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Migrant's Agency in the Smuggling Process: The Perspectives of Smuggled Migrants in the Netherlands

Ilse van Liempt and Jeroen Doomernik*

ABSTRACT

This paper focuses on migrants who have been smuggled to the Netherlands from three regions: Iraq, Horn of Africa, and the former Soviet Union. The central questions are: to what extent do smugglers give direction to migration; and how much autonomy do migrants themselves have in deciding where they want to travel? The common assumption is that smuggled migrants are recruited by criminals and have little to say within the migration process. But the relationship between the smugglers and the smuggled seems more diverse. Three different types of interactions between the smuggler and the migrant are identified. Subsequently the question is addressed how this process is related to, and interacts with, the context of Dutch migration policies. The increased crackdown of the past decade on unsolicited migration in the Netherlands has not reduced the number of irregular entries. Moreover, what we see is that the involvement of human smugglers has been on the increase, and this involvement has shaped the migration process substantially.

INTRODUCTION

During the past years it was first and foremost the International Organization for Migration (IOM) that promoted research on human smuggling and trafficking. On the basis of IOM data for Hungary, Poland, and Ukraine, British geographers

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Salt and Stein developed a model in which international migration was conceptualized as a global business with licit and illicit sides. Smuggling is on the illicit side of migration. The business is presented as a closed circuit. Smugglers recruit migrants and the money paid to them is used for expanding the business. Migrants in turn send money back home (if they find a job), and some of this money is paid again to smugglers who bring new family members/friends abroad, which keeps the business going. Illegal migration is thus conceived as “a system of institutionalized networks with complex profit and loss accountants, including a set of institutions, agents and individuals each of which stands to make a commercial gain” (Salt and Stein, 1997).

Salt and Stein’s model is the most comprehensive attempt so far to conceptualize human smuggling. They were the first to demonstrate that a range of actors are involved in the business. Moreover, they theoretically divided the smuggling process into three stages: mobilization, en route, and insertion, which is very relevant. Although we normally tend to think about migration as a single movement from one place to another, irregular migration often takes place in several steps. Yet, some critique can be formulated as well. Salt and Stein postulate that those involved in the smuggling business are rational profit-making actors. According to them, everybody is in the business for profit-related goals; other motivations for being engaged in smuggling operations are not taken into account. The model, thus, does not fit refugees’ experiences because they have motivations for contacting smugglers other than purely economic ones. It also does not take the possibility into account that a smuggler may have ideological motives. In this paper, a broader definition of smuggling will be used, instead of the purely legal definition. Human smuggling can namely also be seen as: every act whereby an immigrant is assisted in crossing international borders whereby this crossing is not endorsed by the government of the receiving state, neither implicitly nor explicitly (Doomernik, 2001).

Another point of critique that can be made toward Salt and Stein’s model is that they see the migrant as a passive actor who simply follows the smuggler, which ignores their experiences, motivations, and impact upon decisions made during the process. In reality, however, migrants might turn to various smugglers or arrange certain parts of the journey by themselves and interdependencies between the actors differ within various stages of one person’s migration.

The central focus of this paper is to understand the migrants’ role within the smuggling process. The importance of incorporating the smuggled migrant’s agency will be illustrated by showing the individual migrant’s role in the decision-making process of identifying the final destination. To what extent do smugglers give direction to migration versus how much autonomy do smuggled

migrants have in deciding where they want to travel? Understanding the motives of both the smuggler and the migrant will be central in answering this question. By focusing on the smuggled migrants' perspectives and different motivations for using the services of the business, the dynamics of the smuggling process can be better understood. Original plans can change in transit because, for example, new smugglers have to be contacted, additional money has to be raised, or new information is received (Koser and Pinkerton, 2002).

Subsequently, we address the question of how smuggling is related to and interacts within the context of Dutch migration policies in general, and asylum laws in particular. Until mid-2001 slow asylum processing and extensive state care for those awaiting the final outcome of their asylum request appear to have made the Netherlands attractive as a country of transit and final destination alike. The new Alien Act, however, has led to rapid asylum procedures and currently the number of asylum requests has decreased dramatically.

The first part of the paper will present methodological justifications as well as the Dutch context of irregular migration and human smuggling. It is important, therefore, to realize how migrants perceive/describe their smuggler and how contact was made between the two. In the second part, possibilities for determining the final migration destination and the related decision-making process will be presented, thus addressing the migrants' degree of autonomy within the smuggling process. In the conclusion some wider conceptual implications of the incorporation of smuggled migrants' agency will be outlined.

METHODOLOGY

Data for this article was collected in the Netherlands between May 2003 and May 2004 in the framework of a PhD research project. Smuggled migrants from three different regions, namely Iraq, the Horn of Africa, and the former Soviet Union, were interviewed. Additional interviews were conducted with representatives of non-governmental organizations (NGOs) and law enforcement agencies to better understand the context in which the smuggling takes place. The data collected among smuggled migrants is not representative, even though we tried to diversify contact points as much as possible. An insight in the smuggling process is presented rather than a comprehensive picture.

A balance between Dutch asylum statistics, geographical diversity in origin, as well as the different modes of illegal border crossings informed the selection of the three groups. Data from the Dutch immigration authorities (IND) gave us reason to believe that most asylum seekers are smuggled. Thus we decided to

ensure that these migrants be prominent in our sample. Forty-nine of our 56 respondents had asked for asylum, 17 were rejected, seven were still in procedure, and 25 were granted a status (either temporarily or permanently). Five others came as labour migrants and received help to get some kind of visa to travel on. Again, two others were introduced by friends or agencies to a future husband abroad and made use of the possibility of family reunification.

Moreover, we focused on recent arrivals from countries from which (as yet) no sizeable immigrant communities had formed in the Netherlands – again typically migrants arriving as asylum seekers. For this reason, they could not rely on established ethnic networks in the Netherlands that would otherwise support their immigration, regularly or irregularly. These migrants could thus be expected to have first-hand experience with human smuggling. A further consideration was that numbers of migrants from certain areas of origin must not be too small, because that would have increased the difficulty in identifying respondents. As to the mode of border crossing, we know from secondary material that Iraqis more often travel over land, migrants from the Horn of Africa frequently make use of forged or borrowed documents which enable them to come by air, and migrants from the former Soviet Union find it relatively easy to travel in a semi-legal way with the use of some kind of visa. In short, selecting these three regions of origin seemed to allow for the incorporation of the widest range of relevant variables.

