale smuggling investigations to the list.

However, seeing as these cases need to be closed in order to be uploaded to the database, this specific database will not suffice for up-to-date knowledge on the phenomenon.

#### 5.6.2. *Improving knowledge production on the smuggler*

The second construction site that has received visibility through this study, is the development of further, more comprehensive insight into the smuggler's background and as an employee of the smuggling organisation. Socio-economic theory applied to this specific illegal market showed that understanding supply side-related elements characterising the EU-internal human smuggling market could be vital. The fact that neither expert interviewees, nor secondary sources could provide more information on the smuggler persona, shows the need for increased insight into the latter.

Three specific elements related to the individual smuggler which this thesis has highlighted but was not able to investigate further, mainly due to data and time constraints are: (i) smuggler's motivations for getting involved in the business; (ii) the level of trust between smugglers and (iii) the potential transformation of legal business relations into illegal ones.

Firstly, the tapping into information on smuggler's motivations, which emerged from defendants statements in the court documents (Ch.4, p. 151), demonstrates the potential importance of precarity related to this business. Thus, the crucial supply-side related elements to be recognised by future research should include the smuggler's economic, social and cultural backgrounds, their motivations for getting involved in the business, recruitment processes as well as potential smuggler's working conditions.

The current thesis demonstrated that generalisable smuggler characteristics are not able to be pinpointed, which demonstrates the importance of studying human smuggling investigations through case studies, such as the one undertaken here. In this manner, building up a country-

comparative analysis regarding EU-internal human smuggling through a bottom-up approach could prove most fruitful for a nuanced, yet comprehensive understanding of the phenomenon.

Secondly, the role of trust, which is an element that repeatedly surfaces in the literature on illegal markets (see e.g. Von Lampe and Johansen, 2004; Kleemans and Van de Bunt, 2008; Beckert and Wehinger, 2012), as representing an ‘informal contract’ between criminals, a type of reassurance that a person is reliable and will not cheat others in the criminal venture remains to be investigated.

The methodology used in Chapter 4 of this thesis has provided potential insights into *elements* constituting a part of this trust relationship through the established proxy variables, i.e. shared ethnicity, previous criminal experience. However, the establishment of a measure of trust, necessitates a collection of sub-proxies put together by qualitative information from smugglers first hand and an additional series of quantitative variables related to characteristics shared by smugglers. Still the methodological and theoretical analysis here presented might present a starting point to the latter.

Thirdly, the thesis emphasised the importance of intermediary figures, often found in the ‘grey zone’ between legality and illegality, such as corrupt authorities (see Ch.3, p.102), who facilitate a smuggling venture. This poses the question, in how far legal work relationships might transform into illegal business relationships related to human smuggling (on work-related contacts facilitating criminal cooperation see Kleemans and Van de Bunt, 2008). Especially the corrupt facilitator in human smuggling organisations is related to the criminological concept of ‘individual occupational crime’ (Green, 1997), in which the opportunity to commit crime is presented to a person in a specific legal profession. In this respect, also the partial information on smugglers’ prior occupations identified through the court document analysis is a clue to be

explored by further research, which would however necessitate access to information related to *all* of the smuggler's previous and/or second professions.

### 5.6.3. *Improving counter measures by focusing on prevention*

A final crucial construction site, which this thesis has produced is the importance in testing empirically whether the here mentioned novel reduction strategies promise to substantially reduce the demand for and supply of organised facilitators of irregular migration into and within the EU. Both, higher-tier reduction strategies and lower-tier reduction measures would need to be investigated more thoroughly. Testing such policy scenarios could involve the virtual simulation of smuggling hotspot contexts at EU-internal and external borders through agent-based modelling. The European PROTON project has undertaken such research related to potential policy scenarios influencing and reducing recruitment into OC in Italy and the Netherlands (see <https://www.protonproject.eu>).

Overall, these uncovered construction sites could be addressed, through the development of a harmonised EU-focused human smuggling database, which includes more information on smugglers, makes a clearer differentiation between the two-tier levels of smugglers and intra-organisational profit distribution. The latter should then be supplemented by an empirical data-based policy testing scenario in order to investigate the here developed recruitment reduction strategies.

Importantly, this research has demonstrated the importance of investigating the meso-level (enterprises) and micro (employees of the illegal enterprises) level of illegal markets in order to comprehend more macro factors such as adaptability, resilience but also realistic threat of the illegal market. Through the study of structure and conduct related to the criminal enterprise in its entirety, as well as the investigation of dyadic employee behaviour (such as cooperation), the market for human smuggling at transit point within the EU is more comprehensively

understood. Therefore, combining these diverse levels, as well as mixed data sources in studying illegal markets promises to be a productive avenue for future research. The latter is vital in terms of developing an EU-wide approach to reducing the human smuggling phenomenon that is built on more sustainable, human rights and development focused pillars than the current strategy.

