Mixed Migration Centre

Mixed Migration Review 2022

Highlights • Interviews • Essays • Data

Alternative ideas and solutions for contemporary mixed migration challenges

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Despite repeated efforts by the UK government to halt the irregular movement of asylum seekers from France to England, the number of small dinghies making the journey through one of the world's busiest shipping lanes in 2022 continued to rise. Approximately 8,400 people crossed in 2020, more than 28,000 made the journey in 2021, and by early November 2022, more than 40,000 had already made the journey. (See Keeping track, page 17 and Normalising the extreme, page 206).

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Photo credit: Joseph Sohm

The politics of migration and refugee asylum continued to be turbulent in the US as the Biden administration sought to shake off the controversial legacy of the Trump era while still trying to appear to control its borders and raising the annual refugee acceptance levels. In 2022 the Biden administration presided over high numbers of irregular-movement interceptions and of deportations of irregular migrants, the continued use of Title 42 expulsion orders, as well as externalisation deals with Mexico and other states. (See Keeping track, page 17).

Foreword

This year's *Mixed Migration Review* (MMR) marks the 5th anniversary of the flagship publication which on an annual basis challenges our thinking and provides perspectives and insights on the latest developments and policy changes affecting mixed migration across the world.

The focus of *MMR2022, solutions for contemporary mixed migration challenges*, is central and yet far from straightforward. Evidence, analysis, and research on displacement and mobility is in constant competition with politically convenient discourses.

As explored in the review, dominant narratives, such as the assumption that irregular migration and displacement will decrease when "root causes" are addressed, continue to play a significant role in development aid strategies, despite a growing evidence base of a much more complex relationship between development investments and emigration. Similarly, the strong political consensus around the "fight against migrant smuggling"—framed as "addressing the dangerous journeys and human rights abuses along migratory routes"—disregards the unintended adverse human rights effects of the criminalisation of smugglers. At the same time, the review also challenges the assumption that the expansion of legal pathways will lead to significant reductions in the scale of mixed and irregular migration, a position which is becoming increasingly popular in the migration discourse but which is not necessarily supported by strong evidence.

Once again drawing on surveys of thousands of refugees and migrants, and incorporating contributions by young researchers from Asia, Africa, and Latin America, the MMR2022 offers additional granular detail about the experiences and challenges migration journeys entail and the sometimes-overlooked perspectives from the global South. The evidence base that the Mixed Migration Centre (MMC) and its annual publication contribute to provides a foundation for practitioners to continue to challenge politically convenient approaches and to bring forward a stronger focus on protection-sensitive and dignified solutions to those irregularly moving under dangerous circumstances.

As in previous editions, this *Mixed Migration Review* includes a "*Normalising the extreme*" section that reflects on the ever-expanding accounts of restrictive policy measures that exacerbate risks and vulnerabilities and deny safe havens for refugees and migrants on the move, some of which are in direct violation of international law. The accompanying section on "*Resisting the extreme*" highlights some positive policy initiatives and developments that are also surfacing. This year, the response to the displacement from Ukraine provides positive learning and examples for further exploration and inspiration. The welcoming approach to the millions of people escaping the conflict in Ukraine demonstrates how offering immediate relief and dignified solutions even in a large-scale displacement situation is indeed possible and manageable within existing international law, when the political will exists.

I personally look forward to reading and digesting the always insightful, diverse, and thought-provoking content of this *Mixed Migration Review*, and I encourage policymakers, journalists, researchers, practitioners, as well as fellow humanitarian, development, and peacebuilding partners to take the time to do the same. The minimum that we should require of ourselves in our efforts to support dignified, safe, and durable solutions for those caught up in forced displacement and other irregular movements is to be informed and willing to challenge our biases and assumptions and seek out innovative and creative policy solutions to long-standing and growing migration-related dilemmas.

Charlotte Slente,
DRC Secretary General

Photo credit: Damian Lugowski

Thousands of Poles march in Warsaw in February 2022 to protest Russia's invasion of Ukraine. Although Poland has taken a hard line anti-migrant and especially anti-Muslim approach in the past, by August 2022, between 1.5 million and 2 million Ukrainians fleeing Russia's invasion are estimated to be staying in Poland, including some 1.2 million who have registered for protection—more than double any other country in the EU. (See Resisting the extreme on page 219, also the Thematic Snapshot Ukrainian refugee crisis: An extraordinary but selective response, page 103).

Introduction

This year's *Mixed Migration Review* is the 5th edition since the Mixed Migration Centre started the series of annual flagship reports. While it is an important milestone for MMC which we are proud of, this is no time for celebration.

While many countries appear to be over the worst of the Covid-19 pandemic, its socio-economic legacy will resonate for years to come. The war in Ukraine is reverberating far beyond its borders. And across the world, prices are rising, food security is worsening, and a major economic slowdown is looming.

Meanwhile, a changing climate and unequal economic and social outcomes continue to act as strong drivers for mobility in a global space of ever-restricted asylum and migration opportunities, one in which the total number of forcibly displaced people (internal and international) reached more than 100 million.

While there is little reason, let alone time, for celebration, this 5th anniversary of the MMR imposes a responsibility upon MMC. Beyond the MMR's usual deep analytical dive, can we also offer solutions and ideas for how to better address mixed migration and protect the rights of those on the move around the world? More than in previous years, our essays conclude with concrete proposals about constructive ways forward related to the subject under discussion. Additionally, in each of the interviews with critical thinkers and practitioners in the sector (starting from page 80) we ask: if you had the power to implement three policy changes in relation to migration, whether at the local, regional, or global scale, what would they be?

While this by no means offers one-size-fits-all solutions or simple conclusions, it does live up to the MMR's *raison d'etre*: offering a platform for different ideas, voices, and debate, not only to established experts, but also to five young researchers and writers from and based in the global South who won this year's "alternative perspectives" essay competition (starting from page 112).

The search for solutions, creative ideas, alternative perspectives, rationality, and nuance needs to continue in a migration debate that remains highly politicised and polarised. This makes it difficult to acknowledge and address the far more nuanced reality on the ground, even though the latter is precisely what is needed to develop rational, humane, and smart migration policies. For example, even while many destination countries increasingly face huge labour shortages, and even while the European Commission launched an initiative to address the "root causes of labour shortages" through legal migration[1]—interestingly, for the first time using the "root causes" framing not to reduce but to increase migration—several EU member states are unwilling to agree labour migration might be needed to keep their economies going. Or is the momentum to significantly scale-up regular migration finally here, and, if so, to what extent will this effectively reduce irregular migration? (see page 190)

As in most previous multilateral or regional agreements on migration, regular migration features prominently in the Global Compact for Safe, Orderly and Regular Migration (GCM). In May 2022, the first International Migration Review Forum (IMRF) took stock of GCM implementation since its adoption by 163 countries in 2018 (see page 257). The IMRF deliberations clearly reaffirmed the aspirations and ideals of the GCM—which is in fact something to celebrate. Another positive aspect is that climate change—largely absent from the previous GCM stocktaking and adoption conferences—featured prominently in the discussions, often with the necessary nuances around "migration as adaptation" and the need to also focus on affected populations who cannot move, even though many signatory states present could not resist a primary—albeit unsubstantiated—focus on climate change as a dominant driver of mass migration.

While there have been some advances towards GCM implementation, it could be argued that without the pandemic—which led to positive actions such as regularisations and access to healthcare for all, regardless of migration status—states would not have had many successes to report on. One particular aspect on which progress is tragically lacking and on which most states failed to report in their statements and voluntary reports is saving lives, despite this being the entire focus of GCM Objective 8. Thousands of refugees and migrants continue to go missing or die along mixed migration routes around the world, while states do little to stop this. On the contrary, both the Office of the High Commissioner for Human Rights[2] and the Council of Europe in 2021 pointed to migrant deaths at sea as the consequence of policies by EU member states. With

1 European Commission (2021) Talent Partnerships: Commission launches new initiative to address EU skills shortages and improve migration cooperation with partner countries; European Migration Network (2021) Satisfying Labour Demand through Migration.

2 OHCHR (2021) Lethal Disregard Search and rescue and the protection of migrants in the central Mediterranean Sea; Council of Europe, Commissioner for Human Rights (2021) A distress call for human rights The widening gap in migrant protection in the Mediterranean.

states largely absent from efforts to save lives, there are however extraordinary attempts by forensic experts and civil society to identify those who lost their lives and provide some sense of closure to families (see page 164).

Despite the tremendous risks of irregular migration, many people continue to embark on long, dangerous journeys. There is an increasing body of knowledge on migration drivers, even though many of the actual, more fundamental "root causes" are conveniently ignored in destination states' problematic "addressing the root causes of migration" policies (see page 234).

While we know more and more about the drivers of migration, an often-overlooked aspect in migration studies is the *psychology* of migration decision-making, and in particular the psychology of risk-taking behaviour. What do people know about the risks and what defines their propensity to take these risks? (see page 89).

Such risks continue to increase as a result of externalisation and containment policies around the world and the ongoing violent pushbacks and expulsions at borders. Policies which increasingly cause situations of involuntary immobility have a severe impact not only on refugees and migrants themselves, but also on wider stability in transit-turned-destination locations acting as the forward posts of externalisation policies.