For the data collection we made use of research assistants with the same geographical background (Iraqi, Ethiopian, and Georgian), and most interviews were carried out in the respondents' first language. The interviews were later translated into Dutch or English. Anonymity and confidentiality were highly protected, as human smuggling is a sensitive topic. Some people were reluctant to talk about certain aspects or particular details. An example we frequently came across was people refusing to give us names of border crossing points/rivers/mountains, as they wanted to protect family/friends abroad that are still planning to come. We tried to create an open atmosphere in which respondents had the possibility to refuse to answer certain questions and/or raise topics they themselves thought were relevant. This was something most of the respondents said they had missed during the asylum interviews with the immigration authorities. Moreover, there were also respondents who were politically motivated to talk to us. They thought awareness should be raised of the fact that people who are in need of international protection nowadays have such a hard time reaching a place where they can find security.

Employing the biographical method, we collected a total of 68 life stories. Apart from the three groups mentioned earlier (56 life stories), we also had interviews

with seven West Africans (from Guinea, Togo, Cameroon, Nigeria, and Liberia) and with five northern Africans (from Algeria, Morocco, Tunisia). Even though they did not belong to the targeted groups and we ran into them more or less by coincidence, we did use these interviews to understand the broader picture. Interviews took place in informal settings; most of the time at the person's own residence, which was sometimes visited more than once.

IRREGULAR MIGRATION TOWARD THE NETHERLANDS

To date only a few academic studies shed light on the modes of irregular entry into the Netherlands, whether to claim asylum or for other purposes. Most studies focus on the ways in which irregular immigrants sustain themselves once they have settled in the Netherlands (Burgers and Engbersen, 1999; Engbersen and Van der Leun, 2001; Engbersen et al., 2002). Three phases can be distinguished in the ways in which the Dutch society has reacted to the arrival of "illegal migrants" (Engbersen and Van der Leun, 2001). The first phase (1960-1970) was that of welcoming "spontaneous migrants" who could easily be legalized and employed in factory work. Migration was divided in two channels: labour migration and asylum migration. The second phase (1970-1991) was that of silently tolerating the groups of "illegal workers". The 1980s were the years of tolerance *par excellence*. Despite the restrictive migration policy that had been developed in the course of the economic recession and the public fear for abuse of asylum (question of separating "true" refugees from "bogus" ones) there was still a large gap between theory and practice. It remained, for example, quite easy for illegal migrants to acquire a social-fiscal number on which they could work.

The third phase (1991-present) is characterized by an increase of asylum seekers and can also be characterized as a phase of excluding and deporting "illegal aliens". Since the mid-1980s the number of asylum seekers has increased enormously all over Europe. The Netherlands was for a long time a favourite destination for asylum seekers with 1987 as a first peak year, when the country received more than 10 per cent of all applications in the European Union (EU). Asylum became, as a consequence of this relative high influx, the main focus for tighter control policies as the "real" asylum seekers had to be separated from the "bogus" ones. As a consequence a sharp drop of the asylum requests took place in 1988.

In 1994 the number of applications reached another peak (52,576). Several reasons can be given for this sudden rise in applications. One likely explanation is that policies in surrounding countries played a role; for example, the stricter

measures taken in Germany in 1993, which drastically reduced the number of applications in this neighbouring country, might well have had an impact on the Dutch situation. Tillaart et al. (2000) emphasized another, but related explanation, namely the specific attractiveness of the Dutch “safe-countries list”. Asylum requests in the Netherlands were awarded from a broader variety of countries than in other European countries. Somali, Iraqi, and Iranian applicants had enjoyed especially positive decisions in the previous years, which had attracted newcomers. Additionally, the conditions in the Dutch reception centres were relatively luxurious. This combined with a weakly implemented Dutch deportation policy, according to these authors, made the Netherlands an attractive asylum destination.

TABLE 1
AMOUNT OF ASYLUM REQUESTS IN THE NETHERLANDS

Year	Asylum requests	Year	Asylum requests
1985	4,522	1994	52,576
1986	3,650	1995	29,258
1987	13,460	1996	22,857
1988	7,486	1997	34,443
1989	13,898	1998	45,217
1990	21,208	1999	42,729
1991	21,651	2000	43,580
1992	20,346	2001	32,580
1993	35,399	2002	18,760
		2003	13,400

Source: CBS/Statline.

Since the mid-1990s, several measures have been taken to combat illegality more effectively. The law on Compulsory Identification and the Linking Act are examples of stricter internal control. As a consequence, illegal migrants are more associated with “abuse” of public provisions and disruption of the labour market (Engbersen and Van der Leun, 2001). For the Netherlands, the fear of losing social cohesion provided by welfare provisions played an important role as well. Consequently, public opinion on illegal migrants changed, and in this changing climate more restrictive measures could be taken more easily internally as well as externally.

Recently the numbers of asylum requests have dramatically gone down in the Netherlands. In 2001 there were 32,580 asylum requests whereas in 2003 there

were only 13,400 (CBS, copied August 2005 from <http://www.cbs.nl/nl/cijfers/themapagina/bevolking/1-cijfers.htm>). This was the lowest number in 15 years and it put the country in ninth place in the European statistics. This decline in asylum applications can be explained in part by general fluctuations in terms of war/ethnic conflicts in the world. For example, the total decline of asylum requests in 1995 had a lot to do with the improving situation in the former Yugoslavia. Currently, however, we are clearly witnessing the impact of the complete overhaul of Dutch asylum policies that took effect in April 2001.¹ The drafting of the new Aliens Act 2000 was motivated by a desire to speed up the asylum procedure. The new law introduced a single status for all recognized asylum applicants, giving extensive rights but also being revocable for a three-year period. In the past there were three statuses each offering different levels of social and economic rights. The most extensive rights followed from a Convention status whereas the most limiting status (a VVTV) only granted the right to temporary protection with only gradual access to education and labour market. VVTV status could be converted to a subsidiary protection or humanitarian status if return proved to be impossible within three years. The new law has also resulted in the automatic termination of all reception benefits for asylum seekers rejected in the first instance (most of the time this is after 48 working hours, normally one week) and severely limits the possibility to appeal this decision.

