

# THE HAGUE

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## **Migrant Smuggling: The Challenge for Europe**

### **An Analysis of the EU Action Plan Against Migrant Smuggling**



**How did counter-action strategies, implemented by the EU in 2015,  
prevent migrant smuggling in Europe?**

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## EXECUTIVE SUMMARY

Following tragic events in the Mediterranean Sea, several actions described in the European Agenda on Migration were put into operation. One of these key actions was the establishment of the EU Action Plan against migrant smuggling in 2015. The main goal of the EU Action Plan is to prevent and counter migrant smuggling. In this dissertation, it was researched how counter-action strategies, implemented by the EU in 2015, prevent migrant smuggling in Europe. It was expected that not all actions of the Action Plan were implemented, mainly because the implementation of the Action Plan is still ongoing up until 2020. To be able to answer the research question, a progress report on the European Agenda on Migration was used, since the European Commission has not yet evaluated the Action Plan against migrant smuggling. In line with the expectation, not all actions have been implemented. A list of implemented actions, up to and including the year 2017, was established. Additionally, a comparison was made between the situation regarding migrant smuggling before and after the Action Plan was implemented in 2015, in order to conclude what the effect was of the implemented actions up to and including 2017. Firstly, what stands out is that less migrants arrived in Europe since the implementation of the EU Action Plan, especially via the Eastern Mediterranean and the Central Mediterranean routes. On the contrary, the Western Mediterranean route seems to become more popular. Besides, the Black Sea route has emerged and is becoming more of a trend. This means the migrant smugglers are adapting to the counter-action strategies of the EU by using alternative routes. Additionally, before the EU Action Plan, the motive of migrants to engage with smugglers was the lack of regular and safe migration channels towards Europe and was still the case after the implementation. It seems that counter-action strategies are actually making it harder for migrants to travel towards Europe in a legal and safe way, resulting in migrants still relying on the help of smugglers to cross borders. Besides, the new working methods of migrant smugglers are still very dangerous. With the number of migrant found dead not decreasing in 2017 compared to 2015, it is questioned what the effect is of the actions in the EU Action Plan on the safety of migrants. At least it is clear that there is a lack of implemented actions to create safe and legal routes. In conclusion, it is doubtful whether the counter-actions of the European Union, implemented in 2015, reach their goal to prevent migrant smuggling, because migrant smugglers are adapting to the counter-action strategies of the EU, while the risk of dying for migrants is not decreasing. Therefore, more attention should be focussed towards the safety of migrants by including actions to create legal and safe routes in the approach to tackle migrant smuggling.

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## CHAPTER ONE: Introduction

Over the last few years, the influx of migrants towards Europe has been a frequently discussed subject, and still is nowadays. While many people have an opinion on migrants entering their country, they are not aware of under what circumstances migrants have travel and what they experience during their journey. In fact, most migrants reach their destination in Europe with trauma, caused by traumatic experiences during their journey to Europe. An important factor in that is that a large proportion of migrants travel with the help of smugglers. To illustrate, the migrants are brought to their destination in Europe by smugglers for a large amount of money and often under poor conditions. This process can be described as migrant smuggling.

To begin with, it is important to understand what migrant smuggling entails. The terms ‘migrant smuggling’ and ‘human smuggling’ are two terms that are often interlinked with each other. To be more specific, human smuggling with a direct link to migration is called migrant smuggling (Brussel Preventie & Veiligheid, n.d.). Therefore, in this dissertation, the term ‘migrant smuggling’ will be used.

Moreover, McAuliffe and Laczko (2016) explain the importance of clearly distinguishing the terms ‘migrant smuggling’ and ‘human trafficking’. Both phenomena are often used intertwined since the increasing media coverage on irregular migration, which causes misunderstanding and confusion.

When firstly looking at human trafficking, the European Commission defines this phenomenon as ‘the recruitment, transportation, transfer, harbouring or receipt of persons, including exchange or transfer of control over that person, 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’ (European Commission, n.d.). Thus, there are three main elements in human trafficking: it never includes consent, it is for the purpose of exploitation and it does not necessarily have to include crossing borders.

On the contrary, according to the United Nations Protocol against the Smuggling of Migrants by Land, Sea and Air (United Nations, 2000) migrant smuggling can be described as ‘the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident’. Hence, it becomes clear that migrant smuggling always involves the illegal crossing of land borders with the help of smugglers. Additionally, according to the European Parliament (2016), there are other elements that belong to the migrant smuggling phenomenon. Firstly, one of the most important aspects of migrant smuggling, in contrast to human trafficking, is that it includes consent. Most of the time, migrants are unable to make the journey towards Europe without the help of a smugglers.

Since migrants have a great desire, for reasons such as war, persecution and poverty, to reach their country of destination, they willingly agree to use the help of smugglers. Furthermore, migrant smuggling is seen as a crime against the state because of the facilitation of illegal border crossing. Lastly, the European Parliament emphasizes that migrant smuggling is mainly conducted with the purpose of financial benefit for the smugglers.

Additionally, to get a better understanding migrant smuggling, it is useful to give a clear description of a migrant. A migrant is someone that 'is moving or has moved across an international border or within a State away from his/her habitual place of residence' (IOM, n.d.d). Based on the reason for migration, a distinction can be made between two types of migrants: refugees and economic migrants. At first, according to the 1951 Refugee Convention, a refugee is defined as: 'someone who is unable or unwilling to return to their country of origin owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion' (UNHCR, n.d., p. 3). These people often have no other option than to travel to other States for safety and support, since staying in their country can be a great risk to their lives. Economic migrants, on the other hand, travel towards other States because of the poor economic situation in their home country. Therefore, economic migrants seek to find jobs or education in different States in order to improve their living conditions (UNHCR, 2016).

In order to prevent migrant smuggling, the legislation of the EU on migrant smuggling is based on two instruments adopted in 2002: Directive 2002/90/EC and Framework Decisions 2002/946/JHA (European Commission, 2015d). Also, the UN Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime is used as part of the legal framework on migrant smuggling. The Directive 2002/90/EC defines 'the facilitation of unauthorised entry, transit and residence' (European Parliament, 2016, p. 6). The Framework Decisions 2002/946/JHA intends 'to strengthen the panel framework to prevent the facilitation of unauthorised entry, transit and residence' (European Parliament, 2016, p. 6). According to the UN Protocol Against the Smuggling of Migrants by Land, Sea and Air, migrant smuggling is a criminal offense because it is 'committed intentionally in order to obtain a financial or material benefit' (European Parliament, 2016, p. 7).

The EU and Member States took responsibility for the current refugee crisis following an incident in the Mediterranean sea that occurred in 2013, in which 366 African migrants died on their way to Europe when their boat, arranged by smugglers, sank (UK Parliament, 2015). Events like this led to the establishment of an action plan: the EU Action Plan against migrant smuggling (2015-2020). This Action Plan contributes to tackling migrant smuggling and preventing further tragic incidents from happening at the Mediterranean sea. In order to accomplish this, specific actions have been set out in the Action Plan. This will be further explained in Chapter four.

In this dissertation, the central research question is: *How did counter-action strategies, implemented by the EU in 2015, prevent migrant smuggling in Europe?* This was answered by analysing the EU Action Plan against migrant smuggling (2015-2020). It was expected that at the time of writing this dissertation, not all actions would be implemented, since the execution of the Action Plan covers a period of five years, from 2015 to 2020. Therefore, the effect of this Action Plan was analysed by comparing migrant smuggling in Europe before the implementation of the Action Plan in 2015, and after, up to and including the year 2017. Furthermore, this dissertation includes the answers on four sub questions, a discussion chapter, followed by a conclusion and recommendations.

## CHAPTER TWO: Methodology

### 2.1. Research approach

The goal of this dissertation is to answer the question how counter-action strategies, implemented by the EU in 2015, prevent migrant smuggling organised by criminal networks. To be able to do this, the research approach was focussed on both qualitative data and quantitative data gathered by literature research.

### 2.2. Research methods

All information was gathered by desk research. Therefore, it was important to use professional and trustworthy sources. The most frequently used sources in this dissertation were: European Commission, Europol, International Organization for Migration (IOM), Frontex, European Parliament, and United Nations High Commissioner for Refugees (UNHCR). The reason for mainly using these sources is that these organisations are all official EU-sources and are therefore professional and trustworthy.

#### 2.2.1. Official EU-sources

For the research that has been conducted in this dissertation, official EU-sources have been used. Firstly, research reports of organisations such as Europol, IOM and Interpol provided information on migrant smuggling in Europe. By using this information, it was possible to investigate the different aspects of migrant smuggling, such as the safety during a migrant's journey, working methods of the smugglers and much information was gathered on the statistics. Secondly, based on policy documents it was possible to describe the counter-action strategies of the EU against migrant smuggling. The documents that have been used to describe this are the European Agenda on Migration, the European Agenda on Security and the EU Action Plan against migrant smuggling. These documents contain specific actions that the EU planned to execute. Moreover, these specific actions of the EU Action Plan were compared to information available in a progress report on the European Agenda on Migration in order to evaluate the EU Action Plan against migrant smuggling. This comparison is further explained in Chapter six of this dissertation. Additionally, the progress report on the European Agenda on Migration was obtained by contacting the Representation of the European Commission in the Netherlands, who has sent the progress report in an email.

#### 2.2.2. News articles

News articles have been used to obtain information on smuggling routes and the developments in usage of these routes, but also on events that generated media attention, such as migrants dying during their journey. Therefore, news articles were especially valuable to learn more about the humanitarian problems regarding migrant smuggling. Furthermore, news articles that contained interviews with migrants were used to gain insight into the experiences of migrants during their

travel towards Europe. Articles were obtained from websites of for example: BBC, The Washington Post, The Independent, The Guardian, Reuters, and a press release published by Eurostat.

### 2.2.3. Academic journals

The online platform ResearchGate is a journal database which was used to retrieve academic journals. Journals are an added value to the dissertation because it provides different perspectives on migrant smuggling. For example, an article of researchers Baird and van Liempt (2015) was retrieved from ResearchGate. This article was useful to the dissertation because it provided a systematic review of approaches on human smuggling.

### 2.2.4. Critical views and opinions

The critical views and opinions on the approach of the EU to tackle migrant smuggling were obtained through the use of parliament documents. To be more specific, the UK Parliament published a document of the European Union Committee about the EU Action Plan against migrant smuggling. In this document, interviews with experts of various organisations, such as Amnesty International UK, Human Rights Watch, Europol, Frontex and Migrants' Rights Network, can be found. Additionally, the critical view of the Non-Governmental Organisation Oxfam International provided an opinion against counter-actions of the EU. Overall, using critical views and opinions of experts creates an opportunity to view the EU Action Plan from different perspectives.

### 2.2.5. Qualitative data and quantitative data

Both qualitative data and quantitative data is gathered for answering all four sub questions:

*Sub question 1.* How can migrant smuggling in Europe, before implementation of the EU Action Plan against migrant smuggling, be described?

*Sub question 2.* What is the EU Action Plan against migrant smuggling (2015-2020)?

*Sub question 3.* How can migrant smuggling in Europe, after implementation of the EU Action Plan against migrant smuggling, be described?

*Sub question 4.* Has the EU taken all actions as described in the EU Action Plan against smuggling and thus implemented all measures?

Specifically sub question 1 and sub question 2 will be answered by addressing four subjects: statistics on migrant smuggling in Europe, working method of migrant smugglers, motives of migrants to engage with smugglers, and the safety of smuggled migrants.

When addressing the subject 'statistics on migrant smuggling in Europe', quantitative data is gathered to provide more insight in for example the number of migrants travelling to Europe. Additionally, quantitative data is gathered when addressing the subject 'safety of smuggled migrants'. In particular, data is gathered to get insight in how many migrants died or went missing

during their journey. In short, quantitative data is gathered from news sources such as the BBC and EU official sources such as Europol, IOM and Eurostat. Also, statistics provided by the United Nations High Commissioner for Refugees (UNHCR) was used to gather quantitative data.

Overall, the subjects in all four sub questions will be addressed by using qualitative data. This data will give an understanding of the situation regarding migrant smuggling before and after the implementation of the Action Plan against migrant smuggling. Additionally, the qualitative data will be used to describe the measures and specific actions in the Action Plan and whether they are all implemented.

#### 2.2.6. Semi-structured interviews

An added value to the dissertation would be to include interviews with experts on migrant smuggling in Europe. By conducting interviews with experts it is possible to gather inside information of the organizations that are involved in migrant smuggling, such as the IOM. Such experts are able to give more detailed answers on specific questions than can be obtained by desk research. With that in mind, emails were sent to the following organisations: the IOM and the European Migration Network (EMN). A structured interview was included in the emails and it was requested to answer the interview questions per email. These interview questions can be found in Appendices A and B. The preference for structured interviews is because unstructured interviews will be time-consuming for the experts (Gill, Stewart, Treasure, & Chadwick, 2008). In the appendix, the interview questions that were sent to the IOM and the EMN can be found.

