

BASELINE RESEARCH

ON SMUGGLING OF MIGRANTS IN, FROM AND THROUGH CENTRAL ASIA



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Baseline Research on Smuggling of Migrants in, from and through Central Asia

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Abbreviations

AVR	Assisted Voluntary Return
CAPG	Central Asian Partnership Group
C.A.T.	Central Asia Tourism Corporation
CIS	Commonwealth of Independent States
CNS	Council of National Security, Kyrgyzstan
CPNB	Committee for the Protection of National Borders, Tajikistan
DMS	Department of Migration Service, Kyrgyzstan
EurAsEC	Eurasian Economic Community
GNI	Gross national income
GNP	Gross national product
HTAP	Humanitarian Travel Assistance Programme
ICAO	International Civil Aviation Organization
MFA	Ministry of Foreign Affairs
MIA	Ministry of Internal Affairs
NSS	National Security Service, Kyrgyzstan
OVIR	General term for Office of Visa and Registration Department in CIS countries
SCME	State Committee for Migration and Employment, Kyrgyzstan
SMS	State Migration Service, Tajikistan
TI	Transparency International
UAE	United Arab Emirates
UN TOC	United Nations Convention against Transnational Organized Crime

References

All references in the text to source material are inserted as follows: last name of the author/organization, year of publication and page number/s (if available). If there are several references to the same author and year, they are distinguished by the letters a,b,c, etc., as in 2000a, 2000b in both the text and the list of references at the end of the text.

2. Introduction

Irregular migration is a phenomenon, which by definition is difficult to measure. According to rough approximations however, one-third to one-half of entries into developing countries is irregular—this represents a 20 per cent increase over the past years (IOM, 2003a: 58). It is estimated that the United States and the European Union host approximately ten to eleven million and seven to eight million irregular migrants respectively (Migration Policy Institute, 2005). However, the largest number of irregular migrants is hosted by less developed countries in Asia and Sub-Saharan Africa (GCIM, 2005a: 9). It is estimated that about half of all irregular migrants are smuggled and that smuggling as a business, generates ten billion US\$ a year (IOM, 2003a: 60).

Smuggling of migrants is not as widely researched as trafficking of persons. IOM TCC took within the framework of the Central Asian Partnership Group (CAPG)¹, the opportunity to initiate a baseline research of this phenomenon with a regional focus on Kazakhstan, Kyrgyzstan and Tajikistan in order to assess smuggling of migrants, its routes, patterns and most susceptible groups. This report identifies trends of smuggling of migrants in, from and through Central Asia, using the specific method of “vector” approach² indicating the volume and patterns of smuggling of migrants. This method was selected, as other single methods could not yield such satisfactory results of a phenomenon that wishes to remain undetected. The research clarifies the issue of smuggling of migrants, distinguishes it from trafficking in persons and irregular migration and elaborates on its link to human rights. General trends and patterns of smuggling of migrants are analyzed before addressing the issue in Central Asian context. Three country sections provide a comprehensive guide through the migration context, legislation, smuggling routes, its organization, fees and profile of smuggled migrants. Each country specific chapter includes a list of recommendations from national migration authorities and local NGOs, gathered by local researchers in the course of interviews with relevant actors. At the end of the report there are recommendations from IOM on countering smuggling of migrants and recommendations obtained from the regional state-civic roundtable on smuggling of migrants in Almaty in March 2006 carried out under the CAPG framework.

3. Methodology

This report is the product of a baseline study, which assesses the phenomenon of smuggling of migrants in, from and through Central Asia.³ The results of this study identify smuggling trends and patterns and address the phenomenon’s relevance within the Central Asia migration context.

¹ CAPG is composed of Danish Institute for Human Rights, The Danish Refugee Council and IOM and was formed in 2003 with the support of Danish Government in order to support peaceful and democratic development of Central Asian States.

² Approach cross-referencing different sources, closely described in Section 3.2.

³ There are different definitions of Central Asia, some of them encompassing Afghanistan, Mongolia, China, Transcaucasia and Pakistan. Within this report the term Central Asia will include only Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan. In this report when referring to Central Asia following countries are meant: Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan.

The research tests the “vector” approach, cross-referencing different sources and establishing indicators for smuggling of migrants in the region. This approach was used in order to effectively measure the phenomenon and evaluate its applicability for further research.

The primary research methodology is based on a survey⁴, allowing for a large spectrum of views on the problem of smuggling of migrant, including face-to-face interviews, postal questionnaires and strategy of survey applied to documents.⁵ It was initially planned that the research would comprise the countries of Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan. Due to the shadow character of the topic and difficulties in information gathering, it was decided not to conduct research in Turkmenistan and Uzbekistan. However throughout the report, references to smuggling routes via Turkmenistan and Uzbekistan are kept.

The TCC core researcher, in cooperation with the IOM Central Asian missions, selected⁶ three local researchers: Sarsembayev Marat Aldangovich in Kazakhstan, Natalia Hadjimuratova in Kyrgyzstan and Davron Mukhamadiev in Tajikistan. These researchers conducted national surveys on smuggling of migrants in, from and through their respective countries over a period of three months (15 April-15 July 2005). Local IOM Chiefs of Mission selected IOM focal points responsible for the project. Focal points assisted in briefing the local researchers, facilitating interviews and drafting certain parts of reports. The TCC core researcher prepared eight framework questionnaires that were used either in the face-to-face interviews or in surveys for relevant migration authorities, law enforcement authorities, migrants,⁷ transportation companies, travel agencies, foreign embassies and NGOs.

The three local researchers conducted each an average of 25 face-to-face interviews and sent postal questionnaires to ten respondents. The data gathered through the survey was evaluated by local researchers and composed in the final national reports, which were then revised by the TCC core researcher and IOM local missions. In Kyrgyzstan, the research was prolonged in order to assess additional phenomena, such as the transit of Bangladeshi migrants through the country. The final report is the result of a dialogue between the TCC core researcher, local researchers and the IOM local missions. The three country chapters differ due to varying access to and availability of information in the targeted countries.

⁴ A survey is a multiple data collection method designed to collect reliable and valid information from a large number of subjects. Using multiple methods helps to control the findings of one method against the other and thus at the end retrieving reliable information. There are different types of surveys and these may include questionnaires, face-to-face interviews, documents and observation. See, IOM, *Research Manual*, IOM, Geneva: 44.

⁵ A strategy of survey applied to documents includes literature reviews, use of records, and demographic surveys.

⁶ IOM TCC together with the relevant mission in Central Asia advertised the position of a researcher in a local newspaper in Kazakhstan, Kyrgyzstan and Tajikistan and selected the researchers through a competitive recruitment, including interviews with the best qualified candidates.

⁷ The migrants interviewed were selected based on availability criteria, which differed greatly between Kazakhstan, Kyrgyzstan and Tajikistan.

3.1. Limitations of the Research

“Data on irregular migration – including both numbers and also demographic and socio-economic profiles – are scarce, often unreliable and usually incomparable between States over time.” (GCIM, 2005a: 7)

The nature of smuggling of migrants makes it difficult to gather reliable data. This is particularly true due to the organizational complexity, illegal character and transnational scope of smuggling and to the fact that the smuggler and the smuggled migrant have an interest in remaining undetected (IOM, 2004c: 64). Even when data on smuggling of migrants does exist, it is incomplete, containing only partial information. Access to data is also a problem: although in some countries smuggling data is collected, it is often not made public. Finally, the majority of irregular migration goes unrecorded (GCIM, 2005a: 7).

Assessing the extent of irregular migration in the Commonwealth of Independent States (CIS)⁸ is particularly challenging because of missing, unreliable or unavailable data. Regional migration authorities responsible for data collection tend to use incompatible data collection methods, differing reporting categories and formats. They do not always adequately share information with each other, and sometimes subordinate accuracy to vested interests (IOM, 2002a: 33).

3.2. The “Vector” Approach

Due to the difficulties connected with collection of data on irregular migration and, especially smuggling of migrants, the “vector” approach was used. The approach cross-references different sources that serve as indicators for smuggling of migrants in determining its magnitude, routes, organization, smuggling fees and profiles of smuggled migrants. The indicators used for the approach include:

- 1) Data from border services;⁹
- 2) Statistics from migration services;
- 3) Assisted Voluntary Return (AVR) cases;¹⁰
- 4) Interviews with migrants;
- 5) Interviews with NGOs;
- 6) Interviews with travel agencies and airlines;¹¹
- 7) Interviews with IOM representatives in the region;
- 8) Statistics from the embassies;¹²
- 9) Statistics from international organizations such as IOM, UNHCR, the World Bank and other organizations;
- 10) Media;
- 11) Internet.

⁸ The Commonwealth of Independent States (CIS) covers: Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Russian Federation, Tajikistan, Turkmenistan, Ukraine and Uzbekistan. However, some countries prefer to be referred to as Eastern Europe and Central Asia (EECA).

⁹ This includes illegal border crossings, apprehensions and the detention on the borders and deportations.

¹⁰ Assisted Voluntary Return (AVR) is an assisted return to the country of origin, transit or another third country based on the free will of the returnee. The most of the AVR cases refer to the EC funded IOM project *Dialogue and Technical Capacity Building in Migration Management Programme for the Countries of Central Asia, the Russian Federation and Pakistan*.

¹¹ This data will try to define the most frequent destination places of foreigners and assess information on how many people enter and leave the country.

¹² This data will help to determine how many nationals of a particular country received a visa or its prolongation.

The “vector” approach has been used throughout the report in the country chapters, however not all indicators are present in each country section. The indicators will be underlined in order to show the different sources that helped to build the final vector for smuggling of migrants. At times, information was unavailable, or the phenomenon was unrecorded. In some instances, those interviewed had different reasons not to disclose information. By looking at the strength and presence of each indicator, the size of the smuggling activities in a certain area in a certain period can be assessed. Based on the strength of various indicators (interviews with migrants, AVR cases, interviews with migration authorities, information from embassies), the “vector” approach for example pointed out that Kyrgyzstan is a transit country for smuggled migrants from South Asia, especially from Bangladesh.¹³

4. Background Information on Smuggling of Migrants

4.1. Definition of Smuggling of Migrants

In order to clarify the term of smuggling of migrants, this section will provide a definition and spell out the offences that are criminalized in the UN Protocol against Smuggling of Migrants by Land, Sea and Air, Supplementing the United Nations Convention against Transnational Organized Crime (the Smuggling Protocol). In international discourse and academic literature one can find different terms referring to smuggling of migrants, such as human smuggling, migrant smuggling, people smuggling and alien smuggling, among others. In this report, the term *smuggling of migrants* will be used in order to correspond with the terminology used in the Smuggling Protocol.

Until recently, the term smuggling of migrants was not officially defined and was used interchangeably with the term trafficking in persons (Koslowski, Kyle, 2001:5; IOM, 2000: 18; Advisory Council of Jurists, 2002:10). The distinction between the two terms was only internationally established in 2000, after the adoption¹⁴ of the Smuggling Protocol. Even after the Protocol’s adoption, the definition of smuggling of migrants was often viewed as “a work in progress” (Koslowski, Kyle, 2001:5). Although the terminology has been clarified and the national legislation updated, gaps still remain in addressing and distinguishing between the trafficking in persons and smuggling of migrants.¹⁵

The IOM uses the definition applied in the Smuggling Protocol (IOM, 2004b: 60), which defines the smuggling of migrants as:

“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.”¹⁶

¹³ For more details, please refer to the country section on Kyrgyzstan.

¹⁴ The Protocol was adopted by resolution A/RES/55/25 of 15 November 2000 at the fifty-fifth session of the General Assembly of the United Nations.

¹⁵ The Bali Ministerial Conference on People Smuggling, Trafficking in Persons and Related Transnational Crime, 26–28 February 2002 demonstrated the incorrect use between these two terms. Furthermore, during the Conference of the Parties to the UN TOC in a session devoted to the Review of the Implementation of the Smuggling Protocol (14 October 2005), some States Parties did not distinguish correctly between the two terms.

¹⁶ Smuggling Protocol, Article 3 (a).

Interpol defines smuggling in a very similar way as:

“...the procurement, for financial or material gain, of the illegal entry into a state of which that person is neither a citizen nor a permanent resident” (Interpol, 2003).

Therefore, in order to fulfil the elements of smuggling of migrants, facilitation of an illegal cross-border movement for material benefit needs to take place. Besides, the scope of the Smuggling Protocol as defined in its article four, applies to the prevention, investigation and prosecution of the offences established in the protocol, if these are transnational in nature and involve an organized criminal group.

In the case of smuggling of migrants, following elements are necessary to trigger the application of the Smuggling Protocol:

- Cross-border movement;
- Procuring illegal entry of others;
- Organized criminal group;
- Obtaining a financial or other material benefit.

Cross-border movement means that smuggling must involve crossing of international borders. This however, is not required for other offences established in accordance with the Smuggling Protocol, such as falsification or misuse of travel or identity documents and enabling of illegal residence (UNODC, 2005:333).

Procuring illegal entry of others means facilitating the illegal entry of a person into a country where this person is neither a national nor a permanent resident and also where requirements for entry of persons who are neither nationals nor permanent residents have not been fulfilled (UNODC, 2005: 341). This includes cases of obtaining visas or other authorizations that have not complied with legal norms or cases where these documents have been obtained or used in an illegal manner.¹⁷

An organized criminal group must make a profit from the smuggling operation. Smuggling does not occur when motivated by charitable or altruistic reasons¹⁸ as sometimes happens in cases of smuggling of asylum seekers. Furthermore, smaller scale and *ad hoc* smuggling fall outside of the scope of the definition.¹⁹ Organized criminal groups are defined in the UN TOC in Article 2 (a) as:

“...a structured group of three or more persons, existing for a period of time and acting in concert with the aim of committing one or more serious crimes or offences established in accordance with this Convention, in order to obtain, directly or indirectly, a financial or other material benefit.”

Financial or other material benefit is interpreted broadly and includes also personal benefits. Organized criminal groups must receive these benefits; groups with purely political or social motives are excluded (UNODC, 2005: 333).

¹⁷ This includes cases of forgery or falsification of documents, obtaining genuine documents using false information and the use of genuine and valid documents by persons whom they were not issued.

¹⁸ Charitable or altruistic reasons mean that smuggling of migrants did not take place because of financial or other material profit.

¹⁹ These are violations of migration law that are commonly subject to national laws and regulations against irregular migration.

In addition to these conditions, the smuggler must have the *intention* to commit the act of enabling illegal entry for the purpose of obtaining some financial or material benefit. All of these conditions must be met in order to label a case as ‘smuggling of migrants.’

4.1.1. Smuggling Protocol

The Smuggling Protocol has three basic purposes:

- Prevention and combating of smuggling of migrants,
- Protection of the rights of smuggled migrants, and
- Promotion of cooperation between Parties to the Protocol.²⁰

The Smuggling Protocol foresees criminalization of the following offences:

- Conduct constituting smuggling of migrants (Art. 6, para. 1 (a));
- Producing, procuring, providing or possessing fraudulent travel or identity documents with the purpose of enabling smuggling of migrants (Art. 6, para. 1 (b));
- Enabling legal residence for a person who is neither a legal resident nor citizen, or is not complying with the requirements of legally remaining in a country – procurement of legal residence by illegal means (Art. 6, para. 1 (c));
- Organizing or directing any of the above-mentioned crimes (Art. 6, para. 2 (c));
- Attempting any of the above-mentioned offences, subject to the State’s legal concept (Art. 6, para. 2 (a));
- Participating as an accomplice in any of the above-mentioned crimes, subject to the State’s legal concept (Art. 6, para 2 (b)).

Furthermore, the Smuggling Protocol requires States to adopt legislative and other measures necessary to establish as aggravating circumstances, to the above-mentioned offences, the following: circumstances that endanger, or are likely to endanger the lives or safety of the migrants concerned; or those circumstances that entail inhuman or degrading treatment, including for exploitation, of such migrants. (Art. 6, para. 3).

²⁰ Article 2, the Smuggling Protocol.

4.2. Smuggling versus Trafficking in Persons

Confusion and lack of international consensus on the definition of trafficking in persons and smuggling of migrants are rooted in their frequent overlap (Advisory Council of Jurists, 2002). However, smuggling of migrants and trafficking in persons are distinct criminal offences, which have been defined by the United Nations in separate protocols²¹.

Establishing a clear-cut distinction between trafficking and smuggling is challenging. It often happens that a person leaves a country as a smuggled migrant, and in transit becomes a victim of an exploitative or abusive situation (IOM, 2005d: 6).

In Article 3 of the Trafficking Protocol, the act of trafficking is defined as follows:

“...The recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat, or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.”

The underlying differences between these two phenomena can be distinguished through the following criteria:²²

- Victim
- Consent
- Aim of Movement
- Transnationality
- Characteristics of a Client
- Coercion
- Arrival

Victim of the Crime is defined as a person who suffers from adverse circumstances or who is tricked. These criteria are different in trafficking and smuggling. Whereas in trafficking the victim of the crime is the trafficked *person*, smuggling of migrants is a crime against a *State*. The person smuggled pays the smuggler a fixed amount of money and the smuggler then facilitates the cross-border movement. The smuggled person is in general neither surprised by the facilitated illegal entry nor tricked about it. There are situations where the smuggler takes advantages of migrants, and these situations can amount to trafficking in persons for example in case when the migrant at the end of the journey is coerced and falls into exploitative situation caused by the smuggler. In general, however, there is a commercial relationship between the smuggler and the smuggled migrant, and the crime is directed against the State whose immigration laws have been broken (UNODC, 2003:3; IOM, 2005c: 3.12). The smuggled migrant can in general not be qualified as a victim, however according to the Smuggling Protocol the human rights of smuggled migrants must be still protected.