It is foremost in this third phase that human smuggling became an issue in the Netherlands. The first report on human smuggling, *Plan van Aanpak Mensensmokkel* was written in 1996 by the Special Prosecutor against Human Smuggling. It is based on 867 smuggling incidents that took place in the period between November 1994 and April 1995. The report states that most asylum seekers in the Netherlands are smuggled, even though it was also acknowledged that the degree to which they use human smugglers varies according to the countries of origin and the opportunities available to individual migrants. The report also came to the conclusion that the nationality of the smuggler often equals the nationality of the smuggled migrant. It furthermore concedes that next to that nothing is known about the relationships between the two. In 1996 migrants most likely to be smuggled came from Iran, Somalia, and Sri Lanka. In 2001 others found that the likelihood that human smugglers had played a role in the arrival of asylum seekers in the Netherlands lies between 10 per cent (Guinea) and 60 per cent (Caucasus and Russian Federation) (Hesseling and Taselaar, 2001). The definition of human smuggling they employed was: someone who has entered the Netherlands without valid travel documents, is assisted by a travel agent, and has paid a sum of money for this assistance. When widening the definition of smuggling to include all types of third-party assistance, on average 94 per cent of asylum seekers had been smuggled at some stage (IND, 2000).

Another indication of an increase in irregular migration toward the Netherlands might be the high amount of visa requests compared to other European countries. Visa requirements are a state's first line of defence against "unwanted" immigrants. The pressure on western embassies has probably risen as a consequence of a more restrictive migration policy. State regulations to prevent large numbers of "unwanted" migrants from entering the country have ironically produced an enormous rise of irregular entries (Salt and Stein, 1997; Ghosh, 1998; Morrison, 1998; Chin, 1999; Kyle and Dale, 2001; Martin, 2001). Incidents are reported frequently of illegitimate use of visas. In Istanbul there is even a so-called active "visa mafia" that provides people with suitable identities (new birth certificates, salary slips, etc.) so that they can travel under the heading of a tourist (Akinbingol, 2003). In 2001, 368,557 visa requests were made at Dutch embassies and consulates. Most requests for Dutch visas in foreign countries come from embassies in Russia and Turkey. In the year 2001, 25,723 requests were filed at the Dutch embassy in Moscow and 23,020 in Turkey (10,714 in Istanbul and 12,306 in Ankara) (data obtained by IND from VIS data source). Research has shown that the "tourist route" (obtaining a tourist visa through vouching relatives or friends abroad) is frequently used by Turks for migration purposes (Staring, 2001). From our own research, we also know that many Russians and migrants from former Soviet Union countries enter on legal visas.

The Dutch juridical policies might also play a role. The burden of proof lies with the Dutch state if it is suspected that an applicant for a visa has the intention to overstay or applies on the basis of forged documents. In other countries it usually is up to those requesting a visa to prove legitimate intentions and not the state (Wynia, 2001). The report *Visum verlening in Schengenverband* (TweedeKamer, 2003) states that among the policy goals under the Dutch EU chairmanship in 2004 was to reach harmonized visa regulations in the Schengen area in order to overcome these still existing differences. At present, a new Dutch visa law is being designed in which more concrete refusal criteria will be implemented.

HOW DO MIGRANTS PERCEIVE/DESCRIBE THEIR SMUGGLER?

Most research on human smuggling is done from a criminological perspective and based on police files and criminal court proceedings. This research method has a natural bias toward "big" cases and those that have come to the attention of the authorities in general. In the Dutch monitor on organized crime, the selection of criminal investigations was based on a definition of organized crime in which "groups that are primarily oriented on profit making systematically commit crimes with serious effects for society and who are capable of hiding these

crimes effectively” (Kleemans et al., 1998: 30). This pre-selection of big cases overlooks amateurs or other small-scale organizations involved in smuggling. Besides, their focus is on apprehending those specific persons who are crucial to keeping the criminal network running. Replaceable actors in the network like truck drivers or recruiters do not have priority. The image they create as a consequence of this bias is one of merciless criminals who are only in the business to make huge profits.

Sociological research is more concerned with the relationship between the nature of crime and the nature of state and society. Smugglers and clients' mutual interest makes the evolvement of the process more complex than the traditional image of a merciless criminal and a passive victim. Sociological research based on interviews with smugglers draws a different picture of smugglers. Zhang and Ko Lin Chin (2002) interviewed 129 individuals working in the human smuggling business in New York, Los Angeles, and Fuzhou. They found that most smugglers are ordinary citizens (restaurant owners, car salesmen, barbers, waiters) coming from diverse backgrounds. Most of them are men in their 30s and 40s with a high school education, the majority self-employed or unemployed, and desperate for some extra money. This is in line with Spener's conclusion (2004) that nearly all smugglers were working-class Mexicans, mostly low on the “food chain”. A good example of these so-called “occasional” smugglers is traders at the border between Iraq and Iran and Iraq and Turkey. Smuggling often takes place along old smuggling roads (the Silk route) and smugglers are quite often traders who used to smuggle goods, but now see that they can earn more money with smuggling people. Some of these traders have decided to take a chance in the migrant-smuggling business. These people know the border region by heart. Smuggling is then part of the region's economy and smuggler's clients are mostly coming from their own community.

We came across many stories of smugglers with a migration past and some were even in the business because of their own bad experience with smugglers and they wanted to do better. Socially desirable answers are, of course, no exception in this field of research and all our respondents still had had to pay for their services, no matter how idealistically motivated their smugglers said they were. Most of our respondents did not, however, use the word smuggler when they talked about the person who helped them:

I would not call him a smuggler. At the border I was allowed to walk with this man for \$400 and then he was so kind to hand me over to people who brought me to the nearest city for free.