Throughout 2021 and 2022, violent pushbacks of refugees and migrants from Syria, Afghanistan, Yemen, or Iraq continued as before, for example from Poland into Belarus, from Greece and Bulgaria into Türkiye, and along various borders along the Balkan routes. Some of these pushbacks happen a few hundred kilometres from where Ukrainian refugees fleeing the Russian invasion were warmly welcomed by governments and by thousands of European citizens who opened up their homes to them. The widespread solidarity with which Ukrainian refugees were welcomed all over Europe, while admirable, stands in sharp contrast to the way refugees and migrants arriving on the various land and sea routes to Europe from countries further away are treated.

Sadly, not all receive Ukrainian refugees with good intentions. Not long after the arrival of hundreds of thousands of mainly Ukrainian women in neighbouring countries, disturbing reports arose about traffickers seeking to exploit the vulnerable situation many refugees found themselves in, mirroring similar dynamics in other refugee contexts around the world, where traffickers try to profit from refugees' misery (see page 179).

The contrast between the response to Ukrainian refugees versus those from further away remains most vividly and tragically exemplified by the situation in Poland, where third-country nationals fleeing Ukraine were prevented from crossing the border and where refugees and migrants trying to enter via Belarus continue to be pushed back. The latter situation gave rise to a new term, namely state-sponsored smuggling, after Belarus in 2021 deliberately created a new migration route from the Middle East into the EU in an effort to destabilise the EU and create another "migration crisis". The use of terms like state-sponsored smuggling, or self-smuggling, or the continuous and often deliberate conflation of smuggling and trafficking by state officials and politicians, all act as a smokescreen to disguise the greater objective of stopping irregular migration (see page 144).

The situation created by Belarus was an extreme example of migration diplomacy, the increasing trend of using migration dynamics to exert pressure in diplomatic disputes between countries or blocs of countries, which comes in many different forms (see page 248).

Many of these more recent examples of migration diplomacy include a cynical use by states of refugees and migrants as leverage in their relations with other states, and as always they feature in the MMR's "Normalising the Extreme" section (see page 206), our annual global compilation of actions and policies that restrict mixed migration and infringe the rights of migrants and refugees. To ensure the necessary balance in our analysis, this year we also continue the uplifting sister section "Resisting the extreme" (see page 219), a compilation of positive, progressive, rights-based, and even compassionate approaches to mixed migration. Many of these are found at the local or city level, with mayors continuing to emerge as true migration leaders, while many leaders at the national level lag behind as chasers of perceived anti-migration votes.

The use of technology features in both sections. Technology can improve lives and open up new ways to address migration challenges, or it can pose serious risks and even cause grave harm, depending on who is using it and for what purpose. For example, drones can fly over the Mediterranean Sea for a long time. In theory, this could ensure that fewer boats carrying refugees and migrants go undetected and that rescue ships can be directed to emergencies as soon as possible. But the EU mission there has dropped the search-and-rescue component of its mandate and the drones are instead deployed for purposes other than locating migrants in peril. (see page 126, and page 138).

While much attention and funding was redirected to Ukraine, crises in Afghanistan, Yemen, the Sahel, the Central African Republic, the Democratic Republic of Congo, and elsewhere continued and often worsened. To counter the overshadowing in media and policy circles of such longstanding migration contexts, the MMR's annual "Keeping Track" section (see page 17) provides a truly global overview of migration dynamics and policy developments around the world. Additionally, MMC's vast network of 4Mi enumerators continue to survey refugees and migrants on the move along mixed migration routes in all directions in Africa, Asia, and Latin America. The in-depth 4Mi survey provides key insights

based on what refugees and migrants tell us about all the topics covered in this year's MMR. Data from these thousands of surveys feature on pages following each of the essays throughout the report.

Often equally overlooked in migration studies are the many people around the world who do not migrate, but who have family members who did. The stories of those staying or left behind, how they cope with the absence of family members, their concerns and sometimes anxieties linked to what will happen to them, while on the move and in destination, often go unheard. This year's series of regional in-depth interviews therefore features migrants' relatives who stayed behind (starting from page 78).

In summary, this 5th annual flagship report from the Mixed Migration Centre provides another deep and nuanced analytical dive into the world of mixed migration, as well as a platform for refugees' and migrants' voices. Perhaps more than in previous years, we hope that, through its focus on solutions and alternative ideas, we will make a modest contribution to better migration policies for all.

Bram Frouws
Director of the Mixed Migration Centre

Photo credit: Kharaim Pavlo

Since Russia's invasion of Ukraine in February 2022, around five million people have left the country as refugees while an estimated seven million are internally displaced (as of September 2022). The solidarity and welcome Ukrainian refugees received throughout Europe and the rest of the world stands in stark contrast with policies to keep out people who have fled similar situations of conflict in other parts of the world. (See Ukrainian refugee crisis: An extraordinary but selective response, on page 103 and Keeping track, page 17).

Introduction to the Mixed Migration Centre

What is the MMC?

MMC is a global organisation engaged in data collection, research, analysis, and policy and programmatic development on mixed migration, with regional hubs hosted in Danish Refugee Council (DRC) regional offices in Africa, Asia and the Pacific, Europe and Latin America, and a global team based across Geneva and Brussels.

What is MMC's mission?

MMC is a leading source of independent and high-quality data, research, analysis, and expertise on mixed migration. MMC aims to increase understanding of mixed migration, positively impact global and regional migration policies, inform evidence-based protection responses for people on the move, and stimulate forward thinking in public and policy debates on mixed migration. MMC's overarching focus is on human rights and protection for all people on the move.

What is MMC's vision?

Migration policies, responses, and public debate are based on credible evidence and nuanced understanding of mixed migration, placing human rights and protection of all people on the move at the centre.

What are MMC's objectives?

- To contribute to a better, more nuanced and balanced understanding of mixed migration (knowledge)
- To contribute to evidence-based and better-informed migration policies and debates (policy)
- To contribute to effective evidence-based protection responses for people on the move (programming)

What is MMC's relationship with the Danish Refugee Council?

MMC is part of and is governed by DRC. While its institutional link to DRC ensures MMC's work is grounded in operational reality, it acts as an independent source of data, research, analysis, and policy development on mixed migration for policy makers, practitioners, journalists, and the broader humanitarian sector. The position of MMC does not necessarily reflect that of DRC.

Where does MMC work?

MMC focuses on six regions: Eastern Africa & Yemen, North Africa, West Africa, Europe, Asia, and Latin America and the Caribbean. The 32 staff members of MMC are based in Geneva and Brussels, and in its regional hubs in Bogota, Dakar, Dhaka, Nairobi, and Tunis, where it works in close cooperation with regional partners, stakeholders, and donors. Through MMC's global data collection programme 4Mi, approximately 100 enumerators collect data on mixed migration in over 14 countries across different migration routes globally, conducting approximately 10,000 in-depth interviews with refugees and migrants on the move annually.

For more information on MMC visit our website:
www.mixedmigration.org
follow us on: @Mixed_Migration
or write to us at: info@mixedmigration.org

Who supports MMC and the Mixed Migration Review?

The Mixed Migration Review 2022 builds upon the work by the various MMC regional hubs and 4Mi data collection projects, supported by a wide range of donors, including (between mid-2021 and December 2022): Columbia University, DANIDA, the European Commission, ECHO, Ford Foundation, Friedrich-Ebert-Stiftung, Heinrich-Böll-Stiftung, ICMPD, IOM, Mayors Migration Council, META, the Netherlands Ministry of Foreign Affairs, OHCHR, Open Society Foundation, Porticus Foundation, Robert Bosch Stiftung, the Swiss Federal Department of Foreign Affairs, Save the Children, the Swiss Agency for Development Cooperation, the United Kingdom Foreign Commonwealth and Development Office (FCDO), UNFPA, UNHCR, UNODC, University of Edinburgh, US Bureau of Population, Refugees and Migration (PRM), and the World Bank.

4Mi: Primary data collection on mixed migration

4Mi is MMC's flagship data collection project. Regional teams in West Africa, North Africa, East Africa, Asia, Europe, and Latin America collect and analyse data on mixed migration through interviews with refugees and migrants about their motivations and aspirations, protection concerns, and experiences along mixed migration routes. Launched in 2014, 4Mi today consists of a network of around 120 enumerators in 15 countries. Targeting known gathering points for refugees and migrants on commonly used routes, 4Mi enumerators use questionnaires to conduct in-depth structured interviews on a continuous basis. 4Mi also conducts short-term, topic-specific surveys. To date, the 4Mi teams have conducted more than 100,000 interviews, all surveys combined.

As well as analysis published by MMC throughout the year, 4Mi data can be accessed via 4Mi Interactive, which enables users to analyse our latest data according to their own population and topic of interest. More information about 4Mi is available here: https://mixedmigration.org/wp-content/uploads/2021/08/4Mi-Introduction.pdf

4Mi in the MMR 2022

The 4Mi data presented in this year's Mixed Migration Review speak directly to the topics covered in the featured essays, reflecting both the breadth and the depth of the 4Mi dataset. In this year's edition of the MMR, the analysis therefore appears throughout the pages of the Review, following each of the essays, and covers a broad range of themes.

The 4Mi analysis is based on 14,799 interviews conducted between 1 July 2021 and 30 June 2022 with refugees and migrants who were on the move or had been in the country of interview for less than two years.[1] The sample comprises 5,363 women and 9,436 men interviewed in 14 countries.