The question of consent distinguishes trafficking in persons from smuggling of migrants. No *valid* consent is involved, when referring to trafficking in persons (UNODC, 2003:3; IOM,

²¹ Smuggling Protocol mentioned above and UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (Trafficking Protocol) that is also part of the TOC. It is important to mention that no State can be party to any of the Protocols without being a party to TOC.

²² These criteria are general and there are instances of exception.

2005c: 3.12). Trafficking victims either did not consent or their consent was nullified by the coercive, deceptive or abusive actions of the traffickers. Furthermore, when trafficking of a child is concerned, consent is irrelevant even if coercion was not used.²³ In contrast, smuggling of migrants, although often undertaken in dangerous or degrading conditions, generally involves adults consensually being smuggled (IOM, 2005c: 3.12).

The *aim of movement* in trafficking and smuggling is also different. While the intention of the trafficker is to exploit the person and to gain profit or advantage from this situation, in smuggling of migrants the purpose is not to exploit but rather to facilitate illegal entry into a given country (Advisory Council of Jurists, 2002).

The *transnationality* means that the destination in cases of smuggling and trafficking is different. In smuggling, crossing of international borders must occur. By contrast, trafficking can occur both within national borders and across borders (IOM, 2005c: 3.12).

The *characteristics* of a trafficking victim are important in the course of the selection process of the victim. The victim must possess some key features or traits that make him/her attractive for the job for which he/she is recruited. In smuggling of migrants, the characteristics or traits of a smuggled migrant are irrelevant as the smuggler generally provides a paid service for cross-border facilitation (UNODC, 2003:5).

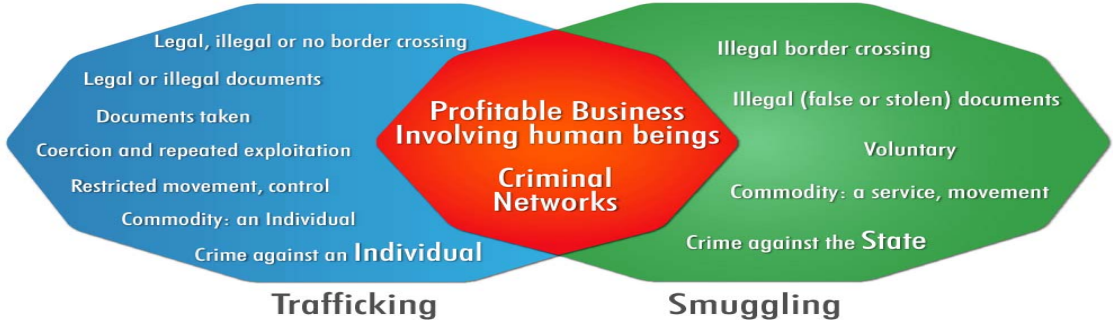
The *coercion* component also differentiates trafficking and smuggling. While trafficking needs to involve elements of threat or use of force, coercion or fraud, smuggling generally takes place without the implicit use of these elements.

The last point of divergence is the situation upon *arrival* in their destination point. In cases of trafficking, the victim remains deprived of liberty and is often exploited (UNODC, 2003:7). In cases of smuggling, migrants are generally free to choose their own course after arrival in the destination country. One can therefore also distinguish the two based on the time frame—trafficking falling under a long-term relationship and smuggling under a short-term relationship (Advisory Council of Jurists, 2002; IOM, 2005c: 3.12).

²³ Trafficking Protocol, Article 3 (c).

The following chart illustrates the ways that these two concepts diverge.

Trafficking and Smuggling: Similarities and Differences



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4.3. Smuggling of Migrants and Irregular Migration

In the absence of a universally accepted definition, IOM defines irregular migration as:

“Movement that takes place outside the regulatory norms of the sending, transit and receiving countries. From the perspective of destination countries it is illegal entry, stay or work in a country, meaning that a migrant does not have the necessary authorization or documents required under immigration regulations to enter, reside or work in a given country. From the perspective of the sending country, the irregularity is for example seen in cases in which a person crosses an international boundary without a valid passport or travel document or does not fulfil the administrative requirements for leaving the country. There is, however, a tendency to restrict the use of the term ‘illegal migration’ to cases of smuggling of migrants and trafficking in persons.” (IOM, 2004b: 35)

Irregular migration is a wider term encompassing smuggling of migrants and trafficking in persons. Both irregular migration and smuggling of migrants involve illegal entry due to the insufficient or non-existing authorization or documentation required under immigration regulations. In contrast to irregular migration, smuggling of migrants requires the facilitation of illegal border crossing by an organized criminal group. Mere illegal entry is a migration offence that might be stipulated in national legislations, but does not fall within the scope of the Smuggling Protocol (UNODC, 2005: 340). Furthermore, in smuggling of migrants there must be a component of financial or other material benefit, which is not always the case in irregular migration. Moreover, irregular migration does not have to entail cross-border movement. An irregular migrant is thus a person who, owing to illegal entry or also illegal residence, lacks legal status in a country (IOM, 2004b: 34). A smuggled migrant is, however, only a person who entered illegally, facilitated by an organized criminal group.

4.4. Smuggling of Migrants and Human Rights

In December 2000 a smuggler promised a group of 25 young Sri Lankan men to facilitate their travel to Germany. He misled the group regarding the destination point and offloaded them on the border between Russia and northern Kazakhstan. The smuggler told them that Germany was very close and ordered them to walk straight in pointed direction to reach Germany and to avoid checkpoints. One young Sri Lankan, exhausted from the severe conditions of the travel died during this trip.²⁴ This is just one example that illustrates that although smuggling of migrants is a crime against a State, human rights of smuggled migrants may be violated in the course of the operation (IOM, 2005d: 8) and therefore, these rights must be protected.

As stipulated in Article 5 of the Smuggling Protocol, smuggled migrants shall not be liable for the fact of having been an object of smuggling or its enabling. However, migrants can be held liable for other offences against national legislation, such as illegal border crossing or falsification of travel documents. States must always ensure that international human rights are respected and humanitarian law is applied to all migrants, including smuggled migrants as stipulated in the Article 19 of the Smuggling Protocol. Human rights issues are inherent to smuggling of migrants due to the practice's causes, process and consequences (Obokata, 2005:395).

Some of the root *causes* of smuggling of migrants are poverty, lack of employment, discrimination and violence. These push factors are often tied to the pull factors in the countries of destination and include discrepancies between the demands of the labour market and formal immigration policies. According to the independent expert on human rights and extreme poverty (UN, 2003: para 30-35), one of the most significant root causes for smuggling is poverty. The influence of poverty on the enjoyment of human rights is evident in a variety of international human rights instruments (Obokata, 2005: 399).

As regards the *process* of smuggling, there is also variety of human rights issues involved. Cases of torture, inhuman or degrading treatment is often present throughout the course of smuggling. The right to life is also relevant due to the stringent conditions of travel, in the course of which some migrants lose their lives. One of the first cases of smuggling of migrants that was widely discussed in the public was the *Golden Venture* case in 1993, involving a ship carrying around 300 irregular migrants from China of whom eight died (Koslowski, Kyle, 2001:1).

With respect to the *consequences* of smuggling, human rights issues are connected to debt bondage and thus to forced labour and slavery. Moreover, when smugglers take the travel documents of migrants, their freedom of movement becomes limited.

Although when comparing smuggling of migrants to trafficking in persons the number of human rights violation is lower, still the rights of these migrants are at risk. The Smuggling Protocol foresees the non-liability in criminal prosecution of smuggled migrants for the act of smuggling and protects the rights of migrants as set in international law.

²⁴ Information from IOM Almaty as this group of Sri Lankan migrants was interviewed and assisted by IOM Almaty in their voluntary return.

4.5. Overall Trends and Patterns of Smuggling of Migrants

Migration of people is not a new phenomenon, for centuries people have been moving to different regions or areas in search of better life conditions. However, what has been newly shaped through the globalization process is the increased desire to seek “more gainful employment abroad” (Interpol, 2003). Due to the involvement of organized criminal groups and cross-commodity smuggling²⁵ (Europol, 2005:4), the problem of smuggling of migrants is becoming larger in size and its operations more dangerous.

Although smuggling operations have flexible schemes, they share many of the following characteristics (IOM, 2005c: 3.12):

- transnational dimension;
- capacity and ability to create or use different networks of facilitators that aid in different steps of the smuggling process;
- capability to influence officials at different levels;
- financial access at various locations;
- links with other criminal schemes;
- ability to alter areas of operation according to “demand” and other relevant criteria (ease of entry, attractiveness of destination to existing and prospective clients);
- association with and high acceptance of persons capable of violence within their networks”(IOM, 2005c: 3.12).

Smuggling operations differ depending on the region of origin of irregular migrants. They can range from simple operations up to those involving a large scale of services, complex travel arrangements through several countries and falsified travel documents (IOM, 2005c). Although these operations vary, there is a consistency in using smugglers of the same ethnic background as the smuggled migrants in small-scale operations (Europol, 2005; European Forum for Migration Studies, 2000). Smugglers, furthermore, seek to build connections with government officials at various levels who are in charge of document issuance and inspection as well as entry and exit policy (IOM, 2005c).

Smuggling operations tend to be very flexible. The routes and the strategies are often changed during the course of the operation in order to respond quickly to different security levels. Therefore, these operations often involve transnational cooperation of criminal groups that enable illegal border crossing. The profit from smuggling operations must be either laundered or hidden. Profit is often invested into the increased development of the structure of smuggling of migrants or can be laundered into smuggling of other kinds of illegal goods such as firearms or drugs or the other way around (Interpol, 2003).

Smuggling operations often include use of falsified or forged travel documents. This is especially the case when an operation passes through seaports and airports where travel documentation is inevitably checked. The majority of irregular migrants entering the EU do not possess genuine travel documents, often because they wish to conceal their true identity and because the smugglers take these travel documents for further counterfeit use (Europol, 2005).

²⁵ Cross-commodity smuggling involves several traditional crime areas. This means for example that smuggling of migrants uses the pre-existing networks and routes established for smuggling of narcotics. Both of these commodities can be smuggled parallel or even together. The cross-commodity smuggling will be dealt with in the chapter on Tajikistan.

The smuggling operation starts already from the point when the smuggler induces the irregular migrant to obtain the visa by stating false reasons for staying abroad (e.g. tourism, business, education).

The smugglers' activity often does not include only illegal cross border transportation, it also includes training and preparing the smuggled migrants on how to answer certain questions from officials, what to wear and how to minimize attention to them and maximize a secure border crossing (IOM, 2005c).²⁶

Various sources have confirmed that data collection on the number, as well as on routes and patterns of irregular migration, is very challenging to measure. There are, however, some commonly used data that include the following information:

- One third to one half of new entries into developed countries are by irregular migrants (IOM, 2003a: 58 based on information from National Foreign Intelligence Board and United Kingdom Home Department);
- Despite this fact, the greatest number of migrants are hosted in less developed countries in Asia and Sub-Saharan Africa (IOM, 2003a: 60);
- Migrant smuggling is a US\$ ten billion industry (United States Department of State, 2001; IOM, 2003a: 60), serving around half of the irregular migrants around the world;
- Some countries estimate that over 75 per cent of illegal entries are facilitated through the services of smugglers (United Kingdom Home Department, 2002; IOM, 2003a: 60);
- The price of the transportation fee for smuggling of migrants varies according to the destination and according to the services offered by the smuggler;
- The most commonly used points of transit of irregular migrants on their way to Europe are the Russian Federation, Ukraine and the Kingdom of Morocco whereby the largest number of smuggled persons towards Europe comes from China; (Europol, 2005b:14);
- Routes and prices of the smuggling trip change with the conditions for smuggling operation (IOM, 2003a);
- The following routes are the mostly commonly used for reaching Europe: (Europol, 2004; Interpol, 2005)

The Eastern Mediterranean Route carries together with the North African Route the largest amount of irregular migrants to Europe;

The North African Route and Eastern Mediterranean Route carry the largest volume of irregular migrants to Europe;

The African Atlantic Coast Route consists of two sub-routes and is connected with the South East Asian smuggling networks, particularly for Chinese nationals. From South and East Africa, irregular migrants continue their journey to United States or to Western European countries;

The Balkan Route from Asian countries via Iran through the Balkan states²⁷ to Western Europe is a cross-commodity smuggling route;

²⁶ More details on this issue will be presented in the section 4.1. Overall Situation in the Region.

²⁷ Balkan states include Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Greece, The Former Yugoslav Republic of Macedonia, Romania, Turkey and Serbia and Montenegro.

The Central and Eastern European Route transports irregular migrants from South Asia through southern CIS countries to Russia and then via Ukraine, Czech and the Slovak Republic to Western European countries and further to the United States;

The Baltic Route carries Asian irregular migrants via the Baltic States²⁸ to Western Europe;

Besides the routes to Europe, South Asian route to Australia transports irregular migrants from the Middle East and South Asia, passing through Malaysia and Indonesian. The United States are reached either directly by planes, by land or by ship through smuggling networks, especially from Central and South America with strong links established in Mexico. The ship route for the West Coast has dropped considerably.

In addition to these routes, smuggled migrants use direct flight connections especially when long distance travel is concerned. The European police operations performed with the aid of EUROPOL revealed that the major European international airports are the entry points for irregular migration including smuggling of migrants (Europol, 2004).

²⁸ Baltic states include Estonia, Latvia and Lithuania.

5. Smuggling of Migrants in Central Asia

5.1. Overall Situation in the Region

“ Irregular migration to and through the CIS region is greatly facilitated by its geographical location between Europe and Asia and its placement between developed and developing countries, which makes it a natural conduit for migrants...” (IOM, 2002a: 32)

Smuggling of migrants is a phenomenon whose characteristics differ between countries in the region. The factors that contribute to increased levels of irregular migration include poverty, unemployment, the lack of normative measures that regulate migration movements and penalize offences such as the smuggling of migrants, the vast borders and the gaps in their full coverage, and certain degree of corruption. Combined, these factors create an environment in which smuggling of migrants can take place with relative ease. The geographical proximity of one of the poorest regions of the world – the Asia-Pacific region²⁹ – also contributes to making Central Asia a transit route for irregular migrants. Smuggling in the region is difficult to assess especially due to the fact that many irregular migrants cross on green borders (IOM, 2004b: 27).³⁰

The main instrument enhancing regional cooperation in irregular migration issues in the CIS is the *Agreement on Cooperation of CIS Member States in Combating Illegal Migration*, signed on 6 March 1998 by all CIS countries with the exception of Turkmenistan (IOM, 2002a: 28). This agreement includes cooperation and coordination in the area of immigration control, harmonization of legislation, harmonization of the deportation process, and exchange of information on irregular migration. In addition, these same parties agreed to create a common database on irregular migrants, whereby the Russian Federation is responsible for the database’s functioning and input.³¹ Although this agreement is effective and the common database has been established, effective exchange of data has not taken place so far.

The majority of the smuggled migrants transiting through Central Asia come from South Asia³² especially from Afghanistan, Bangladesh,³³ India, Pakistan and Sri Lanka,³⁴ as well as

²⁹ According to the Bangkok Declaration on Irregular migration available under: <http://www.aic.gov.au/publications/rpp/24/appA.pdf> over 65 per cent of the world’s poorest people lives in the Asia-Pacific region.

³⁰ Green border is a term used to describe a State’s land border between checkpoints.

³¹ Resolution on the Regulations on the common database on illegal migrants and persons who are not allowed to enter the states, Parties to the CIS-members’ Agreement on cooperation in combating illegal migration, in compliance with their acting national legislation and on the order of information exchange on illegal migration.

³² South Asia includes following countries: comprises Afghanistan, Bangladesh, Bhutan, India, Maldives, Nepal, Pakistan, and Sri Lanka. Refer to Asian Development Bank: <http://www.adb.org/Documents/Books/ADO/2003/prelims.asp>.

³³ IOM assisted over 110 irregular migrants to return to their countries of origin within the EU funded project *Dialogue and Technical Capacity Building in Migration Management Programme for the Countries of Central Asia, the Russian Federation and Pakistan*. Out of this number 25 of the assisted irregular migrants were from Bangladesh. Central Asian countries marked a significant increase of irregular migrants from Bangladesh in recent years. Please refer to the Section on Kyrgyzstan.

³⁴ In 2001 there were around 100 people from Sri Lanka caught in Northern Kazakhstan and 25 of them were repatriated back to Colombo (information from IOM Almaty). Around 150 migrants from Sri Lanka also arrived in Tajikistan with a student visa (IOM Dushanbe).

from China. They often enter Central Asia with student, tourist or business visas,³⁵ obtained under false pretence and cross green borders on route. The issue of *mala fide* obtained visas has become especially apparent in the case of Bangladeshi migrants entering Kyrgyzstan. The migrants were advised by smugglers to purposefully state an incorrect aim of their travel. According to UNODC,³⁶ this is defined as a preparatory stage of smuggling of migrants. However, legal concepts regarding what constitutes an attempt to smuggle differ between states. Some national laws allow for wider interpretation of attempt and others allow only a very narrow understanding. UNODC states that, depending on the national law- this may or may not indicate attempted smuggling. There are other offences listed in the Smuggling Protocol under which this act could fall, one of which is related to fraudulent travel and identity documents (Article 6, para. 1 (b) (i)).

