USING SCENARIOS MODELS FOR COMBATING ILLEGAL MIGRATION

Lucian IVAN [1], Gina-Nuţi GHELŢU[2], George Adrian BILCAN[3]

Abstract. *The progressive growth of irregular migration and, consequently, migrant smuggling has show that these phenomena are out of control. The main problems are the suffering and deaths of migrants, the excessive burden endured by receiving countries and the expansion of the criminal underworld that profits from illegal activities and undermines the security of transit and receiving countries. In this regards in order to combat illegal migration is needed to apply modern analytical techniques such as scenarios development for forecast the possible futures and to adapt accordingly the policies and methodologies within the European Union.*

Keywords: illegal migration, smuggling, smuggling networks, scenarios, analysis

JEL code: O15, F22

1. Introduction

International migration is a global phenomenon that is growing in scope, complexity and impact. Recently, thousands of refugees and migrants are crossing European borders, searching for protection or a better life, posing an unprecedented challenge for the European Union, which has tried for months to reach agreement on a unified strategy for responding. In this regard is needed to have some flexible analytical tools in order to better anticipate the risks associated with migration phenomenon (e.g. terrorism, organized crime). The models relating migration are abstract depictions and simplifications of complex real-world processes that may or may not be expressed mathematically. States see irregular migration as a threat, but believe efforts to stem the flow should focus on those who profit from human smuggling. Repressing and combating this type of crime is imperative, elusive and resilient smuggling networks are hard to disrupt because they are desperately needed by irregular migrants. Smugglers are opportunistic exploiters of this strong and obstinate demand, not its creators. The securitization of migration and the severe criminalization of migrant smuggling are useful to assert state control, but they are insufficient, produce unintended consequences and turn attention away from refugees.

[1]PhD Stud, Valahia University of Targoviste, Targoviste, Romania (ivan.lucian2@gmail.com).
[2]PhD Stud, Valahia University of Targoviste, Targoviste, Romania.
[3]PhD Stud, Valahia University of Targoviste, Targoviste, Romania.

The current migration emergency in Europe shows that a reduced price per person smuggled has boosted migrant flow and confirms that the problem of unauthorized migration can only be solved through comprehensive policies.

2. Nature of migrant smuggling

Migrant smuggling is the for-profit facilitation of unauthorized cross-border movement of economic migrants or asylum seekers. In the current political and media environment, it is often presented as one of the dark sides of modern globalization, but, in reality, it has always existed. Helping people circumvent migration barriers, for money, has historically been characterized as a morally acceptable or even meritorious endeavor.

In these regard, there have been many well-respected, unauthorized transfers of people across international borders for profit (e.g. Danish fisherman who accepted money in order to help Jews escape Nazi persecution during World War II, Soviet dissidents who were smuggled to the West during the Cold War). Perception of migrant smuggling is much less favorable now. Independent of the type of migrants involved, politicians and the public in destination countries have generally become negative, even belligerent, toward migrant smuggling. Migrant smuggling is essentially a great business for the smuggled economic migrants, who invest large amounts of money in expectation of a better life for themselves and their families. Also, smuggled migrants are a business for employers operating in the informal economy of destination countries, which often exploit illegal workers in underpaid, dirty and dangerous jobs.

3. Causes and characteristics

Migrant smuggling exists because more people wish to migrate than potential receiving countries will legally admit. This unrealized aspiration is reflected in a 2011 study conducted by the International Organization for Migration and Gallup polling, which found that roughly 630 million of the world's adults desire to move to another country permanently to migrate legally each year. Immigration is often unwanted by receiving countries, even when is required for economic and demographic reason or mandated by humanitarian obligations. Countries generally try to limit work visas, family reunifications, resettlement of refugees and asylum concessions, especially when the people involved are ethnically and culturally different from the native population. In order to restrict unwanted arrivals, nations build legal, procedural and physical barriers that make illegal border crossing difficult. This pushes migrants, who are strongly motivated and don't have alternatives, to resort to criminal help in order to circumvent barriers and achieve illegally what they couldn't legally. As countries intensify border control, smugglers became increasingly necessary and the conflict between the

two contenders escalates, with negative consequences such as accidents and migrant deaths, increased smuggling fees and a shift of the trade to more organized and sophisticated criminal groups. Mafia-like, hierarchically structured criminal organizations do not dominate the migrant smuggling world. Complex criminal network coexist with semi-legal ones.