Additionally, an added value would be to include an interview with a migrant who experienced smuggling during the journey from their home country to the Netherlands. Hence, this interview could contribute to gaining more information about the motive of a migrant to engage with smugglers to reach their destination and about what migrants experience during the journey. A request to make an appointment for a semi-structured interview was sent by email to Centraal Orgaan opvang Asielzoekers (COA), VluchtelingenWerk Nederland, Stichting Vluchtelingen Ambassadeurs, and Wereldhuis. The project coordinator of Wereldhuis advised to contact the project 'Recht in zicht'. The interview questions were not included in the emails, but it was clear that the goal of the questions was to learn more about the experiences of smuggled migrants during their journey towards Europe. The preference for a semi-structured interview is because semi-structured interviews consist of predetermined questions which help the interviewer to question all necessary subjects, but at the same time makes it possible to come up with new questions during the interview which can result in a more in depth story of the interviewee (Gill, 2008).

When conducting an interview, it is important that the interviewee consents with taking part in the research. Especially when interviewing a migrant it is important that all information is treated with confidence, since they tell a story that contains very personal information.

Unfortunately, all interview requests were denied by both the expert organizations and migrant organizations. Surprisingly, it was even recommended by the EMN to do only literature research for answering the questions. For that reason, it was not possible to add an interview to this dissertation. To compensate, interviews with experts and migrants found on the internet were used to gain more inside information. As described earlier in this chapter, views and opinions of several organisations were obtained out of a document created by the UK Parliament. Speaking of the interviews with migrants, news articles, also described earlier in this chapter, contained interviews with migrants. The reliability of the interviews were questioned prior to including them in the dissertation. However, since the interviews were published on trustworthy news websites such as The Guardian, it was decided that the interviews were reliable enough to include in the dissertation.

In order to write a conclusion on how counter-action strategies, implemented by the EU in 2015, prevent migrant smuggling organised by criminal networks, Chapter seven integrates the answers on all four sub questions to discuss the subject.

### 2.3. Research limitations

A limitation that may influence the outcome of this research is that the Action Plan is still ongoing up until 2020. Therefore, at the time of writing this dissertation, it may be difficult to conclude how the counter-action strategies prevent migrant smuggling in Europe. Additionally, Rob Wainwright from Europol said that, when speaking of reducing the problem, it ‘takes us to 2020 before we can have a really meaningful impact’ (House of Lords, n.d., p. 73). Thus, the conclusion will be based on actions implemented up until December 2017. Moreover, at the time of writing this dissertation, a progress report evaluating the EU Action Plan is not yet available, which is why a complete evaluation of the actions is not possible.

Further, it is questionable whether it is possible in this dissertation to research if the Action Plan is the reason for changes in migrant smuggling in the EU and therefore what the actual effect is of the Action Plan. Moreover, there may be other aspects that influence migrant smuggling in Europe. For instance, actions part of the European Agenda on Migration and the European Agenda on Security may have their influence on migrant smuggling. Besides, deals that were made between EU Member States and third countries, such as the EU-Turkey deal (European Commission, n.d.c) and the Libya-Italy deal (Reuters, 2017), could have their effect on migrant smuggling in Europe, because these deals contribute to blocking migrants entering the EU.

### CHAPTER THREE: How can migrant smuggling in Europe, before implementation of the EU Action Plan against migrant smuggling, be described?

In this chapter, the aim is to describe migrant smuggling in Europe before the implementation of the EU Action Plan against migrant smuggling in 2015. In order to draw a conclusion about whether the Action Plan prevents migrant smuggling, it is important to compare migrant smuggling in Europe before and after the Action Plan. This chapter will take into account several subjects: the statistics on migrant smuggling in Europe, the working method of the migrant smugglers, the motives of migrants to engage with smugglers, and the safety of the smuggled migrants.

#### 3.1. Statistics

Migrant smuggling in Europe is a topic that has been receiving growing attention over the last few years, not only by the media, but also by the European Union and its institutions and agencies. Looking at the statistics on migrant smuggling in Europe, this is not surprising. The increase in the number of migrants arriving in the European Union started in 2014 and reached an unprecedented level in 2015, according to Europol (2016). More than one million migrants arrived in Europe in 2015, of which most arrivals were arrivals by sea. To be exact, 1,004,356 migrants travelled over sea to reach Europe and there were 34,900 land arrivals (UNHCR, 2016). In 2014, the number of both land and sea arrivals was 280,000 (BBC, 2016). The increase has clearly been significant. Additionally, traveling by air has not been a common method of migrant smuggling over the last few years, but Europol expects that the use of this method will increase when land and sea routes will be stricter controlled (Europol, 2016b).

According to the UNHCR, Europe is dealing with the highest number of migrants coming into Europe since the Balkan crises of the 1990s (UNHCR, 2015). An overview of the annual number of asylum seekers in Europe since 1985 is shown in Figure 1 (Conner, 2016).

#### **Number of asylum seekers in Europe surges to record 1.3 million in 2015**

*Annual number of asylum applications received by EU-28 countries, Norway and Switzerland, 1985 to 2015*

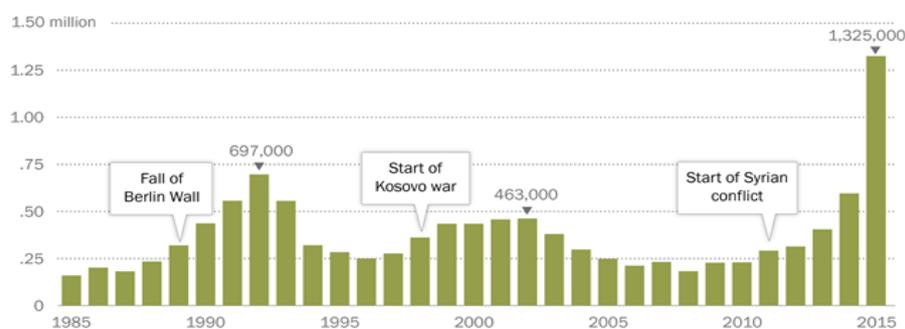


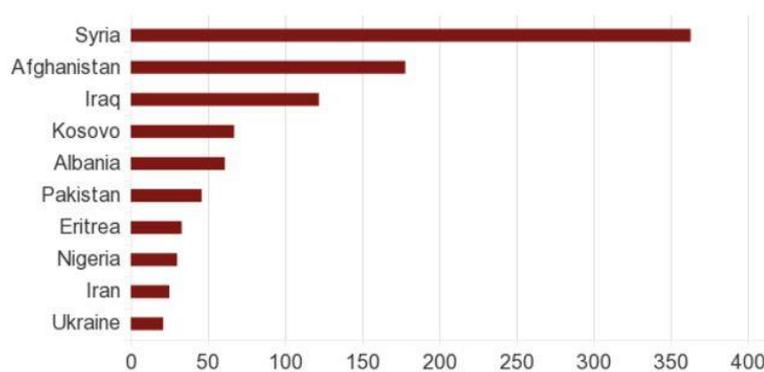
Figure 1. Number of asylum seekers in Europe since 1985. Retrieved from

<http://www.pewglobal.org/2016/08/02/number-of-refugees-to-europe-surges-to-record-1-3-million-in-2015/>.

Most of the migrants are refugees fleeing from problems in their home country, such as war and prosecution. For example, one of the reasons for the strong increase in migrant arrivals in 2015, is the civil war in Syria (Jones, Shaheen, 2015). More than four million Syrians fled their home country in 2015 and found shelter in neighbouring countries or attempted the journey towards Europe. An overview of the top ten origins of migrants that applied for asylum in the EU in 2015, can be found in Figure 2.

### Top 10 origins of people applying for asylum in the EU

First-time applications in 2015, in thousands



Source: Eurostat

Figure 2. Top 10 origins of people applying for asylum in the EU. Retrieved from <http://www.bbc.com/news/world-europe-34131911>.

According to research that has been conducted by the IOM, 90 percent of the migrants that travel to Europe make use of smugglers (Europol, 2016b). This shows how much influence the smugglers have on the migration issue in Europe and how they contribute to migration flows towards Europe. It may be suggested that the statistics on migrant smuggling and the number of migrants travelling towards Europe have had an influence in the decision to create the EU Action Plan against migrant smuggling.

### 3.2. Working method of migrant smugglers

The smugglers that facilitate the journey for migrants towards Europe, do not always operate alone. In many cases, migrant smugglers are part of large criminal networks (Europol & Interpol, 2016). This is also one of the reasons why migrant smuggling is seen as an international criminal business. Besides, it has turned out that it is a very lucrative business as well. For example, the criminal networks earned between EUR 3 and 6 billion with migrant smuggling in 2015 (Europol, 2016b). Additionally, Salt and Stein (1997) concluded that smugglers are particularly focussed on financial gain and making profits. Moreover, Europol expects the turnover of criminal networks involved in migrant smuggling to further increase in the coming years (Europol, 2016b).

The question arises on what it is that the migrant smugglers exactly do to gain such a high turnover. According to Europol (2016), the smugglers are involved in providing services such as accommodation, transportation and providing fraudulent documents to the migrants along the journey. Besides asking high amounts of money for these services, forcing migrants into illegal labour is a way of making them pay for the services they provide. The services provided by migrant smugglers are offered along the main migration routes to Europe. Frontex, the European Border and Coast Guard Agency, identified three main migration routes (Frontex, 2017). Figure 3 shows a map of the main migration routes towards Europe.

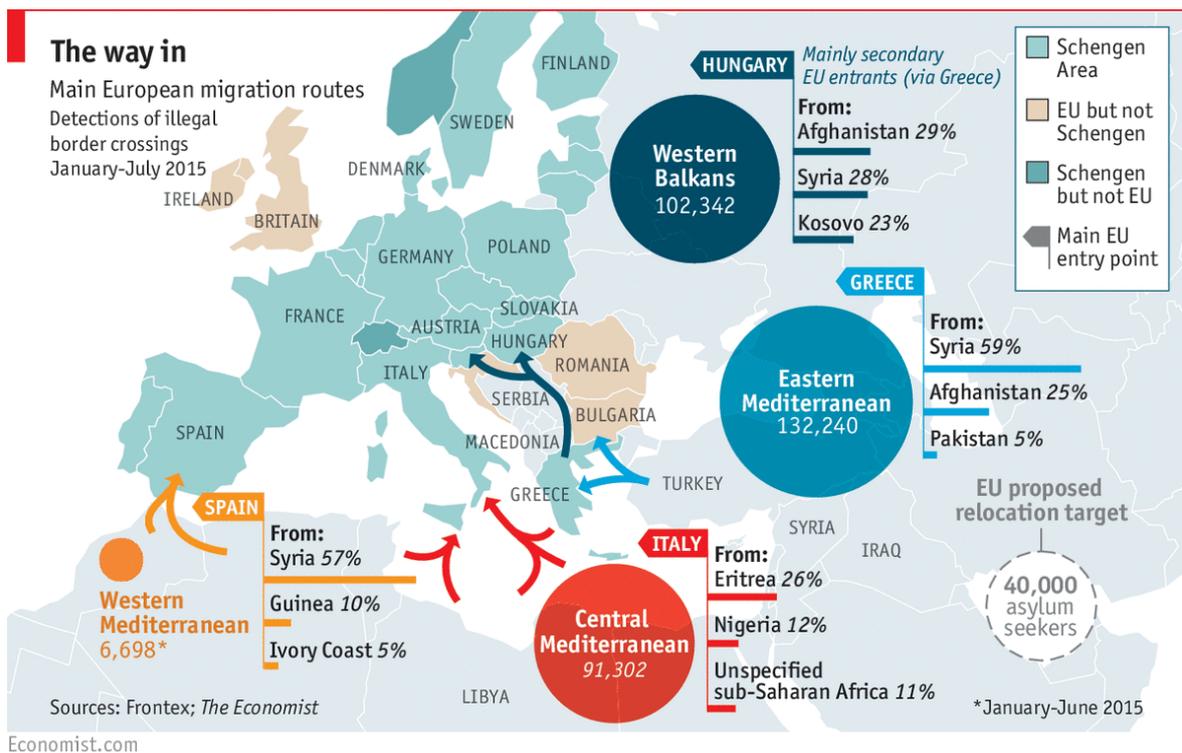


Figure 3. Main European migration routes and numbers of illegal border crossings. Retrieved from <https://www.economist.com/news/europe/21662597-asylum-seekers-economic-migrants-and-residents-all-stripes-fret-over-their-place-looking>.