Smuggled migrants from South Asia generally arrive first in Kyrgyzstan and Tajikistan, and then travel further with the help of smugglers through Kazakhstan and Russia, passing through Belarus and Poland to enter Western Europe.³⁷ The ease with which borders are crossed is often due to the low level and standard of technical equipment³⁸ and established structures for illegal border crossing, including the vast possibilities for green border crossing and the already established drug-trafficking routes on the Afghan-Tajik border.

Smuggling of South and South-East Asians through Central Asia is mostly organized and facilitated by smugglers who arrange migrants' travel.³⁹ The smuggling fee usually ranges from US\$ 3,000 to 10,000 for transportation to Europe.⁴⁰ This cost is divided among the facilitators in the countries of origin, transit and destination of irregular migrants. In general, if this amount of money is not paid on time, or if smuggler decides to keep it, the migrants end up stranded in the region.

The research obtained following information on the average profile of smuggled migrants from South and South-East Asia:

- Age 20-35
- Male
- Poor⁴¹
- Low level of education⁴²
- Little/no previous work experience

³⁵ Visa policy in the Kyrgyz Republic is implemented as part of foreign policy. The Kyrgyz Republic exempted 28 WTO Member States from the visa policy.

³⁶ IOM TCC conducted an interview with UNODC representatives Mr. Demosthenes Chryssikos, Mrs. Alexia Taveau, Mr. Sebastian Baumeister and Mr. Fabrizio Sarrica on the issue mentioned on 9 November 2005.

³⁷ This information was obtained through interviews during the research with Migration Services, border guards, NGOs, migrants and representatives of IOM in the region.

³⁸ It is important to mention that there is no central information system of registration of foreigners in Kyrgyzstan or Tajikistan. Only four border checkpoints are equipped with electronic information technology systems in Kyrgyzstan. In Tajikistan every foreigner has to fill in a migration card, but these are only manually counted and therefore not carefully scrutinized.

³⁹ Department of Illegal Migration, Kyrgyzstan.

⁴⁰ This information was gathered through interviews with government officials in Central Asia. The cost was established for smuggling trip from South Asia to Europe.

⁴¹ According to UN millennium indicators on social and economic development, poor is defined as percentage of population with consumption expenditure of less than US\$ 1 per day, in Bangladesh it is 36 per cent of population.

⁴² Comprising of elementary education only.

Smuggling of citizens of Central Asian countries to Europe is more rare. Citizens of these countries rather tend to apply for refugee status (UNHCR, 2005),⁴³ although this is not a particularly prominent phenomenon either. Alternatively, migrants initially enter legally and then overstay.

Smuggling of migrants within the Central Asian region is not such a frequent occurrence, due to the visa-free regime⁴⁴, which allows Central Asian migrants to cross borders without visas, except those of Turkmenistan and Uzbekistan.⁴⁵ Citizens of these two countries not only need a visa to enter other CIS countries, they also need an exit visa to leave their country of origin. Irregular migration in the region takes place in order to avoid visa formalities, receiving stamps in passports and to evade other entry regulations (such as import of goods) mostly involving Uzbeks, Tajiks and Kyrgyz crossing the Ferghana Valley.

Based on the monitoring report of Dolina Mira NGO network (Dolina Mira, 2006) in the Ferghana Valley, green border crossing facilitated by a network of smugglers was observed on various borders in the Ferghana Valley. According to the report, at certain border crossings, there are local people at the checkpoint wearing civilian clothes who keep an eye on the conversation between the officer and persons crossing the border. In cases where the officer refused to let the person pass, the local person suggested settling the problem via detouring on green borders or paying a bribe and facilitating entry. Those irregularly crossing borders include students, seasonal workers, labour migrants, traders and entrepreneurs.

Another cause of smuggling within and through the region is due to the fact that people do not always possess travel documentation,⁴⁶ due to difficulties in obtaining and registering visas, and to save costs for different certificates necessary for crossing the border. Due to the great differences in economic levels in Central Asia, labour migration is one of the most significant driving forces of migration movements in the region. Kazakhstan, for example, serves as a destination country for labour migrants from Tajikistan and Kyrgyzstan. As there is no visa regime among these countries, Tajiks or Kyrgyz citizens may enter Kazakhstan with a valid foreign passport. The Office of Visa and Registration Department (OVIR)⁴⁷ requires registration of foreigners in Central Asia after 3 to 5 days of stay. In many cases, irregular labour migrants do not register with the authorities, as they do not have legally binding work contracts. Therefore they become irregular migrants by overstaying their legal entry.

⁴³ According to the UNHCR statistics, the citizens of Central Asian countries are not among the top 40 countries of origin for asylum applications in Europe, in UNHCR, *Asylum Levels and Trends in Industrialized Countries*, Second Quarter 2005, September 2005. Nevertheless in the Nordic region, citizens of Kazakhstan, Kyrgyzstan and Uzbekistan were among top 40 countries of origin applying for the refugee status. However, also in the Nordic region the number of the asylum seekers from these countries dropped almost by 50%. In addition, in 2000, 260 Kyrgyz citizens received refugee status in Belgium according to Deputy Director of Migration Services in Kyrgyzstan.

⁴⁴ In October 1992 CIS countries signed the agreement “Concerning visa-free movements of CIS citizens over the territories of CIS member states.” After bi- and multilateral visa agreements within CIS, the visa-free policy now remains only for Armenia, Azerbaijan, Belarus, Georgia, Kyrgyzstan, Moldova and Tajikistan. Furthermore, in 2005 Eurasian Economic Community (EurAsEC) Member States (Belarus, Kazakhstan, Kyrgyzstan, The Russian Federation and Tajikistan) signed a visa-free agreement allowing for visa-free travel to its citizens.

⁴⁵ Citizens of Turkmenistan need visas for all of the Central Asian countries, wherein the citizens of Uzbekistan only for three Central Asian countries: Kyrgyzstan, Tajikistan and Turkmenistan.

⁴⁶ Central Asian countries have new foreign passports and travel documents that enable cross-border movements and internal travel documents that are not sufficient for the travel abroad.

⁴⁷ OVIR has a local name in each of the republics, in the report it will be referred to as local OVIR.

5.1.1. Corruption

There is no generally agreed upon definition of corruption, also not in the United Nations Convention against Corruption. In various sources, corruption is being referred to as abuse of public office for private gain. Corruption is interconnected with poverty and growth; the poor are much more affected by administrative corruption than the better off ones. Bribes that they have to pay represent a much greater share of their income, and this restricts their access to public services. Corruption in the judiciary affects the poor the most as they are less financially able to defend their rights.

Factors that perpetuate corruption include lack of freedom of media, a lack of autonomy of judicial system, excessive bureaucratic regulations and insufficient rules governing political finance and its enforcement. (Council of Europe, 2006)

Transparency International (TI) defines corruption as “the misuse of entrusted power for private gain” (TI, 2005). The organization further differentiates between corruption "according to rule" and corruption "against the rule". Bribes paid in order to receive privileged treatment for something that the receiver is required to do by law constitute corruption “according to the law”. By contrast, when a bribe is paid to obtain services that the bribe receiver is prohibited from providing, this is called corruption “against the rule”.

TI Corruption Perceptions Index (CPI) (TI, 2005) ranks different countries of the world based on the degree to which corruption is perceived to exist among public officials and politicians. This index draws on corruption-related data in expert surveys carried out by a variety of reputable institutions and reflects the opinions of business people and analysts from around the world, including local experts. According to this 2005 CPI, Central Asian countries were ranked towards the end of the list (TI, 2005).

In regard to smuggling of migrants, corruption often plays a significant role in facilitation of irregular border crossing, simplified visa issuance process and lacking prosecution of smugglers of migrants.

5.2. Kazakhstan



Migration Context

Kazakhstan is economically the most developed of the Central Asian countries, ranking far ahead in terms of gross national income (GNI)⁴⁸ (World Bank, 2005).⁴⁹ Despite the country's wealth, it has experienced a negative migration balance since independence in 1991. This was in part due to mass departure of ethnic Russians and Germans in the 1990s. It is estimated that one to 1,4 million ethnic Russians and nearly two-thirds of the country's ethnic German population have left Kazakhstan since independence. In recent years, however, many ethnic Kazakhs (*oralmans*) who were dispersed throughout CIS countries, Afghanistan, Iran, Mongolia, Pakistan, Saudi Arabia and Turkey have returned. Now, due to economic growth, Kazakhstan no longer has a negative migration balance and is increasingly a destination country for migrants.

The main migration policy areas of Kazakhstan include repatriation and integration of *oralmans*, legalization of labour migrants, border management due to its over 12,000 km long border,⁵⁰ counter-trafficking, and harmonization of legislation in the CIS region due to the

⁴⁸ Since 2001 the World Bank refers to gross national product (GNP) as gross national income (GNI).

⁴⁹ According to the World Bank, in 2004 out of 208 countries Kazakhstan was placed 60th with GNI of 33,880 millions USD, Kyrgyzstan 155th with GNI of 2,050 millions USD and Tajikistan 161st with GNI of 1,779 millions USD.

⁵⁰ Kazakhstan has borders in the following length: China 1,533 km, Kyrgyzstan 1,051 km, Russia 6,846 km, Turkmenistan 379 km and Uzbekistan 2,203 km.

fact that Kazakhstan serves as a transit and destination country for irregular migrants.⁵¹ The Committee for Migration under the Ministry of Labour and Social Protection is the main authority dealing with migration policy. Some of the tasks of the Committee include regulating labour migration, facilitating the return of *oralmans* and drafting and revising legislation related to migration. The Department of Migration Police under MIA is the entity responsible for issuance of residence permits.

An Interagency Commission for Struggle with Irregular Migration and Trafficking in People (Interagency Commission) was established in 2003. Its main task is the development, implementation and revision of the national plan of action against trafficking in people. One of the achievements of the Interagency Commission was the development of counter-trafficking amendments to the national legislation. These amendments include not only the definition of trafficking in the Penal Code, but also a number of amendments in other laws and regulations that allow the victims trafficked to Kazakhstan to stay in the country during the period of investigation and trial of the traffickers. These amendments were adopted by the Lower Chamber of Parliament (Majilis) in November 2005 and are expected to come into force in 2006.

Legislation

Smuggling of migrants is not a separate criminal or administrative offence within Kazakh national legislation and is penalized only indirectly based on the criminal offences of Illegal Border Crossing (Article 330), Organization of Illegal Migration (Article 330-2), Forgery of Documents (Article 325) and Use of Illegal Labour Force (Article 330-3). Besides criminal law, there are also other provisions that deal with irregular migration, such as the Decree of the President of the Republic of Kazakhstan of 19 June 1995 “On the legal status of foreign citizens in the Republic of Kazakhstan”. This decree regulates the entry, stay and exit of foreign citizens and stateless persons, as well as their rights, obligations and the possibilities of reduction of their stay and of expulsion.

In regard to international legislation, Kazakhstan has not signed the Smuggling Protocol. The UN TOC was signed, but not ratified. Bilateral and multilateral agreements signed include the Agreement on Cooperation between Member Countries of the Commonwealth of Independent States in the field of combating illegal migration (1998) and the Agreement between Kazakhstan, Kyrgyzstan, Tajikistan and Uzbekistan on joint actions on combating terrorism, political and religious extremism, transnational organized crime and other threats to stability and security of the parties (2000).

The Vector Approach

The national researcher in Kazakhstan sent questionnaires to travel agencies,⁵² the prosecutor of Astana, Embassies of the Russian Federation and Kyrgyzstan, to the Committee on migration of the Ministry of Labour and Social Protection, the police, border guards and NGOs. Furthermore, the researcher undertook desk research on the topic of smuggling of migrants and irregular migration in, from and through Kazakhstan. The TCC core researcher analyzed AVR cases and conducted additional interviews with IOM Almaty office staff.

⁵¹ Road Map of the Dialogue and Technical Capacity Building in Migration Management Programme for the Countries of Central Asia, the Russian Federation and Pakistan.

⁵² Travel agencies interviewed included Asia Universal, Almaty Travel, Ankara Travel Astana Tours, Oktan Travel, Satellite Travel, Alem Tours and Eurasia the Express train.

The vector approach identified the following pattern of irregular movements: Kazakhstan is a transit country for irregular migrants from South and Southeast Asia (especially from Bangladesh, Pakistan and Sri Lanka) and a destination country for labour migrants from Central Asia. Most of the migrants from South and Southeast Asia arrived in Kazakhstan via other Central Asia countries such as Kyrgyzstan, Tajikistan and Uzbekistan on motor vehicles or on foot. Many of the irregular migrants then attempted to continue through the Russian Federation, as there are only 70 checkpoints on a border of approximately 7,000 km. In regard to irregular migration of citizens of Central Asian countries, especially Uzbek citizens were apprehended for illegal border crossings on the Kazakh-Uzbek border.

1. Forms of entry

Legal entry to Kazakhstan takes place through border checkpoints where border guards control the validity of passengers' travel documents, their purpose of travel, the presence of a migration card,⁵³ and their registration of a place of stay in Kazakhstan. Furthermore, in regard to motor vehicles, border guards are also in charge of checking the foreigner's permission to use vehicles in the territory of Kazakhstan on the roads open and approved for international automobile transport.

According to the information from Border Service of Committee of National Security (Border Service) in 2003 more than 14 million persons crossed the border of Kazakhstan, in 2004 more than 12 million persons, and in the first half of 2005 more than 7 million. In 2004 more than 160,000 non-CIS citizens entered Kazakhstan.⁵⁴ Statistics on immigration and emigration to and from Kazakhstan in 1992-2002 are found in the charts below.

Table 1.1 Emigration from the Republic of Kazakhstan 1991-2002, by nationality

Destination countries	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002
All countries	228473	326672	333375	480839	309632	229412	299455	243663	164947	155749	141710	120150
CIS countries	150163	225335	232633	375494	208215	155672	239315	193866	120240	116707	101009	85252
Russia	109511	177692	196866	344412	187390	138693	216765	178026	108115	108724	94917	80001
Ukraine	13577	21545	13547	10979	6889	4895	6035	4647	3080	2172	1801	1568
Belarus	3057	5899	5315	4724	2442	2184	5372	5177	4656	3265	2340	1822
Uzbekistan	11301	10569	9476	8354	6620	5796	6701	2682	2269	1277	1032	960
Kyrgyzstan	6532	4936	3809	4184	3115	2678	2962	2046	1110	736	548	584
Turkmenistan												
Other countries	5287	3736	2543	2103	1339	1055	1038	869	562	448	321	264
Countries outside CIS	78310	101337	100742	105345	101417	73740	60140	49767	44707	39042	40701	34892
China					11	28	15	29	5	1	11	159
Mongolia					239	138	191	133	162	207	126	23
Turkey					26	39	53	79	47	28	52	59
Germany					94082	69674	55024	44955	40860	35938	38469	32818
Israel					2168	1511	1910	1631	1585	1278	713	508
Other countries					4891	2350	2947	2970	2048	1590	1330	1325

Source: Department of Statistics, Republic of Kazakhstan
Released: 05/04/2004

⁵³ Migration card is issued to every foreign citizen of 16 years of age and older arriving in Kazakhstan and must be handed in to the migration authorities upon departure. The Migration Card is not issued to:

- persons whose passports are registered by the Ministry of Foreign Affairs of the Republic of Kazakhstan;
- persons with a visa enabling to stay in RK; and
- train passengers in transit travelling via RK.

⁵⁴ Materials of the Conference of CIS police departments, April 2005.

Table 1.2 Immigration to the Republic of Kazakhstan 1991-2002, by nationality

Source countries	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002
All countries	170787	162111	111274	70452	71137	53874	38067	40624	41320	47442	53548	58162
CIS countries	160581	147730	99663	63657	67860	51235	35530	38340	39461	43460	49932	54159
Russia	111320	94278	63073	42426	46859	31888	22739	26249	26719	23941	23497	21741
Ukraine	10305	7826	5032	3576	2585	2195	1514	1525	1394	1381	1190	770
Belarus	2587	1732	1111	893	637	507	408	366	417	247	383	364
Uzbekistan	17725	19840	15060	8116	8851	8153	5458	5975	7215	12810	18783	24602
Kyrgyzstan	7807	8093	6273	4139	2446	1963	1152	1245	1392	1673	2145	2564
Turkmenistan	3902	6417	3082	1881	4286	4311	3006	1782	1356	2058	2947	3174
Other countries	6935	9544	6032	2626	2196	2245	1253	1198	968	1170	987	944
Countries outside CIS	10206	14381	11611	6795	3277	2638	2537	2284	1859	3982	3616	4003
China					251	154	131	172	145	189	655	1058
Mongolia	Data on nationality of migrants unavailable between 1991 to 1994. Data reports only migration within the USSR and migration to destinations outside the USSR.				823	601	747	756	437	658	407	476
Turkey					200	186	177	29	95	919	385	170
Germany					617	690	511	618	507	548	599	602
Israel					76	67	51	73	63	85	103	84
Other countries					1310	940	920	636	612	1583	1467	1613

Source: Department of Statistics, Republic of Kazakhstan
Released: 05/04/2004

According to the General Prosecutors Office in Kazakhstan, in 2003 about 4,000 people violating the border regime rules, including smugglers, were detained; in 2004 more than 7,000; and in the first half of 2005 about 3,000.⁵⁵ In the first half of 2005 1,143 foreigners were detained and 30 criminal proceedings were instituted for violation of migration legislation—27 for non-fulfilment of previous judicial decisions on expulsion and three for granting transport means or premises for irregular migrants.⁵⁶

According to the Border Service, the most widespread reason for infringement of the border regime is the absence of appropriate documents. In 2003 more than 1,800 cases were detected, in 2004 the number was 1200 cases, and in first half of 2005 there were 700 cases of migrants detected travelling without a passport.⁵⁷ Aside from not carrying a passport, another reason for infringement of the border is the detection of fully or partially forged documents. In the first half of 2005 there were 90 cases detected of persons travelling with forged passports.⁵⁸ The main countries of origin of these infringers included Iran, Iraq, Bangladesh, Turkmenistan and Tajikistan.⁵⁹ The greatest number of smugglers of migrants was detected at the Kazakh-Kyrgyz border checkpoint “Merke” and the Kazakh-Uzbek border checkpoint “Zhibek Zholy”.⁶⁰ There are frequent cases of illegal entry with falsified Tajik or Kyrgyz passports. Smugglers regularly pull out pages with stamps of Border Services from the passports of smuggled migrants in order to disable the tracking of the entire smuggling route (Kadyrbayev, 2004: 22-25).