In fact, in closing the current analysis, one final, overarching conclusion may well be that we cannot do better in tackling the challenges that this illegal market poses than returning to the fundamental principles that drove most key thinkers of the Age of Enlightenment (Pinker 2018): a strict commitment to a) rationality/reason, b) a scientific approach, c) promoting social and cultural progress, and, last but not least, d) to humanism.

It is reasonable to assume that the concrete socio-economic counter-measures proposed above are most likely to succeed, and the future research perspectives outlined promise to be most productive, if they are guided by these philosophical imperatives that define modern ‘Western civilisation’ and deserve to be up-held now more than ever (Pinker 2018), namely when dealing with the phenomenon of irregular migration and its facilitation by OCGs.

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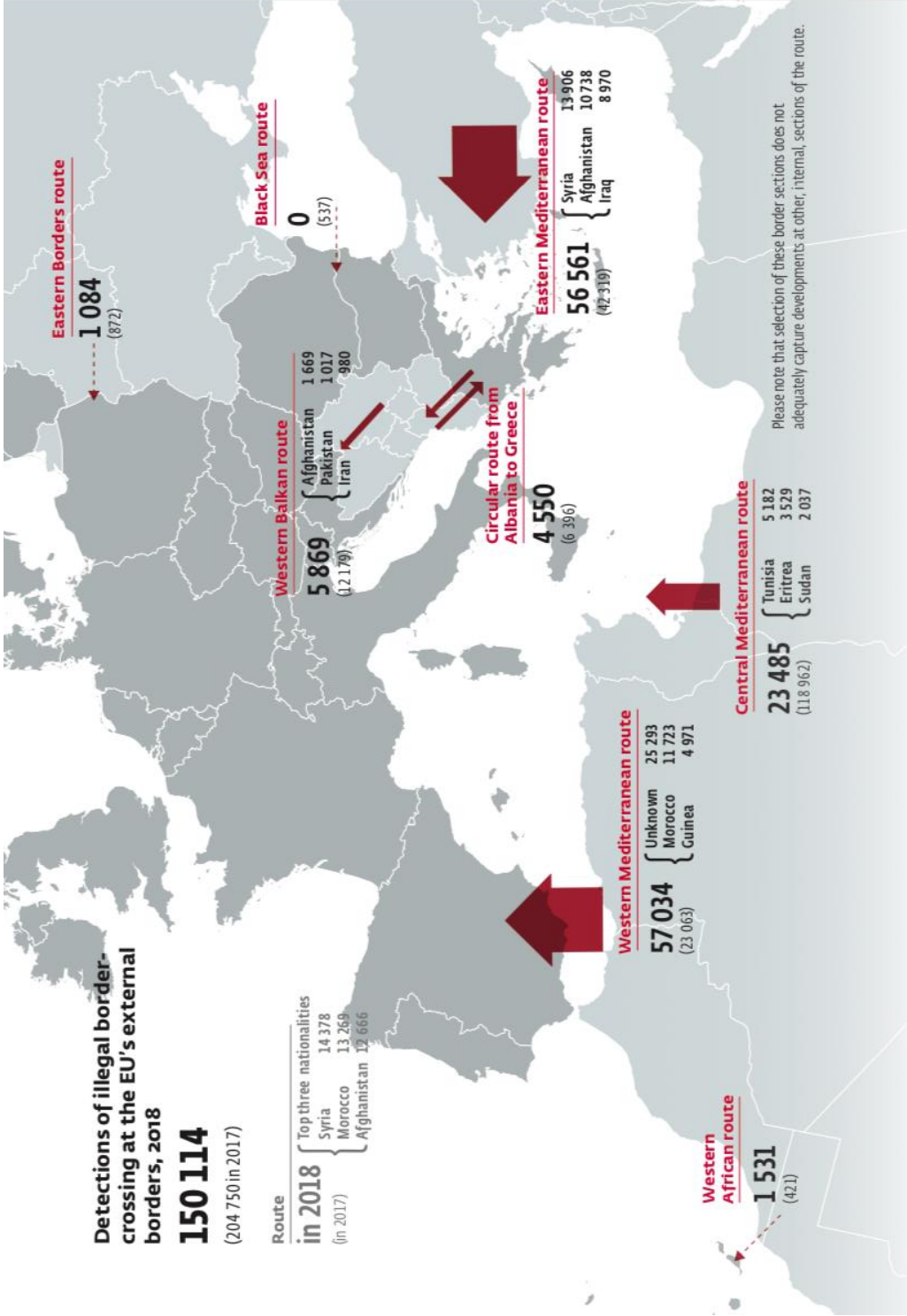
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# 6. Appendix