The analysis presented here is necessarily a simplification, grouping a diverse sample of respondents to give a brief and global snapshot of what refugees and migrants around the world say on the subjects covered in the essays. MMC regularly publishes more nuanced and targeted insights on particular routes, locations, and population groups, and 4Mi Interactive allows for this more specific analysis.

Totals may vary in the analysis we present, as questions may not be asked of all respondents. There are additional notes on the data in each thematic section to explain differences in sample size and composition.

1 Except Greece and Italy, where respondents are likely to have been in the country for more than two years before reaching some locations of interview. Therefore, the selection criteria is modified to less than two years in the city or town of interview.

Analysis by population group

For some analysis, we divide the sample into population groups (place of origin and place of interview). The composition of these groups is detailed below.

	Number of interviews	% women	Nationality of respondents
Central Americans in Mexico	503	52%	Honduras, El Salvador, Guatemala
Venezuelans in Colombia	1,085	70%	
Venezuelans in Peru	561	66%	
West/Central Africans in West Africa (Burkina Faso, Mali, Niger)	2,566	37%	Benin, Burkina Faso, Cameroon, Chad, Côte d'Ivoire, Gambia, Ghana, Guinea, Liberia, Mali, Niger, Nigeria, Senegal, Sierra Leone, Togo
West/Central Africans in North Africa (Libya, Tunisia)	2,907	40%	Benin, Burkina Faso, Cameroon, Central African Republic, Chad, Côte d'Ivoire, Democratic Republic of the Congo, Gabon, Gambia, Ghana, Guinea, Liberia, Mali, Niger, Nigeria, Republic of the Congo, Senegal, Sierra Leone, Togo
East Africans in North Africa (Libya, Sudan, Tunisia)	1,551	29%	Eritrea, Ethiopia, Somalia, South Sudan, Sudan
Ethiopians in Somalia	1,727	16%	
Sub-Saharan Africans in Italy	167	15%	Côte d'Ivoire, Gambia, Guinea, Mali, Nigeria, Senegal, Sudan
Syrians/Pakistanis in Greece	234	38%	
Afghans in Türkiye	2,417	18%	
Rohingya (Myanmar) in Malaysia	1,081	53%	

Limitations of 4Mi data

4Mi targets a very diverse, hard-to-reach, and highly mobile population, which means that we cannot conduct random sampling and our data cannot be generalised to the overall population of refugees and migrants. 4Mi uses a combination of purposive and snowball sampling. We do not provide estimates of the volume of migration flows or of the prevalence of particular incidents along routes, but our large dataset and efforts to reach a diverse sample means we can provide useful insights, highly indicative of the actual mixed migration trends and dynamics. With regard to gender, 4Mi strives to adhere to a policy of at least one male and one female enumerator in each data collection location.

In many places, movement restrictions relating to Covid-19 persisted during the data collection period. In others, security risks prevented face-to-face data collection. Altogether 51.5 percent of interviews were by phone: phone interviewing was most frequent in Greece, Libya, Malaysia, Mali, Niger, and Türkiye. The use of remote interviews means that MMC's access is more constrained, and enumerators can only interview respondents with access to a phone.

Finally, 4Mi data is self-reported. It depends on respondents' recall, and the information they choose to share. This may vary according to a range of factors, including the personality, profile, and circumstances of the respondent, the location and environment in which the survey takes place, and the rapport between the enumerator and the respondent. 4Mi continuously reviews and improves its methodology. For more information, see the MMC website: www.mixedmigration.org/4mi/

Photo credit: Red_Baron

Two Polish soldiers watch as workers build a wall along the Polish-Belarussian border designed to keep irregular migrants out. Exemplifying the growing prevalence of "migration diplomacy," in January 2022, a stand-off between the two neighbours had a major impact on the EU's internal and foreign policies. (See page 248, Gerasimos Tsourapas – Migration diplomacy gets messy and tough: Is mixed mobility being 'weaponised' for geopolitical aims?, and Normalising the extreme, page 206).

Section 1

Keeping track

A detailed roundup of mixed migration trends and policy responses from around the world in 2022.

This section offers an overview of mixed migration and policy responses from across the world. After an introduction that summarises some global trends, the section is separated into the following regions: Africa, the Middle East, the Americas, Europe, and Asia (including the Pacific) detailing both key developments regarding people on the move and selected noteworthy policies adopted or actions taken by national authorities.

Introduction: Mixed migration in the midst of economic turmoil

By Peter Grant[1]

Snapshot of global mixed migration

After two years of upheaval brought on by Covid-19, there were hopes that 2022 might usher in a measure of stability and even recovery. While vaccination programmes were marred in the early phases by inequitable distribution, many—though by no means all[2]—refugees, migrants, and asylum seekers have by now been able to receive their doses. In principle, the success of the global public health response has not only helped reduce the worst effects of the virus, but also reopened the possibilities of human mobility in the wake of protracted border closures and restrictions on movement.

Instead, however, the world is having to contend with soaring inflation, recession, and a looming cost of living crisis that threatens to place further pressure on communities already struggling to meet their basic needs. While Russia's invasion of Ukraine has exacerbated these challenges, disrupting global food supplies and in the process driving up the price of essential staples like wheat, economies were visibly straining even before the conflict. This is the long shadow of the pandemic: the erosion of crucial safety nets, the mass destruction of livelihoods and informal employment, the descent of millions of people from precarity into absolute impoverishment.

While refugees, migrants, and asylum seekers are by no means the only ones having to contend with the downturn, their widespread marginalisation has left them disproportionately exposed to its impacts. On the one hand, as local conditions have deteriorated, more and more are being forced to migrate (again, in many cases) in search of better prospects and the possibility of employment elsewhere. However, with many host countries now undergoing painful economic contractions of their own, refugees and migrants are also increasingly being scapegoated for these ills by governments and dominant groups, ramping up xenophobia and discrimination.

Against this gloomy backdrop, global displacement has continued, with 89.3 million people uprooted by conflict, insecurity and human rights violations during 2021. The situation has only worsened during 2022 as the war in Ukraine as well as conflict and unrest in Ethiopia, Myanmar, and the Sahel, among other regions, have led to further displacement.[3] While conflict and violence are still the primary drivers of displacement in certain regions, such as sub-Saharan Africa, North Africa, and the Middle East, the impacts of climate change and extreme weather continue to be the most significant driver of displacement worldwide, particularly in Asia. Globally, around 23.7 million people were internally displaced in 2021 by disasters compared to 14.4 million as a result of conflict and violence.[4] From chronic drought in the Horn of Africa to catastrophic flooding in Pakistan, many more have been uprooted by natural disasters in 2022. These figures, it should be noted, do not include the many others stranded in situations of involuntary immobility, unable to escape these threats because of lack of resources or local insecurity.

Though each region has its own unique dynamics and is experiencing these issues in different ways, there are nevertheless commonalities between them:

- Across **Africa**, in Burkina Faso, Cameroon, and Ethiopia, among other countries, conflicts continued to displace millions of people during 2022. In many cases, these outbreaks have been triggered or exacerbated by environmental stress and natural disasters, particularly in areas exposed to climate change impacts and where intercommunal tensions have developed over access to water and other resources. In Somalia, too, prolonged drought since January 2021 had, by August 2022, displaced more than 1 million people. While most mixed migration takes place within the continent, tens of thousands of refugees, migrants, and asylum seekers continue to attempt journeys to other regions, including towards the Arabian Peninsula from the Horn of Africa or from North and West Africa to Europe, despite the considerable dangers involved.[5]

- In the **Middle East**, little progress has been made in resolving the displacement crisis within Syria or the situation of millions of Syrian refugees in neighbouring Lebanon and Türkiye. As economic and political conditions in both countries deteriorate, they are now confronted with worsening food shortages and xenophobia. In Yemen, meanwhile, the humanitarian emergency has been aggravated by increased

1 Peter Grant is an independent consultant specialising in migration, urbanisation and human rights.
2 UNHCR (2022) UNHCR highlights great progress on refugee vaccine inclusion but inequities hamper rollout.
3 UNHCR (2022) UNHCR: Global displacement hits another record, capping decade-long rising trend.
4 IDMC (2022) Global Report on Internal Displacement 2022.
5 InfoMigrants (2022) Nearly 1,000 migrants died trying to reach Spain in first half of 2022, says NGO.

restrictions on Yemeni workers in Saudi Arabia, given the crucial role that remittances have played in providing a vital financial lifeline for families back in Yemen amidst the economic devastation brought on by the conflict.

- In the **Americas**, millions of Venezuelans are still displaced from their country, the majority still living in Colombia, Peru, and other South American countries. However, increasing poverty levels and discrimination in the wake of Covid-19 and the economic downturn are pushing increasing numbers northwards. Mexico, however, also under duress from the US, imposed new visa restrictions on Venezuelans in early 2022 that greatly reduced this movement. Despite the passage of the Los Angeles Declaration on Migration and Protection in June 2022, with 21 countries committing to the development of a safer and more humane approach to migration management, in practice policy approaches remain mixed. While some of the most divisive Trump-era policies on migration were finally rescinded during 2022, other equally controversial measures remain in place.