According to the data provided by the Migration Police Department, during 2004 the Migration Police subdivisions of checkpoint “Kordai” (Kyrgyzstan – Kazakhstan), checkpoint “Zhibek Zholy” and checkpoint “Merke” prevented 20 cases of illegal entry of migrants from

⁵⁵ Information obtained from the General Prosecutor’s Office, the interdepartmental Commission under the Government of the Republic of Kazakhstan for struggle with irregular migration and trafficking in people and the Committee of National Security of the Republic of Kazakhstan.

⁵⁶ The Department of Migration Police of the MIA of Kazakhstan provided this information. According to the text, 9 out of 30 criminal proceedings were instituted against smugglers, they have organized illegal transportation of people to the territory of Kazakhstan; 3 criminal proceedings were aimed against the assistants of smugglers who were male and of Kyrgyz, Tajik and Uzbek origin.

⁵⁷ Interviews with the Border Service.

⁵⁸ Interviews with the Border Service.

⁵⁹ Materials from the International Conference “Migration and Corruption”, hold in Almaty (April 2005).

⁶⁰ Materials from the International Conference “Migration and Corruption”, hold in Almaty (April 2005).

Afghanistan, China and Turkey. In 2004, 4,000 non-CIS and 60,000 CIS citizens violated the rules of entry and stay.⁶¹ From the non-CIS citizens, according to the police departments in CIS states, China and Turkey were among the top countries whose nationals were charged with violating the rules of entry and stay. Of the CIS countries, it was mostly nationals of Uzbekistan, the Russian Federation, Tajikistan and Kyrgyzstan.⁶²

2. Smuggling Routes

As noted above, Kazakhstan is a destination country for irregular labour migrants (IOM, 2004b: 38)⁶³ from Central Asia (IOM, 2005b: 154) and a transit country for smuggled migrants from South and Southeast Asia, Turkey and China. Reasons for Kazakhstan being the destination country for irregular labour migrants from Central Asia include stable economy, growing salaries in the country,⁶⁴ a visa-free regime with most of the Central Asian countries,⁶⁵ and the similarity of the culture and language. According to the Department of Migration Police the following are routes that irregular labour migrants from Central Asia take (IOM, 2005b: 386-387 and materials from Migration Police Department):

- Bishkek (Kyrgyzstan) – Almaty (Kazakhstan) – Balkhash (Kazakhstan) – Karaganda (Kazakhstan) – Omsk (Russian Federation) – Altay (Russian Federation);
- Bishkek (Kyrgyzstan) – Almaty (Kazakhstan) – Balkhash (Kazakhstan) – Karaganda (Kazakhstan) – Pavlodar (Kazakhstan) – Semei (Kazakhstan) – Ust-Kamenogorsk (Kazakhstan) – Altay (Russian Federation);
- Bishkek (Kyrgyzstan) – Almaty (Kazakhstan) – Balkhash (Kazakhstan) – Karaganda (Kazakhstan) – Kokshetau (Kazakhstan) – Petropavlovsk (Kazakhstan) – Omsk (Russian Federation) – Kurgan (Russian Federation);
- Bishkek (Kyrgyzstan) – Shu (Kazakhstan) – Balkhash (Kazakhstan) – Karaganda (Kazakhstan) – Atbasar (Kazakhstan) – Kostanai (Kazakhstan) – Kurgan (Russian Federation) – Chelyybinsk (Russian Federation);
- Bishkek (Kyrgyzstan) – Taraz (Kazakhstan) – Shymkent (Kazakhstan) – Kyzylorda (Kazakhstan) – Aktobe (Kazakhstan) – Orenburg (Russian Federation);
- Uzbekistan – Beineu (Kazakhstan) – Atyrau (Kazakhstan) – Astrakhan (Russian Federation);
- Uzbekistan – Tajikistan – Kazakhstan.⁶⁶

⁶¹ Materials of the Conference of CIS police departments, April 2005.

⁶² Materials from the International Conference “Migration and Corruption”, held in Almaty (April 2005).

⁶³ Labour migrants are those that move from their home state to another state for employment reasons.

⁶⁴ The average monthly salary in Kazakhstan in April 2005 reached 30,852 tenge (app. 240 USD), a growth of 15 percent compared to a year ago. See <http://www.kazakhembus.com/061505.html>.

⁶⁵ In 1992 twelve CIS countries signed an Agreement concerning visa-free movements of CIS citizens over the territories of CIS Member States (Bishkek Agreement). Kazakhstan withdrew from this agreement and signed similar one with the EurAsEC Member States (Belarus, Kazakhstan, Kyrgyzstan, The Russian Federation and Tajikistan) in 2005. The only Central Asian country whose citizens need a visa is Turkmenistan.

⁶⁶ Public association "Oralman".

In Kazakhstan, the term irregular migration refers to cases in which migrants do not comply with the registration rules at the appropriate district (or regional) branch of the Migration Police Department within five days⁶⁷ after their entry. Such cases are not to be considered as smuggling of migrants, if the entry to Kazakhstan was legal as in the case of labour migrants from neighbouring Central Asian countries due to the visa-free regime. These labour migrants violate the rules and regulations only later in case they overstay or work illegally. The main focus of this chapter will be on smuggled migrants from South and Southeast Asia transiting through Kazakhstan, especially those from Afghanistan, Bangladesh, Pakistan, Sri Lanka and China.

According to the Department of Migration Police migrants from Pakistan arrive to Kazakhstan in the following way: They apply for visas in diplomatic representations of Kazakhstan abroad, stating as a purpose of stay tourism, business or study. Upon arrival in Kazakhstan, they attempt to move west and cross the border of the Russian Federation illegally. From the beginning of 2005, more than 30 citizens of Pakistan were caught trying to cross the border to the Russian Federation.⁶⁸ In the North of Kazakhstan, in the region of Atyrau, Jambyl Province, criminal proceedings against the smugglers were initiated. In 2004 seven irregular migrants from Pakistan were detained in Aktau, another city on the Caspian Sea. They were smuggled on the route: **Karachi (Pakistan) - Baku (Azerbaijan), - Aktau (Kazakhstan) – the Russian Federation**. Another route that irregular migrants from Pakistan use is: **Pakistan - Kyrgyzstan - Kazakhstan - the Russian Federation** - countries of Eastern and Western Europe.⁶⁹

Travel agencies⁷⁰ in Kazakhstan were not able to provide any essential information related to the smuggling of migrants. When interviewed they stated that they organize international travel for passengers, and check the visas and travel documents of passengers prior to issuing a ticket. If a passenger does not provide a passport, they refuse to register him and if there is no visa, they only provide visa support. They did not notice any steep increase in arrivals of nationals of some South Asian countries. Travel agencies interviewed stated that they did not register any cases of passengers travelling with falsified travel documents.

Information from the AVR programme⁷¹ served as an indicator in determining the route of irregular migrants from Bangladesh⁷² transiting through Kazakhstan. The groups of migrants consisted of three to ten people,⁷³ and used the following routes:

- **Bangladesh (Dhaka) – railroad India (Delhi) – air Tajikistan (Dushanbe) – taxi Kyrgyzstan (Bishkek) – taxi Kazakhstan (Kordai)**
- **Bangladesh (Dhaka) – railroad India (Delhi) – air Kyrgyzstan (Bishkek) - taxi Kazakhstan (Kordai)**
- **Bangladesh (Dhaka) – railroad India (Bombay) – air Dubai (UAE) – air Bishkek Kyrgyzstan) – taxi Kokshetau (Kazakhstan)**

⁶⁷ Article 4 of the Law of the Republic of Kazakhstan "On Migration of the Population" No. 204-1, 13 December 1997.

⁶⁸ Department of Migration Police Kazakhstan (2000-2005).

⁶⁹ Department of Migration Police.

⁷⁰ Travel agencies interviewed include "Asia Universal", "Almaty Travel", "Ankara Travel", "Alma Travel", "Astana Tours", "Oktan Travel", "Satellite Travel", "Alem Tours" and "EuroAsia the Express train" (Astana).

⁷¹ Assisted Voluntary Return programme managed by IOM.

⁷² From the total number of 60 migrants interviewed, 51 of them were from Bangladesh.

⁷³ AVR Assessment and Declarations of Voluntary return of the Migrants, IOM Almaty database.

▪ **Bangladesh (Dhaka) – air Tashkent (Uzbekistan) -? – Bishkek (Kyrgyzstan) – taxi Taraz (Kazakhstan)**

In the course of the Humanitarian Travel Assistance Programme (HTAP), a voluntary return programme in Central Asia in 2001, IOM Almaty provided assistance to stranded migrants from Sri Lanka. These migrants arrived in Kazakhstan via **United Arab Emirates (UAE) (by air), Kyrgyzstan (truck), Kazakhstan (truck), and were planning to go via the Russian Federation to Europe.**

3. Organization of smuggling

According to the Migration Police Department, migrants are smuggled over the borders mostly at night. Many of illegal border crossings were recorded especially in the checkpoint “Kordai”. Furthermore, a representative of the Migration Police Department, Sergei Petrovich, stated that the smuggling network includes nationals of most countries of Central Asia. These networks consist of small groups of two or more persons, both women and men.

According to the MIA,⁷⁴ smugglers facilitate the travel of migrants transiting through Kazakhstan. The smugglers often arrive in Bishkek, Kyrgyzstan and then proceed to cross green borders to Kazakhstan on foot in small groups of 3 to 4 persons.⁷⁵ In Kazakhstan, they meet at an agreed-upon place with a smuggler. In case a migrant is checked by police and is not able to present any identity card or document confirming legitimacy of his presence in Kazakhstan, the police take measures to identify this person by informing the Department of Consular Service of the MFA. If the identification is not possible, the migrant is placed in a detention facility for two days⁷⁶ and efforts are taken to identify the person. The Police immediately inform the Office of the Public Prosecutor, the MFA and the Committee of the National Security of Kazakhstan. After the person is identified, he/she is brought to court, charged an administrative fee of US\$ 120 and then deported. If a person is unable to pay the fee of US \$ 120, he or she is arrested and expelled from Kazakhstan (IRIN, 2004b).

During the course of the research some cases of cooperation of employees of law enforcement bodies in Central Asian countries smuggling networks immersed.⁷⁷ This is partly due to the fact that smuggling of migrants is not stipulated as a separate criminal offence in the legislation of the Central Asian countries and the liability is not clearly defined.

According to the Department of Migration, migrants from *Pakistan* arrive with the help of smugglers by plane from Pakistan to Kyrgyzstan (Bishkek). They form small groups in order not to be visible to the border guards or migration police. Smugglers then organize private transport, which delivers them to the checkpoints “Merke” or “Kordai” (Kazakhstan). Smugglers cross the green borders at night.⁷⁸ On the territory of Kazakhstan, smugglers who form a part of organized criminal groups arrange unobstructed travel and provide temporary accommodation and transport.

⁷⁴ From the Report of the MIA of Kazakhstan used at the Conference of police institutions of CIS in Almaty, April, 2005.

⁷⁵ From the Report of the MIA of Kazakhstan used at the Conference of police institutions of CIS in Almaty, April, 2005.

⁷⁶ The detention is allowed for up to 30 days.

⁷⁷ “Perfecting of the system of struggle with corrupt crimes among the personal of the bodies of internal affairs of the Republic of Kazakhstan” presentation of the international Conference “Migration and Corruption”, April 2005.

⁷⁸ Materials of the Department of Migration Police of the MIA (2000-2005).

Some cases of illegal border crossing provided by the migration authorities are presented below in order to demonstrate the variety of smuggling cases in Kazakhstan.

- On 13 February 2002 migration officers discovered a group of 11 smuggled migrants in the Karaganda region (Kazakhstan) from *Afghanistan* in a motor vehicle hidden under boxes of onions. This group tried to illegally cross the border to the Russian Federation.⁷⁹
- On 13 April 2004 employees of the division of internal affairs of the Atyrau region detained two irregular migrants from *Afghanistan* who were transiting without travel documents. These migrants stated that they arrived to Kazakhstan by a passenger train from Dushanbe (Tajikistan) to Atyrau and intended to leave for the Russian Federation.⁸⁰
- On 20 September 2004 four *Afghani* irregular migrants were detained on the platform of the station Turkestan of Southern Kazakhstan. They had no travel documents or other documents identifying their person.⁸¹
- On 3 September 2004 five smuggled migrants from *Bangladesh* were discovered in a motor vehicle in the Kostanai region. Three of them did not have any travel documents.

Based on the AVR cases and interviews with detained migrants, the smuggling of *Bangladeshi* irregular migrants was organized with the purpose of obtaining employment in the Russian Federation or in Europe. The smugglers organized visas, transportation from India via Bishkek to Kazakhstan and accommodation of migrants. All smuggled Bangladeshi migrants arrived to Kazakhstan via Kyrgyzstan. Smugglers also organized travel for the *Sri Lankan* migrants; they took their passports, lodged them in an isolated house and kept them locked in a truck during the transport.

IOM Almaty representatives stated that in 2001 travel agencies posted advertisements in Kazakhstan, offering residence permits for Kazakh citizens in Belgium. Suddenly an influx of 2,000 visa applications flooded the embassies. As it later turned out, some staff in the German embassy in Almaty had issued 700 visas without authorization. As a result the German embassy no longer accepts visa application submissions through travel agencies.

As stated above, it is not only the migrants from South or Southeast Asia that violate the migration rules, but also Central Asian migrants arriving without passports looking for better employment options in Kazakhstan who cross on Kazakh-Uzbek green borders. These irregular labour migrants usually cross the borders with a help of a smuggler operating in many places across Uzbekistan. Kazakh farmers who are looking for cheap seasonal labour often pay these smugglers (Radio Free Europe, 2005c).

⁷⁹ From the Report of the MIA of Kazakhstan, which was delivered in the Conference of the representatives of the MIA's of the Russian Federation, Kazakhstan, Belarus, Kyrgyzstan, Azerbaijan, Uzbekistan and Tajikistan, on April 2005, Information on attempt of citizens of Bangladesh to reach Europe was published on 9 November 2004.

⁸⁰ From the Report of the MIA of Kazakhstan, which was delivered in the Conference of the representatives of the MIA's of the Russian Federation, Kazakhstan, Belarus, Kyrgyzstan, Azerbaijan, Uzbekistan and Tajikistan, on April 2005, "On the struggle with illicit migration", 15 March 2002.

⁸¹ From the Report of the MIA of Kazakhstan, which was delivered in the Conference of the representatives of the MIA's of the Russian Federation, Kazakhstan, Belarus, Kyrgyzstan, Azerbaijan, Uzbekistan and Tajikistan, on April 2005.

4. Smuggling fees

According to different NGOs providing legal assistance to migrants, the smuggling fees vary in different regions. The public association “Oralman” reported that the smuggling fee for Uzbek and Tajik irregular migrants crossing the Kazakh border,⁸² involving facilitation of a single border crossing to Southern Kazakhstan, is 1,500 tenges (approximately US\$ 11) for a man, 1,000 tenges (approximately US\$ 7,5) for a woman and 700 tenges (approximately US\$ 5) for a teenager. The AVR cases revealed that the total fee paid by Bangladeshi migrants up to Kazakhstan was approximately US\$ 2,000 to US\$ 3,000.

5. Profile of Migrants

From the AVR cases analysed, the smuggled migrants from *Bangladesh* were male and between 18-35 years old. They did not speak English or Russian very well; they were from rural areas or small towns, with secondary education and came from a poor⁸³ economic background. The main reason for deciding to leave their country was to improve their economic situation. One of the migrants interviewed stated that: “In developed countries, there are so many cars that they have traffic jams, in Bangladesh, there are so many people that our roads are jammed with people. There is no place to walk, to say nothing of work.”

6. National Recommendations

Following are the recommendations from the migration authorities and NGOs gathered by local researcher in the course of interviews and postal surveys, portraying the most vital needs in fight against smuggling of migrants:

- strengthen responsibility for violation of border regime;
- add a separate article in the criminal code penalizing smuggling of migrants;
- bring employers of irregular labour migrants to responsibility;
- exchange data on irregular migration between agencies;
- create a database of foreign citizens residing legally in Kazakhstan;
- include a special course on strategies for combating smuggling of migrants in the curricula of faculties of law and police educational institutions;
- actively cooperate with the embassies of the Russian Federation, EU countries, USA and Canada in order to promote possibilities of legal migration to these countries;
- study the best practices on combating smuggling of migrants.

⁸² Although Uzbek and Tajik migrants do not need a visa to enter Kazakhstan, they sometimes illegally cross borders due to the fact that they do not have a valid passport or in case of Uzbeks because they do not have an exit visa.