Within Europe there are so many people offering services, I do not think you can call them smugglers. Some people are willing to sell their passport; others

bring you to neighbouring countries, like our Algerian truck driver who brought us from France to Germany. He was not a smuggler; he was just an ordinary man.

Surprisingly there was only one respondent who clearly identified smuggling with a mafia-like business and brought the element of physical violence in when we talked about smuggling. He said that “people are locked up in safe houses and badly treated by smugglers”. Most of the respondents did qualify smugglers as bad people in the sense that “they make profit out of people’s despair and that they are not always trusted”, and “They have dollars in their eyes and they lie a lot to you so that you will pay them more”. But the majority of the respondents were also realizing that there was no alternative for them. They are dependent on their assistance and they thus accept the need to pay for that. Those who knew their smuggler via friends/family were more positive on the smuggler’s image and said that they also acted out of humanitarian motives.

Most of the Kurds from Iraq call their smuggler *qachaqchi* or *muharrib*. *Muharrib* comes from the word *harraba*, which means to help someone to run away (Doornbos et al., 2001). Among Somalis, smuggling people illegally into the West is often referred to as *xambaar*. This literally means “the bringing in” of illegals into Europe and on to America (Farah, 2000: 63). We did not find special names for smugglers from the former Soviet Union. From the migrants’ perspective there is thus little stigma attached to the smuggling business. As a consequence there are, for example, few migrants who would testify against their smuggler because of perceived common interest. Indeed, the general image of “the smuggler” arising out of our research is not that of a criminal, but rather of someone who is an indispensable service provider.

HOW DO MIGRANTS GET IN TOUCH WITH THEIR SMUGGLER?

There are various factors that play a role in deciding with which smuggler one travels and for what part of the route a smuggler is used. Individuals tend to act strategically, but their scope is often limited and depends on their resources. The migrant’s financial situation is in this regard crucial. How the journey further evolves depends for a great deal on the smugglers’ qualities. As an Iraqi man put it: “If you take such a decision two things are important, first of all money and second a good *qachaqchi* (smuggler)”.

Most of the respondents had met their first smuggler through family members, friends, or acquaintances. It is interesting to see that it was more often the so-called “weaker” ties (friend of a friend) that provided useful contacts for getting

in touch with smugglers than direct family. Granovetter (1973) already described that “strong” ties (family members, friends, etc.) seem eminent in sustaining livelihood, because one has trust in family and friends and those with whom one has strong ties are more motivated to help you. At other times, however, people benefit more from contacts with members of other networks (weak ties), because they traverse greater social distance and reach a larger number of people. “Those to whom we are weakly tied are more likely to move in circles different from our own and thus will have access to information different from that which we receive” (Granovetter, 1973).

Most of our respondents were reluctant to talk about their plans to leave with too many people, as they were afraid of being betrayed. For those remaining in the home country, it is often difficult, because they do not know what has happened to the person who has gone, and it can take a while before people receive news. An Iraqi woman told us that she had heard from a nephew that her husband had arrived safely in Turkey, but it took one year before she received the first phone call from him from the Netherlands.

In some places it is commonly known where smugglers can be found. Refugee camps are hot spots for smugglers and sometimes smugglers have a legal business (coffee houses, phone call offices, or money transfer offices) from which the business evolves. These places are commonly known. If a prospective migrant does not personally know a smuggler or an intermediary these are the places to go to. For the former Soviet Union, we also came across agencies that openly advertise their services, such as “Schengen visa for a good price”.

Most migrants act upon stories they have heard from other migrants about “good” or “trustworthy” smugglers. A “good” smuggler is someone who takes good care of his clients, does not make mistakes, provides people with food, lets them rest, provides shelter, does not repeatedly ask for more money on the way, knows the routes, has good contacts at borders, or provides good documents. So the smuggler’s reputation is very much related to his *modus operandi* and how he treats his clients. In Istanbul many Iraqis have to find a new smuggler and they try to gather information from other migrants in order to make a good decision. It is amazing how easily people find countrymen while en route. This Iraqi man, for example, found a smuggler who was recommended to him through people he just met on the street:

In Dahuk a friend of my nephew had given me two phone numbers of smugglers working in Istanbul. When I arrived in Istanbul I tried to call them, but I couldn’t reach them. While I was trying I heard two men talking the Kurdish language and I said to them that I was new in Istanbul. They just had contact with a

smuggler and they proposed I come with them, so I went to their smuggler. This smuggler happened to know the two persons I was looking for and brought me to a shop in a neighbourhood called Fatih. The owner of the shop called one of the smugglers recommended to me, but he was in Van, bringing people to Istanbul, so I had to wait for three days. The owner of the shop brought me to a place where I could stay.

This interview fragment illustrates how careful migrants are in deciding with whom to migrate. It also shows the importance of information through social networks. This man could have gone with the Kurds he just met and their smuggler, but he decided to wait for the one recommended to him by the friend of his nephew. Icduygu (2004) interviewed a Kurdish smuggler from Van who explained to him that he sometimes had people calling him from Holland to ask him to smuggle their sons, daughters, and sons-in-law, sisters-in-law: "This is what happens when you are trustworthy".

Apart from migrants' strategies to find trustworthy smugglers, smugglers also have strategies to gain trust from migrants. Some smugglers offer guarantees; the client can try as many times as necessary for the agreed sum. Another way of gaining trust is to postpone full payment until the migrant has arrived at his destination. Upon arrival he phones home to tell his relatives to pay out the remaining sum. Other migrants get a personal code as a guarantee. Each time they meet new smugglers the code serves as a way of paying. These price agreements may be an indication that the smuggling business is becoming more professional, but they also underline that agents have to gain trust from migrants and are dependent on them for their reputation in the community. The relation between the smuggler and the migrant might also determine how the whole process evolves and whether people end up where they initially planned to go.