- In **Europe**, Russia's illegal invasion of Ukraine in February 2022 has triggered the largest mass displacement in Europe since the Second World War, with more than 14 million refugees and internally displaced persons (IDPs). Despite the considerable support demonstrated across Europe to the victims of this crisis, however, refugees, migrants, and asylum seekers from Africa, Asia, and the Middle East attempting to enter Europe continue to suffer detention, violent mistreatment, and illegal pushbacks. These abuses, while often denied or concealed by authorities, are increasingly becoming "normalised and policy based",[6] in the words of UN High Commissioner for Refugees Filippo Grandi, as reflected in Denmark's "zero asylum seekers" strategy (although Ukrainians are currently exempt).

- In **Asia**, conflict and persecution drive two of the region's worst displacement crises. In Afghanistan, despite the formal end of the war following the US-led coalition's withdrawal in August 2021, new patterns of brutality and a further decline in humanitarian conditions have emerged since the Taliban's takeover. While hundreds of thousands of people crossed into Pakistan and Iran to escape the country, large numbers have since returned—many deported against their will by Iranian security forces—creating additional strains on shrinking public services. The Rohingya crisis also remains entrenched, with criminal gangs establishing a growing hold in the camps of Cox's Bazar, where almost 1 million refugees reside. Elsewhere in the region, while labour migration has again picked up after two difficult years of restricted movement, migrant workers are still exposed to unfair pay, long working hours, forced labour, and other abuses.

Mixed receptions

While in some parts of the world the outbreak of Covid-19 led to deepening authoritarianism, surveillance, and exclusion, particularly towards migrant populations, in many others the response was characterised by a renewed commitment towards inclusive service access and social welfare. For a time, there was even tentative optimism from some quarters that the crisis could help accelerate a fundamental shift in how societies responded to migration and asylum. Yet so far, these hopes have failed to materialise. In the United States, for instance, the notorious Title 42 provisions permitting the summary expulsion of anyone apprehended at the border—a suspension of international law justified under the pretext of containing Covid-19—were first enacted in March 2020, during the administration of former President Donald Trump. As of August 2022, however, two and a half years on and with Joe Biden now in power, they remain in place despite being largely irrelevant from a public health perspective.

Nevertheless, the collective international response to the conflict in Ukraine, from an "open door" refugee policy across much of Europe to millions of dollars of humanitarian assistance to its displaced populations, demonstrates that the sort of solidarity envisioned in the 1951 Refugee Convention is still possible when the proper resources and political will are in place. But across Europe, the treatment of Ukrainians refugees is the exception, not the rule. Elsewhere, on the border between Greece and Türkiye, human rights abuses against refugees and migrants are occurring with alarming regularity. While security forces are equipped with increasingly sophisticated technologies, from drones to heat sensors, what is most notable is the continued and systematic abuse carried out on the ground. In this regard, the reported coercion of refugees, migrants, and asylum seekers to apprehend others attempting to enter and violently expel them back to Türkiye—allegations that Greek authorities deny are taking place, despite credible evidence to the contrary—represents a new low.

All too often, people on the move are framed in reductive terms as "economic migrants", a classification with no legal or theoretical basis that implicitly dismisses the credible protection concerns that many of them face and fails to acknowledge the fact that economic considerations can themselves be a matter of life and death. This is evident in the United Kingdom, where the government has sought to present the majority of those

6 UNHCR (2022) News comment: UNHCR warns of increasing violence and human rights violations at European borders.

arriving on small boats as "not genuine asylum seekers".[7] The UK recently announced that asylum seekers who had entered illegally would be relocated to Rwanda while their claims were processed and prohibited from returning; even if their applications were successful, they would be given asylum in Rwanda, not the UK. Like the use of refugees, migrants and asylum seekers as proxy border guards in Greece, this creation of a two-tier system that penalises "illegal" refugees who have no other means of seeking protection represents a further rollback of their rights.

Key developments in international migration and protection policies

Progress on the Global Compact on Refugees

The first **High-Level Official Meeting on the GCR** was held on 14-15 December 2021, convening governments and stakeholder groups to take stock of progress to date, coordinate support and identify ways forward. The background preparations and the meeting led to 20 recommendations to guide implementation until the next Global Refugee Forum in 2023. The recommendations were developed around four key objectives: to "ease pressure on host communities", "enhance refugee self-reliance", "expand access to third-country solutions", and "support conditions in countries of origin for return in safety and dignity".[8] Ahead of the meeting, the first GCR Indicator Report was published, providing a detailed overview of available data on implementation of the GCR to date.[9]

Progress on the Global Compact for Safe, Orderly and Regular Migration

Between 17 and 20 May 2022, the first **International Migration Review Forum** (IMRF) was held in New York to assess progress on the GCM, culminating in the approval of an intergovernmental Progress Declaration.[10] During the IMRF, the Mayors Mechanism (a platform established in 2018 to connect cities and local governments with the global processes surrounding the GCM) launched the **Call to Local Action on Migration** movement, with an accompanying report on how both the GCM and GCR can be effectively localised.[11]

Widening shortfalls in emergency funding

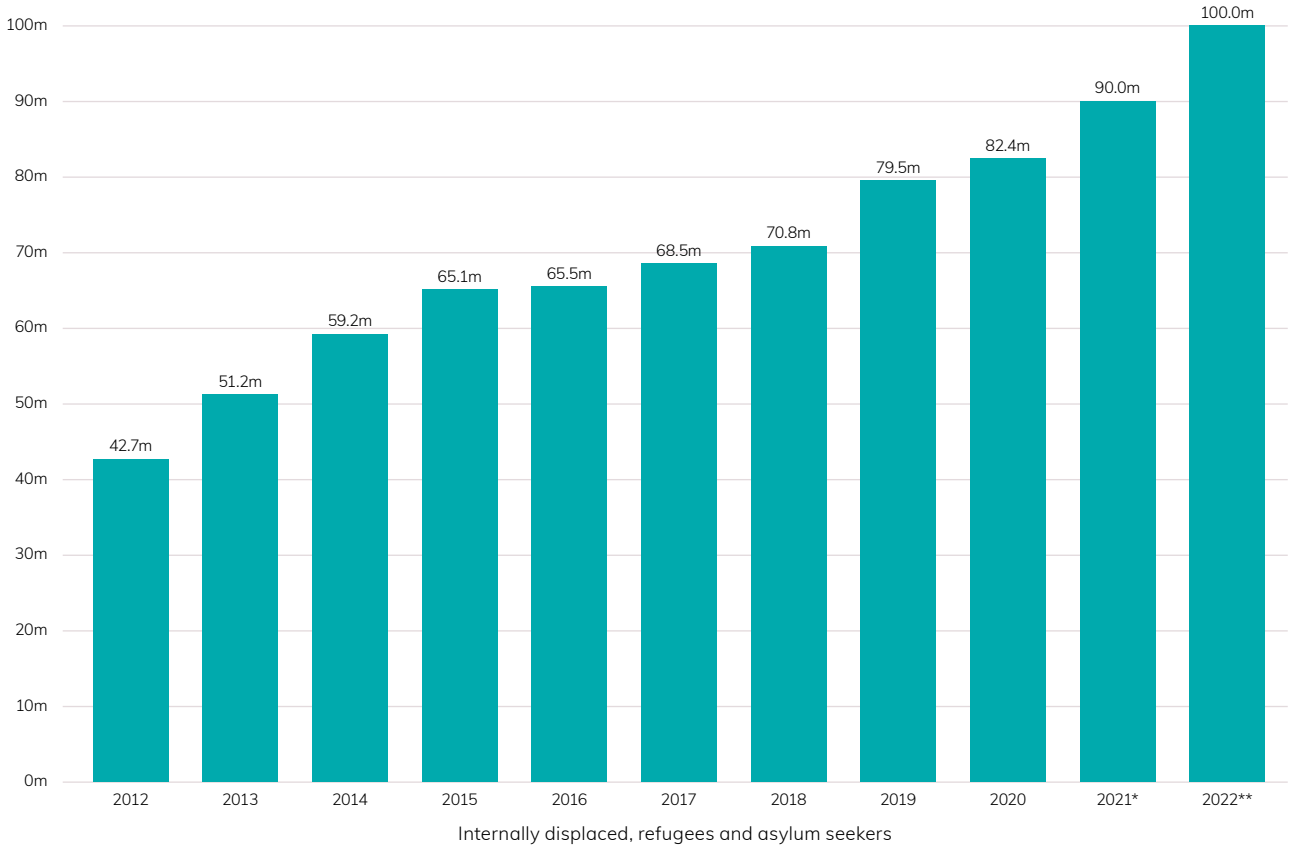
Troublingly, many of the world's most acute displacement crises are receiving only a fraction of the humanitarian assistance they urgently require. While the generous commitment of resources to support those displaced by the Ukraine conflict is laudable, some of this funding appears to have been reallocated by donors from disbursements originally earmarked for emergencies elsewhere.

A review of the proportion of financial assistance requested by UNHCR for its 2022 operations that had actually been allocated as of 6 October in various countries highlights the need for donors, alongside their support of Ukraine, to maintain and expand their assistance to other humanitarian emergencies as well.