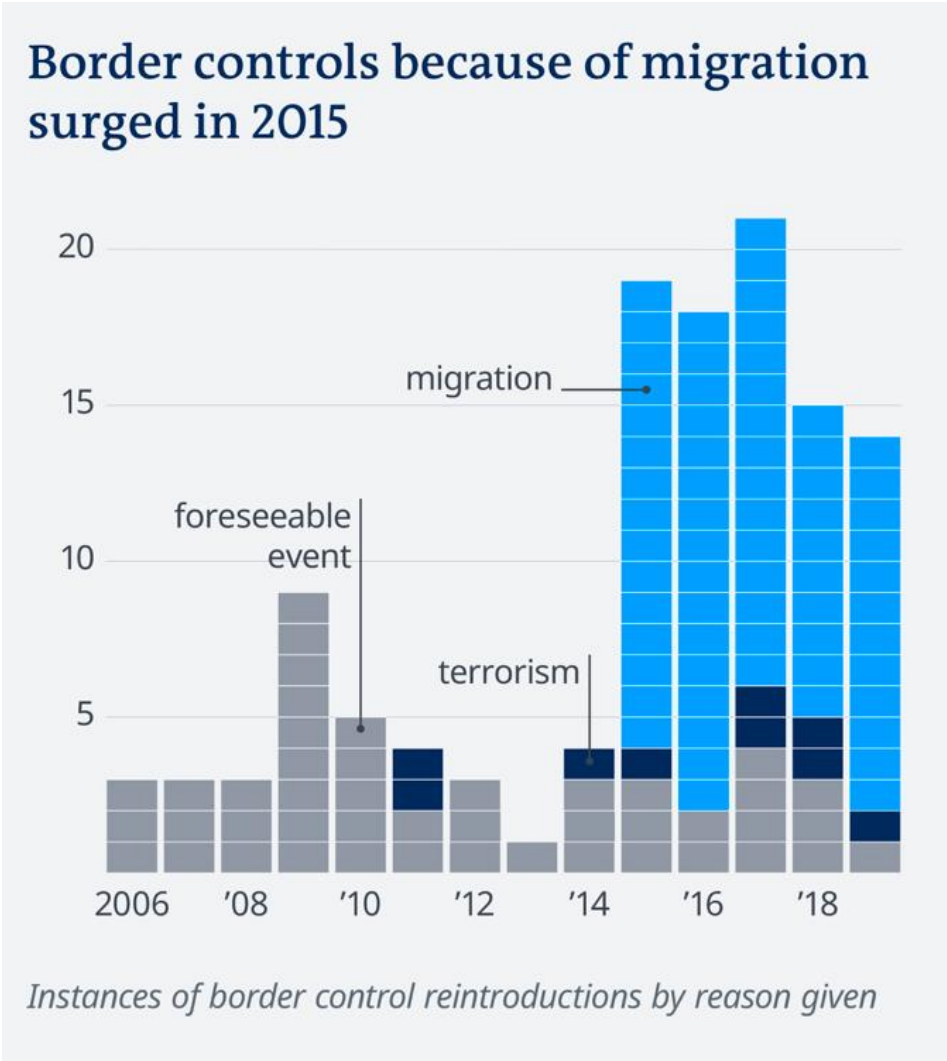
## 6.1. Irregular border crossings into the EU

(Frontex, 2019)



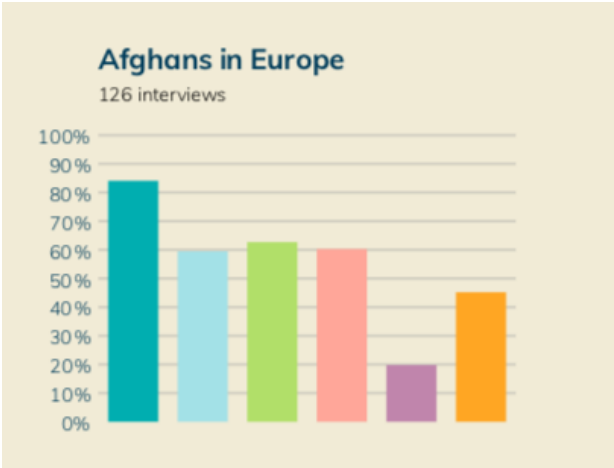
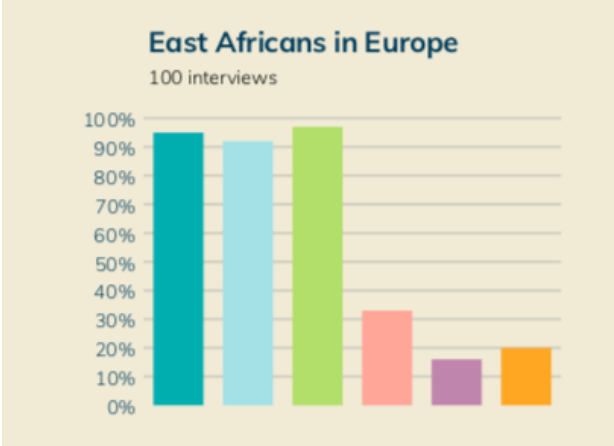
### 6.2. Increase of EU-internal border control implementation since 2015