SMUGGLED MIGRANT'S LIMITED CHOICE IN DEFINING THE DESTINATION

In 1994 a young man left his village at the border between Iraq and Iran. As he was in severe political trouble he decided not to take any risk and to move as soon as possible. He did not want to travel with a group. Women and children only cause problems because they hold up the group, he explained during an interview. After asking around he finally found a smuggler who was willing to bring him in a couple of days to Sweden where he had family. Two-thirds of the total sum of US\$7,000 dollar was paid in Iraq, the rest he would pay upon arrival. Now he realizes that he had paid far too much compared to other refugees who arrived in the Netherlands, and he still is quite frustrated about it,

especially since the smuggler also misinformed him. He explained how he had travelled. First he walked with a guide from Iran to Turkey. He had been raised in the mountains and walking was no problem for him. Then in Turkey, a Turkish smuggler drove him to Ankara and from there he took the plane to Schiphol. The smuggler accompanied him and was in charge of the (forged) documents. The trip was safe and without any problems. But in Amsterdam he had to stay in a house with others to wait for the right moment to travel on to Sweden.

We kept asking when we could finally leave that place, but they were very vague about it. It was really getting on our nerves, because we just wanted to move on and they kept mumbling about car problems and other rubbish! Finally, after three days, we were woken up at six o'clock in the morning, and we were ready to go. First we drove towards Eindhoven, and there we went to a gas station. I think it was around eight o'clock. The smuggler bought coffee and cigarettes for us, and we were anxious to finally reach our goal. Now I realize that smoking back then changed my whole future. The smuggler went to the toilet and I smoked a cigarette outside. But then he never came back; he had left us behind! There we were somewhere near the motorway close to Eindhoven. Now I am still here in the Netherlands. I never told my family in Sweden I was planning to come to them. They still do not know. The asylum procedure kept me here for a long time, and now it feels strange to move on again.

This example is no isolated incident; migrants depended on smugglers most of the times have limited choices in where they can migrate to and it might be the smuggler who decides where people end up, even when one thinks to be completely informed as illustrated above. This finding is also supported by the available literature on this subject. Koser (1997) concluded from his research that smugglers may choose destination countries that are not necessarily the first choice of prospective immigrants. Engbersen et al. (2002), moreover, interviewed 156 irregular migrants in the Netherlands, 40 per cent of whom stated that they would have preferred a country other than the Netherlands. From police reports analysed by Informatie-Analysecentrum Mensensmokkel (a coordinating police organization) we also know that in 16 out of 36 cases migrants had not chosen the Netherlands as their final destination. Great Britain, Scandinavian countries, and France were mentioned as preferred destinations within Europe, and Canada and the United States were also quite often the preferred final goal (IAM, 2000).

As a consequence those migrants who wanted to be in a specific country – e.g. to be reunited with their family – can end up in a country where they never planned to go. This can isolate irregular migrants from potentially supportive networks, support that even becomes more important when migrants end up residing undocumented (Koser, 2000).

On the one hand, these outcomes of the migration process may be a calculated risk on the side of the smugglers; on the other hand it is also the unavoidable consequence of increased regulatory control. The migrant's choice is not just limited by what the smuggler can offer, but also by the interventions in his actions by the authorities of countries that were envisaged to be places of transit, but turn out to be (for the time being) the final destination. Most asylum seekers who were stopped at Schiphol Airport and not allowed to travel further due to false or missing documents, were on their way to other countries. The only possibility left for them is to ask for asylum in the Netherlands, even though this might not have been their preferred destination. Therefore, the interaction between state interventions and the smugglers' logic determines more and more where irregular migrants end up, but at the same time the picture is more diverse than that. There is, for example, a clear difference in the degree of information migrants have. In many cases information is not shared and the smuggler makes decisions on the final destination and routes taken without discussing it with the migrants. Other migrants are informed beforehand, or are updated while on the way, and again others are misinformed. As mentioned earlier, asylum seekers are not completely passive in the process. They try to inform themselves and rumours about where it is easy to get a refugee status or residence permit play an important role.

If we take a more in-depth look at who ends up where, we must first distinguish between migrants who decide to go to a particular country and those who happen to arrive in a particular country but didn't have a special preference for that country. Most asylum seekers simply want to go to Europe and individual countries hardly have meaning to them. This is in line with the findings of Robinson and Segrott (2002): "People simply want to leave the country of origin for 'a safe place' and all Western countries are assumed to be such". Not surprisingly, these migrants often let the smuggler determine the precise country of destination (Barsky, 1994; Böcker, 1997; Bijleveld and Taselaar, 2000). Other respondents, however, did have a preference for a particular country of refuge. Their decisions were most of all related to family networks abroad or to incidental contacts abroad that became crucial now that people needed to move. Colonial history and language also play a role in defining preferences. This corresponds with the findings of Böcker and Havinga (1997), who conducted a literature survey to identify the factors influencing the final destination of asylum seekers. The main factors were the accessibility of specific destinations, the complexity of asylum policies, historical and political ties between countries, the economic possibilities, and more general images of certain countries. An Eritrean man told us:

I went to Italian school when I was a child, and I knew a lot about Italy. I even spoke the language. Sometimes, I know it sounds funny, but sometimes I feel

like an Italian. When I hear the Italian language I feel a connection. It was a pity I could not decide where I wanted to go. The mister who brought me here decided for me that the Netherlands was my destination. He had a business connection with the Netherlands and he took me with him. He did not even ask where I wanted to go.

This fragment illustrates that smugglers sometimes overrule the effect of social networks on the migration of certain people, as they are the ones who decide where people end up. This is what Robinson and Segrott (2002) call negative channelling. It also happens that smugglers act as mere service providers and bring the migrants simply where they wanted to go; this can be called positive channelling.

Apart from the smuggler or the migrant as decision maker, it can also happen that there is space for negotiation. The smuggler in this case has several options from which he can offer one or the other for a price and the migrant is in the position to choose, even though it should be pointed out that these decisions are most often made quickly.

As an Iraqi man told us:

When I entered the shop in Istanbul there were a few boys and a woman sitting there. They offered me a cup of tea and then we talked a bit.