Afghanistan: 64 percent of $609.6 million requested.[12]
Bangladesh: 42 percent of $285 million requested.[13]
Burkina Faso: 41 percent of $109.09 million requested.[14]
Cameroon: 4 percent of $59.6 million requested.[15]
Ethiopia: 46 percent of $335.3 million requested.[16]
Myanmar: 68 percent of $385.6 million requested.[17]
Sahel: 44 percent of $209 million requested.[18]
South Sudan: 42 percent of $214.8 million requested.[19]
Sudan: 37 percent of $348.9 million requested.[20]
Syria: 32 percent of the $465.2 million requested.[21]
Ukraine: 86 percent of $729.3 million requested.[22]
Venezuela: 31 percent of $61.2 million requested.[23]
Yemen: 41 percent of the $291.3 million requested.[24]

7 Taylor, D. & Syal, R. (2022) Priti Patel urged to justify claim that most boat migrants are not real refugees. The Guardian.
8 UNHCR High-Level Officials Meeting (2022) Outcomes of the High-Level Officials Meeting 2021.
9 UNHCR (2021) Global Compact on Refugees Indicator Report.
10 UN (2022) International Migration Review Forum 2022. For analysis of this event, see "An essential step forward down a long road: taking stock of the first IMRF" on p257 of this review.
11 Mayos Migration Council (2022) Localizing the Global Compacts: First Report on Local Action for Migrants and Refugees – 2022.
12 UNHCR (2022) Afghanistan funding update as of 6 October 2022.
13 UNHCR (2022) Bangladesh funding update as of 6 October 2022.
14 UNHCR (2022) Burkina Faso funding update as of 6 October 2022.
15 UNHCR (2022) Cameroon funding update as of 6 October 2022.
16 UNHCR (2022) Ethiopia funding update as of 6 October 2022.
17 UNHCR (2022) Myanmar funding update as of 6 October 2022.
18 UNHCR (2022) Sahel situation funding update as of 6 October 2022.
19 UNHCR (2022) South Sudan funding update as of 6 October 2022.
20 UNHCR (2022) Sudan funding update as of 6 October 2022.
21 UNHCR (2022) Syrian Arab Republic funding update as of 6 October 2022.
22 UNHCR (2022) Ukraine funding update as of 6 October 2022.
23 UNHCR (2022) Venezuela as of 6 October 2022.
24 UNHCR (2022) Yemen funding update as of 6 October 2022.

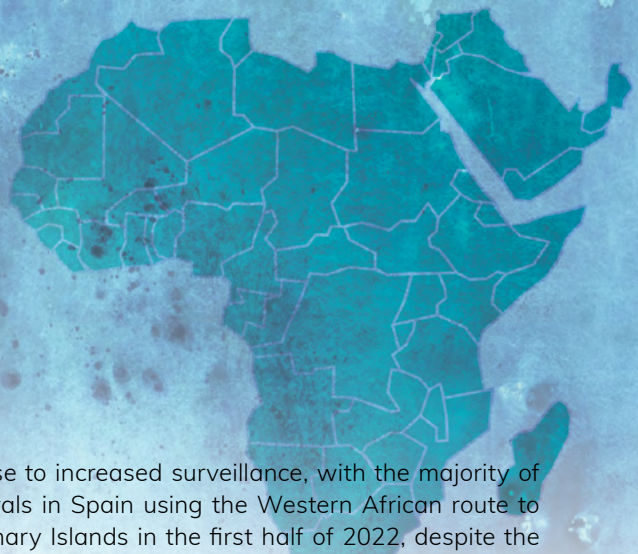
Graphic 1. Number of forcibly displaced people reaches 100 million in 2022



*Preliminary figure. **Preliminary figure as of May. Original source: UNHCR.

Source (adapted) and credit: www.statista.com/chart/18423/forcibly-displaced-worldwide-timeline/

Africa



Overview

Conflicts continue to be a major source of displacement in countries across Africa, including Burkina Faso, Cameroon, the Central African Republic, and Ethiopia. Despite their scale and severity, these various crises are not receiving a proportionate political or financial response. The overwhelming majority of those uprooted by these conflicts remain in their own countries as internally displaced persons (IDPs), while others are forced to seek sanctuary in neighbouring countries, often with displacement challenges of their own. Sudan and South Sudan, for instance, besides both having large IDP populations and hosting hundreds of thousands of each other's refugees, also host refugees and migrants from the Horn of Africa, the Middle East, and West Africa, in the case of Sudan, and from the Horn of Africa and the Great Lakes, in the case of South Sudan.

In many African countries, the combined impacts of violent conflict and climate change have led to deepening insecurity. In the Sahel, for instance, alongside the continued threat of attacks by Boko Haram and other militant groups, intercommunal tensions have been triggered by competing claims over water access between farmers and pastoralists. In Mozambique, meanwhile, hundreds of thousands of IDPs and refugees uprooted by insurgent fighting in the north have had to contend with the added challenges of tropical cyclones, creating further displacement and obstructing emergency humanitarian assistance. Extreme weather is also a major driver of displacement, as demonstrated in Somalia, where protracted drought has led to the internal displacement of more than 1 million Somalis, the majority of them during 2022. The same is evident in parts of Ethiopia and Kenya, creating one of the most severe regional drought crises ever witnessed in the East and Horn of Africa.

While most refugees, migrants and asylum seekers in Africa remain within the region and broader continent, tens of thousands continue to attempt the hazardous journey east towards the Arabian Peninsula, south towards South Africa or north towards Europe, though in recent years the proportion of sub-Saharan Africans arriving in Italy and Spain has greatly reduced while other nationalities such as Tunisians have assumed more prominence. Migration routes have also shifted in response to increased surveillance, with the majority of all arrivals in Spain using the Western African route to the Canary Islands in the first half of 2022, despite the severe risks involved in the journey. In addition, many of those attempting to reach Europe are intercepted at sea by coast guards and returned.

Irregular migration from Africa to Europe

In recent years, the composition of those leaving from North Africa has seen a marked shift. While in 2016, for instance, the five most common countries of origin among arrivals in Italy were all in sub-Saharan Africa, the picture is now very different as increasing numbers originate from North Africa or the Middle East and Asia. The composition of nationalities varies depending on the country of embarkation: Bangladesh, Egypt, and Syria were the three most common countries of origin among arrivals from Libya in the first half of 2022, while Tunisia, Côte d'Ivoire, and Guinea were the three most represented countries of origin among arrivals from Tunisia. (From Türkiye, on the other hand, the three most common nationalities were Afghanistan, Egypt, and Iran).[25]

The total number of arrivals in Italy gives only a partial picture of movement from North Africa, however, given the increasing role that Libyan and Tunisian patrols are playing in intercepting boats before they reach Italian waters. In both cases, of those attempting the crossing to Italy, coast guards are apprehending around half or even more: Tunisian authorities intercepted 23,328 refugees, migrants and asylum seekers in 2021, for instance, compared to 20,218 arrivals in Italy from Tunisia the same year.[26] Similarly, while 31,556 sea arrivals from Libya reached Italy in 2021,[27] 32,425 were intercepted by Libyan coast guards.[28]

An added dimension to this is the fact that, while nationals from countries such as Mali make up a significant proportion of those intercepted by Libyan coast guards, their representation among arrivals in Italy is far more marginal. Anecdotally, based on reported

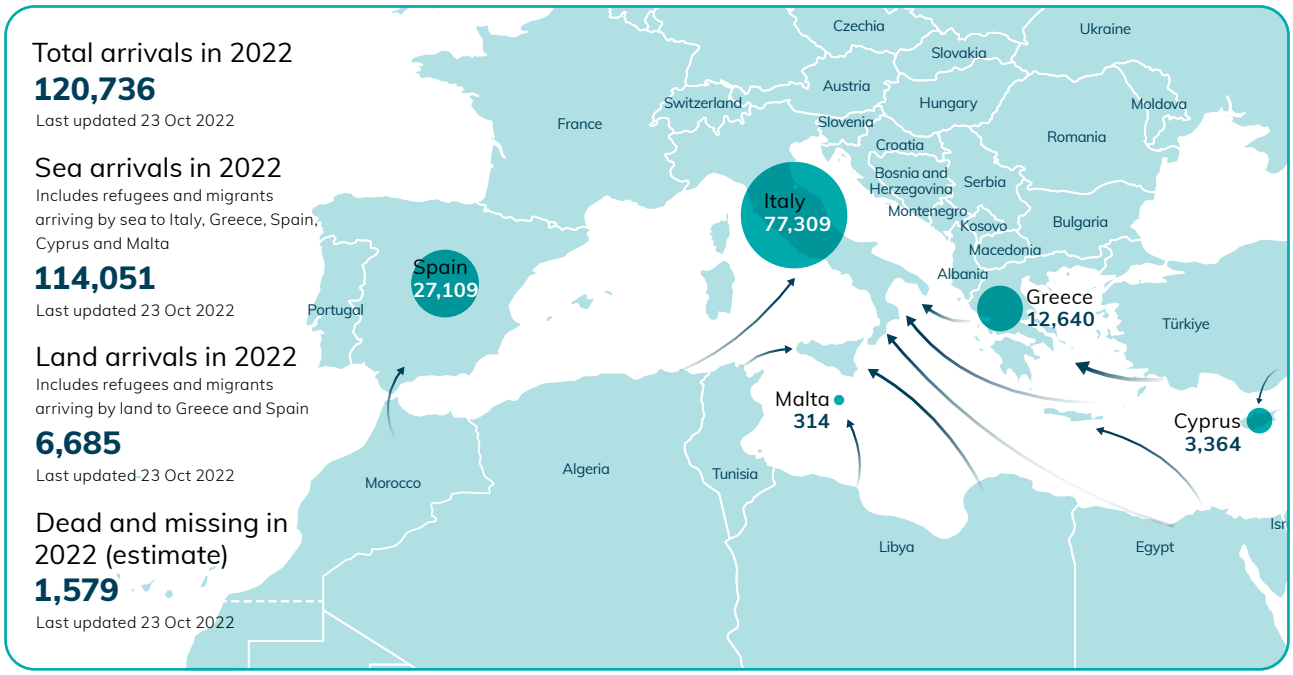
25 UNHCR (2022) Italy sea arrivals dashboard – June 2022.
26 Herbert, M. (2022) Tunisia: Growing Irregular Migration Flows Amid Worsening Political Fragility. Global Initiative Against Transnational Organized Crime.
27 UNHCR (2022) Italy sea arrivals dashboard (December 2021).
28 IOM Libya (2022) 2021 Annual Report.