Smugglers are often ordinary people with respected roles in their communities. They frequently have a presentable façade, such as a normal commercial activity and only engage in the illegal business part time. Smuggling organizations usually follow the enterprise model and are loose, horizontal networks of small groups and individuals. They are parts of a process, rather than of a single organization. A multitude of competing providers offers highly differentiated services to match the varied needs of clients. These networks are adaptable and constantly modify routes and methods. They consequently have no longevity and groups can easily dissolve and regenerate, making them difficult to disrupt.

Migrant smugglers often have the high level of technical and legal specialization needed to develop new techniques and complex methodologies to counter increasing government efforts. They adopt an incredible range of solutions to exploit normative loopholes and weaknesses in border security. For example, some smugglers produce falsified documents or specialize in teaching asylum seekers to tell credible fabricated stories; some organize false tourist groups, weddings of convenience and opportunistic work contracts, while others offers auxiliary services.

This illegal activity could not prosper without widespread corruption of state officials who look the other way in exchange for money or even openly extort money from migrants. In ungoverned or weakly governed areas, protection or extortion of money may have to be paid to local militias. Smuggled migrants are usually young, male and single, but woman are increasingly participating, and entire families are frequently within the flow of Syrian refugees. Needing to pay high smuggling fees, migrants are often middle class and educated, or at least skilled workers, with specialization in modern technologies in demand in transit countries, where they often need to work to earn money to continue their journey. They don't see themselves or the smugglers as outlaws – to the contrary. They are convinced they have a legitimate right to try to improve their lives.

This attitude toward immigration rules, and rules in general, derives from their experiences in their countries of origin, where rules are often arbitrary and used to impose authoritarian domination in violation of their basic rights. Violating such rules is a matter of survival, not a demonstration of delinquency or anti-social behavior, and therefore seems irrelevant to them. Also, they are aware of a de facto tolerance of illegal entry and stay in many receiving countries.

4. Scope, profits and fees

Because migrant smuggling is a clandestine activity, precise assessment of its scope are not available. However, the United Nation Office on Drugs and Crime (UNODOC) reports that migrant smuggling is continuously expanding. The practice exists in most of the world, but the business is most profitable in the developed countries of North America, Europe and Oceania. The director of the European Police Office (EUROPOL) told The New York Times in November 2015 that an estimated 30,000 people were involved in migrant smuggling to the European Union countries in 2014, with 80% of irregular migration to Europe facilitated by smugglers or criminal groups.