⁸³ According to UN millennium indicators on social and economic development, poor is defined as percentage of population with consumption expenditure of less than US\$ 1 per day, in Bangladesh this accounts for 36 per cent of population.

5.3. Kyrgyzstan

“When we were still in Afghanistan, we were told that the Kyrgyz border is easy to cross in the region of Batken - one does not have to waste time on obtaining a visa, all it takes is just to pay the right man. If you come without a visa, it is easier to receive the status of a refugee.”

From an interview with an Afghan migrant, 20 years old



Migration Context

Migration processes in Kyrgyzstan are still influenced by varying levels of economic growth within the country. Due to the relatively high level of unemployment (IOM, 2005a), low GNI⁸⁴ and approximately 40 per cent (CIA, 2005) of population living below the poverty line, Kyrgyzstan is a country of origin of labour migrants heading mainly to Kazakhstan and the Russian Federation.⁸⁵ Concerning irregular migration, Kyrgyzstan is also a transit country for smuggled migrants from South Asia, South-East Asia and China (IOM, 2002a: 103), as well as a transit and source country for trafficking in persons (IOM, 2005e: 51). The main destination countries for Kyrgyz trafficked victims are Turkey, United Arab Emirates (UAE), South Korea, China, the Russian Federation and Kazakhstan.⁸⁶

The migration-related priorities of Kyrgyzstan include regularization of outgoing Kyrgyz labour migration, providing support for ethnic Kyrgyz returnees, combating irregular

⁸⁴ The World Bank placed Kyrgyzstan on 155th place out of 208 countries with GNI of 2,055 millions USD.

⁸⁵ According to the IOM estimates there are around 150,000 labour migrants in Kazakhstan and between 300,000 and 500,000 labour migrants in the Russian Federation.

⁸⁶ Kadyrnazov Taalaibek, Department of Migration Policy and Employment Programmes, SCME, Kyrgyzstan.

migration, regulation of the stay of Kyrgyz migrants abroad⁸⁷ and border management. Recently, many legal regulations and laws were adopted on the protection of labour migrants and prevention of trafficking in persons. Furthermore a special department within the State Committee on Migration and Employment (SCME) was established in order to regulate private employment agencies.⁸⁸ Besides, efforts have been taken to reform the border control structures:⁸⁹ four border checkpoints were equipped with computerized information systems, gathering information on persons entering and exiting Kyrgyzstan. This system also includes a “Black List” in order to prevent *mala fide* travellers from entry. Furthermore, in order to enhance document security, Kyrgyzstan has resumed issuance of new passports with modern security features with the support of the IOM (IOM, 2005b: 155), however the process is slow. These new passports contain features such as identity number printed on the biographical data page and placed on all pages, a machine-readable code, a digital photographic photo of the passport holder and special paper quality that contains fluorescent fibres only visible by ultraviolet light (IRIN, 2004). These new passports however, have not yet been distributed widely and many citizens have been left without valid foreign passports.⁹⁰

The main government authorities dealing with migration are the SCME now functioning as a separate governmental agency, reporting directly to the Prime Minister (at the time of the research called the Department of Migration Service (DMS) under the MFA), responsible for development of migration policy, and the Department of Illegal Migration under the MIA.

Legislation

Smuggling of migrants is not established as a separate administrative or criminal offence in Kyrgyz legislation. However, Kyrgyz criminal law penalizes offences such as Trafficking in Persons (Article 124); Organization of Irregular Migration (Article 204-1); Illegal Crossing of State Borders (Article 346); and Forgery, Counterfeiting, Sale or Use of Fake Documents, Seals and Blank forms (Article 350). Furthermore, the Code of Administrative Responsibility lists grounds for administrative expulsion and reduction of stay of foreigners and stateless persons in cases of violations of rules and regulations of stay.⁹¹

In regard to international legislation, Kyrgyzstan signed and ratified the Smuggling Protocol on 2 October 2003. Bilateral and multilateral agreements signed by Kyrgyzstan and related to smuggling of migrants include, among others, the Agreement on Cooperation between Member Countries of the Commonwealth of Independent States in the field of combating illegal migration (1998) and the Multilateral Agreement between the governments of Kazakhstan, the Kyrgyz Republic and Uzbekistan on joint actions on combating terrorism, political and religious extremism, transnational organized crime and other threats to stability and security of the Parties (2000).

⁸⁷ Information taken from the Joint Consultations on Migration (JCM) in Moscow on 22-24 August 2005 performed within the EU sponsored programme Dialogue and Technical Capacity Building in Migration Management Programme for the Countries of Central Asia, the Russian Federation and Pakistan.

⁸⁸ Orozalieyeva Gulyaida, Head of Department of Migration Policy and Employment Programmes, Department of Migration Service, SCME, Kyrgyzstan.

⁸⁹ Following border checkpoints were equipped: Manas International Airport in Bishkek, Osh Airport, Torugart and Irkeshtam. The rest of Kyrgyz border checkpoints operate in the old manner of manually counting the migration cards.

⁹⁰ From the Road Map of the Dialogue and Technical Capacity Building in Migration Management Programme for the Countries of Central Asia, the Russian Federation and Pakistan financed by the EC.

⁹¹ Article 39 and 40 of the Code of Administrative Responsibility.

The Vector Approach

The local researcher conducted interviews with migration officials, border guards, NGO staff, representatives of foreign embassies in Kyrgyzstan, and representatives of Kyrgyz embassies abroad, migrants, transportation companies and travel agencies. Twenty-five irregular migrants interviewed were selected in cooperation with officers of the MIA who arranged meetings with the irregular migrants detained, in cooperation with NGOs that provide legal assistance to migrants, and by means of the snowball method⁹² among bazaar vendors in Bishkek.

In the course of the research it became apparent that there is a pattern for irregular migrants from South Asia and especially Bangladesh to transit through Kyrgyzstan. In order to assess the issue better, the research was extended and additional interviews were carried out with representatives of the MIA, Ministry of Education, Border Services, irregular migrants from South Asia, former Kyrgyz Ambassador in India and the NGO Adilet.

The local researcher faced several constraints while gathering information from state officials on the issue of smuggling of migrants. Due to the political unrest⁹³ in Kyrgyzstan in early 2005, some structural changes⁹⁴ took place in the government authorities making it more difficult to organize interviews with relevant actors, obtain information or receive analysis on the topic. While addressing the topic of smuggling of migrants, many representatives of state offices were cautious in providing information or statistical data on smuggling of migrants or preferred their name not being disclosed in the final document. To collect as much available data as possible on the issue of smuggling of migrants,⁹⁵ IOM Bishkek provided highly valuable assistance in presenting the project and scheduling meetings for the researcher with migration authorities that have access to this data.

The vector of smuggling of migrants in, from and through Kyrgyzstan showed that it is mostly a transit country for migrants from South and Southeast Asia, especially from Bangladesh, Afghanistan, India, Pakistan and China. These migrants arrive in Kyrgyzstan with a visa issued mostly at the embassy of Kyrgyzstan in India. They enter the country directly or either via Tajikistan or Uzbekistan and continue to Kazakhstan and then onwards to the Russian Federation. As to the smuggling of migrants from Central Asian countries, it usually takes place on the borders with Uzbekistan where irregular migrants are assisted by smugglers taking them over the green borders.

⁹² The snowball method is a special non-probability method used when the desired sample characteristic is rare. Snowball sampling relies on referrals from initial subjects to generate additional subjects.

⁹³ In March 2005 nationwide protests took place in Kyrgyzstan amid allegations the government of Mr. Akayev manipulated the elections. These protests gathered pace until pro-democracy demonstrators defied the police and occupied the seat of government and caused the president to resign and flee the country.

⁹⁴ For example the jurisdiction over the Border Service was moved from the Ministry of Defence to the Council of National Security (CNS).

⁹⁵ This data includes information on apprehensions for illegal border crossing, detentions of irregular migrants, deportations of irregular migrants, and information on falsification of travel documents.

1. Forms of entry

According to the statistical data of the Information and Analysis Department of the Border Service, 2,992,509 persons from CIS countries and 76,791 persons from non-CIS countries legally entered Kyrgyzstan in 2004. The majority of the citizens from non-CIS countries were from China (14,799), the USA (11,670) and Turkey (10,614). As to the entries of CIS citizens, most of them were from Kazakhstan (1,250,663), Uzbekistan (134,187) and the Russian Federation (42,242). While conducting several interviews with representatives of the MIA, the head of the Bishkek City Main Police Department⁹⁶ estimated the number of irregular migrants arriving in Kyrgyzstan at 1,500 to 3,000 a year, including also irregular migrants from the neighbouring CIS countries.

More foreigners enter Kyrgyzstan than leave, with the biggest difference between arrival and departure for citizens of Bangladesh, Iran, China and Pakistan. A similar situation occurred also in the year 2003. Citizens of the countries with the largest discrepancies between arrival and departure are the ones that account for the biggest share of irregular migrants detected by the special services in Kyrgyzstan.

Arrivals and departures from Kyrgyzstan of nationals of Asian states in 2004							
Country of origin	Purpose of visit					Total	
	Business	Private	Permanent residence	Transit	Tourism	Arrivals	Departures
Afghanistan	46	359	5	5	20	435	499
Bangladesh	2	96	-	8	94	200	51
India	120	983	-	703	279	2,085	2,027
Iraq	1	13	-	-	3	21	21
Iran	215	1,114	-	46	791	2,642	2,293
China	972	9,725	8	252	873	14,799	11,877
Pakistan	80	1,027	-	23	58	1,192	878
Sri Lanka	4	8	-	-	3	15	23
Total	1,440	13,325	13	1,037	2,121	21,389	17,669

Information and Analysis Department of the Border Service of the Kyrgyz Republic

⁹⁶ Mr. Bakyt Djumaev, Head of the Department on work with foreigners, Bishkek City Main Police Department, MIA, Kyrgyzstan.

Information on the prolongation of residence permits from the Department of Visa and Passport Services of the MIA, however, showed that discrepancies between entries and exit of nationals from South Asia are often connected to the fact that migrants received residence permits.

Prolongation of residence permits

Country	2004	2005 (January-September)
Afghanistan	116	191
Bangladesh	115	15
Nepal	31	40
Pakistan	608	777
Sri Lanka	4	10

The Central Department of Consular Service under the MFA, provided the following statistics on the number of visas issued in 2004-2005 to the citizens of Afghanistan, Bangladesh, Nepal, Pakistan and Sri Lanka all over the world, not including the prolongations. From the chart it becomes apparent that most of the official recorded entries were those with a visa provided.

Number of visas issued in 2004-mid 2005

Country	1 January 2004 - 1 September 2005
Afghanistan	112
Bangladesh	96
Nepal	41
Pakistan	771
Sri Lanka	10

In the paragraphs below, different modes of entry to Kyrgyzstan will be mentioned, including entering with visa, for educational purposes, applying for asylum, crossing on green borders or with falsified documents.

From evaluating the interviews with migrants and the AVR desk research, it became apparent that most of the migrants from South Asia arrive in Kyrgyzstan with visas. They obtain the visas in the Kyrgyz embassies and consulates abroad, or in cases when there are not Kyrgyz diplomatic representations, in the representations of Kazakhstan or the Russian Federation. Migrants from India, Bangladesh, Nepal and Sri Lanka usually arrive in Kyrgyzstan with visas issued in the Kyrgyz embassy in India. Pakistanis and some of the Afghanis surveyed obtain visas at the Kyrgyz consulate in Pakistan. These visas are often obtained under false pretences such as tourism, business or study. Cases where migrants were told by smugglers to obtain visa by lying about their purpose for travel constitute an attempt of smuggling of migrants.⁹⁷ Mr. Beshimov, former Kyrgyz ambassador in India (2001-2005), stated that the embassy had a practice of issuing visas on the basis of requests from intergovernmental organizations, officially registered firms, travel agencies, and institutions of higher education in Kyrgyzstan. Since 2001, foreigners from 28 developed countries can obtain visas at the Manas airport in Bishkek. The representatives from the MIA noted that there were travel agencies in Kyrgyzstan cooperating with foreign Asian firms providing services for obtaining and extending visas at the Consular Office of the MFA. Over the last years, several such firms have been closed.

⁹⁷ See interview with UNODC mentioned in the Section “Smuggling of Migrants in Central Asia”.

Under the Kyrgyz Soviet Socialist Republic many foreign students from developing countries were attending Kyrgyz schools and universities. Now with many international education institutions operating in the country such as the American, Turkish and Kuwaiti Universities, and several Russian colleges, the opportunities for inviting foreign students are even wider. Procuring an invitation for a foreign student is not difficult, the only requirement is to pay the tuition fee, which ranges from US\$ 600 for Kyrgyz citizens up to US\$ 2,000 per year for foreigners. From the Bangladeshi irregular migrants interviewed, two arrived on student visas although they had not even completed secondary education. The Ministry of Education of Kyrgyzstan indicated that at the end of 2004, foreign students studying in Kyrgyzstan included: 362 nationals of Pakistan, 80 nationals of India, 31 nationals of Nepal, and 56 nationals of Afghanistan. No data on the number of Bangladeshi students in Kyrgyzstan was made available to the researcher. In regard to smuggling of migrants, one possibility for visa extension could be to enrol for a Russian-language course in a higher-education institution under the false pretence of intending to pursue further studies. There is however, no data available on the number of foreign citizens taking Russian language courses in Kyrgyzstan. Even colleges and universities themselves do not have such precise data.

In regard to Uzbekistan, there is a visa policy between Kyrgyzstan and Uzbekistan with some exceptions from consular fees.⁹⁸ According to the Dolina Mira NGO network in the Ferghana Valley, there are approximately 40,000 Uzbek students studying in Kyrgyz universities and other institutions. An agreement on mutual (Kyrgyz-Uzbek) travel was signed and one year multiple visas can also be obtained and prolonged in Osh, Kyrgyzstan. However, not all conditions for legal stay of Uzbeks on the territory of Kyrgyzstan are fulfilled as they also need to have an exit visa issued and this can only be done in Uzbekistan. Many Uzbeks do not fulfil this requirement and therefore violate internal Uzbek rules and regulations.

As a result of the strong external economic policy of Kyrgyzstan, focusing on attracting foreign investment, foreigners enjoy preferential treatment when establishing a firm in Kyrgyzstan. According to Mr Kravtsov, the Head of the External Labour Migration Unit of the DMS at the time of the drafting the research, the only requirement is to deposit an amount of 100 soms (approximately US\$ 2,5) with a bank. As soon as such a firm is opened, foreign citizens are allowed to send formal invitations to their relatives and other compatriots working for the firm. Many of the foreign firms established have founding shareholders in Turkey, Iran, Pakistan, India and China. Kyrgyz authorities sometimes do not have the full capacity to check whether the system is being abused. One such firm, *Goin Trading House*, was owned by a Chinese national who sent work invitations to his compatriots of whom less than a tenth ended up working with the firm.

According to the Department of Migration, the NGO Foundation for Support of Afghan Refugees and UNHCR statistics (UNHCR, 2003), during the 1990s several thousand refugees from Tajikistan and 1,500 refugees from Afghanistan arrived in Kyrgyzstan.⁹⁹ By now, most Tajik refugees have left Kyrgyzstan. Three hundred and sixty-three Afghans with refugee status remain in the country, of which 63 are likely to leave for resettlement in Canada. Most Afghans who arrived in Kyrgyzstan over the last two years have not received refugee status. Representatives of a public association of Afghani refugees stated that the flow of refugees

⁹⁸ Agreement between Kyrgyzstan and Uzbekistan “On Mutual Trips of Citizens” of 2 July 2000, which exempts some categories of citizens, such as students, from the consular fees.

⁹⁹ Department of Migration, and Foundation for Support of Afghan Refugees and UNHCR. According to UNHCR 2003 Statistical Yearbook, in 2003 there were only 74 asylum seekers from Afghanistan registered. In comparison, in 1996 there were 1,054 asylum seekers from Afghanistan.

from Afghanistan has sharply decreased due to the conclusion of an UNHCR-conducted resettlement programme for Afghani refugees to Canada.¹⁰⁰ Furthermore, the flow of Afghani refugees decreased because of a gradual, albeit disparate move towards increased security and development in Afghanistan and also due to the fact that there are less Afghans who could prove that they had left their country for fear for persecution.¹⁰¹

At present, nationals of Iraq and Uzbekistan apply for refugee status in Kyrgyzstan, and from time to time ethnic Kyrgyz and Uygurs from the Xinjiang Uygur Autonomous Region of China. However, they are very rarely granted refugee status and thus join the ranks of irregular migrants. Following unrest in Uzbekistan in spring 2005, (HRW, 2005; Radio Free Europe, 2005a) 451 asylum seekers applied for refugee status in Kyrgyzstan, 439 of which were resettled in third countries.

Following political unrest in Kyrgyzstan, small travel agencies and individuals began offering advice regarding facilitation of irregular migration to European countries. After the upheaval in March 2005, announcements appeared on the Internet¹⁰² regarding the possibility of obtaining refugee status in the UK. For a fee of US\$ 300, information was provided on what to do and how to procure visas and invitation letters.

According to migration authorities,¹⁰³ there are well-established routes for crossing the Kyrgyz green border in the regions of Osh and Batken. In addition, the border with Kazakhstan can be crossed in Chui Province over the river in the Tokmok region, or by land in the region of Chaldovar. Border control division of the Border Service stated that services of taxi drivers and truck drivers familiar with the region are used for the purpose of illegal border crossing. The migrants using these routes include Kyrgyz or other Central Asian workers travelling without passports or with expired passports, citizens seeking jobs in Kazakhstan or Russia, and other migrant workers, students and traders entering/leaving Kyrgyzstan.¹⁰⁴ Irregular migrants trying to reach the Ferghana Valley¹⁰⁵ also use paths through the Tian Shan Mountains from the Xinjiang Province of China.