individual incidents of interceptions, similar patterns appear to be occurring among those leaving Tunisia, with sub-Saharan nationals disproportionately represented among those apprehended.[29] One hypothesis for these disparities is that some nationalities are using more established and better resourced smuggling networks compared to others, who may therefore be at greater risk of interception.[30] Refugees and migrants are reportedly more likely than Tunisians to use the services of the larger smuggling networks based in Sfax, where between 70 and 100 people and even as many as 200 are packed together on a single boat. Besides the greater risk of interception, these vessels are also more likely to capsize, making them significantly more hazardous as a result.[31]

The **Central Mediterranean route** to **Italy** has again become busier, with 41,434 registered arrivals in the first seven months of 2022, compared to 29,124 during the same period in 2021.[32] Libya was by far the most significant country of embarkation with 22,786 (55 percent of all arrivals), followed by Tunisia with 11,110 (27 percent).[33] However, there has also been increased movement along the so-called "Calabrian route" from the Eastern Mediterranean, with departures from Türkiye accounting for 6,468 arrivals (16 percent of the total), making it the second most significant country of embarkation to Italy after Libya.

The death toll on this route, after declining for a number of years, rose again in 2021 to 1,553 recorded dead and missing, with a further 907 suspected fatalities as of the end of July 2022.[34] One reason for this is the reduction in search and rescue operations. Most of these are currently conducted by NGOs which some European countries such as Italy have sought to prosecute on charges of aiding human smuggling. Meanwhile the closure of Operation Sophia, a naval patrol operated by the EU between 2015 and 2020 that has been credited with saving tens of thousands of lives, has left a large protection vacuum in Central Mediterranean waters. Its successor, Operation Irini, has a far more circumscribed mandate focusing on preventing illicit arms and oil shipments rather than humanitarian rescue. In August 2022, in response to this growing protection gap, the humanitarian organisations Médecins Sans Frontières, Sea-Watch, and SOS Méditerranée called on EU member states to urgently reinstitute search and rescue naval patrols in the Central Mediterranean, given the clear need for these services in the face of numerous deaths and disappearances in these waters.[35]

Graphic 2. Mediterranean situation



Source (adapted) and credit: https://data.unhcr.org/en/situations/mediterranean

29 Forin, R. & Frouws, B. (2022) What's new? Analysing the latest trends on the Central Mediterranean mixed migration route to Italy. Mixed Migration Centre.
30 Ibid.
31 Herbert, M. (2022) Tunisia: Growing Irregular Migration Flows Amid Worsening Political Fragility. Global Initiative Against Transnational Organized Crime.
32 UNHCR (2022) Italy sea arrivals dashboard July 2022.
33 Ibid.
34 IOM (2022) Missing Migrants Project – Central Mediterranean route.
35 Médecins Sans Frontières, Sea-Watch & SOS Méditerranée (2022) SOS MEDITERRANEE, MSF and SEA-WATCH alert on the critical risk of more deaths in the central Mediterranean this summer in the absence of European state-led search and rescue operations.

Large numbers of refugees, migrants, and asylum seekers also attempt to enter through a variety of other routes, including the **Western Mediterranean route** to mainland Spain or the Spanish enclaves of Ceuta and Melilla, bordering Morocco. Though there are fewer arrivals than in 2018, when Spain was the most used entry point into Europe with 58,569 arrivals by sea and another 6,814 by land, it nevertheless saw a total of 16,981 arrivals (15,429 by sea and 1,552 by land) in the first seven months of 2022. These include 3,182 arrivals in mainland Andalusia, another 1,381 on the Eastern Mediterranean mainland, and 721 in the Balearic Islands. Others entered from Morocco into the Melilla (1,238) and Ceuta (789).[36] Melilla in particular witnessed a number of mass attempts to enter, with hundreds and in some cases even thousands of refugees, migrants, and asylum seekers simultaneously rushing the border fence to secure entry. The most extreme incident took place, in late June, when around 2,000 people tried to enter Melilla, an incident that left at least 37 refugees, migrants and asylum seekers dead and others injured and subject to mass arrests, many of them Darfuri Sudanese, amidst reports of excessive violence by security forces,[37] a lack of asylum processing and calls for a formal investigation into the deaths.[38]

For much of the last decade, the large majority of arrivals in Spain travelled the Western Mediterranean route, either crossing by sea to the Spanish mainland or entering Ceuta or Melilla from Morocco. However, since 2020 there has been a significant increase in the numbers travelling the **Western African** route (also known as the Northwest African route or Atlantic route) to the **Canary Islands**.[39] The majority of those traveling this route depart from Morocco and Western Sahara,[40] though some also embark from Mauritania, Senegal, The Gambia and even Guinea, more than 2,400 kilometres away. As of 7 August, 9,670 arrivals had been recorded on the route in 2022, more than half of the total number of recorded arrivals in Spain during this period.[41]

This is in spite of the considerable dangers involved in the journey: during 2021, 84 shipwrecks were recorded by IOM and at least 1,173 people died, though the true number is likely to be higher given that many capsized boats remain undetected.[42] According to Caminando Fronteras, a local monitoring group, more than 4,400 refugees, migrants and asylum seekers died at sea on their way to Spain in 2021, more than twice the number recorded in 2020, with around 90 percent (roughly 4,000) of these headed to the Canary Islands. While some boats in distress are rescued, many of those that capsize may never be officially accounted for, with the group estimating that 124 separate shipwrecks took place en route to the Canary Islands in 2021.[43] The organisation also estimated that in the first half of 2022, at least 978 migrants lost their lives on this route.[44]

Abuses against refugees and migrants in Libya

Since the brokering of an agreement between the two countries in 2017, Libya has been receiving substantial funding and cooperation from Italy to enhance the surveillance and monitoring capacities of its coast guard in an arrangement that has been described as "both official and deniable".[45] According to Médecins Sans Frontières (MSF), "thousands of women, children and men are trafficked, exploited, arbitrarily detained, tortured and have money extorted from them in Libya simply because they are migrants". MSF says the agreement represents "five years of EU-sponsored abuse".[46] Many of those apprehended and returned by Libyan naval patrols have been detained, often by armed groups or criminal organisations, who then subject them to violence, abuse and extortion. The situation appears to have worsened since the so-called Stabilization Support Authority (SSA), a group of militias, has taken increasing control of the interception and detention of migrant boats.[47] Reports have emerged of the squalid and inhumane conditions refugees, migrants and asylum seekers face in these facilities, punctuated by arbitrary violence, torture and abuse.[48] It is likely that the SSA benefits indirectly from EU assistance, given that SSA vessels are maintained by the navy, but neither the EU or the UN are able to gain access to the notorious SSA-run Maya prison.[49]

From early October 2021, hundreds of refugees, migrants and asylum seekers gathered outside the UNHCR community centre in Tripoli to stage a sit-in protest that lasted three months until Libyan forces violently broke up

36 UNHCR (2022) Mediterranean situation: Spain.
37 Middleton, J. (2022) Melilla border "stampede" death toll rises to 37 as police accused of "aggressive violence". The Independent; Kassam, A. (2022) "A bloodbath": refugees reel from deadly Melilla mass crossing. The Guardian.
38 Burgen, S. (2022) Moroccan authorities accused of trying to cover up Melilla deaths. The Guardian.
39 MMC (2021) A gateway re-opens: the growing popularity of the Atlantic route as told by those who risk it.
40 Western Sahara is contested territory claimed by Morocco but included on the UN's list of "non-self-governing territories" since 1963. About 20 percent of the territory is controlled by the self-proclaimed Sahrawi Arab Democratic Republic, while the remaining 80 percent is occupied and administered by Morocco.
41 UNHCR (2022) Mediterranean situation: Spain.
42 IOM (2022) West and Central Africa – Irregular Migration towards Europe | Western Africa – Atlantic Route (January – December 2021).
43 Reuters (2022) 4,400 migrants lost at sea bound for Spain in 2021, double previous year.
44 InfoMigrants (2022) Nearly 1,000 migrants died trying to reach Spain in first half of 2022, says NGO.
45 Lighthouse Reports (2020) Central Mediterranean.
46 Médecins Sans Frontières (2022) Italy-Libya agreement: Five years of EU-sponsored abuse in Libya and the central Mediterranean.
47 InfoMigrants (2022) Libya's SSA security force accused of abusing migrants.
48 Mixed Migration Centre (2022) Quarterly Mixed Migration Update: North Africa – Quarter 2 2022.
49 VOA (2022) A new Libyan force emerges, accused of abusing migrants.