The UNODOC estimated the annual profit of human smuggling in its largest market, from Mexico to the United States of America, to be 6.6 billion USD. Until the recent surge, migrant smuggling to Europe was much less profitable. But, according to Stephen Castles, Hein de Haas and Mark J. Miller in their 2013 book entitled The Age of Migration: International Population Movement in the Modern World, from 1997 to 2003 when the average flow of irregular migrants was 300,000 per year, it still produced 300 million USD annually only from Turkey to the European Union. Also, in May 2015 policy brief, the Global Initiative against Organized Crime estimated that the current North African irregular migrant trade is worth 255 million USD to 323 million USD per year. According to a report released by EUROPOL in February 2016, in 2015 alone, migrant smuggling to the EU countries earned criminals an estimated 3 billion to 6 billion euros, set to double or triple in the following year if the scale of the migration crisis persisted, making it the fastest growing criminal activity in Europe. In September 2015, The Washington Post reported that the main reason for the huge surge in migrant numbers, and for the Europe shifting from central Mediterranean to the Balkans, is the huge cost reduction to use the latter, compared to the more dangerous and expensive route through Libya. The swift was especially important for Syrians, who now pay 2,000 USD to 3,000 USD (most of it just to cross Turkey and land in Greece) instead of 5,000 USD to 6,000 USD required to reach Libya and another 1,500 USD to 1,900 USD for the boat trip across the Mediterranean Sea, according to a Global Initiative Against Organized Crime report. That is in addition to smuggling fees to reach Libya and frequent ransoms or extortion money paid to bandits and corrupt officials along the way. Migrants who can pay more don't have to risk their lives on risky boats but instead travel by air with counterfeit documents that costs 6,000 USD to 10,000 USD to reach Europe from Sub-Saharan Africa. An Italian police investigation completed in November 2015 provides a good example of a system to smuggle migrants to Europe. According to the Italian News Agency Adnkronos, 500 Indians, Pakistanis and Bangladeshis paid 15,000 euro each to enter Italy with work visas, produced with the complicity

of circuses that purportedly hired them. A range of options is available to those who cannot pay much but are ready to risk severe conditions, even death or being stranded in remote and inhospitable foreign lands. For example, using one such cheap and risky option, dozens suffocated in the hold of a Libyan ship in the Mediterranean in August 2015. Smuggling fees are seldom paid upfront. Generally they are paid to a third party that holds the money until the crossing is achieved, forcing smugglers to take on expenses in anticipation of future income and resulting in economic risks.

5. High demand and unexpected effects

Migrant smuggling is demand driven, and has an important, even vital, humanitarian function in cases of genuine asylum seekers. Large number of asylum seekers arriving in the EU are granted a form of international protection, as happened with 47% of the 390,000 people who received first instance decision in 2014, according to a July 2015 report from European Asylum Support Office. This means roughly 183,000 people avoided abuses, violence or even death, which would not have been possible without the contribution of smugglers acting in self-interest and in violation of immigration rules, but becoming instrumental to the safety and even survival of many people who had no other option. Smugglers provide less existential but still highly desired results to economic migrants. They offer them access to a better life and a chance to take advantage of opportunities in destination countries.

The relevance of these effects does not mean that illegal migrant smuggling should be tolerated, but rather demonstrates that there is something wrong with the migration policies of developed countries. These countries do not provide enough opportunities for legal migration, with insufficient numbers of work visas and insufficient resettlements for refugees. Rather, current practices simply tolerate illegal immigrant workers in the informal economy and wait, knowing that people in need of international protection will apply for asylum after payment to smugglers. Paradoxically, smuggling, by imposing monetary costs, reduces the number of people who can afford it, and mistreatment of migrants and exposure to severe risks deters more would-be migrants from attempting the illegal transfer. These costs also mean the affluent, educated and middle class can afford to migrate, and the poor are generally excluded. So although this illegal activity is called facilitation of regular migration, it also has a regulating effect, limiting irregular migrants to those who can pay smuggling fees. Have smugglers caused the recent growth of migrant flows in Europe? There are many factors that have contributed, but initiatives taken by smugglers are not along them. Smuggling rises when governments toughen restrictions, but in the current situation, restriction has been softened.

6. Securitization and criminalization

Even though migrant smugglers produce some positive effects – as instruments of salvation for hundreds of thousands of refugees per year – they are generally portrayed as despicable criminals, demonstrated by the fact that one of the two protocols that supplement the UN Convention against Transnational Organized Crime is dedicated to countering migrant smuggling. Politicians and the media in destination countries often describe them by using harsh language, referring to them as abusers, traffickers, enslavers and merchants of death, as European political authorities have repeatedly done. Migrant smugglers are not blamed for being unscrupulous offenders of migration rules, but essentially for causing suffering and death. The emphasis is not on violation of entry rules, but on more repugnant crimes that have a higher impact on public opinion. Smuggled migrants are exposed to violence and abuses, and travel conditions are often extremely dangerous and inhumane, but human right violations are not implicit in migrant smuggling as they are in human trafficking – a form of enslavement by means of coercion or deception. Smugglers' fortunes depend on a good reputation and positive previous deliveries, but the secrecy required of illegal activity causes a scarcity of information and compromises the quality of services. Studies show the migrants are unable to make informed cost/quality decisions, causing equalization at the lowest level of cheap and bad services.