Firstly, the Eastern Mediterranean entry route will be described. In 2015, most of the migrants travelling to Europe arrived in Greece, on the islands of Kos, Lesbos, Samos and Chios (BBC, 2016). When arrived in Greece, migrants make use of three different routes to reach their destination country (Frontex, 2017). They travel to Italy by sea, travel through the Western Balkans and enter the EU in Croatia or enter the EU via countries such as Romania, Bulgaria and Hungary. To illustrate, 50.830 migrants were reported travelling through the Eastern Mediterranean route in 2014 compared to 885.386 in 2015 (Frontex, n.d.c). Secondly, there is the Central Mediterranean entry route. This route is mostly used by migrant smugglers operating from Libyan shores (Frontex, 2017). After Greece, Italy is most popular for migrants in terms of arrivals in Europe. In 2014, 170.760 migrants travelled

through the Central Mediterranean route compared to 153.946 in 2015 (Frontex, n.d.b). When migrants have arrived in Italy they usually travel further to Milan and from there reach their destinations in Northern Europe, for example Germany, Austria and Switzerland (Frontex, 2017). Lastly, there is the Western Mediterranean entry route. This route is used much less than the Eastern and Central Mediterranean entry routes. To illustrate, 7.840 migrants travelled through the Western Mediterranean route compared to 7.164 in 2015 (Frontex, n.d.d). Migrants mainly use this route to travel to Spain and France (Frontex, 2017). Additionally, there is a small percentage of migrants that travel through Russia, the Nordic countries and Ukraine in order to reach the European Union (Triandafyllidou and Maroukis, 2012).

Along these three main migration routes, so-called hotspots are located. Hotspots can be described as locations along much used migration routes where there is access to transport infrastructures (Europol, 2016b). Examples of hotspots are airports and train stations, but also the stop of long distances coaches. Europol has investigated that there are around 230 hotspots in Europe, for example Vienna, Athens, Calais, London and Budapest. These hotspots are very attractive to migrant smuggling networks because they offer their services at these locations. Besides the fact that migrants have stopovers in these hotspots, during their journey they also stop in urban regions, with the main reason being that they can work illegally to pay off their debt to the smuggler or to save money for the remaining part of the journey.

Besides the hotspot locations, smugglers make use of other ways to attract migrants. A much used and modern way of attracting migrants is through social media (Europol, 2016b). For example, smugglers advertise their services through Facebook. An example of what a smugglers message looks like is: 'The cost of a package with travel from Turkey to Libya by air and onward sea journey from Libya to Italy costs USD 3,700. For the sea journey adults cost USD 1,000, and three children cost USD 500'. Since many migrants have access to mobile phones during their journey, this is an effective way of advertising for smugglers. Smugglers also use social media to recruit drivers to transport migrants. Besides mobile phones being useful to both migrants and smugglers to get in contact with each other, migrants and smugglers use mobile phones to gain information about the smuggling routes, destination countries and conditions in the destination countries. It has turned out to be especially favourable for the migrant smugglers, because they can charge higher prices for alternative routes or safer routes when, for example, they gain information about increased border controls on a specific smuggling route (OECD, 2015). This connects to research that has been conducted by the IOM, which describes that there is a high degree of adaptability of migrant smuggling organizations because they often have to shift routes to avoid countermeasures by law enforcement (IOM, 2011).

According to researchers McAuliffe and Mence (2014), it is important to identify the different types of smugglers. They use ‘the smuggling spectrum’ to explain this, as shown in Figure 4.



Figure 4. The smuggling spectrum (McAuliffe and Mence, 2014).

McAuliffe and Mence (2014) explain that there are two opposites on the smuggling spectrum. On one side of the spectrum there are the irregular migration agents. These migration agents often are truck or boat owners that offer their services to migrants. Migration agents do not work for a smuggling network and their working method is loosely-organised. The opposite of the migration agents are the ‘apex’ smugglers. The smugglers on this side of the spectrum are part of large criminal and smuggling networks. Their operations can be described as highly structured and mostly involve different types of smuggling. In between the migration agents and apex smugglers, are the corrupt government officials. According to the UNODC, the United Nations Office on Drugs and Crime, the role of corruption in migrant smuggling is significant (UNODC, 2013). Moreover, the UNODC concludes that, without cooperation between corrupt officials and smugglers, migrant smuggling would not take place on the large scale that it does now. This means that corruption is a facilitating factor in migrant smuggling. Europol has investigated that corruption occurs in different ways and at several stages during a migrants journey (Europol, 2016b). The corruption mostly involves law enforcement officers receiving bribes. For example, this occurs at border-crossing points where law enforcement officers are bribed by migrant smugglers in order to pass through vehicles with migrants, or at sea, when officers release migrants or ships and get payed in return. Another method of corruption that is perhaps less known, is that criminal networks involved in migrant smuggling try to bribe embassy staff in order to arrange passports, visas, and immigration applications. When analysing this phenomenon, it can be said that the efforts of the European Union and its agencies involved to prevent and control the smuggling of migrants, is definitely undermined when corruption takes place on this scale.

In a research report by Europol, the hierarchy of criminal networks involved in migrant smuggling is described (Europol, 2016b). It is important to know the division of roles and hierarchy of a migrant smuggling network to understand their working method. On top of the ladder is the leader of the network. The leader does not have contact with everyone in his network but just a few core members. A key migration hub usually is where a leader is located. Members of the network that arrange flights, transfers and set prices for their services are the local or regional leaders. These leaders are responsible for operations of a smaller network at a local level. The members of the smaller networks are responsible for the recruitment of drivers and buying or renting vehicles for transportation.

### 3.3. Motives of migrants to engage with smugglers

To understand migrant smuggling in Europe before the implementation of the EU Action Plan against migrant smuggling, it is important to investigate the motives of migrants to engage with smugglers. The reason for smugglers to offer their services to migrants has already been identified earlier in this chapter; migrant smuggling results in enormous profits for migrant smuggling networks (Europol & Interpol, 2016). A United Nations report on migrant smuggling suggests that the main reason for migrants to engage with smugglers, is the lack of regular and safe migration channels towards Europe (United Nations, 2015). Moreover, strict entry requirements and family reunification are also identified as reasons for using the services provided by smugglers. For example, when family reunification is restricted or delayed, migrants are forced to attempt the journey towards Europe by engaging with migrant smugglers to reunite with their family.

Additionally, a study by van Liempt (2007) showed that the decision to choose for a specific migrant smuggler is based on a few aspects. Van Liempt explains that many migrants choose smugglers whom family members, friends and acquaintances already have experience with. Thus, trust is really important in the decision making process for migrants. On the other hand, it is also important for the smugglers to establish a trustworthy reputation. To do so, smugglers would, for example, offer the migrants to pay for the journey in instalments.

### 3.4. Safety of the smuggled migrants

As a migrant, attempting the journey towards Europe with the help of smugglers is a high risk operation. According to research by the UNHCR, the United Nations High Commissioner for Refugees, 3771 migrants died or went missing in 2015 during their journey (UNHCR, 2016). The number in 2014 is almost the same, with 3538 migrants dead or missing during their journey, of which 3,072 migrants died in the Mediterranean. In 2013, 700 migrants died in the Mediterranean. The numbers show that pressure on the Mediterranean region has increased intensively with regards to migrant smuggling. In Figure 5, an overview of the estimated deaths in 2015 along the different Mediterranean migration routes can be found. When looking at 2015, the IOM states that April was the deadliest month in terms of migrants that died during their journey (IOM, 2016b). Almost 1,250

migrants died this month, of which 800 during a tragedy involving an overcrowded vessel that capsized while crossing the Mediterranean. According to a UNHCR spokesperson, a ratio of one out of 269 migrants died while crossing the Mediterranean in 2015 (UNHCR, 25 October 2016). Overall, many migrants died during their journey caused by unsafe and illegal migration routes. Vincent Cochetel, a French official for the UNHCR, explains that if there were legal and safe routes for migrants towards Europe, the migrants that died at sea could have found safety and peace instead (Clayton, Holland, 2015).

*Estimated migrant and refugee deaths in 2015 along the Mediterranean routes*

<b>Migration Route</b>	<b>Deaths</b>
Central Mediterranean	2,892
Eastern Mediterranean	805
Western Mediterranean	74
<b>Total</b>	<b>3,771</b>
<i>An additional estimated 32 migrants died en-route to the Canary Islands</i>	

*Figure 5.* Estimated migrant and refugee deaths in 2015 along the Mediterranean routes. Retrieved from <https://www.iom.int/news/iom-counts-3771-migrant-fatalities-mediterranean-2015>.

Furthermore, the IOM has identified that there are specific risks for migrants depending on the smuggling method (IOM, 2016a). Firstly, for migrants that travel by land, for example underneath or in trucks, there is the risk of falling among other moving vehicles and suffocation. Secondly, for smuggling by air, there is the risk of freezing to death in wheel bays of planes. Thirdly, the risk of dying for migrants travelling by sea is much greater than when they travel by land or air, mainly due to the high chance of drowning and dying caused by overcrowded boats. To illustrate, the boats that are used to smuggle migrants are of low quality because smuggling networks do not want to invest a lot of money in these boats. This results in migrants being smuggled in ‘flimsy rubber dinghies and small wooden boats’ (BBC, 2016). Additionally, most of the time there is no food or drinking water on board because every space on board is used to smuggle migrants (IOM, 2016a). Overcrowded boats result in capsizing frequently. Furthermore, the captain that steers the boat usually has no access to proper navigation equipment and therefore there is a higher risk of getting lost at sea. This is especially dangerous with poor visibility because of bad weather and rough seas.

The OECD, Organisation for Economic Co-operation and Development, explains that migrant smuggling often becomes human trafficking, meaning migrants may be exploited and deceived

(OECD, 2015). In particular, smugglers may all of a sudden demand higher prices during the journey than what was agreed upon beforehand. As a consequence, if migrants are unable to pay the smuggler, sexual exploitation or forced labour may occur to be able to pay off their debt. Another example by the RMMS, the Regional Mixed Migration Secretariat, explains how migrants were abducted in Yemen by smugglers who were only released when their families pay off their debt (IOM, 2016a). To illustrate, it is between USD 800 and 1,300 that their families have to pay.

Research and statistics on migrant smuggling have shown that making use of the services of smugglers comes with great risk to the safety of migrants. Especially women and children are considered to be at a greater risk in terms of their safety during the journey (Europol, 2016b). Earlier in this report it has been mentioned that 1,015,078 people arrived in the EU by sea in 2015, of which 58 percent were men, 25 percent were children and 17 percent were women (UNHCR, 2015).

Many children that enter the EU are often unaccompanied (Eurostat, 2016). The number of unaccompanied minors that, according to the UNHCR, travelled to and in the EU in 2015, is 85,482 (UNHCR, 2016). The UNHCR has concluded that this number is ‘three times higher than in 2014’ (p.) The organisation Missing Children Europe has investigated that many unaccompanied children disappear from reception centres or asylum locations (Missing Children Europe, n.d.). According to their research, within 48 hours of arriving in reception centres, up to 50 percent of unaccompanied children go missing. Some of these children fall into the hands of criminal networks that are involved in migrant smuggling as well as trafficking. This will result in some children becoming a victim of sexual exploitation or forced labour. These findings connect to research by Europol that suggests that migrant smuggling networks are involved in multiple criminal activities such as human trafficking. As shown in Figure 6, drug trafficking, trafficking in human beings and property crime are activities in which migrant smuggling networks are active in as well (Europol, 2016b).

Figure 3 Migrant Smuggling Suspects' Links To Other Crime Areas (Europol, 2015)

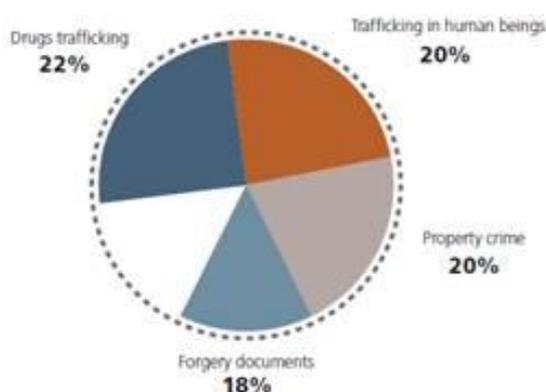


Figure 6. Migrant smuggling suspects' links to other crime areas (Europol, 2015).