(Schacht, 2019)



### 6.3. Type of travel offered by smugglers

(Horwood and Powell, 2019)



## 6.4. List of expert interviewees

Interviewee	Position	Role
1	SCICO – Guardia di Finanza (Rome)	Specialised unit for financial police investigations <i>re</i> smuggling and trafficking of migrants by OCGs
2	DDA Milan (District Anti-mafia directorate Milan)	Anti-mafia prosecutor, investigated large scale OCG involved in smuggling of migrants in Northern Italy
3	Carabinieri Lazio	Head of police unit Rome, years of experience of police work on Lampedusa island, specifically <i>re</i> human smuggling investigations
4	DNA Roma National Anti-mafia directorate, Rome	Deputy Public prosecutor on Antimafia cases as well as cases <i>re</i> OCGs involved in human smuggling and trafficking
5	UNODC	Research expert on trafficking and smuggling in persons; Economist background
6	Frontex	Spokesperson for EU coast guard agency involved in the identification of smugglers and ‘disruption of human smuggling networks’
7	Researcher	Research associate at Migration Policy centre (EUI); comparative study of the Eastern Mediterranean and the Central American smuggling corridors
8	DDA Catania District Antimafia Directorate, Catania	Prosecutor investigated several cases <i>re</i> OCGs involved in human smuggling in Sicily
9	UNODC	Crime prevention and criminal justice officer; coordinator for Global program against the smuggling of migrants
10	Global Initiative Against Transnational Organized Crime	Senior expert in migration; ethnographic, social research <i>re</i> Mediterranean route; Economist background
11	DDA Palermo District Antimafia directorate	Deputy prosecutor investigated the famous GLAUOCO case (I+II) [large-scale transnational human smuggling organisation, still operative today]
12	DIA Milano Antimafia investigation directorate, Milan	Vice Sergeant of the directorate leading police investigations on OCGs involved in the smuggling and trafficking of migrants
13	Judge for preliminary proceedings, Tribunal Milan	Judge in charge of large-scale organised human smuggling case in Northern Italy

## 6.5. List of interview questions

- *Italian version*

- 1) Lei vede il reato di favoreggiamento dell'immigrazione clandestina come un problema? (riguardo l'individuo e riguardo lo Stato)?
- 2) Come definirebbe il 'favoreggiamento dell'immigrazione clandestina'?
- 3) Distingue lei tra la *tratta di migranti* dal reato di *favoreggiamento dell'immigrazione clandestina*? Pensa che sia importante fare una distinzione tra questi due concetti e perché?
- 4) Pensa che siano coinvolte delle organizzazioni criminali nel favoreggiamento dell'immigrazione clandestina? Se pensa che sono coinvolte, come sono strutturate queste organizzazioni? Quali sono le loro caratteristiche?
- 5) Il favoreggiamento dell'immigrazione irregolare in Italia è caratterizzato da un gruppo di nazionalità specifico o sono coinvolte nazionalità diverse? Se sono coinvolte nazionalità diverse, queste collaborano (sono parte della stessa associazione criminale)? E quanto sono coinvolti individui italiani in questo crimine?
- 6) Sono coinvolti gruppi Mafiosi italiani in questo tipo di reato?
- 7) Come operano generalmente questi gruppi criminali (in Italia), quali sono i loro *modus operandi*? Quali sono i percorsi nell'EU (o l'Italia più specificamente) organizzati da questi gruppi criminali? Ogni gruppo criminale si concentra su un tragitto specifico (per esempio una regione d'Italia) o organizzano tutto un tragitto (da paese d'origine fino a paese di destinazione)?
- 8) Quali sono i metodi di pagamento coinvolti e come funzionano? Chi nel gruppo criminale fa' più profitto da questo business?
- 9) Che tipo di relazioni/legami hanno i 'favoreggiatori' con i loro clienti? (sono conoscenze di infanzia, famiglia, stessa nazionalità, o imprenditori indipendenti sconosciuti)? Le organizzazioni criminali che operano in Italia hanno contatti all'estero (se sì di che tipo sono questi legami)?
- 10) Vede nei casi da lei indagati un'evoluzione nella complessità/struttura/*modus operandi* dei gruppi criminali coinvolti nel favoreggiamento dell'immigrazione clandestina in Italia? Che effetto pensa che abbia avuto (se alcun effetto), il rafforzamento della protezione delle frontiere all'esterno e all'interno dell'EU sul favoreggiamento dell'immigrazione clandestina?
- 11) Quale pensa sia il miglior metodo di contrasto di questo fenomeno? Pensa che le misure applicate fin'ora siano state effettive o potrebbero essere migliorate, e come?