7. Fighting criminal networks

The Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the UN Convention against Transnational Organized Crime and ratified by 142 countries so far, constitutes the basic framework for countering migrant smuggling. It defines the offense, requires its criminalization and enunciates actions that signatory countries are committed to implement the objective of preventing and combating the crime, protecting the rights of smuggled migrants and promoting cooperation among states. In order to fight migrant smuggling, signatory countries need to reinforce their intelligence, investigation and prosecution capacities, which require ad hoc specialization in the field and willingness to work in close cooperation, not only among signatories, but also with countries of origin and transit, which are often weak links in the chain. The EU recently introduced new initiatives, such as a military operation code-named Sophia in the framework of the Common Security and Defense Policy that targets smugglers in the Mediterranean Sea with special task to identify, capturing and destroying their boats. Also, in order to coordinate and improve intelligence-based law enforcement activities, EUROPOL created a Joint Operational Team named JOT Mare, with FRONTEX, the joint EU agency for the coordination of border control, monitors maritime borders, counters irregular

migration and its facilitators and saves lives at sea. The results of past actions, which the new initiatives are expected to improve, have not been negligible, showing that the criminal-justice system has positively evolved. Many migrant smugglers have been arrested by EU law enforcement agencies, including the 10,234 in 2014 that FRONTEX counted, but migrant smuggling has grown because it produces huge profits in poor areas with few economic alternatives and because irregular migration has powerful drivers that must be addressed through comprehensive migration policies.

EU institutions recognize the need to address the root causes of irregular migration. In May 2015, the European Commission released two communications, A European Agenda on Migration and the EU Action Plan against migrant smuggling (2015-2020) which not only introduced new initiatives to prevent and combat migrant smuggling, to protect vulnerable migrants and to enhance cooperation with countries of origin and transit, but also show a clear understanding of the nature of the problem and express determination to address its causes and give priority to the consequent actions.

Among the new initiatives, some deserve special mention, such as the reinforcement of dedicated intelligence structures and methods, the implementation of procedures of more rapidly detect bogus asylum claims and to return irregular migrants to countries of origin in order to deter new departures, the creation of seconded European migration liaison officers in EU delegations in key third countries, proactive financial investigations, stepping up of EUROPOL support to detect Internet content used by smugglers, enhancement of border and shipping controls using new procedures and technology, and new information campaigns to counter the narrative of smugglers.

The EU is presenting the fight against criminal smuggling and trafficking networks primarily as instruments to prevent the exploitation of migrants and also as a deterrent to irregular migration. The fundamental objective is transforming migrant smuggling from low risk, high return activities into high risk, low return ones, dismantling the smugglers' business model.

In order to address efficiently the root causes of irregular migration, which inevitably implies exploitation by criminal networks, the EU identified the need for increased cooperation at bilateral and multilateral levels with nonmember countries, especially Turkey, countries of origin and transit and those influential in conflict areas. Policies to prevent irregular migration cannot overlook the main drivers and should consequently promote new legal pathways to Europe and serve enforcement of labor rules. All efforts must avoid violating migrants' human rights on putting their lives at risk, assuring the protection of those in need, as mandated by international law.