- * Where do you want to go?
- + Europe
- * Of course. Everybody wants to go to Europe. But which country in Europe?
- + I do not know, somewhere where I can stay.
- * Ok, at this moment we can offer you Canada, Germany, and the Netherlands. But you have to know it costs a lot of money. With us you pay a lot but you will get what you want. If the first time fails we will try again, but this time on our expenses.
- + How much does it cost and how long do I have to wait?
- * Canada is US\$10,000 dollars and we can arrange within two or three weeks. Germany is US\$8,000 dollar and this will also take two or three weeks. Holland is US\$7,000 but that we can arrange within five days.
- + Ok, I will go to Holland.

If we want to understand these negotiations made between the smuggler and the migrant, it is first of all important that we know more about the migrant's socio-economic position. Some migrants can afford themselves the choice between several destinations, while others face limited options. As is also documented elsewhere, the amount smugglers charge for their services can be quite substantial (Van Hear, 2004). An implication is that only those who can afford to

pay these high fees or who have access to loans can migrate in the first place. The choice of destination is furthermore very much influenced by the amount of funds. Migrants with little funds are often guided over short distances and over dangerous routes. Those with more funds may be able to buy a total package and travel in a more secure way. Besides, those migrants who have to leave quickly do not have time to orientate and there is most of the time little interaction between the smuggler and the migrant, at least not in the first phase.

It is important to use a dynamic perspective while analysing the negotiations made between the smuggler and the migrant as in each phase new decisions might have to be made. Moreover, the migrant's position may also change as someone may have little choice initially, but may have more choice later in the process or vice versa. Good or bad contact with the smuggler has impact on the information provided and the promises made. When the smuggler is, for example, dependent for his reputation on delivering the migrant where he or she wants to go, the chance of the migrant ending up in isolation is smaller. When contact between the smuggler and the migrant is more anonymous, the risk of ending up somewhere else and even of being left alone is higher.

WHAT CRITERIA UNDERLIE SMUGGLERS' DECISIONS?

According to Robinson and Segrott (2002), four things will underlie the smuggler's decision to choose a specific destination. The first one is the ease with which an agent thinks he can get migrants into a given country. Smugglers make use of differences between states' regulations to choose a destination. Countries that easily deport irregular migrants or have strict border control regimes are less attractive. Some countries may also be easier to reach than others. The United Kingdom, for example, is geographically seen as less accessible because it is an island. The availability of a visa or other travel documents and checks at the borders also play a role in finding the easiest country possible. For example, a Cameroonian woman we interviewed had a one-way plane ticket from Douala (Cameroon) to Nairobi (Kenya). In Nairobi a smuggler got her a return ticket from there to Cyprus via Amsterdam. For Cyprus no visa was required so the ticket was easier to arrange. She was told first to go to Cyprus and then to come back immediately to Amsterdam, which was to be her destination. In this way, had she been caught for travelling without legitimate documents in Amsterdam she would have been deported to Cyprus and not to Kenya. However, the migrant was not entirely aware of the reasons for this travel itinerary:

You know I was going like a blind man. What happened was that I lost my luggage in Cyprus and I wanted to take the first plane back to Amsterdam so I

was panicking. And then I was caught and brought to an Immigration Office. There they decided to send me back to Amsterdam. My luggage was gone and they were not looking for it. A deportation agent flew back with me and I was dropped at Schiphol (Airport). Then I asked for asylum here.

Later it became clear to her that this safety clause was built into the ticket. But back then she failed to understand why she first had to go to Cyprus and why she could not stay in Amsterdam the first time. Smugglers' logic is thus important to understand if we want to know why people end up in certain destinations.

The second consideration is whether there is a demand for that specific destination. Irregular migrants themselves might have preferences. These preferences are often related to historical (colonial) links and resulting cultural proximity, personal links in the sense of having family/friends abroad, or general ideas on specific countries in the world. Being able to offer preferred destinations makes the smuggler's position stronger. The third consideration made by the smuggler is whether taking people there is profitable. In Salt and Stein's model this is the most important criterion. The fourth consideration is related to the third one – whether the agent is already connected to networks abroad, which might provide intelligence, facilities, and personnel to assist illegal entry. A combination of these four factors will determine whether an agent offers particular destination countries or not (Robinson and Segrott, 2002).

The Netherlands was for a long time a favourite destination for smugglers. Possibly most attractive was the Dutch asylum system. Until the new law came into force in 2001, the elements of the Dutch asylum procedure most convenient for smugglers were its lengthy nature, the high recognition rates (partly being the result of those lengthy procedures), the numerous grounds for admission, free legal aid and, compared to other European countries, the good quality of the reception facilities (shelter, weekly allowance, one-off clothing allowance, recreational and educational facilities, access to primary and secondary education for minors, free medical care, and third party insurance). Besides, the country had a positive connotation to migrants even when they knew little about it.

It has also been suggested that a specific reason why smugglers choose the Netherlands might be that the penalties on smuggling in the Netherlands initially were, compared to other European countries, considered low (Bijleveld and Taselaar, 2000) and the burden of proof high. Until December 2004 human smuggling was only a crime if it was committed for profit (today this is no longer legally relevant). Human smuggling only entered the Dutch Penal Code on 31 December 1993. Initially the maximum penalty was one year, but for

several reasons, among them the limited enforcement options of the police,² it was increased to four years from 15 November 1996. If the act is committed by misusing one's profession or as part of one's duty within their occupation, punishment can be as high as six years. If someone makes a profession out of it or does it in an organized manner (with others) the maximum penalty is eight years. This is not the only tool available to enforcement agencies. Many smugglers are convicted on the basis of article 140, being part of a criminal organization, or on articles related to the forging of documents. This has everything to do with the fact that the profit-related aspect of human smuggling is hard to show. This is no longer required, but deleting the profit-making aspect from the definition of human smuggling might have the effect that non-governmental organizations (NGOs) helping migrants move to a third country if what they consider to be a justified asylum claim has been rejected, are charged and convicted for human smuggling.