### 3.5. Conclusion

In conclusion, the situation regarding migrant smuggling before implementation of the Action Plan in 2015 has been described by analysing four main subjects. First of all, when looking at the statistics, the increase in the number of migrants arriving in the European Union started in 2014 and reached an unprecedented level in 2015 (Europol, 2016b). More than one million migrants arrived in Europe in 2015, of which most arrivals were arrivals by sea. According to research that has been conducted by the IOM, 90 percent of the migrants that travel to Europe make use of smugglers (Europol, 2016b). Secondly, analysis of the working methods shows that in many cases migrant smugglers are part of large criminal networks (Europol & Interpol, 2016). The smugglers are involved in providing services such as accommodation, transportation and providing fraudulent documents to the migrants along the journey (Europol, 2016b). Additionally, smugglers would, for example, offer the migrants to pay for the journey in instalments (van Liempt, 2007), or if migrants are unable to pay the smuggler, sexual exploitation or forced labour may occur to be able to pay off their debt (OECD, 2015). Thirdly, analysing the motives explain that the main reason for migrants to engage with smugglers, is the lack of regular and safe migration channels towards Europe (United Nations, 2015). Finally, when looking at the safety of migrants, it has been demonstrated that the migration routes were not safe. For instance, it has been investigated that 3771 migrants died or went missing in 2015 during their journey (UNHCR, 2016). The IOM concluded that it is very important that Member States take action and responsibility as a united Europe for the safety of migrants (IOM, 2016a).

## CHAPTER FOUR: What is the EU Action Plan against migrant smuggling (2015-2020)?

In this chapter the sub question ‘*What is the EU Action Plan against migrant smuggling (2015-2020)?*’ will be answered. The EU Action Plan against migrant smuggling was adopted by the European Commission on 27 May 2015 (European Commission, 2015a) as well as by the European Parliament and EU Member States, and consists of actions to implement two EU agenda’s: the European Agenda on Migration (13 May 2015) and the European Agenda on Security (28 April 2015). Following the migration crisis in the Mediterranean, several key actions described in the European Agenda on Migration were immediately put into operation two weeks after the adoption (European Commission, n.d.b). One of these key actions was the EU Action Plan against migrant smuggling. Therefore, the focus of this chapter will not only be on describing the EU Action Plan, but also on describing the European Agenda on Migration and the European Agenda on Security since it is important to first understand what these two agenda’s entail.

### 4.1. European Agenda on Migration

On 13 May 2015, the European Commission presented a European Agenda on Migration (European Commission, 2015b). The agenda contains measures, which at that time had to be taken promptly in response to the crisis situation in the Mediterranean region. According to the IOM, the International Organization for Migration, April 2015 was the deadliest month when it comes to migrants that died while crossing the Mediterranean Sea (IOM, 2016b). Approximately 1250 migrants died while crossing the Mediterranean from North Africa. Because of the high numbers in death in the first quarter of 2015, the European Commission decided that immediate action was necessary in order to prevent more migrants dying at sea (European Commission, 2015a).

The European Agenda on Migration entails a European response. According to the European Commission, no Member State can be expected to withstand the enormous migratory pressure alone (European Commission, 2015b). The European response combines internal and external policies, makes use of EU agencies and instruments and applies to all actors: Member States, EU institutions, international organizations, civil societies, local authorities and third countries.

Concrete measures that were taken with immediate effect by the European Commission were set out in the European Agenda on Migration. Firstly, the European Commission wanted to triple the capacities and assets for the Frontex joint operations Triton and Poseidon in 2015 and 2016 (European Commission, 2015b). Frontex is an EU agency that helps EU countries and Schengen countries outside the EU with guarding their borders. It also promotes cooperation between border control agencies of EU countries to optimize border controls (European Union, n.d.). Operation Triton operates in Italy and provides Italy support in border control and search and rescue missions in the Mediterranean sea (European Commission, 2016a). In total, Frontex stationed border guards

and offers equipment from 26 EU countries (Frontex, 2016). On the other hand, operation Poseidon operates in Greece and assists in border surveillance and saving lives at sea. Additionally, operation Poseidon assists in the identification and registration process. In executing this operation, 23 EU countries are involved. Overall, the main aim of the Frontex joint operations is to prevent tragedies, such as migrants drowning in the Mediterranean sea, by using their vessels and aircrafts (Frontex, 2015). Secondly, activities of the emergency response system, set out by the European Union in response to the migrant crisis in the Mediterranean, will be deployed to better distribute asylum seekers in Europe (European Commission, 2015b). This is to help Member States that have to deal with a sudden influx of migrants. The emergency response system entails an approach to evenly distribute migrants in need across Member States. Thirdly, a 50 million EUR resettlement scheme to transfer 20.000 migrants to Europe in a safe and legal manner. The 20.000 migrants from regions such as 'North Africa, the Middle East and the Horn of Africa' (European Commission, 2015b, p. 20) will be divided over several Member States and is meant for migrants that need international protection in Europe. Fourthly, information pooling by Europol with the contribution of all EU agencies to dismantle criminal networks and have Frontex and Europol to develop profiles of vessels that traffickers could potentially use. Furthermore, the European Agenda on Migration also contains steps that will be taken the coming years to better manage migration in all aspects. The steps are divided into four pillars: reducing the incentives for irregular migration, a strong asylum policy, saving lives and securing the external borders, a new policy on legal migration (European Commission, 2015b).

#### 4.2. European Agenda on Security

The European Agenda on Security was adopted by the European Commission on 28 April 2015 (European Commission, 2015c). The agenda contains measures to address security threats in the European Union for the period 2015 to 2020. One of the reasons for establishing the European Agenda on Security was that Member States can no longer deal with the security threats alone. The European Commission identified the need for a European approach to face these challenges. The European Union has identified three main challenges regarding security that affect Europe as a whole; terrorism, organised crime and cybercrime. The challenge that involves migrant smuggling in Europe is organised crime.

Organised crime is seen as a threat to European citizens. Not only to the European citizens, but also to businesses, the economy and state institutions. It includes the smuggling of migrants, smuggling of weapons and drugs and financial and economic crime (Interpol, n.d.). The European Commission has the intention to follow the illicit financial flows within the European Union (European Commission, 2015c). Financial information units will be given more authority to tackle this problem.

What is made very clear in the Agenda, is that sharing of information between Member States and EU agencies is considered to be essential to ensure safety in the European Union (European Commission, 2015c). With the knowledge that the European Agenda on Security contains measures against organized crime and that migrant smuggling is part of this, it is therefore important to address the actions in the European Agenda on Security in tackling migrant smuggling.

#### 4.3. EU Action Plan against migrant smuggling (2015-2020)

The Action Plan describes specific actions to prevent and counter human smuggling. The plan emphasizes that at the same time, the human rights of the smuggled migrants should be protected (European Commission, 2015a). The approach of the European Commission is that different institutions on a local, regional, national and international level need to be involved. The plan discusses different types of migrant smuggling and the migration routes which are used by the migrants. Cooperation with countries of origin and transit countries hereby is essential, according to the European Commission.

The scale of the problem and therefore the need for this Action Plan becomes clear when some facts on migrant smuggling in the EU are discussed. The Plan presents findings by the International Organization for Migration to emphasize the scale of the problem. The number of migrants that died in the Mediterranean in 2014 is over 3000, and the first four months of 2015 approximately 1700 migrants drowned during their journey (IOM, 2016b). Another aspect of migrant smuggling that is discussed in the Plan are the migrants smugglers that earn millions in this business (European Commission, 2015a).

The European Commission has proposed measures in the Action Plan based on four strategic goals. As written by the European Commission, the measures that are described will be taken with immediate effect and additional measures will be taken over the coming years depending on how the migrant smuggling issue will evolve (European Commission, 2015a).

##### 4.3.1. Enhanced police and judicial response

This measure is focussed on the migrant smugglers. The criminal networks in which the migrant smugglers operate, and their working method must be disrupted (European Commission, 2015a). The Action Plan makes clear this is important to make migrant smuggling a high-risk but low-profit activity. Better coordination and cooperation between EU agencies that are involved in disrupting the business of migrant smuggling is necessary to investigate criminal networks and prosecute the migrant smugglers. The Commission also announced to present proposals in 2016 in order to improve the current EU legal framework regarding migrant smuggling. Furthermore, the priority goes to tracing the vessels that are used by smugglers to transport migrants across the Mediterranean. Once a vessel has been traced, it should be intercepted and put out of use, for example by sinking it at sea. The Commission and Frontex will provide Member States technical and financial support in

this matter. As set out earlier by the European Agenda on Security, law enforcement agencies should be able to expose the finances of criminal networks involved in migrant smuggling. In the EU Action Plan, the European Commission aims to cooperate with different financial institutions in the EU to track down those illicit financial flows. Further measures described in the Action Plan include establishing a single point of contact in each Member State regarding migrant smuggling, but also establishing a contact group of EU agencies to promote information sharing between agencies involved in tackling migrant smuggling. Figure 7 shows a clear summary of all the specific actions.

*Specific actions ‘Enhanced police and judicial response’*

- 
- Revision of EU legislation on migrant smuggling by 2016
  - Establishment of list of suspicious vessels and monitoring of the vessels
  - Support to Member States for towing to shore boats intended to be used by smugglers or disposing of them at sea
  - Launching cooperation with financial institutions to step up financial investigations
  - Establishment of a single point of contact on migrant smuggling in each Member State
  - Setting up of a Contact Group of EU Agencies on migrant smuggling
  - Creation of a Eurojust thematic group on migrant smuggling
- 

*Figure 7.* Summary of specific actions describing the measure ‘Enhanced police and judicial response’. Reprinted from *ec.europa.eu*, European Commission, 2015a, p. 4.

#### 4.3.2. Improved gathering and sharing of information

As previously described in the European Agenda on Security, gathering and sharing of information is crucial to tackling migrant smuggling (European Commission, 2015a). Unfortunately, there is a lack of information and evidence. Among other things, this has to do with the changeable nature of migrant smuggling, according to the European Commission (European Commission, 2015a). As with other measures proposed in the plan, the European Commission also wants to enlarge and strengthen the role of EU agencies such as Frontex and Europol in this matter. Furthermore, besides the need for better information sharing in the European Union, there is also the aim to improve information sharing with third countries, mainly in Africa. The intelligence network Africa-Frontex should be developed further and a consideration should be made on whether this also needs to happen in other important regions. The European Commission also wants to focus on border control to catch migrant smugglers and prevent irregular migration. Eurosur, the European Border Surveillance System, should provide assistance in this (Frontex n.d.). An important measure described in the Action Plan was also mentioned before in the European Agenda on Migration. This measure entails the intention that EU agencies should provide operational support on the frontline with the help of for example, mobile teams on the spot (European Commission, 2015a). In addition, the European

Commission thinks it is important to obtain information about migrant smuggling from irregular migrants themselves (European Commission, 2015a). Lastly, because social media and internet play an important role for smugglers to attract migrants, the need for detection and removal of internet content regarding migrant smuggling is emphasized in the plan as well. Eurojust, an EU agency that is responsible for the judicial cooperation between Member States, will mainly be responsible for this (Europa Nu, n.d.). A summary of the specific actions can be seen in Figure 8.

*Specific actions ‘Improved gathering and sharing of information’*

- 
- Deployment of European migration liaison officers in key EU Delegations
  - Evaluation, in 2016, and possible revision of EU legislation on Immigration Liaison Officers
  - Strengthening of JOT MARE as EU information hub on migrant smuggling
  - Further development of Africa Frontex Intelligence Community
  - Enhanced monitoring of pre-frontier area with full use of Eurosur
  - Stepping up Europol support for detecting internet content used by smugglers
  - Including migrant smuggling data within the regular Eurostat collection of crime statistics
- 

*Figure 8.* Summary of specific actions describing the measure ‘Improved gathering and sharing of information’. Reprinted from *ec.europa.eu*, European Commission, 2015a, p. 6.

#### 4.3.3. Enhanced prevention of smuggling and assistance to vulnerable migrants

The European Commission emphasizes that in order to be able to prevent migrant smuggling, raising awareness amongst migrants is a crucial part of doing this effectively (European Commission, 2015a). Special raising awareness campaigns are to be set up by the European Commission in countries of origin and transit countries. It becomes clear that women and children in particular should be aware of the dangers that lie in attempting an illegal journey to Europe. The EU indicates that they should do more to protect the rights of these vulnerable migrants. In 2017, the European Commission plans to present a handbook on the prevention of migrant smuggling. Another measure to make migrant smuggling less attractive is to make clear that migrants who are not entitled to stay in the EU because their asylum application is rejected, will be send back to their country of origin. Migrant smugglers often take advantage of the fact that return decisions are not always executed, which makes it more attractive for migrants to undertake the journey towards Europe. The European Commission addresses that an amend will be made on the legal basis of Frontex in order to strengthen their role on return. The Schengen Information System should also be used more effectively to maintain decisions on return. The Schengen Information System is a computer system with which the border guards, customs and national police can exchange information within the Schengen Area (Ministerie van Defensie, n.d.). The goal is to register all the return decisions of Member States in the Schengen Information System (European Commission, 2015a). Furthermore, the Commission

will also provide technical support to countries of origin and transit countries to integrate the returning migrants. Lastly, to prevent exploitation of migrants, the Commission will act stronger against the employment of migrants. This will mainly be done through increasing the inspections in sectors such as construction, housework and cleaning work because these are sectors in which exploitation of migrants mainly takes place. Figure 9 shows a summary of the specific actions that will be taken.