the demonstrations. More than 600 people were arrested and sent to the notorious Ain Zara detention centre.[50] Among them was a 19-year-old Sudanese refugee who, having been subsequently released and then incarcerated again in Ain Zara, committed suicide there.[51] A few month earlier, the Independent Fact-Finding Mission on Libya established by the UN Human Rights Council in 2020, had previously concluded that the "acts of murder, torture, imprisonment, rape and enforced disappearance committed in these facilities may amount to crimes against humanity".[52] In June 2022, MSF called on the EU to accelerate the evacuation of vulnerable refugees and migrants in Libya, given the absence of effective protection mechanisms in the country and the acute needs of victims of torture and sexual violence. Many of them had suffered trauma and brutalisation as a direct result of being intercepted and returned by EU-funded Libyan coast guards.[53]

Morocco cracks down on refugees and migrants

Relations between Morocco and Spain had deteriorated following the arrival of the leader of the Western Saharan independence movement Polisario Front, Brahim Ghali, in Spain in April 2021 to receive medical treatment for Covid-19. The following month, around 9,000 refugees, migrants and asylum seekers attempted to enter Ceuta, a situation that was interpreted as a reprisal for Madrid's perceived support of Ghali.[54]

However, in March 2022, Spain reversed its longstanding position on Western Sahara and voiced its support for Morocco's 2007 proposal for it to be classified as an autonomous region under Moroccan rule. Shortly afterwards, Morocco and Spain announced the end of their diplomatic impasse, and in May border crossings for Moroccan workers into Ceuta and Melilla (originally suspended in response to the outbreak of Covid-19) resumed after more than two years of closure.[55] The two countries also issued a joint statement announcing their renewed cooperation in the area of migration.[56]

In the wake of this announcement, Moroccan authorities conducted sweeping mass detentions and forced relocations of sub-Saharan refugees, migrants, and asylum seekers in towns and cities across the country, particularly in areas near the border with Ceuta and Melilla as well as in Laayoune, the largest city Western Sahara, which is widely used as an embarkation point for the Canary Islands.[57] Many of those arrested have been transferred to detention facilities, while there have been reports of sub-Saharan nationals picked up in Laayoune being abandoned in the desert near the Algerian border.[58] A related development since relations were fully restored is a return to the repatriation of Moroccans and residents of Western Sahara from the Canary Islands to Western Sahara.[59]

A new migration agreement between Egypt and the EU

More Egyptians are attempting to migrate to Europe, with the number arriving in Italy in the first half of 2022 (4,767) roughly triple the total during the same period of 2021.[60] Much of this movement is rooted in the country's economic crisis, exacerbated by the aftershock of Covid-19 and the recent outbreak of war in Ukraine impacting the price and availability of certain goods.[61] In response to this rise in migration from Egypt, the EU has recently brokered an agreement to provide €80 million in financial assistance to strengthen maritime surveillance.[62] This has prompted criticism from civil society organisations, given Egypt's poor human rights record, and fears that the funding could enable similar abuses by the Egyptian coast guard as have occurred in Libya.[63] These concerns are informed by Egypt's demonstrated track record of arbitrarily detaining and deporting refugees, migrants and asylum seekers.[64]

East Africa and the Horn

Crisis and displacement in Sudan and South Sudan

Sudan and South Sudan have both suffered years of conflict and insecurity that have in turn driven mass displacement, both internally and across each other's

50 Al Jazeera (2022) Libyan security forces violently break up migrant protest.
51 Al Jazeera (2022) Despairing teen refugee found hanged in Libya detention centre.
52 OHCHR (2022) Report of the Independent Fact-Finding Mission on Libya.
53 Médecins Sans Frontières (2022) MSF calls for evacuation of most vulnerable migrants from Libya to safe countries.
54 For more information, see Mixed Migration Centre (2021) Mixed Migration Review 2021, p.22.
55 Al-Monitor (2022) Spain partially reopens enclaves to Moroccan workers.
56 Mixed Migration Centre (2022) Quarterly Mixed Migration Update: North Africa – Quarter 2 2022.
57 GADEM (2022) Arrestations massives de migrants subsahariens au Maroc; Mixed Migration Centre (2022) Quarterly Mixed Migration Update: North Africa – Quarter 2 2022.
58 Carretero, L. (2022) "À Laayoune, le danger est partout" : au sud du Maroc, les autorités intensifient les arrestations de migrants. InfoMigrants.
59 Vargas, N. (2022) Grupos semanales de 20 migrantes y sin derecho a un segundo abogado, así son las deportaciones de Canarias al Sáhara. El Diario.
60 UNHCR (2022) Italy sea arrivals dashboard: June 2022.
61 Panara, M. (2022) Poverty, restrictions, censorship: What's driving Egyptians to head for Europe. InfoMigrants.
62 The New Arab (2022) EU set to provide Egyptian coast guard with €80 million.
63 Ibid.
64 Rosa Luxembourg Stiftung (2022) Black Box Egypt: Egypt's Opaque Detention and Deportation Practice against Refugees.

borders through refugee movements. Conflict in other countries, particularly its neighbours, including Ethiopia's Tigray region, where tens of thousands of people have been displaced by fighting, have also accounted for significant refugee populations.[65]

Renewed insecurity in Darfur, in western **Sudan**, has driven a cycle of fresh displacement. In 2021, more than 440,000 people were displaced there, around five times the number uprooted in 2020,[66] and unrest intensified further in 2022 with more than 470,000 displaced between January and July. Violence has escalated dramatically following the military coup in 2021 and is projected to persist into 2023 as communal tensions over resources increase in the post-harvest season.[67] This could be aggravated by the country's looming food crisis, with warnings from humanitarian organisations in June projecting that a quarter of the population across Sudan could face acute food insecurity in the coming months.[68]

More refugees originate from **South Sudan** than any other country in Africa. Totalling more than 2.3 million, they are predominantly in Uganda, Sudan, Ethiopia, Kenya, and the Democratic Republic of the Congo.[69] Despite the scale of the crisis, it remains acutely underfunded: in 2021, for example, just 21 percent of the requested financial assistance for humanitarian services was provided by donors. In March 2022, UNHCR and its partners issued a call for $1.2 billion to provide essential support to South Sudanese refugees.[70] Outbreaks of violence, food shortages, and natural disasters have all contributed to this exodus, as well as creating an internal displacement crisis. A mapping by IOM in December 2021 put the total number of IDPs in South Sudan at more than 2.2 million, including 973,100 new displacements during that year.[71] UN officials have highlighted the need to address famine risks, deteriorating humanitarian conditions, and spiralling violence driven by intercommunal rivalries and armed militias.[72]

Migration and returns between the Horn of Africa and Yemen

Despite the dangers of the route, the ongoing conflict and the risk of torture, abduction and extortion by criminal groups on arrival, hundreds of thousands of refugees and migrants have travelled from the Horn of Africa to **Yemen** in recent years. While numbers plummeted in 2020/2021 as a result of the Covid-19 pandemic and increased movement restrictions, in 2022 they grew sharply, with 31,266 migrant arrivals detected in the first half of the year, compared to 3,545 during the same period in 2021.[73] Nevertheless, by the middle of 2022, movement from the Horn of Africa to Yemen had reduced again, as weather conditions became more challenging and border security tightened in both Djibouti and Yemen.[74] After rising to 8,358 arrivals in February 2022, migration slowed in the ensuing months, with 3,171 recorded arrivals in July.[75] It is important to note that the 2022 figures remain far below their pre-Covid-19 levels when 84,378 arrivals were recorded in the first half of 2019.[76]

65 UNHCR (2022) Operational data portal: Sudan.
66 Reuters (2022) Attacks in Sudan's Darfur bring new surge in people fleeing their homes.
67 ACAPS (2022) Sudan: Increased violence in Darfur region.
68 Save the Children (2022) One in four people face severe hunger in Sudan as food crisis deepens.
69 UNHCR (2022) Operational portal: South Sudan.
70 UNHCR (2022) UNHCR and partners seek US$1.2 billion to address Africa's largest refugee crisis.
71 IOM DTM (2022) South Sudan: Mobility Tracking Round 12: Baseline locations.
72 UN (2022) Window of opportunity closing for South Sudan, on road to lasting peace.
73 IOM (2022) Non-Yemeni migrant arrivals and Yemeni migrant returnees In June 2022; IOM (2021) Non-Yemeni migrants arrivals and Yemeni migrant returns in June 2021.
74 Mixed Migration Centre (2022) Quarterly Mixed Migration Update: East and Southern Africa: Quarter 2 – 2020.
75 IOM (2022) IOM (2022) Non-Yemeni migrant arrivals and Yemeni migrant returnees in February 2022; IOM (2022) Non-Yemeni migrant arrivals and Yemeni migrant returnees in July 2022.
76 IOM (2019) Migrant arrivals and Yemeni returns from Saudi Arabia: January – June 2019.