THE NEW ALIEN ACT AND SMUGGLING TOWARD THE NETHERLANDS

As already mentioned, under the previous Aliens Law, the Netherlands was a popular destination for smugglers, probably among other things because of the relative lengthy asylum procedure and the relatively good reception facilities offered to asylum seekers. Apart from being a final destination, the Netherlands also served as a transit country for the very same reasons. Little is known about those instances in which the Dutch asylum system was used by smugglers to "park" their clients until they could be smuggled onwards. Yet, a few indications suggest that this happened frequently. Quite spectacular was the unannounced landing at Schiphol Airport in 1997 of a Turkmenistan Airways aircraft. It had on board 173 Tamils from Sri Lanka who all claimed asylum. One year later, only 20 of the 173 were known to still be present in the Netherlands (Godfroid and Vinckx, 1999: 49). As far as we know, most if not all of these migrants, disappeared without further trace before their asylum procedure was finished. This is in line with figures from the agency that is responsible for the reception of asylum seekers, the *Centraal Orgaan opvang asielzoekers* (COA). In 2000, about one in seven of the clients housed in their hostels left without a known destination (*Telegraaf*, 26 January 2001). From criminal investigations we also know of cases of human smugglers who themselves were COA clients and who operated from its hostels, smuggling people out of the Netherlands (IAM, 2000).

Another reason to target the Netherlands as transit country might be the availability of good and extensive transport infrastructure that can be used for the

transfer of migrants (Bijleveld and Taselaar, 2000). The Dover tragedy illustrates the country's attractiveness in this respect:

Rotterdam served as a transit place for 60 Chinese who all were to be smuggled to Great Britain. Some had been on their way for months, passing through several countries. From a depot in the Rotterdam harbour they were all transported to Zeebrugge (Belgium) to make the crossing to Dover (England). Two of these young Chinese had left their village Ba Hu in the Fujian Province, took the bus to Chang Le (the province capital) and from Chang Le they flew to Beijing. In Beijing they paid for the complete trip to Europe. First they took a direct flight from Beijing to Belgrade where someone picked up several people from the airport, transported them all in small groups by taxis to the border with Hungary and from there they travelled in the back of a lorry to Austria. In Austria they got Korean passports on which they could fly to Paris. From Paris they took the TGV to the Netherlands where they were stored in Rotterdam, again in small groups, above Chinese restaurants. The next day they left in mini busses to the Rotterdam harbour where they all entered a container subsequently filled with tomatoes, sealed and put on a lorry. Upon arrival a tragedy came to the light: 58 of these stowaways had suffocated. The Dutch driver had closed off the cargo's air supply on one of the hottest days of summer (Meeus, 2000). A Dutch man of Turkish origin was apprehended for organizing the transport from the Netherlands.

With the rapid asylum procedures (often only 48 hours to make and process the first claim) under the new Aliens Act in the Netherlands, the story people tell to the immigration officers has become even more decisive. There is less time to collect evidence or to check stories and amendments at any later moment are no longer admissible. The great majority of those who arrive with smugglers are prepared for this moment, having had rehearsed the story they would tell immigration officials and having made sure their luggage and their clothing were consistent with the route allegedly taken. For smugglers it is important that people are not deported back home immediately upon arrival, as that might damage the smuggler's reputation. Apart from smugglers, countrymen or other asylum seekers also prepare people on what story best to tell to the authorities. However, if the advised story is an inconsistent story, the impact on the migrant's future can be disastrous, whereas a true account of the asylum seeker's experiences might have persuaded the immigration authorities of a protection need.

The percentage of asylum seekers whose request is deemed to be incredible, and is thus rejected has increased significantly since the introduction of the new

Alien Law. The law now distinguishes two procedures: one is a normal procedure and the other an accelerated procedure in which the entire application is examined within 48 processing hours. It is not clear when cases are channelled into the accelerated procedure. Since the entry into force of the new Alien Act, between 40 and 45 per cent is examined in the accelerated procedure. In 2002, 87 per cent of the total Dutch asylum requests were rejected; in 2003, 78 per cent were rejected (IND, Jaarresultaten, 2003).³ The large involvement of human smugglers in the asylum migration might have made the authorities sceptical toward any account rendered by asylum seekers, even though this is difficult to substantiate.

Rejected asylum seekers are supposed to leave the country by themselves. If they do not leave, they risk detention and deportation. Probably, but again without a possibility to substantiate this, as a consequence of this new Dutch context, smugglers seem to look toward other countries. The Scandinavian countries, for example, note a slight increase in asylum requests at the moment. We can not tell for certain whether this shift also means that the Netherlands has lost significance as a transit country, but in view of the fact that few asylum seekers now qualify for initial state support (pending final outcome of the application) whereas previously many sooner or later left state run reception centres without a trace, this would appear a likely effect.

Another option to avoid making oneself public to the authorities with the risk of deportation is to go “underground” immediately without asking for asylum. When we look at the amount of inadmissible persons (those who are rejected at gate controls)⁴ at Schiphol, we see that less ask for asylum than in the past. In 2000, 4,045 out of 10,023 asked for asylum and in 2001 only 2,661 out of 9,356 asked for asylum (IAM, 2002). This might be an indicator of more people going underground. However, such a status is difficult to maintain indefinitely. Either the migrant can regularize his or her position – e.g. by being recognized as a refugee or as someone who needs protection on other grounds, through marriage, or as part of a regularization programme – or (s)he moves on or returns home. It is important to note that generally speaking the attitude toward illegal migrants have become more negative during the past decade, especially in Western Europe and not least in the Netherlands, making the odds of attaining a regular residence permit increasingly smaller.

Sometimes the last phase of the smuggling process also becomes the starting point again, because people decide to move on to another country after a while. The UK is especially popular for both legal migrants (many Dutch Somalis have left for the UK recently) (Van den Reek and Hussein, 2003), as well as for irregular migrants. Some travel on forged documents by plane, others try to

sneak on boats. This is in line with unpublished figures from the border police (Koninklijke Marechaussee). In 2004, 447 “illegal aliens” were detected in trailers in harbours with ships destined for the UK (Vlissingen, Hoek van Holland, and Schevingen).