*Specific actions* ‘Enhanced prevention of smuggling and assistance to vulnerable migrants’

- 
- Information and prevention campaigns in third countries on risks of smuggling
  - Launch of consultation, in 2016, and impact assessment on possible revision of EU Directive 2004/81/EC on residence permits
  - Development of handbook on prevention on migrant smuggling by 2017
  - Development of guidelines for border authorities and consular services
  - Evaluation of the EU legal framework on SIS to explore ways to enhance effectiveness of return and reduce irregular migration
  - Proposals to open negotiations on readmission with main countries of origin of irregular migrants
  - Define targets as regards the number of inspections to be carried every year in the economic sectors most exposed to illegal employment
- 

*Figure 9.* Summary of specific actions describing the measure ‘Enhanced prevention of smuggling and assistance to vulnerable migrants’. Reprinted from *ec.europa.eu*, European Commission, 2015a, p. 8.

#### 4.3.4. Stronger cooperation with third countries

According to the European Commission, cooperation with third countries, which are countries outside the EU, is essential in preventing migrant smuggling but is also essential in ending impunity (European Commission, 2015a). Along the entire smuggling route, cooperation should exist between the EU and third countries. Together with the European External Action Service, the Commission wants to establish bilateral and regional cooperation frameworks with different partners to tackle migrant smuggling. Working groups will also be set up in response to this measure. The Action Plan also describes the role of Turkey in this matter and the importance and the need of effective cooperation between the EU and Turkey is emphasized. In 2000, the United Nations introduced the Protocol against the Smuggling of Migrants by Land, Sea and Air (United Nations, 2000). The European Commission explains that the EU should encourage partner countries to join this protocol (European Commission, 2015a). Furthermore, the Commission and the European External Action Service will provide assistance to third countries in different ways. For example, border

management, anti-corruption policy regarding migrant smuggling and expanding the development of national and regional strategies against migrant smuggling by providing financial and technical support. Strengthening the police and criminal justice response to migrant smuggling is also important to the European Commission and their aim is to help third countries financially in this. Cooperation and information sharing are important in this as well. The impact of EU action against migrant smuggling, especially in third countries, will be optimized when there is more coherence between Member States, relevant stakeholders and the external actions of the EU. Regular contact between EU agencies and international organizations such as Interpol, Frontex and the United Nations High Commissioner for Refugees is essential for a full alignment between these institutions to tackle migrant smuggling. As described in the Action Plan, an optimal use of resources can be established when the support that is offered by the EU and Member States to third countries is planned in a joint or coordinated way. A summary of the specific actions can be found in Figure 10.

*Specific actions ‘Stronger cooperation with third countries’*

- 
- Launching or enhancing bilateral and regional cooperation frameworks
  - Funding of projects to support third countries set up strategies on migrant smuggling, step up police and judicial responses, develop integrated border management
  - Setting up of EU cooperation platforms on migrant smuggling in relevant third countries and regions
  - Optimising the use of EU funding through joint or coordinated planning
- 

*Figure 10.* Summary of specific actions describing the measure ‘Stronger cooperation with third countries’. Reprinted from *ec.europa.eu*, European Commission, 2015a, p. 10.

#### 4.4. Conclusion

Altogether, when answering the sub question ‘*What is the EU Action Plan against migrant smuggling (2015-2020)?*’, it is necessary to refer to the Agenda on Migration and the Agenda on Security, both adopted in 2015 by the European Commission. Firstly, the Agenda on Migration contains measures, of which one is the Action Plan against migrant smuggling, which are a response to the crisis situation in the Mediterranean region. Secondly, the Agenda on Security contains measures on challenges such as organised crime, which migrant smuggling is part of. The EU Action Plan against migrant smuggling itself implements these two agenda’s by taking measures based on four strategic goals. The first goal is ‘Enhanced police and judicial response’ which focusses on disrupting the working method of migrant smugglers in criminal networks and creating better coordination and cooperation to investigate and prosecute migrant smugglers. The second goal is ‘Improved gathering and sharing of information’ which describes that there is a need for better

information sharing in the EU and that it is important that EU agencies, such as Frontex, provide support on border control. The third goal is 'Enhanced prevention of smuggling and assistance to vulnerable migrants'. This goal focusses on setting up campaigns to raise awareness in countries of origin and transit countries and describes that the Commission will provide technical support to countries of origin and transit countries to integrate the returning migrants. Additionally, it was described that the Commission will act stronger against the illegal employment of migrant. The final goal is 'Stronger cooperation with third countries' which focusses on cooperation that should exist between the EU and third countries along the entire smuggling route. Besides, the aim of the European Commission is to help third countries financially in strengthening the police and criminal justice response. Overall, the main goal of the EU Action Plan is to prevent and counter migrant smuggling.

## CHAPTER FIVE: How can migrant smuggling in Europe, after implementation of the EU Action Plan against migrant smuggling, be described?

In this chapter, the aim is to describe migrant smuggling in Europe after the EU Action Plan against migrant smuggling was implemented. To create a comparison between before and after the Action Plan, an analysis of the same subjects as in sub question one will be conducted. However, to notify, in the event that aspects of migrant smuggling have not changed after implementation compared to before, there will be similarities with Chapter three in the description of subjects regarding migrant smuggling in Europe.

### 5.1. Statistics

In 2017, Europol presented a Serious and Organised Crime Threat Assessment report. Based on the main findings in this report, it was concluded that migrant smuggling will remain to be a serious threat in the European Union. Moreover, the report explains that one of the main reasons for why migrant smuggling remains such a threat in the EU, is because of the ongoing conflicts in regions such as the Middle East and Africa. These conflicts include armed conflicts as well as economic conflicts and population pressures. Therefore, migrants will continue to make their way towards Europe (Europol, 2017a). This becomes clear as well when looking at the statistics on migrant smuggling after 2015. In particular, the number of migrants that arrived in Europe in 2016 is 387,895. When looking at the most recent numbers in 2017, 175,959 migrants arrived in Europe. Additionally, there were 165,409 migrants that arrived by sea and 10,550 that arrived by land. These statistics of 2017 are up to the 6<sup>th</sup> of December (IOM, 2017).

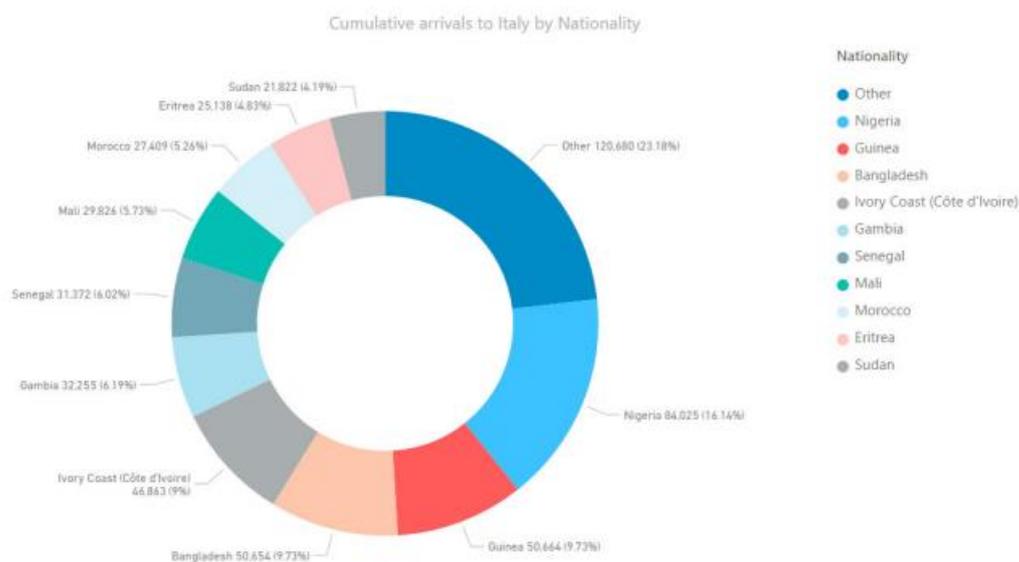
The number of migrant arrivals in 2016 and 2017 described above show that there is a notable decline. In Chapter three of this report, as shown in Figure 2, it has been identified that most applications for asylum in the EU in 2015 were done by Syrians that were fleeing from war and conflict in their country. Researchers Sieff and Stanley-Becker (2017) say in their Washington Post article that the European Union appears to finally have control over the flow of Syrian migrants. In that same article, Demetrios Papademetriou, who works for the Migration Policy Institute in Washington, also concluded that the worst influx of Syrian migrants is now behind us due to the deal that Europe made with Turkey in March 2016 (European Commission, n.d.c). The agreement entails that Greece can return migrants to Turkey in order for the migrants to be placed in Turkish refugee camps instead of them making the dangerous journey by sea towards Greece (Sieff & Stanley-Becker, 2017).

Besides migrants fleeing to Europe because of war and conflict, there are many migrants that try to reach Europe because of the poor economic situation in their home country. These migrants are categorized as economic migrants. In the last few years, the flow of economic migrants travelling from the continent of Africa towards Europe has seen a significant increase. The increasing flow of

African migrants coming towards Europe is starting to become the next complicated migration problem for the European Union.

In 2016, more than 180,000 migrants from Africa travelled through Libya to reach Italy (Oxfam International, 2017). In 2017, up until the 9<sup>th</sup> of August, 95,000 African migrants have already used this route. Over the past four years, approximately 600,000 African migrants have travelled towards Europe (Reuters, 2017). But recently, in July 2017, the burden for Italy as a country of first arrival for migrants travelling via the Central Mediterranean route has grown even more since the African migrants mainly arrive in Italy (Mulholland, 2017). Surprisingly, as shown in Figure 11, nearly all of the migrants arriving in Italy originate from countries in Africa (IOM, 2017). Greece, on the other hand, is an arrival country where mainly migrants from the Middle East arrive, as can be seen in Figure 12. When looking at arrivals in Italy, Filippo Grandi, UN High Commissioner for Refugees, stated that massive flows of African migrants arrive on Italian shores (Mulholland, 2017).

**Top 10 Arrivals to Italy between January and September 2017**



*Figure 11.* Top 10 arrivals to Italy by nationality between January and September 2017. Retrieved from [http://migration.iom.int/docs/Q3\\_Overview\\_Arrivals\\_to\\_Europe.pdf](http://migration.iom.int/docs/Q3_Overview_Arrivals_to_Europe.pdf).

### Top 10 Arrivals to Greece between January and September 2017

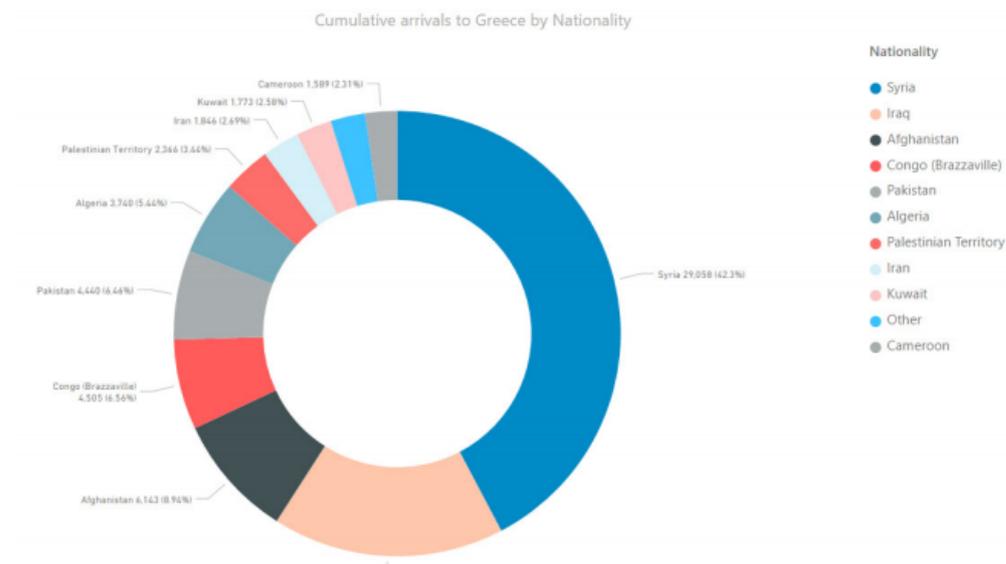


Figure 12. Top 10 arrivals to Greece by nationality between January and September 2017. Retrieved from [http://migration.iom.int/docs/Q3\\_Overview\\_Arrivals\\_to\\_Europe.pdf](http://migration.iom.int/docs/Q3_Overview_Arrivals_to_Europe.pdf).