- *English version*

- 1) Generally, do you see the smuggling of migrants as a threat? If yes, what type of threat do you think it poses to the state vs the individual?
- 2) How do you define the human smuggling/ what type of definition regarding human smuggling do you adopt in your line of work?
- 3) Do you distinguish between human smuggling and trafficking of migrants? If so, how?
- 4) Do you believe OCGs to be involved in the smuggling of migrants? If so, how? How are these organisations structured? What are their defining features? What are the ties between members of the criminal organisation?
- 5) If OCGs are involved in the smuggling of migrants, are these ethnic criminal organisations or are diverse nationalities involved in this type of business? Do these different OCGs cooperate with each other? In how far are Italian nationals involved in human smuggling within the EU (Italy more specifically)?
- 6) Is the Italian Mafia involved in this type of business at all?
- 7) How do these OCGs involved in human smuggling operate? What is their *modus operandi*? Which routes do they use to smuggle migrants? Are these OCGs specialized in a specific leg of the journey or do they organise the entire journey from country of origin to destination?
- 8) Do OCGs operating in Italy have contacts abroad? What are the type of ties smugglers of the same criminal organisation share? Are these ethnic, family, kinship, friendship ties? Or are smugglers individual, independent entrepreneurs?
- 9) What kind of payment methods are involved in this type of business? Who in the criminal organisations makes the most profit and how much?
- 10) Do you see an evolution in the structure or *modus operandi* of these OCGs involved in human smuggling over time? If so, why do you think that is?
- 11) What do you believe to be the best counter measure(s) against human smuggling? Do you believe current methods have been successful or could these be improved and how?

## 6.6. Interview coding framework (NVivo)

Name	Files	References
<b>Counter-measures</b>	2	2
Definition	2	4
Demand-focused	1	1
Development	4	4
Economic	4	16
Problems	2	9
Figures	1	1
Integration	2	2
Problems	1	1
International cooperation	7	14
difficulty	3	4
Law enforcement-Investigations	7	20
difficulty	8	13
Political (legal avenues)	6	14
reduce migration	2	2
Social	2	2
Awareness	4	10
<b>Economic</b>	2	2
Business model	9	17
Demand and supply	6	11
Less risky	1	1
MO	12	38
Communicatio/Advertisement	3	6
Dangerous circumstances	6	10
Organisational structure	14	53
Loose	9	26
Flexibility	4	9
Tight	6	9
<b>Motivations</b>	3	4
Profit	6	11
Payment method	9	19
Profit made	10	24
Lucrative	5	5
<b>Evolution</b>	13	38
<b>Mafia involvement</b>	4	7
<b>Other crimes</b>	6	10
<b>Secondary Movements</b>	6	12

Name	Files	References
Self-organisation	2	3
<b>Sociological</b>	1	1
Background (Smugglers)	8	13
Motivations (Smugglers)	1	1
Humanitarian-solidarity	4	5
Livelihood	2	5
Social relations	0	0
<b>Social organisation</b>	2	2
Roles	9	16
<b>Ties between Smugglers</b>	3	7
Criminal	4	5
Ethnicity	10	39
Community	5	8
Family	4	8
Friendship	2	4
Reputation	2	2
Trust	2	3
<b>Threat</b>	3	5
Economic	5	18
Exaggeration	2	4
Exploitation	7	11
Fatalities- transport circumstances	5	8
form of OC	1	1
Irregularity status	2	2
Problem of integration	1	1
Public order	5	6
Sanctions	4	7
Sovereignty	3	3
Terrorism	1	1
<b>Trafficking vs Smuggling</b>	1	1
Difference	9	16
Exploitation element	6	8
Migrant agency	2	4
Overlap	8	13
<b>Violence</b>	7	10

6.7. Thematic map (NVivo)