According to Kyrgyz legislation, falsified documents are those that have been issued by a nonexistent country or fabricated authority, and documents that carry elements of counterfeit or that are totally forged. A distinction is made between partial and total falsification. Partial falsification is when the photograph is replaced, the signature forged or the pages of the passport replaced. Total falsification implies issuance of a new passport on illegal grounds to a person with a different name, or a citizen of another country.

¹⁰⁰ Department of Migration, and Foundation for Support of Afghan Refugees.

¹⁰¹ The well-founded fear is the key phrase of the refugee definition in the 1951 Convention relating to the Status of Refugees.

¹⁰² www.diesel.elcat.kg.

¹⁰³ The External Labour Migration Union of the DMS under MFA and the Department for the Affairs of Foreigners and for Counter-trafficking under MIA.

¹⁰⁴ In 2004, Kyrgyz border guards detained four Chinese crossing the border between Kazakhstan and Kyrgyzstan in a truck; three of them had no documents, the fourth had a falsified visa. The migration service of Kazakhstan repeatedly detects in the border areas irregular migrants from Pakistan and Bangladesh who had been smuggled across the “green border” in trucks.

¹⁰⁵ Ferghana Valley is an ethnically diverse region in the Tian Shan mountain ranges of Central Asia spreading across eastern Uzbekistan, Tajikistan and Kyrgyzstan. It formed a single geographical and political unit for most of its history, and only in the 1920s and 30s was divided between three different countries.

Kyrgyzstan issued new passports in 1994, shortly after the disintegration of the Union of Soviet Socialist Republics (USSR).¹⁰⁶ The 1994 passports however had insufficient security features and were poorly protected against forgery. In 2004 new passports with more secure features appeared, but due to various problems these passports have not yet been widely distributed.

According to the Migration Service of the Russian Federation in Kyrgyzstan, partial falsification of the 1994 edition of Kyrgyz passports is very frequent. This was especially due to the fact that these old passports were non machine-readable passports, filled in by hand and did not comply with international standards set by the International Civil Aviation Organization (ICAO).¹⁰⁷ Over the last year, 86,000 new passports have been issued to replace the lost ones. In 2001 18,945 passports were reported lost or stolen, in 2002- 37,591, in 2003-24,152 and in 2004 20,000 passports. The Kyrgyz OVIR collected data on 70,000 lost passports and made the information available to the border checkpoint at the Manas airport in Bishkek. On the basis of this data, four persons using other persons' passports were detained.

The MIA revealed that in May 2005 the police detected an underground laboratory in Bishkek producing falsified passports. Its owner was arrested and the case is still pending. The representatives of the MIA suspect that this laboratory was not the only one in Kyrgyzstan and that falsified Kyrgyz passports continue to circulate both in Kyrgyzstan and abroad. According to the MIA and migrants interviewed, Kyrgyz passports can be purchased at a bazaar, and falsification can be arranged right on the spot. Totally falsified passports are used less frequently. They are more difficult to detect because genuine blank forms are used. Blank forms of passports are sometimes stolen from relevant offices of the MIA, or are sold by employees of passport-issuing desks. Such passports are mostly detected when certain series of passports turn out to be stolen, and their numbers are made known to all police stations and border checkpoints.

According to the Border control division of the Border Service, falsified visas are detected with considerably less frequency in the recent years. From 2003 to 2004, British Airways detected two cases of falsified visas, involving nationals of Pakistan and Afghanistan. Furthermore, according to the Council of National Security (CNS) of Kyrgyzstan, in the first half of 2005 there were 80 persons transferred from the checkpoint of Manas airport to the CNS for document falsification, most of which were Kyrgyz and Uzbek citizens.

2. Smuggling routes

Irregular migrants interviewed¹⁰⁸ took different routes on their way from South Asia and China to Kyrgyzstan. The *Bangladeshi* irregular migrants flew from India to Uzbekistan, and continued by road to the border of Osh province in Kyrgyzstan. With the help of a smuggler, they crossed through a green border. Other Bangladeshi irregular migrants flew to Tajikistan with a visa obtained in the Kyrgyz embassy in India, then took a taxi to the border and crossed illegally in the area of Batken province. *Afghani* irregular migrants arrived in Tajikistan by

¹⁰⁶ The expiration of Soviet passports was prolonged several times with final date on 31 December 2005. According to the Passport and Visa Department of the MIA, more than 240,000 citizens of Kyrgyzstan still have not exchanged the Soviet passports to the new ones.

¹⁰⁷ Bermet Moldobaeva, Programme Coordinator, IOM Bishkek.

¹⁰⁸ While interviewing the migrants, some of them were reluctant to reveal their itinerary in detail and some other stated that they did not remember the names of places they passed. However, still a general pattern of their movement was identified. Other migrants interviewed in the AVR programme mentioned also other routes that also included direct flights to Bishkek.

plane and took a taxi to Kyrgyzstan, crossing the border in Batken province. The *Pakistani* irregular migrants flew from Iran to Bishkek on tourist visas. They were detained while they tried to cross the border with Kazakhstan illegally. Some *Chinese* nationals entered Kyrgyzstan at Torugart checkpoint by bus; others flew from Urumchi to Osh. None of the irregular migrants mentioned any instances of torture, inhuman or degrading treatment while crossing the border.

As to the choice of route, 40 per cent of migrants stated that they took the route suggested by the smugglers, while the rest indicated that they themselves chose the particular route because their network of friends or relatives had recommended they transit Kyrgyzstan via these channels.

Regarding final destination: some of the *Afghani* irregular migrants wanted to move to Germany or Canada because they had relatives there; an *Iraqi* irregular migrant wanted to move to the Netherlands or France; and an *Iranian* to the United Kingdom. The *Chinese* irregular migrants refused to disclose information about their further plans. The *Bangladeshi* irregular migrants first stated they wanted to travel to Austria but later mentioned the Russian Federation as their final destination. The *Pakistani* irregular migrants intended to go to Europe but refused to disclose the name of a specific country.

The choice of the final destination of interviewed migrants was influenced by the following factors:

- existence of relatives or friends in the country (24 per cent)
- promise of smugglers to find well-paid jobs in the proposed country of destination (44 per cent)
- possibility of entering and staying in the country for a considerable period of time, including an option to receive refugee status (16 per cent)
- advice from relatives and friends who transited through the country before (16 per cent).

According to the migration authorities, the smuggling route onward from Kyrgyzstan passes through Kazakhstan and then via the Russian Federation or, when available, directly to the Russian Federation by train or air. **Smuggling of migrants in trucks through Kazakh borders takes place in the region of Chaldovar (Chui Province).** According to the Russian Migration Service in Kyrgyzstan, the Kyrgyz-Kazakh border is crossed on foot in certain places. On the other side of the border, there are already taxis waiting to take the irregular migrants to Moscow for US\$ 1,000. Another route is the **road from Osh to Almaty and onwards to the Russian Federation.** According to the head of the External Labour Migration Unit of the DMS at the time of the interview, Vassily Kravtsov, many of the Kyrgyz migrants take advantage of the visa free regime between Kyrgyzstan and Turkey by travelling directly **to Turkey and from there onward to Europe.** Some of the smuggled migrants who travel with forged Kyrgyz travel documents also take this route.

In interviews, the representatives of security services and the police indicated that, with tightened security on borders, **smuggling routes are often changed once being detected.** Nevertheless, certain smuggling routes have not changed even given tightened security. Such routes are, for example, those from **Uzbekistan to Kyrgyzstan in the Ferghana Valley region, and from Tajikistan to Kyrgyzstan in Batken region.** The citizens of these border areas have a special visa regime; they are allowed to cross the border and stay for a period of five days. The locals sometimes abuse this visa regime as they facilitate illegal entry for

irregular migrants in these areas.¹⁰⁹ Interviewed officials from the Border Control Service and the NSS claimed that foreigners usually enter Kyrgyzstan legally, only later residing illegally in Kyrgyzstan or illegally crossing the border to Kazakhstan.

During the unrest in Andijan in Uzbekistan in May 2005 some journalists who were reporting on the events discovered an illegal border pass between Kyrgyzstan and Uzbekistan near the Uzbek border town of Kara-Suu. From the yard of one house there was a rope and a trolley passing to the house on the other side of the borderline. This trolley was capable of transporting both goods and people. The price for smuggling people was US\$ 20. On the other side of the border there was a taxi waiting to pick up the smuggled migrants. According to unofficial sources, there are several such illegal border passes along the Kara-Suu River dividing Kyrgyz and Uzbek villages. Uzbek irregular migrants trying to avoid the official border checkpoints due to visa regulations especially use these green border crossings.

According to the information available to Mr. Beshimov, the former Kyrgyz ambassador in India,¹¹⁰ the following smuggling routes for transit through Kyrgyzstan exist:

▪ **India (Delhi) → air to Kyrgyzstan (Bishkek) → taxi or truck to Kazakhstan → train to Russia → in cargo containers to Poland → further to Germany**

The border between Kyrgyzstan and Kazakhstan is crossed in the area of Chaldovar, not through the official checkpoints but via mud roads. Once across the border, migrants board a train at Lugovaya railway station (near the Kyrgyz border) to the Russian Federation. The crossing of the border with Russia is arranged through contacts among the border checkpoint personnel.

▪ **UAE (Dubai) → air to Kyrgyzstan (Bishkek)**

If a smuggler fails to obtain visas in Delhi, he/she takes irregular migrants to the UAE (Dubai) and from there by air to Bishkek. This is also a well-established route for trafficking in persons into the UAE, (IOM, 2005e: 61) which also allows for smuggling of migrants from Pakistan, Bangladesh, Iraq and other countries.

▪ **India (Delhi) → air to Uzbekistan (Tashkent) → taxi to Kyrgyzstan (Bishkek) through the Osh Province → Kazakhstan**

Representatives of exit and transit countries organize these smuggling routes, whereby the officials of NSS play an important role in such schemes.

From the AVR cases analyzed, special emphasis was placed on irregular migrants from Bangladesh as they formed the majority of persons assisted in this programme.¹¹¹ Analysis of 57 Declarations of AVR shows that all of these irregular migrants were smuggled to Kyrgyzstan and Kazakhstan. Country division for interviewed Bangladeshi irregular migrants in Kazakhstan and Kyrgyzstan is demonstrated in the table below.

¹⁰⁹ Information received from interviewed migrants and from Boris Assauluk, Representative Officer of the Migration Service of the Russian Federation in Kyrgyzstan.

¹¹⁰ From 2001-2005.

¹¹¹ Out of 16 citizens assisted in the AVR project, 15 were from Bangladesh. Nevertheless, it is important to outline, that the total number of Bangladeshi citizens who applied for the AVR under the aforementioned programme in 2004 and 2005 is fifty-eight. Twenty-five of these irregular migrants returned, sixteen escaped and sixteen were deported by Kazakhstan authorities.

Status	Kazakhstan	Kyrgyzstan
Returned	20	5
Disappeared	6	10
Deported	16	0
Total	42	15

The table indicates a significantly larger number of Bangladeshi smuggled migrants in Kazakhstan. However, it is very important to note that all the Bangladeshi migrants who arrived in Kazakhstan passed through Kyrgyzstan. The most frequent routes were as follows:

- Bangladesh (Dhaka) – railroad India (Calcutta) – railroad India (Delhi) – air Tajikistan (Dushanbe) – taxi Kyrgyzstan (Bishkek) – taxi Kazakhstan (Kordai) – taxi Kyrgyzstan (Bishkek)
- Bangladesh (Dhaka) – railroad India (Delhi) – air Uzbekistan (Tashkent) – taxi Kyrgyzstan (Bishkek) – taxi Kazakhstan (Taraz)
- Bangladesh (Dhaka) – railroad India (Delhi) – air Kyrgyzstan (Bishkek) – taxi Kazakhstan (Taraz)
- Bangladesh (Dhaka) – railroad India (Delhi) – air Tajikistan (Dushanbe) – taxi Kyrgyzstan (Bishkek)

The decision on which smuggling route to take is influenced by multiple factors such as tightness of border control, transparency of borders, opportunities for obtaining visas and travel documents, existence of smuggling networks, and established diasporas in the countries of destination. Most of the smuggled migrants arrive in Kyrgyzstan either directly by plane from South Asia or via Tajikistan or Uzbekistan, passing through the capital city Bishkek and then heading east towards Zhambyl, west towards Almaty or north in the direction of Kokshetau.



3. Organization of smuggling

*“In the core of the organizational structure of smuggling of migrants through Central Asia lies a network formed by people making profit on other people’s eagerness to find jobs and better life beyond the boundaries of their home countries. Sometimes such networks develop links with organized criminal groups and serve to also support drug smuggling and trafficking in persons. They employ agents to help establish connections with influential government officials and with people involved in falsification of documents. Government officials are often bribed in order to provide required signatures and stamps as well as for closing their eyes to certain violations of laws and regulations.”*¹¹²

Some cases will be listed that illustrate the different *modus operandi* in smuggling operations.

- A businessman, presumably wishing to invest in Kyrgyzstan, officially registers a private firm and receives a visa from the MFA for one year. At the same time he/she receives a permit to invite some people from his/her home country for work. When these people arrive with invitations for work, they receive a work visa. No one checks whether the migrants are truly working or where they are residing. In many cases, such invited foreign workers are given falsified passports and are then smuggled to the Russian Federation or Kazakhstan. There the smugglers arrange Schengen visas for them and/or help them to cross the borders illegally.¹¹³
- A Bishkek-based travel agency called *Asia Tour*¹¹⁴ and a travel agency in Pakistan called *Al Khadj* cooperated in organizing smuggling of migrants from Pakistan to Kyrgyzstan with the purpose of further transit to Europe. At the Kyrgyz consulate in Pakistan, these agencies had a connection that provided tourist or business visas for US\$ 400. A Pakistani smuggler formed a group of clients and flew them to Bishkek, where they were met by another smuggler and provided with accommodations. Onward transfer of these migrants was arranged to the Russian Federation or, if the smugglers managed to obtain Schengen visas, transport by air to Europe, would then be arranged.
- In addition, travel agencies also assist irregular migrants with obtaining student visas based on invitations from universities and colleges in Kyrgyzstan. Such invitations are frequently falsified.¹¹⁵ An Indian firm, *Panda Tour*, legally organizes such travel to Kyrgyzstan for nationals of Bangladesh and Nepal, and acts as an intermediary in obtaining entry documents from the Kyrgyz embassy in India.¹¹⁶

According to the information gathered during the research, migrants’ stay in Bishkek is continuously accompanied by new expenses, including bribes to district policemen who extort money from them through blackmail by threatening to officially report them to investigative bodies of the MIA. Additional charges are imposed on migrants by smugglers, especially if the initial route has been changed. Smugglers frequently cheat migrants, and when a migrant is unable to pay more, he/she is reported to the police.¹¹⁷ On average, out of ten people who

¹¹² Boris Assauluk, Representative Officer of the Migration Service of the Russian Federation on Kyrgyzstan.

¹¹³ Bakyt Djumaev, Head of the Department on work with foreigners, Bishkek City Main Police Department, MIA, Kyrgyzstan.

¹¹⁴ Closed down by the authorities in 2004.

¹¹⁵ Bakyt Djumaev and Misirkul Saparbaev, Head of the Third Department of Council of National Security.

¹¹⁶ Aibek Djailaubaev, Head of the Division of Special Forces of MIA.

¹¹⁷ Bakyt Djumaev and Aibek Djailaubaev,

reached Bishkek, only two to three manage to continue their travel. The remaining people stay in Bishkek and wait for an opportunity to migrate further.

Representatives of travel agencies interviewed stated that some agencies¹¹⁸ specialize in assisting foreigners with legally obtaining visas from the local OVIR and from the Consular Department of the MFA, e.g. Glavtour or Central Asia Tourism Corporation (C.A.T.). However, these agencies are legitimate and follow the legal requirements. Airlines,¹¹⁹ check necessary travel documents prior to ticket purchases. The quality of the check, however, depends on the airline. Furthermore, when a passenger is found to be travelling with falsified or invalid documents, the airline is financially liable for the passenger's return. The airlines did not provide any information on sudden increase of purchase of tickets by some nationalities.

Internet fora are a very convenient means for arranging smuggling operations. Through these sites, information regarding smuggling routes, offers of falsified passports, contact information, etc. for migrants can be obtained. While collecting information from the Internet, the researcher discovered that Latvian passports are sold for US\$ 500 and certificates of secondary education enabling free entrance to universities for US\$ 400.

Migrants interviewed stated that smuggling is organized in the following manner. Smugglers visit poor residential areas and bazaars to disseminate information about job opportunities abroad. Throughout the process of smuggling, there are middlemen who are often migrants' compatriots by origin but already citizens of the countries where they perform their smuggling business. Migrants furthermore stated that groups in which migrants travel usually do not include more than 20 persons. At the border crossing, they are split into even smaller groups. As a rule, they are homogenous in ethnic composition. All the respondents of the survey stated that they had crossed the border together with their compatriots. On arrival in Bishkek, the groups of irregular migrants are usually lodged in small private houses facilitated by smugglers. In other cases, migrants have to find lodging on their own, through help from their compatriots, the local population, or sometimes taxi drivers. Generally, migrants venture outside these accommodations only on exceptional occasions.

