DATA BULLETIN

*Informing the implementation
of the Global Compact for Migration*

International Organization for Migration (IOM)
The UN Migration Agency

Irregular migration and migrant smuggling

With the rate of global mobility on the rise, but pathways for legal migration being limited, estimates suggest that a growing number of people are moving irregularly.[1] More often than not, migrant smugglers facilitate some part of their migration journey.

However, effective data gathering and analysis of irregular migration, and those who facilitate it, remain a fragmented and politicized area of study. Key definitional issues, objectives and responsibilities remain undefined, and competing estimates using vastly different methodologies, each with its own flaws, undermine the discipline as a whole.

If the dynamics of contemporary migration are to be understood, and more importantly, are to be properly managed, advancing coherently – in a collaborative manner to expand the evidence base on irregular migration and migrant smuggling – will be critical for the successful implementation of the Global Compact for Safe, Orderly and Regular Migration.

What is irregular migration?

While there is no clear or universally accepted definition of irregular migration, the concept is broadly understood to cover those who enter, stay or work in a country without the necessary authorization or documents required under the relevant immigration regime.[2]

To have a full and complete picture of global demographics, States are keen to be able to accurately estimate all migration stocks and flows. For this reason, there is a growing number of global efforts to try to create viable estimates of irregular migration.

As with regular migration, any accurate estimate of irregular migration would need to include both stocks (the number of migrants already in a country without legal status) and flows (the number of people crossing borders irregularly, or who move from regular to irregular situations for administrative reasons).[3]

However, since irregular migration is, by its very nature, clandestine, it is inherently hard to measure. Those moving irregularly often actively evade identification at border crossings, and those who exit the formal system, for instance by overstaying their visas or working in the informal sector, are difficult to count in official statistics. Therefore, estimates of irregular migration are driven largely by proxy

[1] International Organization for Migration, *World Migration Report 2018* (Geneva, 2018). Available from https://publications.iom.int/system/files/pdf/wmr_2018_en.pdf (accessed 20 November 2018).

[2] International Organization for Migration, Key Migration Terms. Available from www.iom.int/key-migration-terms (accessed 20 November 2018).
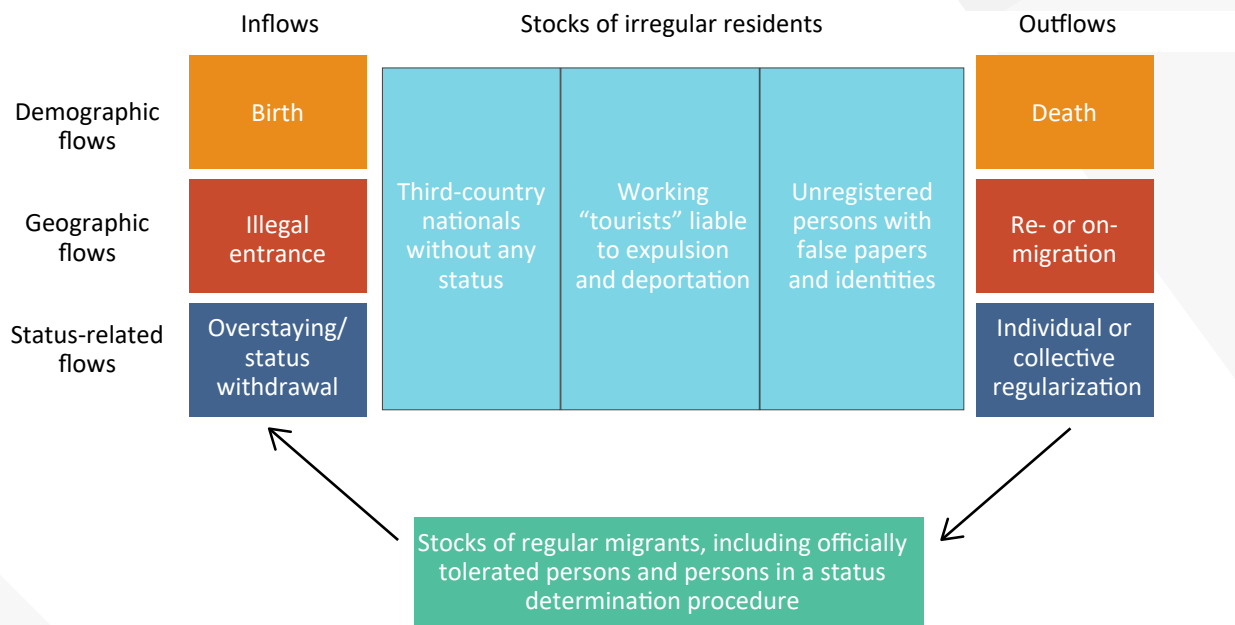
[3] International Organization for Migration, *World Migration Report 2018* (Geneva, 2018). Available from https://publications.iom.int/system/files/pdf/wmr_2018_en.pdf