CONCLUSION

Although no one knows for certain how effective restrictive immigration policies are in actually curtailing migration, instead of just making it irregular, our research has not given us any reason to conclude that the increased clampdown on unsolicited migration in the Netherlands of the past decade has done anything to reduce the number of irregular entrees. Our impression is rather that the opposite is more likely; in this sense policy is part of the problem rather than the solution. Be that as it may, the involvement of human smugglers has clearly been on the increase. Their involvement has an impact on where migrants end up, either being in an irregular situation or applying for asylum. This appears to be an important reason for the enormous diversification in the countries of origin of asylum seekers, refugees, and other unsolicited migrants. And we do know for certain that in the Netherlands most asylum seekers have been smuggled for a part or the entire route.

Salt and Stein's (1997) model of the human smuggling process does acknowledge the state and the migrants as actors but does so in a rather static fashion. By the example of the Dutch case, we have seen that state interventions are likely to have considerable impact on the actions of human smugglers; as a result they may reorganize their routes and destinations, and the economics of smuggling too are likely to be affected. It is also overlooked that smugglers can have reasons other than just financial ones for assisting migrants on their way into Europe. The model also neglects smuggled migrants' perspectives. It is true that smugglers make different decisions than migrants, but migrants might still have something to say within the process. Moreover, migrant's calculations are to a certain extent also influenced by state interventions. Most research tends toward the conclusion that smugglers more and more decide where migrants end up. To a certain extent this is in line with our own findings. But by incorporating smuggled migrants' perspective and by taking an inside look in the whole process of smuggling it seems that reality is more diverse.

Based on our empirical material we identified three basic types of interaction between the smuggler and the smuggled migrant. In the first case, migrants choose the destination and the smuggler simply acts as the facilitator. In the second case, it is the smuggler who is the decision maker and the one determin-

ing final destinations. It can be the case that migrants coincidentally end up where they wanted, or that they did not have a special wish, but it also happens that smugglers' considerations do not reflect migrants' wishes. Smugglers calculate whether access is easy in terms of border control and deportation policies, whether there is a demand for that specific country, whether it is profitable to take someone there and related to that whether they are themselves connected to a network in that specific country so that they can rely on knowledge and expertise.

In the third case, negotiations between smuggler (provided he has options from which he can offer one or the other for a certain price) and client (provided he has preferences) determine the destination. Migrants might have space for negotiation. This indicates that the smuggling business is not always a highly organized criminal activity. It also indicates that trust is an important criterion, as well for the migrant as for the smuggler. If possible, migrants orientate themselves carefully before taking a chance with a specific smuggler. Moreover the link between migrants and smugglers might be held together by their reciprocal interest, as smugglers can be part of the same community back home. We do not desire to downplay, however, the fact that we look at unequal power relationships between migrants and smugglers, making the migrant's position extremely vulnerable. Moreover, when migrants end up somewhere else than promised, either because the smuggler was in power or because they were stopped at the border for being in possession of forged documents or no documents at all, the chance is high that they end up in isolation. They might thus well need a secondary movement with a new smuggler to reach their goal, what again requires funds and creates new risks and vulnerabilities for the migrant.

NOTES

1. The new Dutch Aliens Act is highly criticized by Human Rights Watch. See Chadbourne (2003).
2. More severe crimes allow the police to employ more elaborate means of investigation.
3. Downloadable at http://www.ind.nl/nl/Images/JR_IND2003_NL_tcm5-24511.pdf.
4. The amount of inadmissible persons is not totally related to irregular entries, football hooligans can for example also be rejected for disturbing public order and are classified as inadmissible persons.

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LE RÔLE DU MIGRANT DANS LE PROCESSUS DE PASSAGE
CLANDESTIN : LE POINT DE VUE
DE MIGRANTS CLANDESTINS AUX PAYS-BAS

Cette étude se concentre sur les migrants introduits clandestinement aux Pays-Bas en provenance de trois régions : l'Iraq, la Corne de l'Afrique et l'ex-URSS. Elle s'intéresse avant tout aux questions suivantes : dans quelle mesure les passeurs influencent-ils la direction des migrations, et de quelle autonomie les migrants eux-mêmes disposent-ils dans le choix de leur itinéraire ? On pense généralement que les migrants clandestins sont recrutés par des malfrats et n'ont pas leur mot à dire dans le processus de migration. Mais il semblerait que la relation entre passeurs et migrants clandestins soit plus complexe que cela. Les auteurs identifient trois types d'interaction différents entre les premiers et les seconds. Ils examinent ensuite la façon dont ce processus est lié aux politiques migratoires néerlandaises et comment il interagit avec elles. L'intensification de la répression à l'encontre de la migration non sollicitée aux Pays-Bas au cours de la dernière décennie n'a pas réussi à faire diminuer le nombre d'entrées irrégulières. On constate en outre que les passeurs de migrants jouent un rôle de plus en plus en plus actif, influençant par là même sensiblement le processus de migration.

LA INFLUENCIA DE LOS MIGRANTES EN EL PROCESO DEL TRÁFICO
ILÍCITO: PERSPECTIVAS DE LOS MIGRANTES OBJETO
DE TRÁFICO ILÍCITO EN LOS PAÍSES BAJOS

El presente documento centra su interés en los migrantes objeto de tráfico ilícito en los Países Bajos, provenientes de tres regiones: el Iraq, el Cuerno de África y la antigua Unión Soviética. Las preguntas más importantes son: ¿hasta qué punto los traficantes dictan el rumbo de la migración?; y ¿cuánta autonomía tienen los propios migrantes con respecto a la decisión sobre el lugar al que quieren viajar? La suposición común es que los migrantes objeto de tráfico ilícito son reclutados por delincuentes y tienen poca influencia dentro del proceso migratorio. Pero la relación entre los traficantes y las personas objeto de dicho tráfico parece más diversa. Se distinguen tres tipos diferentes de interacción entre el traficante y el migrante. Más adelante se aborda la cuestión del modo en que este proceso se relaciona, e interactúa, con las políticas migratorias holandesas. La intensificación de las operaciones llevadas a cabo en el último decenio para combatir la migración no solicitada en los Países Bajos no ha reducido el número de ingresos irregulares. Por otro lado, lo que se aprecia es un aumento de la actividad de los traficantes de personas, y que, en gran medida, esa actividad modela el proceso migratorio.