8.   Theory of scenarios used in border control

A scenario describes alternative, possible futures and is based on the interconnection of the most important long-term drivers (and not on a few, currently dominating factors) and describes side-conditions for border management activities in the future. Also, scenarios are thinking tool for the next years and a basis for continuous assessment within planning processes. One of the key and important objectives of scenario development is to foresee and predict strategic changes as early as possible in order to enable decision makers to take appropriate measures. This means a set of possible scenarios for the environment in which border management will act in the future. These scenarios should cover all imaginable developments within 5-10 years – but part of scenarios may develop earlier. This wider focus of the scenarios is set to support a continuous scenario assessment process within the next years, monitoring which scenarios are actually prevailing. Therefore, it is necessary to include in the development of scenarios not only issues related to border management, but also to take into account its environment: international migration and cross border crime, European actors and policies as well as general developments from economy, society and geopolitics. Some of the aspects of the scenarios cannot directly be influenced by border control authorities, including Frontex, but rather by politics or society. For this reason, they describe possible side conditions for the development of Frontex work and these scenarios should therefore be interpreted as 'external scenarios' in which Frontex will develop its activities. In order to develop scenarios is necessary to use scenario management approach, which is based on four steps:

Phase 1- Detection of key factors

The building blocks of the scenarios were gathered from the four tier of the border control access model and resulted in the description of influence factors. Based on a systemic interconnection analysis the dominant drivers and those representing nods have been worked out.

Phase 2 - Foresight of alternative projections

In the next step, possible developments for all key factors have been identified. These so called 'future projections' represent the three to five alternative futures within the next 5–10 years regarding each and every single key factor. This time reference helped the participants to imagine the future beyond the current events.

Phase 3 - Calculation and formulation of scenarios

Based on an assessment of the consistencies between all future projections, all possible combinations have been checked by a software. This led to seven possible

futures which have been analysed and described. These scenarios represent the whole 'window of possibilities' and are visualized in a 'Map of the future'.

Phase 4 - **Scenario assessment and consequences**

Finally the scenarios have been assessed by the scenario team so that the current status as well as expected futures is examined. In addition consequences of each scenario for border management have been identified.

9. Scenarios developed in order to forecast the future of the European Union regarding migration

Scenario 1 – *Attrition of the European Union (extensive migration and failed integration leads to conflicts and nationalism)*

Global threats do not reach a tipping point, so countries and existing alliances prefer to work on their individual challenges. While most countries focus mostly on their economic interest, a common European identity loses relevance. Policies are mainly oriented on political correctness and short-term public opinion. Former agreements, such as Schengen and Dublin, failed and became drastically less important or completely void. The high numbers of economic migrants – mostly with low educational qualification and with a different cultural background – are not truly integrated into European societies. This caused social conflicts and critical perception of migration – but without important security issues. Border management is Member States affairs, there are very few common activities, and EU institutions are only barely involvement.

Scenario 2 – *A Passive European Union – Fear and passivity leads to mistrust, security focus and walling-of*

The politically and economically fragmented world faces an increasing number of conflicts. The EU stopped enlargement and turned into a loose and economically oriented alliance of Member States act completely differently on migration and asylum policies. This leads to more internal border controls even within the Schengen area. Migration pressure on EU borders is highly related to the volatile global conflicts: numbers of refugees, countries of origin, routes and affected borders sections change permanently. Despite differing migration policies, the control of EU external borders is a common interest with high priority on security. In reality foreign policies remain passive and are only few concerted actions in border management.

Scenario 3 – *Managed Diversity – Controlled migration into diverse and safeguarded societies*

Due to international cooperation, numerous regional conflicts can be solved. The European Union withdraws from further political integration but remains open to new Member States. Most societies have a positive perception of migration and welcome new citizens even with different cultural backgrounds. Migration pressure stays manageable, but organized crime groups and terrorist activities remain a threat for EU borders. The Dublin process is implemented to control migration flow and free movement within the enlarged Schengen area is preserved. Proactive foreign policies keep stability and migration manageable on a long-term view. Actions regarding border control are the responsibility of rather independent Member States, but communication and collaboration is on a very high level.