GMDAC
IOM´s Global Migration Data Analysis Centre

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Figure 1: Migration – flow and stocks

	Inflows	Stocks of irregular residents			Outflows
Demographic flows	Birth	Third-country nationals without any status	Working "tourists" liable to expulsion and deportation	Unregistered persons with false papers and identities	Death
Geographic flows	Illegal entrance				Re- or on-migration
Status-related flows	Overstaying/ status withdrawal				Individual or collective regularization

Stocks of regular migrants, including officially tolerated persons and persons in a status determination procedure

Source: Modified from Kraler, A. and D. Vogel (eds.), *Report on methodological issues* (European Commission, November 2008). Available from http://irregular-migration.net/typo3_upload/groups/31/4.Background_Information/4.1.Methodology/Methodological_Issues_Clandestino_Report__Nov09_2.pdf (accessed 20 November 2018).

indicators and extrapolations, and there is no accepted methodology in place for such estimations.

Asylum applications: Their acceptance and refusal are often used to serve as an indicator of irregular migration. However, there are two weaknesses to methodologies predicated on this data source: Firstly, the outcome of an asylum application may take time and the legal (or irregular) status can only be established ex post. Moreover, asylum seekers may decide to leave during the asylum procedure and migrate towards other countries. Secondly, asylum seekers with denied claims who may be returned to their countries of origin could end up remaining irregularly in their countries of destination.

Census data, registers of foreign populations and direct household surveys: These are often also used as a basis on which to derive an estimate of irregular migrants. However, these methods are prone to inaccuracies and underreporting, due to the strong motivation of the irregular migrant to remain hidden from those who might be perceived as official or enforcement authorities.

In addition to these methodologies, a number of new initiatives have been piloted to estimate "mixed" migration flows without making the (potentially premature) distinction between asylum seekers and other migrants. Such efforts include the IOM Displacement Tracking Matrix[4] and the 4Mi methodology used by the Global Migration Centre run by the Danish Refugee Council.[5] There are also a number of innovative pilot projects under way to enhance the understanding of migration flows, including those of irregular nature, which use big data sources such as the Global Positioning System or telecommunication data.[6]

Mixed migration

"The principal characteristics of mixed migration flows include the irregular nature of and the multiplicity of factors driving such movements, and the differentiated needs and profiles of the persons involved. Mixed flows have been defined as 'complex population movements including refugees, asylum seekers, economic migrants and other migrants'. Unaccompanied minors, environmental migrants, smuggled persons, victims of trafficking and stranded migrants, among others, may also form part of a mixed flow."[7]

Despite the availability of these various estimates, the potential traction that any of these fragmented and experimental efforts can have is limited. There is an urgent need for an agreed-upon definition and methodology for understanding and estimating irregular migration, and for a neutral body mandated to collect such data. The risk, in fact, is that without a reliable and neutral source of data on irregular migration, competing sets of estimates are used politically, or undermine each other.

4   International Organization for Migration, Global Migration Data Analysis Centre, Data Bulletin: Quantifying Displacement and Mobility (Geneva, June 2018). Available from https://gmdac.iom.int/data-bulletin-quantifying-displacement-and-mobility (accessed 20 November 2018).
5   4Mi. Available from https://4mi.regionalmms.org (accessed 20 November 2018).
6   International Organization for Migration, Global Migration Data Analysis Centre, Data Bulletin: Big Data and Migration (Geneva, February 2018). Available from https://gmdac.iom.int/data-bulletin-big-data-and-migration (accessed 20 November 2018).
7   International Organization for Migration, Ninety-Sixth Session, International Dialogue on Migration 2008, Discussion Note: Challenges of Irregular Migration: Addressing Mixed Migration Flows. (Geneva, 2008). Available from www.iom.int/jahia/webdav/shared/shared/mainsite/microsites/IDM/workshops/return_migration_challenges_120208/mixed_migration_flows.pdf

Irregular or illegal?