The main transit country for African migrants travelling to Europe is Libya (Reuters, 2017). From Libya, migrants travel onwards by sea to reach the Italian shores. The coast region of Libya has really become a migrant smuggling hotspot for African migrants that want to reach Europe, and therefore, Libya and Italy have made a deal to stagnate the migration flow between Libya and Italy. As a consequence, Italy is now providing the Libyan coastguard with assistance in order to block migrant departures from Libya. Furthermore, the Libyan coastguard also receives training and funding by the European Union in order to do this successfully. According to Reuters (2017), the number of African migrants departing from Libya with the help of smugglers since July, has dropped.

### 5.2. Working method of the migrant smugglers

Previously in this report, the three main migration routes towards Europe were described. Findings of Frontex (2017) showed that these three routes consist of the Eastern, Western and Central Mediterranean route. Europol has investigated the number of migrants per route for 2016 and 2017. Firstly, in 2016 13,246 migrants travelled through the Western Mediterranean route opposed to 15,811 in 2017 (IOM, 2017). Secondly, 181,436 migrants travelled through the Central Mediterranean route in 2016, and 102,942 in 2017. Lastly, 176,906 migrants were reported traveling through the Eastern Mediterranean route in 2016 opposed to 20,844 in 2017. To notify, these numbers are up to 19 September 2017. Additionally, the Central and Eastern Mediterranean route both show a decline in migrants travelling through these route, with the Eastern Mediterranean

showing a significant decline. By way of contrast, the Western Mediterranean route is showing an increase in migrants using this route to reach Europe.

The shift in the number of migrants travelling through the three main routes have been investigated by Europol's organisation, the European Migrant Smuggling Centre (Europol, 2017b). Ever since the European Union has been putting efforts in tackling and preventing migrant smuggling in Europe, it has become harder for migrant smuggling networks to facilitate border crossing operations for migrants. Moreover, because migrant smuggling networks want to stay out of the hands of law enforcement authorities, they have developed new working methods. According to the EMSC, law enforcement agencies in Europe were able to identify these new trends. For example, they identified different ways of transportation and concealment methods. The concealment methods have become more dangerous since migrants are being concealed in vehicle engine compartments or airtight vans and containers. Regarding transportation, leisure vessels, for example sailing yachts, have become more popular to transport migrants from Turkey to Romania. Furthermore, investigations suggest that the European Union is being used more as a transit region for migrants that are trying to reach Canada and the United States. Earlier, the increase in the number of migrants arriving through the Western Mediterranean route has been identified, which is one of the new trends in migrant smuggling in Europe, according to the EMSC. Lastly, due to the increasing difficulty for migrants to reach Europe, a new alternative route has emerged: the Black Sea route, which is mainly used to smuggle migrants from Turkey to Romania. According to the Romanian coastguards, the Black Sea route could be more deadly than the existing Mediterranean routes (Gillet, 2017). In August and September of 2017, the Romanian coastguard intercepted multiple boats with migrants trying to reach Romania. Krzysztof Borowski, a spokesperson of border agency Frontex, explained that initially only a small number of migrants were smuggled through the Black Sea route the last few years. Though, the recent incidents on this route could be a sign that migrant smugglers are testing this route in order to use it as an alternative, according to Borowski. Răzvan Samoilă, of the Non-Governmental Organization Arca in Bucharest, adds that the weather and water conditions on the Black Sea route are very dangerous. The strong winds and rough sea are making this route more dangerous than the Mediterranean routes.

### 5.3. Motives of migrants to engage with smugglers

As described in sub question one, the main reason for migrants to engage with smugglers is the lack of regular and safe migration channels towards Europe (United Nations, 2015). Contradictory, as of 2016, migration via regular and safe routes have been limited. When for example looking at the Western Balkan route, migrants can no longer travel from Greece to Germany since 2016, because fences are placed along parts of the borders of for example Macedonia, Hungary, and Austria (Kingsley, 2016). Similar measures have been taken following the Turkey-EU deal in 2016 (European Commission, n.d.c) and the Libya-Italy deal in 2017 (Reuters, 2017), as described earlier

in this chapter. Consequently, migrants have less opportunities to reach their destination in Europe. Unfortunately, less possibilities for migrants means more work for smugglers, since work for smugglers is based on offering possibilities to migrants who do not have safe and legal opportunities (Gallagher & Carling, 2017). As Gallagher and Carling describe, migrant smuggling would not exist when there would be safe and legal migration routes. Also van Gulik (Kingsley, 2016) cited that ‘it just means more business for smugglers’. At the same time, limiting the possibilities for migrants causes migrants to be more motivated to accept services of smugglers. For example, migrant Tareq Ahmed, who was stuck in Greece in 2016 and is one of the migrants who could not travel further because of the blocked Western Balkan route, said: ‘I don’t want to wait here for a year to get just my first appointment for an asylum interview, so that’s why I’m going to the smugglers’ (Kingsley, 2016).

#### 5.4. Safety of the smuggled migrants

Looking at the data regarding the safety of smuggled migrants, the IOM has investigated that 5,143 migrants died or went missing during their journey in 2016 (IOM, 2017). On the other hand, in 2017, up until the 6<sup>th</sup> of December, 3,091 migrants died or went missing. Given these points, it may be assumed that there is a decline in migrant fatalities in Europe.

Further, as suggested by the UNODC, migrant smuggling is a phenomenon with a changeable nature (UNODC, n.d.). Unfortunately, the safety and lives of smuggled migrants is at stake when smugglers adapt and develop new working methods or change routes in order to keep being able to smuggle migrants across borders. The EMSC has investigated the risks involved in emerging migrant smuggling methods (Europol, 2017c). For example, high risk concealment methods involve migrants being concealed in vehicles in order to smuggle them across borders. Smuggling migrants in vans and lorries still is most common with regards to migrants travelling by land. The dangers that can occur in these vehicles include a lack of air, travelling at high speed and overcrowding. Concealment in engine compartments is the most recent detected transportation method, according to the EMSC. Moreover, it is also one of the most dangerous methods. To illustrate, before arriving at the border, the smugglers place the migrants in the engine compartment of the vehicle. The EMSC also explains that these methods are only used at border crossing points. The rest of the journey, migrants and smugglers travel together. Additionally, findings by Europol show that migrants have to pay around EUR 7000 to be smuggled across the border with this method.

Moreover, the EMSC identified an additional risk that emerged when the Western Balkan route was closed in 2016 (Europol, 2017d). This route was mainly being used by migrants that arrived in Europe through the Eastern Mediterranean route and from there on travelled through the Western Balkans. After the closure of this route, stranded migrants were being held in illegal safe houses until the migrant smuggling networks were able to smuggle them further towards their country of

destination. The executive director of Europol, Rob Wainwright, concludes that migrant smuggling networks continue to search for different ways of smuggling without acknowledging the consequences for migrants. Looking at the highly lucrative aspect of migrant smuggling, this is not surprising.

Additionally, Europol's Serious and Organised Crime Threat Assessment report of 2017, explains that human traffickers often use the existing migration routes to find their victims amongst the migrants (Bulman, 2017). The report states that there is a clear increase in human traffickers targeting migrants to exploit them. Especially children, but also women, still are a high risk group because of their vulnerability to human traffickers. The UNHCR (2015) expected that the number of women and children entering the EU would further increase as of 2015. In January of 2016, out of all the migrants that arrived in Europe this month, 55 per cent were women and children. This is an increase of 34 per cent when taking into account 2015. Debbie Beadle, of a children's rights organisation in the UK, explains that especially unaccompanied children are the most vulnerable to exploitation since they are unable to arrange their own travel. They are dependent of adults to arrange their journey.

Furthermore, since migrant smuggling from Africa towards Europe has been identified as a growing issue in the current migration crisis, the safety of African migrants travelling through Libya and onwards to Europe has been receiving much attention recently (Dearden, 2017). For instance, the IOM has investigated the safety of smuggled migrants in Libya and confirmed that many migrants are being sold as slaves on 'slave markets' in Libya. The traders that 'buy' the migrants, mainly use them for extortion, ransom and prostitution. According to the United Nations, Libya is seen as a hub of modern slavery where there is no rule of law. There has been a financial and security collapse in Libya ever since the regime of Gadhafi has fallen in 2011 (Al Jazeera News, 2017). This collapse has made the way for criminal activities such as human trafficking and migrant smuggling to thrive. Research by the IOM has also showed that out of all the migrants arriving in Italy from Libya, nearly half of them have been forced into labour without pay in Libya. Findings by the IOM also confirmed that practices such as modern slavery happen while the migrants are under control of smugglers as well as armed groups in the region.

To illustrate, organization Oxfam has established a report in 2017 in which the experiences of migrants that travelled from Libya to Italy are described (Oxfam International, 2017). Many migrants explain how they were imprisoned and were only released when family members payed a ransom. While being imprisoned, migrants are starved and beaten. Therefore, Oxfam is one of the organizations that is strictly against the deal that Italy and Libya have made regarding blocking migrant departures from Libya. Because of the fact that migrants are being blocked to travel to Europe, they are stuck and exposed to horrible conditions in Libya, says Oxfam. The director of

Oxfam, Roberto Barbieri, emphasizes that these migrants, that flee from poverty, war and persecution, should be able to use safe and regular routes towards Europe.

### 5.5. Conclusion

In this chapter, the aim was to describe migrant smuggling in Europe after implementation of the EU Action Plan against migrant smuggling in 2015. The statistics described in this chapter are up to the 6th of December 2017. In short, the number of migrants arriving in Europe decreased in 2017 compared to 2016. Especially the number of Syrian migrants arriving in Europe decreased, mainly because Greece returns migrants to Turkey as a result of the deal the EU made with Turkey (European Commission, n.d.c). At the same time, there is an increasing amount of African migrants coming towards Europe via Libya. When looking at the working method of migrant smugglers, there are three main routes, the Central Mediterranean route, the Western Mediterranean route, and the Eastern Mediterranean route. When comparing the years 2016 and 2017, the Central and Eastern Mediterranean routes both show a decline in migrants travelling through these route in 2017. By way of contrast, the Western Mediterranean route is showing an increase in migrants using this route to reach Europe. Additionally, migrant smugglers have developed new working methods in order to stay out of the hands of law enforcement authorities and to keep being able to smuggle migrants across borders. For example, different ways of transportation and concealment methods were identified. To illustrate, a deadly Black Sea route has emerged. Further, the main reason for migrants to engage with smugglers is the lack of regular and safe migration channels towards Europe (United Nations, 2015). Since 2016, possibilities to travel towards Europe through safe and legal routes has been limited. This causes migrants to stay motivated to accept services of smugglers. An example of limiting possibilities for migrants to travel, is the closure of the Western Balkan route in 2016. Stranded migrants were being held in illegal safe houses until the migrant smuggling networks were able to smuggle them further towards their country of destination. Further, African migrants are being blocked to travel to Europe, which is why they are stuck and exposed to horrible conditions in Libya. Additionally, when looking at the safety of migrants, the number of migrants that died or went missing is 5,143 in 2016 and 3,091 in 2017. In conclusion, the safety and lives of smuggled migrants is at stake when smugglers adapt and develop new working methods or change routes in order to keep being able to smuggle migrants across borders.

## CHAPTER SIX: Has the EU taken all actions as described in the EU Action Plan against migrant smuggling and thus implemented all measures?

In this chapter it will be evaluated if all measures have been implemented by analysing which actions were taken and which were not. Furthermore, it will be evaluated whether the actions that were taken meet the pre-determined expectations as set out in the Action Plan.

The European Commission has not yet presented an evaluation report on the EU Action Plan against migrant smuggling. It is a five-year plan which means the implementation is still ongoing. Although, on 27 September of 2017, the European Commission presented a progress report on the European Agenda on Migration (European Commission, 2017a). Since the EU Action Plan against migrant smuggling is based on the European Agenda on Migration, details on the progress of the Action Plan are included as well.

The aim of the European Commission as described in the EU Action Plan against migrant smuggling, is to work towards closer cooperation between EU agencies, Member States and other organisations in Europe (European Commission, 2015a). The European Commission argues that even though migrant smuggling remains to be a lucrative criminal business, the European Union and Member States have been putting efforts into combating and preventing migrant smuggling in Europe by taking effective action in countries of origin and transit countries as well as in European countries. An evaluation of the taken measures and progress of the Action Plan will be conducted by looking at the four main measures described in the EU Action Plan against migrant smuggling.