According to the NGO network Dolina Mira the green border crossing for Central Asian irregular migrants is organized through a well-organized network of smugglers who exist at almost every checkpoint. When they see that a person has problems crossing the border, they approach this person and suggest taking a detour via green border crossings. According to the Dolina Mira report (Dolina Mira, 2006) such detours appear around the checkpoints situated in densely populated regions, such as Dostuk (Kyrgyzstan), Dustlik (Uzbekistan), Naiman (Kyrgyzstan), Chekabad (Kyrgyzstan), Markhamat (Uzbekistan), Polmon (Uzbekistan), Razyezd (Kyrgyzstan) and Andarkhan (Uzbekistan). This illegal border crossing has become very popular so that there are now even special shuttle services which bring people on the other side of the border.

4. Smuggling fees

The cost of the smuggling fee from South Asia to Europe varies according to the services that the smuggler provides to the smuggled migrant. These services can range from pure

¹¹⁸ The representative of the C.A.T. travel agency.

¹¹⁹ Interviewed airlines include Aeroflot, Pulkovo, Uzbek Airlines, Turkish Airlines, Kyrgyzstan Aba Joldoru, Iteck Air, and British Airways.

transportation to accommodation in transit countries, provision and obtaining of visas and travel documents and bribing the border guards for the illegal border crossing. The outcome of the interviews with migrants showed that the majority of the smuggled migrants paid the total amount of the smuggling fee prior to their arrival at the destination point. There were also cases where irregular migrants prepaid only the trip to Kyrgyzstan.

Migrants interviewed in the scope of the research by the local researcher Natalia Hadjimuratova.

Country of Origin	Total Cost of a Trip to Kyrgyzstan				
	Below US\$ 500	US\$ 500-1,000	US\$ 1,000-2,000	US\$ 2,000-3,000	US\$ 3,000-4,000
Afghanistan	-	5	-	-	-
Bangladesh	-	-	-	6	4
Pakistan	-	-	4	-	-
China	4	-	-	-	-
Iran	-	-	-	1	-
Iraq	-	-	-	-	1
Total (%)	4 (16%)	5 (20%)	4 (16%)	7 (28%)	5 (20%)

The *Afghani* migrants paid: US\$ 100 for obtaining a visa, US\$ 150-200 for the bus travel from Afghanistan to Dushanbe and taxi transportation to the border with Kyrgyzstan, and US\$ 300 for the taxi fare from Tajikistan via Batken to Bishkek. The migrants from *Bangladesh* used the services of a smuggler and therefore did not know the prices for specific services as they had paid the total sum upfront. The migrant from *Iran* paid for the work invitations arranged for him: US\$ 150 for the invitation from Kyrgyzstan, and US\$ 700 for the invitation from the UK. His other major expenses included the cost of flight from Iran to Bishkek, charges for visas, and the cost of transit through Russia to Europe by air. The migrant from *Iraq* paid US\$ 600 for the trip to Kyrgyzstan on a tourist visa and US\$ 800 for the provision of a Schengen visa and the trip to Europe by air via Turkey. The migrants from Pakistan paid for the flight from Iran to Bishkek (US\$ 150 USD), a Kyrgyz visa (US\$ 100), the trip to Russia via Kazakhstan (US\$ 200) and a Schengen visa (US\$ 800). The *Chinese* paid for tourist visas and the trip from Urumchi to Osh and Bishkek.

During their stay in countries of transit, especially if staying for more than two weeks, irregular migrants had to pay bribes to the police for not having registered to avoid detention. While crossing the border, two of the Chinese nationals were charged US\$ 200 each for their luggage without any reason.

Migration authorities stated that irregular migrants cover part of their expenses with their own savings and part with funds borrowed from relatives. According to the authorities dealing with detained irregular migrants, the fees paid by migrants to smugglers for trips from South Asia to Europe can range from US\$ 6,000 to US\$ 8,000. Sometimes irregular migrants pay considerably smaller sums, but only if they choose to cover the total costs partially. As they proceed from one country to another, they still incur additional expenses. When the initially agreed route changes the migrant has to pay for additional border crossing and falsified documents. According to one officer in the Ministry of Interior, an irregular migrant crossing the border with falsified documents has to pay a bribe of US\$ 800 in order to be allowed to cross. If the migrant is unable to meet his expenses and is not seen as a valuable customer by the smuggler, the latter may surrender him to the police.

In the past, there were firms in Bishkek that provided services for facilitating irregular migration of Kyrgyz citizens to Europe, the USA and the UAE. The cost of such services varied between US\$ 2,000 and US\$ 5,000, depending on the country of destination. Destination countries included the USA, Norway, and Sweden. The number of migrants smuggled via these agencies is unknown. These agencies were later closed.

5. Profile of Migrants

In general there is a prevalence of men among irregular migrants in Central Asia. Female irregular migrants mostly arrive from Afghanistan together with their families. Based on the interviews conducted with migrants¹²⁰, men accounted for 92 per cent of the total number of respondents.

On average, the age of irregular migrants ranges from 19 to 35, but the majority of migrants are under 30 and usually single. Their level of education is relatively low,¹²¹ but this also depends on their country of origin. In regard to their economic situation, these migrants tend to be poor,¹²² but there are also irregular migrants of average income in their country of origin. However, the majority of migrants come from families where the monthly salary does not exceed US\$ 20. Most of the interviewed migrants stated that the reason for their arrival in Kyrgyzstan was to earn more money. The Afghani irregular migrants also wished to find a safer place to live. Most of the respondents smuggled to Kyrgyzstan were promised employment in agricultural firms or small factories in Europe – the Bangladeshi irregular migrants mainly in Austria and the Iraqis in France – earning US\$ 1,000 to 1,500 a month. As the prices for the smuggled trip to the West are quite expensive, it is often the whole village that pays for the trip and the migrant is then bound to send remittances back home. Therefore, in case of a failure, when the migrants are stranded in the region, they are ashamed or fear returning back home without sufficient financial resources.

Most of the irregular migrants enter Kyrgyzstan with a business, tourist or student visa that they or their smugglers obtained through false pretence. Furthermore, according to the representatives of the Border control division of the Border Service, the Department of Migration of the MFA and Council of National Security (CNS), 30 to 50 migrants a month enter Kyrgyzstan through green borders. According to CNS, about 500 irregular migrants were detected in 2004. The Bishkek Office of the MIA recorded only 280 people. Most of them were citizens of Afghanistan, Bangladesh, Pakistan, Sri Lanka and China. Uzbek citizens accounted for about one-third of all illegal entries to Kyrgyzstan. The chart below details information on persons detained at the border.

¹²⁰ The local researcher Natalia Hadjimuratova conducted interviews with 25 irregular migrants from Afghanistan, Iraq, China, Pakistan, Bangladesh and Iran who were detained in Kyrgyzstan.

¹²¹ The irregular migrants usually have just elementary and secondary education and no higher education.

¹²² According to UN millennium indicators on social and economic development, poor is defined as percentage of population with consumption expenditure of less than 1 USD per day, in Bangladesh it is 36 per cent of population.

Migrants Detained at the Border		
Year of Detention	Manas Airport	Osh Airport
2003	<i>Total—52, including:</i> 4 citizens of Iraq, 3 of Turkey, 2 of Iran, 1 of Pakistan, 4 of the Russian Federation, 3 of Kazakhstan, 2 of Uzbekistan, with the rest composed of Kyrgyz citizens.	<i>Total—20, including:</i> 7 citizens of Uzbekistan, 1 of Tajikistan, 1 of Kazakhstan, with the rest composed of Kyrgyz citizens.
2004	<i>Total—179, including:</i> 2 citizens of Russian Federation, 2 of Iraq, 2 of Kazakhstan, 2 of Uzbekistan, with the rest composed of Kyrgyz citizens.	<i>Total—19, including:</i> 4 citizens of Uzbekistan, 1 of Ukraine, with the rest composed of Kyrgyz citizens.
As of May 1 st 2005	<i>Total—58, including:</i> 29 Uzbeks with fake Kyrgyz passports.	<i>Total—2 citizens of Kyrgyzstan</i>

Note: In 2004, four citizens of China have been detained at the Ak-Zhol border checkpoint.

Source: The Information and Analysis Division of the Border Service of Kyrgyzstan

The number of persons detained at the borders is relatively low due to several factors:

- Most foreigners entering Kyrgyzstan have the necessary documents for entering the country and become irregular only when they overstay;
- Those who do not have the travel documents necessary for border crossing, cross through green borders;
- People travel with falsified documents that are not easily identified due to the lack of technical equipment, qualified and trained personnel.

The profile of irregular migrants from Uzbekistan is following (Dolina Mira, 2006)

- Uzbek students studying at universities or other institutions in Kyrgyzstan who cannot afford travelling for visa to Tashkent;
- Seasonal workers and labour migrants working especially during cotton harvest on Kyrgyz farms trying to avoid their passports getting filled with stamps from border officials;
- Traders and entrepreneurs avoiding official checkpoints e.g. in order to avoid paying custom fees.

6. National Recommendations

Following are the recommendations from the migration authorities and NGOs gathered by local researcher in the course of interviews and postal surveys, portraying the most vital needs in fight against smuggling of migrants:

- enhance surveillance of green border crossings;
- introduce a requirement to fill out migration cards upon entry and exit;
- introduce amendments to the existing legislation on migration by adding clauses that provide for penalization of the offence of smuggling of migrants;
- introduce amendments to the legislation on establishing foreign investment by tightening the rules for opening firms by foreign residents, and by adding a clause providing for liability of private firms for issuance of false invitations for work to foreigners;
- develop a system of centralized recording of visas issued and extended by the Kyrgyz embassies, consulates, the Consular Department of the MFA and by OVIR and to ensure the accessibility of this database to all governmental institutions dealing with migrants;
- establish everyday cooperation and joint work of agencies working on migration related issues;
- establish an integrated database on migration;
- computerize all governmental departments and agencies dealing with migration, especially the border checkpoints;
- establish an adequate detention centre for irregular migrants;
- provide technical assistance for border checkpoints;
- train employees of migration control, familiar with ethnic distinctions among migrants and aware of the situation in the countries from which major migrant flows originate;
- train migration specialists and border guards;
- train officials to avoid dishonest practices;
- conduct information campaigns on possibilities of legal migration, including labour migration and on the rights of migrants.

5.4. Tajikistan



Migration Context

Tajikistan is a mountainous country, with only 10 per cent of arable land. It is also a country severely affected by the 1997-1997 civil war,¹²³ unemployment and poverty. Tajikistan is the poorest country of the former USSR where 80 per cent of the population lives below the poverty line (USAID, 2005). According to the World Bank, the country's GNI is ranked 161 out of 208 countries (World Bank, 2005).

As a result of the dire economic situation and general poverty, labour migration to neighbouring CIS countries is a significant phenomenon- in particular, to the Russian Federation and, to a lesser extent, to Kazakhstan. According to the State Migration Service (SMS) in 2004 over 420,000 Tajik citizens travelled abroad for employment.¹²⁴ The country's Poverty Reduction Strategy programmes include provisions for reducing the root causes of labour migration (IOM, 2005b: 155).

Since 1 January 2005 an international passport became the main travel document required for the travel within EurAsEc members states (Radio Free Europe, 2005b) Tajik labour migrants are sometimes unable to afford a new passport (which costs approximately US\$ 26) or do not

¹²³ The civil war lasted from 1992-1997.

¹²⁴ According to IOM sources, there are approximately 600,000 Tajik labour migrants travelling each year abroad.

fulfil the criteria to apply for one when living abroad¹²⁵ and therefore cross borders to neighbouring CIS countries illegally. However, this illegal border crossing is usually done without the help of a smuggler and therefore will not be the main focus of this chapter.

The main migration priorities of Tajikistan are improving legislation, forecasting migration processes and protecting migrants' rights; especially as regards outgoing Tajik labour migrants. Another important issue in Tajikistan is the ecological migration, which is caused by the geographical position of Tajikistan, its proneness to natural disaster as well as the nature of population settlements. Environment related migration is therefore among the priorities in the field of migration.

Tajikistan due to its strategic position has become a transit country for irregular migrants from South and South-East Asia, especially from Afghanistan on their way to the Russian Federation and the West.

The main State agency responsible for enacting migration policy is the *SMS* of the Ministry of Labour and Social Welfare. The work of the *SMS*, established in the year 2000 includes collecting information on refugees and asylum seekers, labour migration, and ecological migration; granting legal status to refugees, coordinating the activities of local agencies on migration and exercising joint control with ministries and other agencies involved in the immigration process (IOM, 2004a). Another agency dealing with migration is the Committee for the Protection of National Borders (CPNB), responsible for controlling the rules and procedures for border crossing.

Legislation

Smuggling of migrants is not established as a separate criminal or administrative offence in Tajik national law, however there are currently proposals discussed to adopt such measures. Smuggling of migrants is indirectly penalized in the criminal code through the offences of Illegal Border Crossing (Article 335), Violating the State Border Regime (Article 336) and through the related crime of Falsification of Official Documents (Article 340).

In regard to international law, Tajikistan has signed and ratified the Smuggling Protocol in 2002. Tajikistan also signed bilateral and multilateral agreements focusing on combating irregular migration, such as the Agreement on Cooperation of Ministries of Internal Affairs of the CIS in the Sphere of Combating Crime (1992), the Agreement on Cooperation of Ministries of Internal Affairs in the Sphere of Combating Organized Crime (1994) and the Agreement on the Cooperation of CIS state-participants in the Struggle against Irregular Migration (1998) and against Organized Crime (1998).

The Vector Approach

In order to identify the vector of smuggling of migrants in, from and through Tajikistan, the local researcher carried out interviews over a period of three months (15 April to 15 July 2005) with the CPNB, border checkpoints, the Customs Department, *SMS*, the Ministry of Justice, migrants,¹²⁶ representatives of foreign embassies, travel agencies, airlines, and NGOs.

¹²⁵ The criteria for receiving an international passport for Tajik citizens living abroad include the registration as a resident and official employment.

¹²⁶ These migrants were of Afghani and Iraqi origin as well as Tajik labour migrants.

As Tajikistan does not have a computerized registration system for collecting data on entries and exits, the data is collected through manual counting of migration cards. There is only one border checkpoint that possesses electronic equipment for registration.

The reservation of authorities to disclose data on irregular migration publicly was demonstrated in interviews with representatives of state agencies who preferred to remain unnamed.

The vector approach reveals that Tajikistan is a cross-commodity smuggling country, involving several traditional crime areas. This means that smuggling of migrants uses the pre-existing networks and routes established for smuggling of narcotics. Both of these commodities can be smuggled parallel or even together. It is a transit country for irregular migrants from South Asia and China. Illegal border crossing takes place mostly on the borders with Afghanistan, Turkmenistan and Uzbekistan. The smuggling route continues via other Central Asian countries, the Russian Federation or via flights to Pakistan or Turkey directly to the countries of destination. In regard to irregular migration of citizens of Central Asian countries in, from and through Tajikistan, it was mostly Tajik and Uzbek citizens who were detained for violations of the Tajik border regime.

1. Forms of entry

From the information obtained from the CPNB, the total number of foreign citizens *legally* crossing border checkpoints in 2004 has increased to 224,773 persons, that is 15.2 per cent more than in 2003.

A chart illustrating the data collected by CPNB on border crossings in 2003 and 2004.

Crossing	2003	2004
Entry	595,611	709,117
Exit	668,105	739,372
Total	1,263,716	1,488,489

Tajik citizens may enter some CIS¹²⁷ countries visa-free with a valid foreign passport and a migration card registered at a Tajik border checkpoint. Though filling of migration cards when crossing Tajik borders is obligatory, absence of electronic registration deprives the data of its efficient use. Border Guards are for example unable to check whether a person has infringed the rules for crossing the border in the past.

When Tajik citizens plan to travel to the EU they need a Schengen visa. The only embassies in Tajikistan issuing such a visa are the German or French embassy in Dushanbe. Besides other requirements, a minimum requirement for obtaining a Schengen visa is an official invitation letter¹²⁸ sent directly to the Embassy by the inviting party. Visas for Tajiks for Pakistan or Turkey can be obtained at the airports in Istanbul and Karachi upon arrival with a visa request and a fee of US\$ 15-20. The UAE, Iran and China have stricter border and visa procedures for Tajik citizens than Pakistan and Turkey.

Citizens of Turkmenistan and Uzbekistan need a visa to enter Tajikistan. This can be issued at the consular departments of Tajikistan in their respective countries with an official invitation.

¹²⁷ These are the countries with which Tajikistan has bilateral and multilateral visa-free agreements: the Russian Federation, Ukraine, Belarus, Moldova, Azerbaijan, Armenia, Georgia, Kazakhstan and Kyrgyzstan.

¹²⁸ An official letter of invitation must be from a company authorized by the Tajikistan MFA and MIA called Visa Support Document or Invitation.

The same conditions apply to Tajik citizens when travelling to Turkmenistan and Uzbekistan. There is a special visa-free regime for the citizens of border regions of Tajikistan and Uzbekistan,¹²⁹ which enables visa-free entry with foreign passport only in case of a stay of maximum five days. In order to receive a Tajik visa, there is a two-fold process. First, an official letter of invitation from a company authorized by the Tajikistan Ministries of Foreign and Internal Affairs called Visa Support Document or Invitation is needed. Once the invitation letter is obtained, it needs to be submitted together with the application form, two passport size photos and an original passport to the Tajikistan Consulate. When a foreign citizen violates rules of entry or stay, he/she is slated for deportation and must await a court decision.¹³⁰

In regard to entries related to education, it was noted that students from South East Asia, especially from Sri Lanka (on route via Iran and Afghanistan) and Bangladesh study in higher education institutions in Tajikistan. They arrive in Tajikistan with student visas obtained prior to their arrival.