A crucial dynamic underlying and undermining efforts to quantify irregular migration and estimate the size of irregular migrant populations is the politically pejorative cast that often surrounds the debate. In an era where anti-migrant rhetoric is growing, terms such as "illegal" and "illicit" are often used synonymously to describe irregular migration. However, describing irregular migrants as illegal often exaggerates an administrative crime of a lapsed visa, creating an unnecessary perception of criminality associated with migration or, more concerning, may in fact compromise the human and asylum rights of the migrants involved.[8]

Meanwhile, the concept of criminalization can be appropriately used in the context of irregular migration with regards to migrant smuggling. As per the United Nations Convention against Transnational Organized Crime, it is the smuggler who is criminalized through this definition, not the smuggled person. As highlighted in article 5, migrants are not liable to criminal prosecution for the fact of having been smuggled.

Human smuggling and facilitation of irregular migration

Migrant smuggling is defined in the United Nations Convention against Transnational Organized Crime, which contains a dedicated protocol for the offense.[9] Smugglers facilitate the irregular journey of people and support them to cross borders where they may not be entitled to do so. Smuggling "plays a crucial role in facilitating irregular migration, as the smuggler may provide a wide range of services, from physical transportation and illegal crossing of a border to the procurement of false documents".[10] Migrant smugglers are a vector of irregular migration: They often play a determining role in deciding who moves, where they move to, and how safely they complete their journeys.

Recent estimates by the European Union Agency for Law Enforcement Cooperation (EUROPOL) and other enforcement agencies, as well as the Global Initiative's own work, suggest that more than 90 per cent of irregular migrants use a smuggler to facilitate some part of their migration journey.[11] The abusive behaviour by some smugglers and the popular discourse in the media and policy circles – which tend to use the terms

"smuggling" and "trafficking" interchangeably – have led to an emphasis on the criminalized aspect of smuggling.[12] Some smugglers have indeed been responsible for egregious human rights abuses against their clients, including human trafficking, physical and sexual abuse, forced detention, kidnapping for ransom and extortion. Journeys facilitated by smugglers can also lead to migrant death.[13] However, most migrants who use smugglers to facilitate their journeys do so safely and within the terms of the contract that they agreed upon.[14] In conflict zones, human smugglers may be the only available means for those displaced by violence to move to other countries to seek asylum.

Human smuggling has become a big business. The first global review of human smuggling by the United Nations Office on Drugs and Crime (UNODC) analysed 30 of the world's most heavily used irregular migration routes, and on that basis estimated that 2.5 million migrants were smuggled for an economic return of between USD 5.5 billion and USD 7 billion in 2016.[15] In many regions, the human smuggling trade has significant local legitimacy, and is an important source of income where economic opportunities are limited. Movement is integral to many cultures, and smugglers are perceived as facilitators of this cultural phenomenon. Migrant smuggling has become an economic lynchpin in societies across many regions, where legitimate livelihoods were scarce to begin with or have been eroded by insecurity, environmental degradation, bad governance or bad policy. For some nomadic communities, smuggling remains one of the few credible alternative livelihoods, and not one that is perceived as illegal or immoral.[16]

Building the evidence base on migrant smuggling

Despite the importance of migrant smuggling as a vector of irregular migration, there is no systematic data collection relating to the smuggling industry. IOM has published two editions of *Migrant Smuggling Data and Research: A global review of the emerging evidence base,*[17] and while this furthers qualitative understanding of the phenomenon and its different regional manifestations, there is arguably still a need for a quantitative approach.

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8 Koser, K., "Irregular migration, state security and human security", Policy Analysis and Research Programme of the Global Commission on International Migration (September 2005).

9 United Nations Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime. Available from www.unodc.org/documents/southeastasiaandpacific/2011/04/som-indonesia/convention_smug_eng.pdf (accessed 20 November 2018).

10 UNODC, Smuggling of Migrants: A Global Review and Annotated Bibliography of Recent Publications (New York, 2011), p. 15. Available from www.unodc.org/documents/human-trafficking/Migrant-Smuggling/Smuggling_of_Migrants_A_Global_Review.pdf (accessed 20 November 2018).

11 EUROPOL, Migrant Smuggling to the EU (2016). Available from www.europol.europa.eu/about-europol/european-migrant-smuggling-centre-emsc#fndtn-tabs-0-bottom-1 (accessed 20 November 2018).