### 6.1. Taken actions based on the measure 'Enhanced police and judicial response'

In this measure, the European Commission describes how they want to tackle migrant smuggling by means of focussing on improving coordination and cooperation between Member States and EU agencies in order to investigate and prosecute migrant smugglers (European Commission, 2015a). For example, the goal was to set up a Eurojust thematic group on migrant smuggling. This goal has been achieved in October 2015, when Eurojust set up a 'Thematic Group on Illegal Immigrant Smuggling' (European Commission, 2017a, p. 7). To succeed in efficient investigation and prosecution of migrant smugglers, Eurojust has been responsible for analysing and identifying challenges in this area. Looking at the activities of the Eurojust thematic group in 2017, it can be said that there are 10 Joint Investigation Teams involved in 34 cases concerning migrant smuggling.

Furthermore, revising the existing EU legal framework on migrant smuggling was essential to tackle the issue, according to the European Commission (European Commission, 2015a). The European Commission wanted to establish a legal framework in which migrant smugglers would be sanctioned and on the other hand, prevent the possibility of criminalisation of people that provide assistance to migrants in need. In the meantime, since the implementation of the Action Plan, the legal framework

on migrant smuggling has been elaborately evaluated by the European Commission (European Commission, 2017a). For example, by setting up a consultation in 2016 on the legal framework to tackle migrant smuggling (European Commission, 2016b). The European Commission invited different stakeholders to contribute to the consultation, such as Member States, EU agencies, third countries as well as civil society. With this consultation, the European Commission wanted to gather views and opinions on the EU legislation regarding migrant smuggling but foremost, on what improvements can be made in this field. Improving and revising the EU legal framework is still ongoing.

Moreover, the first measure ‘Enhanced police and judicial response’ was also specifically focussed on establishing ways to disorganize migrant smuggling networks. The aim of the European Commission was to set up Common Security and Defence Policy missions as well as providing support to Member States in for example, monitoring and disposing migrant smuggling vessels. One of the CSDP missions that has been established is EUNAVFOR MED, also known as Operation Sophia, in June 2015 (European Parliament, 2016). This operation is involved in the identification, capturing and disposal of migrant smuggling boats in the Southern Central Mediterranean. The European Commission states that, because of Operation Sophia, 478 smuggling boats have been disposed on the seas of Libya and that the operation contributed to 117 migrant smugglers arrests. The operation was specifically intended to disorganize migrant smuggling networks (Council of the EU, 2017).

Lastly, since the implementation of the EU Action Plan against migrant smuggling, the European Commission has been able to cooperate effectively with different financial institutions in order to take action against illegal financial flows in the migrant smuggling business (European Commission, 2017a). According to the European Commission, the focus has been on Financial Intelligence Units to enhance financial investigations with regards to illegal money flows in migrant smuggling. Member States and EU agencies have worked together in this area. Additionally, the European Commission explains how it was accomplished to set up contact points in each Member State on migrant smuggling to accomplish more effective cooperation between Member States and EU agencies.

## 6.2. Taken actions based on the measure ‘Improved gathering and sharing of information’

This measure by the European Commission describes the need for better information sharing between Member States and EU agencies regarding migrant smuggling in the European Union in order to tackle the issue (European Commission, 2015a). The European Commission explains that great steps have been made since the implementation of the Action Plan in terms of information sharing between different EU agencies on migrant smuggling (European Commission, 2017a). Europol has been one of the main actors in this field. One of the actions in the Action Plan described

by the European Commission, was to ‘strengthen the role of JOT MARE as the ‘EU information hub on migrant smuggling’ (European Commission, 2015a, p. 6). JOT MARE, which stands for Joint Operational Team Mare, was established by Europol in March 2015 (Europol, 2016a). This operation focused on migrant smuggling taking place in the European Union and specifically the Mediterranean. The role of operation JOT Mare was strengthened in February 2016, when JOT Mare joint forces with the European Migrant Smuggling Centre (Europol, 2016a). The European Migrant Smuggling Centre, part of Europol, is now seen as the main ‘EU information and intelligence hub’ (European Commission, 2017a). The European Commission acknowledges the added value that the EMSC has had thus far on fighting migrant smuggling. The investigations by the EMSC have resulted in 146 arrests of migrant smugglers in 2016, and more than 167 arrests so far in 2017. By also supporting multiple Joint Investigation in 2016 and 2017, the EMSC has been able to contribute even more to the specific action set out in the EU Action Plan against migrant smuggling, which is to ‘identify and monitor’ 830 vessels that are involved in migrant smuggling.

The specific action in the EU Action Plan that focussed on the ‘deployment of European migration liaison officers in key EU Delegations’ has also made progress since the implementation of the Plan (European Commission, 2017a). Migration liaison officers are now present in thirteen countries, such as Turkey, Tunisia and Nigeria, to monitor and assist in the implementation of EU actions on migration and to counter migrant smuggling (European Commission, 2017b). Matthias Ruete, the Director General for Migration and Home affairs of the European Commission, stated that the deployment of Migration Liaison Officers shows how the European Union is putting efforts into maximising cooperation between different stakeholders in order to manage migration. Moreover, the European Commission has announced to present a revision of the Immigration Liaison Officers Regulations in the beginning of 2018. The aim of this revision is to investigate how to make the work of migration liaison officers even more effective in the future.

As part of the aim to improve information sharing between Member States and EU agencies on migrant smuggling, the European Commission wanted to expand the Eurostat data collection with data on migrant smuggling (European Commission, 2015a). Didier Lenoir, Head of the European Union Delegation to the International Organisations in Vienna, explains how the EU established such a data collection system in Eurostat (Lenoir, 2017). It now includes data on migrant smuggling, which should improve the approach and cooperation between Member States and EU agencies with regards to migrant smuggling. However, when investigating Eurostat on migrant smuggling data, it was not possible to access the statistics in the data collection. Only a publication was found which includes a classification on criminal offences including migrant smuggling (Eurostat, 2017).

### 6.3. Taken actions based on the measure ‘Enhanced prevention of smuggling and assistance to vulnerable migrants’

In this measure, the European Commission addressed the importance of information campaigns in third countries (European Commission, 2015a). The aim, as described in the EU Action Plan against migrant smuggling, was to set up ‘information and prevention’ campaigns in third countries. In the beginning of 2017, France, Germany and Italy launched the ‘InfoMigrants’ project with funding of the EU (European Commission, 2017a). This online campaign is focussed on providing reliable information to migrants about the countries they travel to and leave behind, with the aim of making sure the decision to travel towards Europe is a well thought-out decision (France 24, 2017). Recently, in August of 2017, the campaign has proven to be successful when the project reached a quarter of a million migrants (European Commission, 2017a). Because of the success in this campaign, the Commission decided to prioritise making the European Immigration Portal a source of reliable information on migration. The European Union has also funded campaigns in Ethiopia, Sudan and Niger. Although, the European Commission emphasizes that more needs to be done to provide migrants with reliable information through campaigns in third countries. To achieve this, the aim is to focus on online campaigns and through social media, since these have proven to be successful.

Additionally, steps have been made to evaluate the EU legal framework on the Schengen Information System (European Commission, n.d.a). According to the European Commission, evaluating this system would result in more effective return procedures and the decrease of irregular migration. In December of 2016, the European Commission presented the proposal to revise the Schengen Information System. The proposal contained three main subjects of focus in order to revise the Schengen Information System: ‘police cooperation and judicial cooperation in criminal matters, border checks and the return of illegally staying third country nationals’ (European Commission, n.d.a p. 3). In November of 2017, the European Parliament and the Council of the European Union agreed on the negotiation mandate, which means the proposal still needs to be adopted by the Parliament and the Council.

Also, the European Commission explained that some economies in Europe are relying on irregular migrants for illegal employment and this is therefore identified as a pull factor for irregular migration (European Commission, 2017a). Therefore, as set out in the EU Action Plan, the European Commission aimed to establish targets for inspections in economic sectors where there is a high risk of illegal employment. In the progress report on the European Agenda on Migration, the European Commission presents plans to tackle illegal employment of migrants by increasing the number of inspections in economic sectors with a high illegal employment risk. Lastly, the European Commission expressed the intention to report annually on the inspections that will be carried out.

#### 6.4. Taken actions based on the measure ‘Stronger cooperation with third countries’

This fourth and last measure in the Action Plan stresses the need for close cooperation with third countries (European Commission, 2015a). The European Commission has the aim to create platforms in third countries to promote better cooperation and coordination between the EU, EU agencies and third countries. Recently, the European Commission managed to implement a joint investigation team model in Niger, which is focused on combatting migrant smuggling in the country (European Commission, 2017a). The Commission has the aim of implementing more joint investigation team models in third countries.

## CHAPTER SEVEN: Discussion

The aim of the dissertation was to investigate how counter-action strategies, implemented by the EU in 2015, prevent migrant smuggling organised by criminal networks. The expectation was that the EU Action Plan against migrant smuggling (2015-2020) prevents and counters migrant smuggling in Europe, for the reason that it is specifically mentioned in the Action Plan that it was set up to fight migrant smuggling, while at the same time ‘ensuring the protection of the human rights of migrants’ (European Commission, 2015a, p. 2). Additionally, the European Commission identifies the migration crisis as an issue that needs a priority approach in the European Union. However, it was expected that not all actions would be implemented at the time writing the dissertation, since the execution of the Action Plan covers a period of five years, from 2015 to 2020.

In line with the expectation, several specific actions in the Action Plan have been implemented. An overview of the specific actions that are implemented is shown in Figures 13, 14, 15, and 16. To notify, specific actions in the Action Plan that have not yet been implemented are also shown in these figures. The reason why these actions have not been implemented, could not be found in the used progress report on the European Agenda on Migration (European Commission, 2017a). Either way, that not all actions have been implemented, turns out as expected.

### 1. Enhanced police and judicial response

Specific action that have been implemented
➤ Revision of EU legislation on migrant smuggling by 2016
➤ Establishment of list of suspicious vessels and monitoring of these vessels
➤ Support to Member States for towing to shore boats intended to be used by smugglers or disposing of them at sea
➤ Launching cooperation with financial institutions to step up financial investigations
➤ Establishment of a single point of contact on migrant smuggling in each Member State
➤ Creation of a Eurojust thematic group on migrant smuggling
Specific actions that have not been implemented
➤ <i>Setting up of a Contact Group of EU Agencies on migrant smuggling</i>

*Figure 13.*

## 2. Improved gathering and sharing of information

Specific actions that have been implemented
<ul style="list-style-type: none"> <li>➤ Deployment of European migration liaison officers in key EU Delegations</li> <li>➤ Strengthening of JOT MARE as EU information hub on migrant smuggling</li> <li>➤ Including migrant smuggling data within the regular Eurostat collection of crime statistics</li> </ul>
Specific actions that have not been implemented
<ul style="list-style-type: none"> <li>➤ <i>Evaluation, in 2016, and possible revision of EU legislation on Immigration Liaison Officers</i></li> <li>➤ <i>Further development of Africa Frontex Intelligence Community</i></li> <li>➤ <i>Enhanced monitoring of pre-frontier area with full use of Eurosur</i></li> <li>➤ <i>Stepping up Europol support for detecting internet content used by smugglers</i></li> </ul>

Figure 14.

## 3. Enhanced prevention of smuggling and assistance to vulnerable migrants

Specific actions that have been implemented
<ul style="list-style-type: none"> <li>➤ Information and prevention campaigns in third countries on risks of smuggling</li> <li>➤ Evaluation of the EU legal framework of SIS to explore ways to enhance effectiveness of return and reduce irregular migration</li> <li>➤ Define targets as regards the number of inspections to be carried every year in the economic sectors most exposed to illegal employment</li> </ul>
Specific actions that have not been implemented
<ul style="list-style-type: none"> <li>➤ <i>Launch of consultation, in 2016, and impact assessment on possible revision of EU Directive 2004/81/EC on residence permits</i></li> <li>➤ <i>Development of handbook on prevention on migrant smuggling by 2017</i></li> <li>➤ <i>Development of guidelines for border authorities and consular services</i></li> <li>➤ <i>Proposals to open negotiations on readmission with main countries of origin of irregular migrants</i></li> </ul>

Figure 15.

## 4. Stronger cooperation with third countries

Specific actions that have been implemented
➤ Setting up of EU cooperation platforms on migrant smuggling in relevant third countries and regions
Specific actions that have not been implemented
➤ <i>Launching or enhancing bilateral and regional cooperation frameworks</i>
➤ <i>Funding of projects to support third countries set up strategies on migrant smuggling, step up police and judicial responses, develop integrated border management</i>
➤ <i>Optimising the use of EU funding through joint or coordinated planning</i>

Figure 16.

Further, there will first be made a comparison between the situation before and after the implementation of the Action Plan in 2015. In line with the expectation described earlier in this chapter, a decline is observed in migrants arriving in Europe, based on statistics. To illustrate, the number of migrants arriving in Europe was 280.000 in 2014, more than a million in 2015, 387.895 in 2016, compared to 175.959 migrants in 2017. To be more specific, 1.004.356 migrants arrived by sea and 34.900 by land in 2015 compared to, respectively, 165.409 and 10.550 in 2017.