Tajikistan due to its close geographic proximity to Afghanistan currently hosts only approximately 3000 Afghan refugees. This number of Afghan refugees in Tajikistan is now stable due to the improved security situation in Afghanistan.

In regard to falsification of documents detected upon entry, the border and customs staff interviewed stated that they dealt with only very few cases comprised mostly of Afghani migrants who entered Tajikistan after 11 September 2001. According to the border and customs staff, falsification of documents is very expensive. Irregular migrants usually prefer to find a smuggler that helps them cross green borders.

2. Smuggling routes

There are two main elements influencing this phenomenon: drug-trafficking trade and trafficking in persons.¹³¹

According to the CPNB the drug-trafficking route passes along Afghan-Tajik borders, in Shartuz, Termez, Iskasem, Murgab, Jergatal towards Osh in Kyrgyzstan. Along the drug-trafficking route there is also a route for smuggling of migrants as the networks are already established.

The main route transporting trafficking victims passes over Soghd province, Manas airport in Bishkek to Dubai, UAE.¹³² Before there was a route passing through Dushanbe airport, Iran to Dubai, but this channel was uncovered and this route is not used anymore.

According to the CPNB the main destination for irregular migrants is the Russian Federation. The irregular migrants from Central Asia mostly enter with valid documents; forged documents are mostly used in case that the destination is Europe or in cases of irregular migrants from South-East Asia. As to the irregular migration of Afghani migrants, this phenomenon is on decrease. The Afghani irregular migrants according to their sources rather

¹²⁹ Based on the Agreement between Tajikistan and Uzbekistan “On Mutual Trips of Citizens” of 2 July 2000.

¹³⁰ Information from CPNB.

¹³¹ Rahimov Sukhrob, State Committee for State Border Protection, Tajikistan.

¹³² Rahimov Sukhrob, State Committee for State Border Protection, Tajikistan.

enter Turkmenistan through Herat province and move onwards via Turkmenistan or Uzbekistan.

According to the border services, Tajikistan serves as a transit country for irregular migrants from Afghanistan and China. Due to the economic situation (World Bank, 2005)¹³³ of Tajikistan, it is not mainly a country of destination for irregular migrants. According to the border guards and SMS representatives interviewed, illegal border crossing takes place on local Tajik-Uzbek or Tajik-Kyrgyz border checkpoints. State Office of Public Prosecutor stated that they do not have any statistics or data on the smuggling of migrants.

From the AVR cases, where mostly *Bangladeshi* irregular migrants were assisted, it became apparent that many of them had transited through the territory of Tajikistan. From 140 cases assisted in the AVR project, 26 Bangladeshi migrants took the following route: first they travelled to **Delhi, India** where they received Tajik visas and then flew to **Dushanbe**. In Dushanbe, they were advised by a smuggler to have their visas arranged and to take a **taxi across the border to Kyrgyzstan**. Besides the Bangladeshi citizens, the AVR programme in Tajikistan assisted irregular migrants from Iraq, Sri Lanka and Nigeria in their return home.

Due to the poorly managed borders of Tajikistan, especially with Kyrgyzstan, Uzbekistan and Afghanistan (Gorny-Badakshan Autonomous Region and Shurabad district¹³⁴ of Khatlon province), there are many possibilities for irregular migration. The following routes for illegal border crossing are especially used:¹³⁵

- **Soghd** (formerly called Leninabad) **province** (Isfara, Kanibadam, Matcho, Penjikent)
- **Tursanzade** and **Shaartuz districts**
- **Shurabad district**
- **Gorny- Badakshan** and **Jirgital district**.

When interviewing Tajik travel agencies and airlines¹³⁶, it became apparent that they do not have any data on the number of passengers travelling to different destinations according to nationality. Travel agencies and airlines have only data on the overall number of passengers and the number of flights or trips per destination. They indicated that a third person could purchase the ticket for the passenger if this person had the passport of the passenger. Travel agencies and airlines register the necessary travel documents and visas in the passports prior to the purchase of the ticket. They are not required by law to do so. However, the airline that registered the passenger can be found financially liable for the deportation if organizing transportation for a passenger who does not have the necessary travel documents/visa. Returning the passenger to his/her country of origin might cost up to US\$ 8,400 (deportation from Europe).¹³⁷ Most of outgoing flights booked by travel agencies are heading for the Russian Federation and Central Asian countries.

¹³³ According to the World Bank 2005 Study, an average monthly salary in Tajikistan is just slightly above 20 USD and the level of unemployment remains high. Over two thirds of the population continues to live on less than 2,15 USD a day.

¹³⁴ District is an administrative unit below provinces.

¹³⁵ This information was obtained in the course of the research from the migration authority that prefer to be unnamed.

¹³⁶ Tajikistan Airline, Domodedovo Airline, Dushanbe representation of tourist corporation CAT, and the Tajik Railway were interviewed.

¹³⁷ CAT.

The Tajik state railway is the only company rendering services for railway transportation, and provides services only to the following international destinations:

Destination	Number of trips, per year	Number of passengers
Dushanbe –Astrakhan (Russian Federation)	96	36 864
Dushanbe –Kanibadam (via Uzbekistan)	144	55 296
Total	240	92 160

Poor quality of transport and high cost¹³⁸ make this type of travel unattractive. The Tajik railway does not have any statistics on the nationality of passengers. However, according to a representative of the Tajik railway, he believes that most of the passengers are Tajik labour migrants on their way to the Russian Federation. A visa is not required for Tajiks to enter the Russian Federation; the only prerequisite is a foreign passport.

NGOs¹³⁹ providing assistance to migrants indicated that the influx of *Afghani* irregular migrants significantly decreased after the UNHCR resettlement programme of Afghani refugees to Canada ended and after the situation in Afghanistan stabilized. According to UNHCR in 1998 there were 2,026 Afghanis applying asylum in Tajikistan, whereas in 2003 this number decreased to 243 (UNHCR, 2003). However, since the transfer of border checkpoints from Russians to Tajiks,¹⁴⁰ the illegal border crossing became easier according to some NGOs sources. According to the Human Rights Centre in Tajikistan, the *Iraqi* irregular migrants arrived in Tajikistan via a route passing through **Afghanistan, Turkmenistan and Uzbekistan**.

3. Organization of smuggling

Through the interviews carried out under the AVR project, showed that irregular migrants usually travel in groups of 3-5 people, with a smuggler arranging their travel, accommodation and visas. NGOs¹⁴¹ assisting migrants stated that smugglers help irregular migrants in crossing the border between Afghanistan and Tajikistan, and bring them to the border with Kyrgyzstan in the region of the city of Batken, where there is a possibility to illegally cross the border. The migrants interviewed included Afghani, Iraqi and Tajik labour migrants. The *Afghani* migrants stated that they were smuggled to Tajikistan in the area of Gorny-Badakshan Autonomous Region. *Iraqi* migrants stated that they were smuggled via Afghanistan. They mostly travel to Kazakhstan and the Russian Federation for work. As there is a visa-free regime with these two countries, most of them cross the borders legally and then in many cases overstay.

Tajik travel agencies organizing employment abroad stated that they are not in charge of any of these activities. However, in spring 2005 SMS established the centre “Tojikhoriyakor” for the purposes of *officially* organizing employment in the Russian Federation. Migration

¹³⁸ Cost of one-way ticket to the Russian Federation is in average US\$ 100.

¹³⁹ Following NGOs were interviewed in the course of the research: Human Rights Centre, Coalition of Public Organizations of the Rasht Valley, Cultural-educational Centre Olim, Red Crescent Society and public associations of Afghani refugees in Kyrgyzstan.

¹⁴⁰ In 1993 Tajikistan signed an agreement with the Russian Federation on protection and defence of its borders with Afghanistan through Russian border guards.

¹⁴¹ NGOs included public associations of Afghani refugees in Kyrgyzstan.

authorities stated that they do not have any information on organization of smuggling of migrants in, from and through Tajikistan.¹⁴²

4. Smuggling fees

The smuggling service through Tajik-Kyrgyz border, including the transportation to Bishkek was estimated at US\$ 500. This fee remains the same, regardless if more people transit together. In the interviews with migration authorities it was suggested that the irregular migrants from South Asia transiting through Tajikistan pay from US\$ 1,500 to 6,000 for the smuggling operations to Europe, including the travel and fees for falsified travel documents. The migrants interviewed refused to state how much they paid for the services of the smuggler.

5. Profile of migrants

The number of Afghani refugees, currently 3,304 persons (UNHCR, 2003) is not only the result of the geographic proximity of Tajikistan and Afghanistan, but also the result of similar language, culture and traditions; refugees from Afghanistan have lived in Tajikistan already for 10 years. Afghani refugees in Tajikistan live in Dushanbe and Khujand where they are mostly engaged in fine trade and business. Practically all of those interviewed noted that they arrived in Tajikistan at the time¹⁴³ when the political situation in Afghanistan worsened. They illegally crossed borders with falsified Iranian passports and with the help of a smuggler. All of the interviewed migrants have refugee status.

According to the NGOs,¹⁴⁴ the second group of *Afghanis* consists of those who periodically illegally cross the border on the side of Gorny-Badakhshan Autonomous Region. This category of migrants crosses borders both with the purpose of business, and with purpose of visiting relatives who received refugee status in Tajikistan.

According to the government counter-drug smuggling agency,¹⁴⁵ besides these two categories, there is a third group of migrants that works in the drug smuggling business, paying for illegal border crossing to the border guards in the more remote districts.

Besides Afghani migrants there are also migrants from *Iraq* living on the territory of Tajikistan. Until 2003 only two citizens of Iraq were officially registered in Tajikistan who arrived to Tajikistan in the beginning of 1990s.¹⁴⁶ However, since the war in Iraq started, the number of citizens of Iraq arriving in Tajikistan has increased. According to the irregular migrants from Iraq, interviewed during the research, they crossed the border of Tajikistan illegally with falsified Afghani and Indian travel documents. They crossed the border with the help of a smuggler via Afghanistan, bribing the Tajik border guards.

The profile of interviewed Tajik migrants departing for the Russian Federation includes mostly labour migrants who are male, 18-45 years old and from rural areas of Tajikistan. The irregular Tajik migrants departing for Turkey and Pakistan were male and female, 18-40 years old and from rural as well as urban areas. The problems of irregular migrants are connected to

¹⁴² Migration authorities interviewed in this regard included CPNB and SMS.

¹⁴³ Most of the Afghani migrants arrived between 1997-2000.

¹⁴⁴ Information presented by the representatives of Afghan refugee committee in Tajikistan.

¹⁴⁵ Information presented by anti-drug smuggling agency established under the President of Tajikistan.

¹⁴⁶ Information presented by UNHCR and Tajikistan Red Crescent taken to account the refugee status of the Iraqi people in Tajikistan.

their low education, lack of awareness about their rights and obligations abroad, insufficient language skills and difficulties in finding a job and accommodation.

6. National recommendations

Following are the recommendations from the migration authorities and NGOs gathered by local researcher in the course of interviews and postal surveys, portraying the most vital needs in fight against smuggling of migrants:

- create common migration-related electronic database;
- establish uniform electronic system of registration in order to raise quality of the border control;
- coordinate all agencies dealing with migration (SMS, CPNB, State Custom Service) and strengthen sharing of information;
- provide training and technical assistance to migration authorities and border guards;
- draft regional action programme to fight irregular migration and protect migrants' rights.

6. Conclusions

Smuggling of migrants is a major migration challenge in Central Asia. Through the “vector” approach, indices suggest that Central Asian countries are mainly transit countries for migrants from South and South-East Asia on their way west. Some of the reasons for smuggling routes going through Central Asian countries include relatively low technical capacity to detect irregular migrants, long and porous borders, Diaspora in the countries of transit and destination and logistical prerequisites such as direct air routes through the region.

The method of the “vector” approach showed that although it is not possible to quantify smuggling of migrants in the region, it is possible to establish trends and patterns of the smuggling movement. This method was therefore proved to be an essential tool for the future research on irregular migration.

Central Asian countries are however not only transit countries—they are also countries of origin and increasingly countries of destination for smuggled migrants from China and Afghanistan that settle in Central Asian countries. This is due to the higher standard of living in some of these countries.

Steps are being taken to manage and regulate migration and to prevent the violation of migrants’ rights. The visa policy was increasingly regulated in some countries, foreign passports were introduced as a necessary travel document in order to cross borders, security features of travel documents are higher and the number of electronically equipped border checkpoints is increasing.

However there is still a lot of work to be done. None of the countries established smuggling of migrants as a legal offence in its national legislation, the registration system of foreigners is not fully computerized, visas are often widely distributed without checking more strictly the real purpose of stay, airport liaison officers are not present at any of the airports in the region and corruption is still a prevailing trend in many parts of the region.

Although the prospect of completely eradicating smuggling of migrants is not realistic, steps can be taken to manage the migration flows in an organized and humane manner, taking care of human and migrants’ rights.

7. Recommendations from IOM¹⁴⁷

The motivation to reduce smuggling of migrants is twofold; firstly the objective is to decrease the number of illegal entries and with that criminal elements also included in the smuggling of migrants and secondly to secure the well-being of migrants by keeping them out of the hands of smugglers. Here are some of the general strategies suggested to counter smuggling of migrants:

- Reflect in all national legislation, activities, projects and programmes the respect for the human dignity and well being of migrants;
- Establish adequate legal response in penalizing smuggling of migrants;
- Improve investigation capacities in order to track and prosecute smugglers;
- Enhance pre-inspection of visa applications before granting such;
- Improve security of personal documentation including travel documents and documents for internal use in the region;
- Promote the formalization of employment relations;
- Ensure consistent standards and facilitation of decision making in asylum system;
- Post Immigration Liaison Officers close to centres of smuggling operations;
- Increase data sharing and cooperation of migration authorities in the region;
- Open up legal, orderly channels of migration by increasing quotas for labour migration.

¹⁴⁷ These recommendations are taken from IOM's Essentials of Migration Management, 2004.

8. Recommendations from regional government and NGO representatives

During the regional state-civic roundtable on irregular migration in Almaty on 30 March 2006, the representatives of migration authorities and NGOs of Kazakhstan, Kyrgyzstan, Tajikistan and Uzbekistan formulated the following recommendations in regard to **stemming irregular migration**:

- unification of administrative codes across Central Asia;
- strengthening of borders;
- creation of a unified information exchange system;
- increase in cooperation between agencies in different states;
- cooperation with international organizations and NGOs;
- increase in information campaigns on risks of irregular migration;
- increase the qualifications of officials of state organs via trainings;
- giving grants to local specialists for capacity building reasons;
- cooperation with local executive bodies.

The second working group of the roundtable was dealing with questions of **labour exploitation of irregular migrants**. This group reached the following conclusions and recommendations:

- increased information campaigns for potential migrants;
- establishing consulting points at the borders;
- making transparent the activities of labour recruiting agencies;
- expanding the network of recruiting agencies;
- exchanging information on regulation of migration processes in the region.

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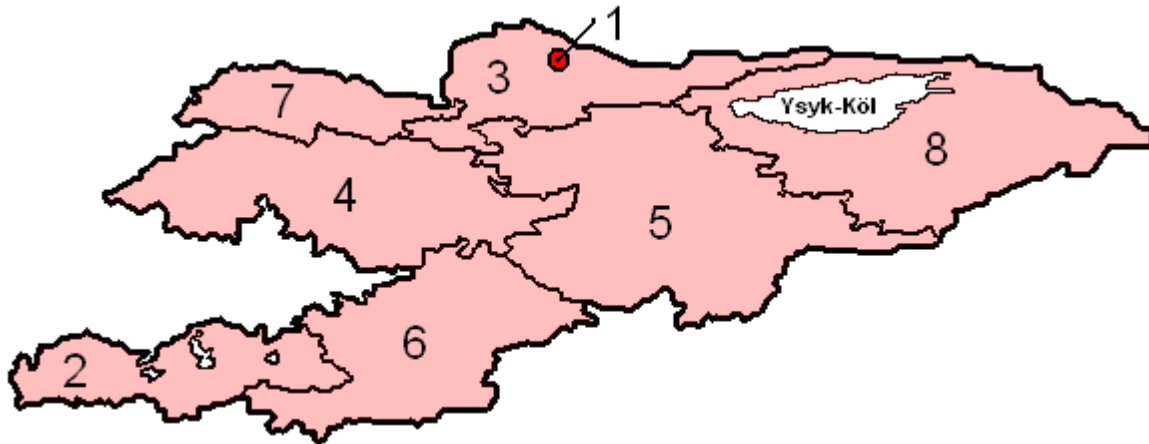
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9. Annex

Map of Provinces in Kyrgyzstan

The map bellow presents different administrative provinces of Kyrgyzstan in the order that they are referred to in the sections below.



Map from Wikipedia, http://en.wikipedia.org/wiki/Subdivisions_of_Kyrgyzstan.

The provinces of Kyrgyzstan:

1. Bishkek (Shaar)
2. Batken Province (Batken)
3. Chui Province (Tokmok)
4. Issyk-Kul Province (Karakol)
5. Jalal-Abad Province (Jalal-Abad)
6. Naryn Province (Naryn)
7. Osh Province (Osh)
8. Talas Province (Talas)

Map of Central Asia



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