Scenario 4 – *Restrictive Policies – Restrictive and uncoordinated migration policies but common long-term security strategy*

Growing global conflicts and economic disparities between EU and third countries are substantial push factors for migration. The EU has turned away from the idea of a stronger integrated federation. Traditional values dominate, and in many Member States there are critical views on foreigners for different reasons, which lead to restrictive migration and asylum policies. Even the integration of few migrants is difficult. Nevertheless the variety of global conflicts and terrorist threats strengthened the wish for a common security policy. Foreign policies focus on containment, and the Dublin process is strictly implemented to control migrants directly at the external border. Member States act individually; the EU mandate for border management is often symbolic. Member States cooperate mostly bilaterally, which in many cases results in efficient actions.

Scenario 5 – *Multi-speed Europe – Limited migration and successful integration in an adaptable EU*

The world has speeded up, with further globalization, intensification of international conflicts and terrorist activities. Within the EU, there are different views on the integration process. This has led to a multi-speed Europe where some Member States create more integrated systems, and other stick to their national values and interests. Europe has withdrawn form a value-driven foreign policy and opted for a Realpolitik line, including restrictive migration policies. This comprises legal migration for a small number of highly educated migrants who can easily be integrated. The Schengen area includes border controls, but some aspects of free movement remain. In border management, Member States cooperate, and major tasks are done by a European border and coast guard corps.

Scenario 6 – *More Europe – integrated EU profits from migration and copes with global changes*

The world has to face significant political and environmental challenges, and for this reason, countries all over the world close ranks and cooperate. EU Member States understand that they have to act consistently in times if external challenges. The integration within a number of Member States intensifies. Society lives the European idea and understands itself as open union. Migrants from different cultures are seen as enrichment and integrate eagerly. Legal migration and asylum processes are set up consistently within all Member States. Nevertheless the pressure on the external border remains high, so that security is still a main topic. Europe tries to react considerably by a long-term proactive foreign policy and a common border management addressed to the uniform European border and coast guard corps.

Scenario 7 – *Open Doors – external borders lose relevance in a peaceful world*

The world is able to breathe again as conflicts can be solved and environmental degradation can be slowed down. In this peaceful world, Member States close ranks and crime or terrorist activities play no significant role. They understand Europe as political, economic and social union with one common mindset. Foreign policy is proactive as Europe believes in its values and wants to manifest human rights all over the world. Due to this social conviction, Europe opens its arms and welcomes large numbers of migrants, especially by a permissive legal migration policy. Migration is not seen as a security problem, and Member States closely coordinate their actions. In case of crisis, EU intervenes self-contained; but overall: Common border management is not a significant topic.

Conclusions

Analyzing these seven scenarios the nearness to the current situation is Scenario 2 (Passive European Union) that was seen as the future image closest to the current situation. In addition, scenario 4 (Restrictive policies) included a lot of topical elements. Scenario 7 (Open doors) has the greatest distance to the current situation.

Expectation for 2025 Three scenarios have been assessed as the most expected ones, respectively: Scenario 2 (Passive European Union), Scenario 4 (Restrictive policies) and Scenario 5 (Multi-speed Europe). Scenario 7 (Open Doors) has the greatest distance to the expected future, too.

In general the scenario assesses that is expected a continuous development with restrictive policies and limitations of migration – but within a stronger changing global environment which forces the need for a proactive European foreign policy and a common European border management.

R E F E R E N C E S

[1] J. Huysmans, *The Politics of Insecurity: Fear, Migration and Asylum in the EU*, **2006**.

[2] Stephen Castles, Hein de Haas, Mark J. Miller, *The Age of Migration: International Population Movements in the Modern World*, **2013**.

[3] A. Cervone, *Countering migrant smuggling*, per Concordiam, Volume 7, issue 1, **2016**, p. 39-43.

[4] S. Mullins, *Terrorism and Mass Migration*, per Concordiam, volume 7, issue 1, **2016**, p. 23-29.