When comparing the working method of migrant smugglers, it has been demonstrated that there is a change in the number of migrants arriving in Europe before and after the implementation of the Action Plan in 2015, as shown in Figure 17. To be more specific, when firstly looking at the Eastern Mediterranean route, it has been demonstrated that there is an increase from 2014 up until 2016 and a significant decrease in 2017. Secondly, when looking at the Western Mediterranean route, it has been demonstrated that there was an increase from 2014 up until 2017. Clearly, this route can be seen as a new trend in migrant smuggling since the implementation of the Action Plan in 2015. Thirdly, when looking at the Central Mediterranean route, a decrease has been observed in 2015 compared to 2014, but again an increase in 2016. The number of migrant arriving via the Central Mediterranean route was at its lowest in 2017. In response to measures taken by the EU, migrant smugglers are testing alternative routes in 2017, such as the Black Sea route. Unfortunately, this route is more deadly than the Mediterranean routes already used before the implementation of the Action Plan (Gillet, 2017).

Year	Routes		
	Eastern Mediterranean	Western Mediterranean	Central Mediterranean
2014	50.830	7.840	170.760
2015	885.386	7.164	153.946
2016	176.906	13.246	181.436
2017	20.844	15.811	102.942

*Figure 17.* Number of migrants arriving in Europe through three routes from 2014 until 2017. Retrieved from <http://frontex.europa.eu/trends-and-routes>.

When zooming into the motives of migrants to engage with smugglers, it is determined that the main reason is the lack of regular and safe migration channels towards Europe (United Nations, 2015). This motive is relevant for migrants engaging with smugglers both before and after the Action Plan. However, since possibilities for migrants to travel via safe and regular migration routes have been even more limited because of prevention and counter-actions by the EU and Member States in 2016 and 2017, migrants are increasingly relying on smugglers to cross borders (Kingsley, 2016; European Commission, 2017a; Reuters, 2017).

Regarding the safety of migrants, the number of migrants that died or went missing during their journey was 3538 in 2014 and 3771 in 2015, compared to 5143 in 2016 and 3091 in 2017 (UNHCR, 2016; IOM, 2017). To sum up, an increase was observed in 2016 compared to before the Action Plan, but with a decline in 2017. Surprisingly, the number of migrants that died or went missing in 2017 is not significantly different compared to before implementation of the Action Plan in 2015. The reason for this may be a result of different factors. At first, it seems that improving the safety of migrants has not yet been addressed by the EU. This suggests that the Action Plan does not include sufficient specific actions to decrease migrant deaths. Similarly, the Migrants' Rights Network expresses its concern on the lack of attention in the Action Plan for developing safe and legal routes. (House of Lords, n.d.). Thus, a lack of specific actions on safety may be the reason for the fact that there is not a significant difference in migrant deaths between before and after the implementation of the Action Plan. Secondly, a reason for the absence of a difference in the number of migrants that died, may be that smugglers adapt and develop new working methods. Before implementation of the Action Plan, migrants experienced several risks during their journey towards Europe. To be more specific, before, migrants encountered the risks of falling or suffocation in trucks, freezing to death when travelling by air and drowning at sea. Likewise, after the implementation of the Action Plan, the safety and lives of smuggled migrants is at stake because smugglers adapt and develop new working methods in order to keep being able to smuggle migrants across borders (UNODC, n.d.). For example, concealment in engine compartments of vehicles emerged as a new transportation method (Europol, 2017c). Thus, by using new working methods and new routes, smuggled migrants

are still facing unsafe circumstances, which may be why the number of migrant deaths is not decreasing.

To summarize, several specific actions of the Action Plan against migrant smuggling have been taken, but not all of them. Therefore, a complete analysis of the effect of the Action plan cannot be done up until 2020. That there are actions that have been taken can be seen in the result that the number of migrants arriving in Europe is reduced in 2017 compared to before implementation of the Action Plan in 2015. Also, it is clear that a reduced number of migrants travel through the Central Mediterranean and Eastern Mediterranean routes. On the other hand, when looking at the Western Mediterranean route, the number of migrants travelling via this route is increased since the Action Plan. Also the Black sea route, a more deadly route, has been used more since other routes have been blocked. It becomes clear that smugglers search for alternative working methods as a respond to the counter-actions against migrant smuggling. At the same time, migrants may have more reason to engage with smugglers, since the counter-actions resulted in blocking existing routes while no safe and legal routes seem to have been arranged by the EU. Sadly, the risks for migrants may be bigger when it comes to safety. This can be seen in the number of migrants that died or went missing after implementation of the Action Plan in 2015. To be more specific, the number increased in 2016 and the decreased number in 2017 is not significantly different from before the Action Plan.

## CHAPTER EIGHT: Conclusion

In this dissertation it was researched how counter-action strategies, implemented by the EU in 2015, prevent migrant smuggling in Europe. As expected, not all actions are implemented, mainly because the implementation of the Action Plan is still ongoing, up until 2020. Also, the European Commission has not yet evaluated the Action Plan. Therefore, the actions that were implemented, were evaluated by using the progress report on the European Agenda on Migration. Based on this evaluation, it was possible to establish a list of implemented actions. With this in mind, it was possible to state that the EU prevented migrant smuggling up to and including the year 2017 with counter-actions, such as establishing a list of suspicious vessels that might be used by smugglers and supporting Member States in disposing these vessels, strengthening Joint Operational Teams, such as JOT Mare, establishing campaigns in third countries to inform migrants about the risks of engaging with smugglers and setting up platforms in third countries to promote better cooperation with the EU and its agencies.

A comparison was made between the situation regarding migrant smuggling before and after the Action Plan was implemented in 2015 in order to conclude what the effect was of the implemented actions up to and including 2017. Firstly, what stands out is that less migrants arrived in Europe since the implementation of the EU Action Plan. Additionally, less migrants made use of the Eastern Mediterranean and the Central Mediterranean routes. On the contrary, the Western Mediterranean route seems to become more popular. Besides, the Black Sea route has emerged and is becoming more of a trend. This means the migrant smugglers are adapting to the counter-action strategies of the EU by using alternative routes. Additionally, before the EU Action Plan, the motive of migrants to engage with smugglers was the lack of regular and safe migration channels towards Europe and was still the case after implementation of the EU Action Plan. It seems that counter-action strategies are actually making it harder for migrants to travel towards Europe in a legal and safe way, resulting in migrants still relying on the help of smugglers to cross borders. Besides, the new working methods of migrant smugglers are still very dangerous for migrants which can be illustrated when looking at the number of migrants that died or went missing during their journey. Specifically, the number of deaths increased in 2016 and the decreased number in 2017 is almost the same as before implementation of the Action Plan. It is questionable whether this is caused by only the counter-actions or that there are other influencing factors. At least it is clear that the lack of implemented actions to create safe and legal routes is an important factor. Altogether, the effect of the actions in the EU Action Plan against migrant smuggling is questioned.

In conclusion, it is doubtful whether the counter-actions of the European Union, implemented in 2015, reach their goal to make migrant smuggling a high-risk and low-profit activity. It is doubted

for the reason that migrant smugglers are adapting to the counter-action strategies of the EU, while the risk of dying for migrants is not decreasing. Therefore, more attention should be focussed towards the safety of migrants by including actions to create legal and safe routes in the approach to tackle migrant smuggling. By doing so, engaging with smugglers may become less attractive for migrants and will thereby contribute to the prevention of migrant smuggling.

## CHAPTER NINE: Recommendations

A recommendation for future research could be to evaluate the EU Action Plan against migrant smuggling when the Action Plan is fully implemented in 2020. By that time, an evaluation report of the European Commission might be available to use. Future research could also analyse what would be an effective approach to tackle migrant smuggling, without compromising the safety of migrants. This research could be proposed to the European Union as an advice on how to approach the prevention of migrant smuggling in Europe.

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## Appendices

### Appendix A: Interview questions submitted to the International Organization for Migration

The purpose of my dissertation is to answer the research question: “How did counter-action strategies, implemented by the EU in 2015, prevent migrant smuggling organised by criminal networks?”. The counter-action strategies are described in the EU Action Plan against migrant smuggling. You can find the Action Plan in the following link: [https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/eu\\_action\\_plan\\_against\\_migrant\\_smuggling\\_en.pdf](https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/eu_action_plan_against_migrant_smuggling_en.pdf)

1. Are you familiar with the EU Action Plan against migrant smuggling introduced by the European Commission in 2015?
2. From your point of view, are the measures described in the EU Action Plan effective enough for tackling migrant smuggling in Europe?
3. In what way is the IOM involved in preventing migrant smuggling?
4. On the website of the IOM it has been described that the IOM “arranges a safe travel of refugees to the Netherlands”. With what measures does the IOM ensure that refugees can travel safely?
5. Does the approach of the IOM, mentioned in question 4, include stimulating alternative routes instead of engaging with migrant smugglers? If yes, what are the alternatives?
6. In your opinion, should the EU counteract the smuggling of migrants completely or should it remain possible for migrants to travel towards Europe with the services of smugglers?
7. Are there measures that have not been implemented in the EU Action Plan against migrant smuggling that in your opinion would be effective measures?
8. Does the IOM notice a difference in traveling experiences of the migrants that have travelled to the Netherlands since 2015, the year that the Action Plan was introduced, compared to before 2015?

## Appendix B: Interview questions submitted to the European Migration Network

The purpose of my dissertation is to answer the research question: “How did counter-action strategies, implemented by the EU in 2015, prevent migrant smuggling organised by criminal networks?”. The counter-action strategies are described in the EU Action Plan against migrant smuggling. You can find the Action Plan in the following link: [https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/eu\\_action\\_plan\\_against\\_migrant\\_smuggling\\_en.pdf](https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/eu_action_plan_against_migrant_smuggling_en.pdf)

1. Can you describe the situation regarding migrant smuggling before the Action Plan had been drawn up in 2015? Based on what circumstances did the European Commission choose to draw up an Action Plan?
2. What results does the European Commission want to achieve? Can you describe the ideal situation regarding migrant smuggling in Europe?
3. When drawing up the Action plan in 2015, did the European Commission expect all measures to be feasible?
4. Does the European Commission have the goal of eventually putting a complete stop to migrant smuggling? If so, is this feasible? Or will it remain possible for migrants to travel with the help of smugglers but under control of the European Commission?
5. Which alternatives are encouraged for migrants to travel Europe?
6. How are the criminals in migrant smuggling networks traced? Will they be arrested and prosecuted after they are traced?
7. How is the implementation of the measures in the Action Plan being monitored? For instance, how is the safety of migrants monitored? For example, how is it checked whether migrants are being forced into illegal labour in exchange for smugglers' services?
8. Has the EU taken all actions as described in the EU Action Plan and thus implemented all measures? Which actions have been taken and which have not?
9. Can you say that the taken measures meet the pre-determined expectations as described in the Action Plan? Will the European Commission evaluate whether expected results are achieved? Based on what methods does the European Commission gather information in order to make a conclusion on whether expectations are met?
10. What is the importance of the Netherlands in the implementation of the Action Plan?

## Appendix C: Student Ethics Form

ES Guide for Final Project and Dissertation 2017-2018 | 2017-2018

## Appendix 6.3 – Student Ethics Form

European Studies  
Student Ethics Form

Your name: *Alyssa van den Berg*

Supervisor: *S. Rademaker*

## Instructions/checklist

Before completing this form you should read the APA Ethics Code (<http://www.apa.org/ethics/code/index.aspx>). If you are planning research with human subjects you should also look at the sample consent form available in the Final Project and Dissertation Guide.

- Read section 3 that your supervisor will have to sign. Make sure that you cover all these issues in section 1.
- Complete sections 1 and, if you are using human subjects, section 2, of this form, and sign it.
- Ask your project supervisor to read these sections (and the draft consent form if you have one) and sign the form.
- Append this signed form as an appendix to your dissertation.

## Section 1. Project Outline (to be completed by student)

(i) Title of Project: *Migrant Smuggling: The Challenge for Europe. An analysis of the EU Action Plan Against Migrant Smuggling*

(ii) Aims of project: *The aim was to describe how counter-action strategies, implemented by the EU in 2015, prevent migrant smuggling in Europe.*

(iii) Will you involve other people in your project – e.g. via formal or informal interviews, group discussions, questionnaires, internet surveys etc. (Note: if you are using data that has already been collected by another researcher – e.g. recordings or transcripts of conversations given to you by your supervisor, you should answer 'NO' to this question.)

YES  NO

If no: you should now sign the statement below and return the form to your supervisor. You have completed this form.

This project is not designed to include research with human subjects. I understand that I do not have ethical clearance to interview people (formally or informally) about the topic of my research, to carry out internet research (e.g. on chat rooms or discussion boards) or in any other way to use people as subjects in my research.

Student's signature



date *08-01-2018*