12 Carling, J., C. Horwood and A. Gallagher, "Beyond Definitions: Global migration and the smuggling–trafficking nexus", RMMS Discussion Paper, 2. Nairobi: Regional Mixed Migration Secretariat (2015). Available from www.prio.org/Publications/Publication/?x=8868 (accessed 20 November 2018).

13 International Organization for Migration, Missing Migrants Project. Available from https://missingmigrants.iom.int/about (accessed 20 November 2018).

14 Coyne, J. and M. Nyst (eds.), People smugglers globally 2017, Australian Strategic Policy Institute (October 2017). Available from https://s3-ap-southeast-2.amazonaws.com/ad-aspi/2017-10/People%20Smuggling.pdf?stdeEDpA9px6dD8zZQZjb9hIBZqPXzs8 (accessed 20 November 2018).

15 UNODC, Global Study on Smuggling of Migrants (New York, 2018). Available from www.unodc.org/documents/data-and-analysis/glosom/GLOSOM_2018_web_small.pdf (accessed 20 November 2018).

16 Tinti, P. and T. Reitano, Migrant, Refugee, Smuggler, Saviour, Hurst Publishers (London, 2016).

17 International Organization for Migration, *Migrant Smuggling Data and Research: A global review of the emerging evidence base* (Geneva, 2018). Available from https://publications.iom.int/books/migrant-smuggling-data-and-research-global-review-emerging-evidence-base (accessed 20 November 2018). The report contains further suggestions to improve the evidence base on migrant smuggling.

Depending on the objectives of policymakers, there are several different ways to measure the migrant smuggling market, which could look at:

(a) **Number of migrants using smugglers:** The number of men, women, girls and boys who use smuggling services in their journeys from their home countries to a destination country, an estimate that currently remains largely unknown;

(b) **Size and value of the criminal market:** Estimating the profits generated by groups or individuals involved in human smuggling, estimating the number of people (disaggregated by sex and age) involved in the human smuggling industry in any jurisdiction, analysing to whom the profits of the industry accrue;

(c) **Level of criminal consolidation of the smuggling market:** Estimating the level of establishment of the industry (either as a factor of how long they have been in operation, or how sophisticated their methodologies are), their transnational reach (the distance they can move people), their capacity to move numbers of people, or the speed at which they can move people;

(d) **Human smuggling as a protection risk:** Estimating the risks of human smuggling, accident, injury or death involved in irregularly facilitated movement, based on sex, age and origin, for the purpose of mitigating those risks.

There are certain baseline requirements that would need to be met in order to collect the data needed for creating estimates on human smuggling. They include the **mapping of key routes, mapping of hubs of migrant smuggling, estimating the most used routes and regularly documenting the modus operandi of smugglers.**

What is needed is information on both movement and destination, and pricing and control of key routes.[18] To expand such understanding, data would need to be much richer, and would need to include surveys with migrants and communities, and a range of institutional data that would need to be shared nationally, regionally and internationally.[19]

There are also **experimental or innovative data collection methodologies** that could be used which would greatly contribute to monitoring migrant smuggling-related dimensions and risks of migration.

Going forward, to respond effectively to the commitments of the Global Compact for Safe, Orderly and Regular Migration, in particular Objectives 1, 9 and 10, there will need to be an agreed-upon approach, and a central **and neutral authority** to collate, analyse and share data that integrate the disaggregated study of irregular migration, and – as the fourth pillar of IOM's approach to migrant smuggling States – has appropriate monitors for smugglers and irregular migration facilitators, and which provides early warning on potential threats to migrants.[20]

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[18] Global Initiative Against Transnational Organized Crime, "Understanding human smuggling as a vector in migration" (May 2018). Available from https://globalinitiative.net/understanding_human_smuggling/ (accessed 20 November 2018).

[19] UNODC, Global Study on Smuggling of Migrants (New York, 2018). Available from www.unodc.org/documents/data-and-analysis/glosom/GLOSOM_2018_web_small.pdf (accessed 20 November 2018).

[20] International Organization for Migration, Migrant Smuggling Data and Research: A global review of the emerging evidence base (Geneva, 2018). Available from https://publications.iom.int/books/migrant-smuggling-data-and-research-global-review-emerging-evidence-base (accessed 20 November 2018).

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