Graphic 3. As of June 2022, apart from high internal displacement numbers, Ethiopia hosts almost a million refugees and asylum seekers from neighbouring countries, some residing perilously in conflict-torn Tigray

Registered population **870,507**

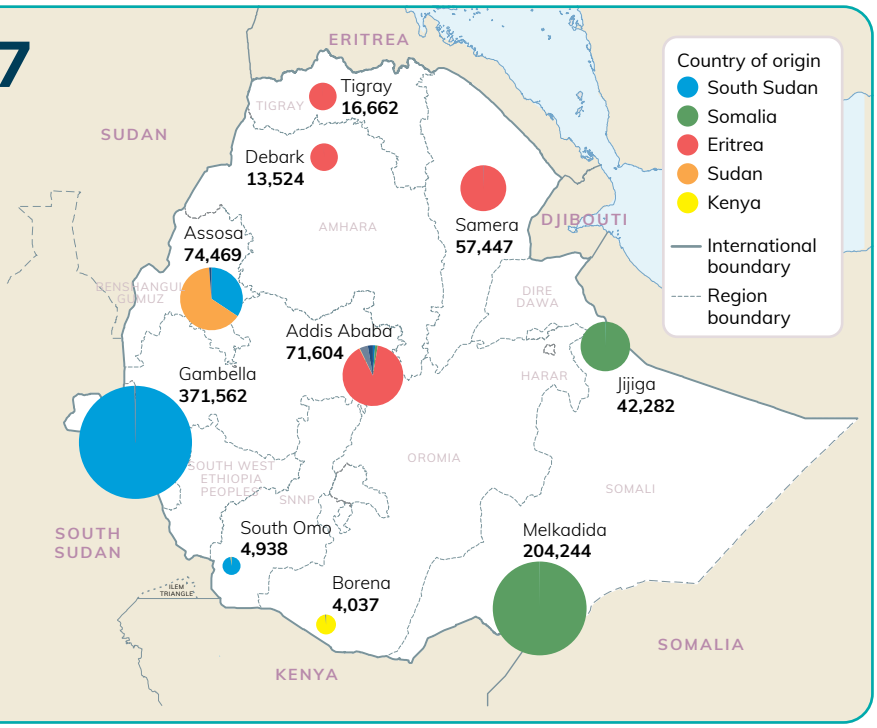
Country of origin

	Individual	%
South Sudan	403,240	46%
Somalia	249,126	29%
Eritrea	161,389	19%
Sudan	47,672	5%
Kenya	4,034	<1%
Yemen	2,469	<1%
Congo DRC	1,052	<1%
Syrian Arab Rep.	668	<1%
Other	857	<1%
Total	**870,507**	

Incorporating

868,253 refugees

2,254 asylum seekers



Source (adapted) and credit: UNHCR

The vast majority of those making the journey are Ethiopians, with smaller numbers of Somalis: in June 2022, for instance, 93 percent of detected arrivals were from Ethiopia and 7 percent from Somalia.[77] Around 190,000 are stranded in Yemen,[78] many of them trapped behind frontlines. Some, particularly those from Tigray and other conflict-affected regions in Ethiopia, face the difficult choice between further displacement in Yemen or continued insecurity in their home country.[79] However, in recent months, hundreds of Ethiopians in Yemen have sought to be repatriated, with IOM organising the voluntary humanitarian return of hundreds of people from Ma'rib governorate in June[80] and Sanaa in August.[81] IOM aims to assist at least 6,750 Ethiopians to leave Yemen in 2022.[82]

For most Ethiopians and Somalis travelling to Yemen, the intended destination is ultimately **Saudi Arabia**. Approximately 750,000 Ethiopians reside in Saudi Arabia, of whom more than half (450,000) are undocumented.[83] However, the environment for East African migrants has become increasingly inhospitable as Saudi authorities have carried out a series of mass detentions and expulsions in recent years, with tens of thousands held in squalid and inhumane conditions in cramped facilities before being summarily deported.[84] In March 2022, an agreement was reached between Saudi Arabia and Ethiopia to return some 100,000 Ethiopian nationals,[85] with over 50,000 already repatriated by mid-July.[86]

Violence and upheaval in Tigray

Since the outbreak of conflict in the Tigray region of Ethiopia in November 2020 and its subsequent spread to Amhara and Afar, there are now 2.6 million IDPs in northern Ethiopia as well as 240,000 returnees and over 97,000 refugees and asylum seekers in neighbouring countries.[87] Severe human rights abuses by all parties to the conflict, including ethnically motivated mass killings, have also forced many to relocate. Eritrean refugees, who were specifically targeted in the early months of the

77 IOM (2022) Non-Yemeni migrant arrivals and Yemeni migrant returnees in July 2022.
78 UN (2022) "We must not turn our backs" on migrants stranded in Yemen.
79 IOM (2022) Human rights violations against migrants in Yemen increase amid soaring arrivals: IOM warns; IOM (2022) Quarterly Migration Review: January-March 2022.
80 UN (2022) Ethiopian migrants head home on first ever return flight from Yemen's Ma'rib.
81 The New Arab (2022) Dozens of Ethiopian migrants repatriated from Yemen in fresh anti-trafficking push.
82 IOM (2022) Hundreds of migrants return to Ethiopia via IOM's first voluntary return flights from Yemen in 2022.
83 Xinhua (2022) Ethiopia repatriates over 50,000 nationals from Saudi Arabia in last 45 days.
84 For more information, see Mixed Migration Centre (2021) Mixed Migration Review, p.34.
85 Jelan, B. & Zelalem, Z. (2022) Saudi authorities hide abuses in migrant centres amid wave of arrests. Middle East Eye.
86 Xinhua (2022) Ethiopia repatriates over 50,000 nationals from Saudi Arabia in last 45 days.
87 UNHCR (2022) Ethiopia's Tigray Refugee Crisis Explained.

conflict by Eritrean auxiliary troops supporting Ethiopian government forces, have continued to suffer violent attacks. In February 2022, for instance, thousands of refugees living in and around Barahle camp in Afar were forced to flee after an attack by gunmen resulted in a number of deaths and abductions.[88]

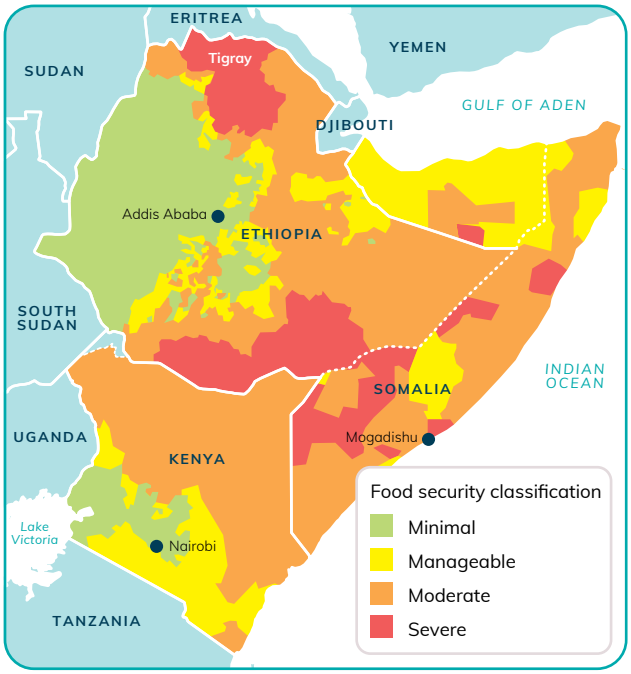
While the majority of Ethiopia's IDP population are concentrated in the north due to the conflict, many others are situated in other parts of the country, uprooted by violence and natural disasters, including the worst drought to hit the country in 40 years.[89] In total, more than 4.5 million people are internally displaced across the country.[90] The threat of targeted attacks in other parts of the country, and their knock-on effects in terms of displacement, was illustrated by the massacre of more than 400 ethnic Amhara in Tole Kebele in the Oromia region on 18 June 2022, allegedly by members of the Oromo Liberation Army.[91] In the wake of the attack, many local Amhara community members were calling on authorities to resettle them before another massacre occurred.[92] Even before this latest attack, however, there were reports of numerous Amhara being forced to flee Oromia due to persecution by armed groups.[93]

The majority of those displaced by the conflict have generally remained within Ethiopia,[94] and there is little reason to think that this situation will change. Nevertheless, tens of thousands have also fled into neighbouring Sudan.[95] Research by the Mixed Migration Centre has identified significant variance among Ethiopian refugees, migrants and asylum seekers in terms of the factors driving their movement, depending on their region of origin and host country. For instance, while the majority (77 percent) of Ethiopian 4Mi survey respondents in Somalia stated that their primary reason for leaving Ethiopia was economic, in Sudan the overwhelming majority (95 percent) cited violence, insecurity and conflict as the main reason for their migration.[96] The region of origin, however, was also a significant factor: in Somalia, for instance, despite the preponderance of respondents citing economic reasons for their departure, among Tigrayans the majority (86 percent) still mentioned conflict as the primary reason for their leaving Ethiopia.[97] This points to the distinct dynamics of displacement and migration within Tigray.

Chronic drought in Somalia, Ethiopia and Kenya

As the Horn of Africa struggles with the worst drought in decades, the epicentre of this disaster is **Somalia**, where a million people have been displaced since it began in January 2021, including around 775,000 in the first seven months of 2022. Without food or water, they have been forced to leave their villages and move to IDP camps. With a fifth rainy season expected to fail, the UN's Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator Martin Griffiths said in a press statement that "famine is at the door"[98] and was expected to be declared from October 2022, particularly as the impacts of climate change combine with the effects of rising food prices in the wake of the conflict in Ukraine.[99] Humanitarian agencies have been predicting a potential emergency since April 2021, but there is now an urgent need to scale up the response.[100]

Graphic 4. In 2022, severe drought in the Horn affects 20 million people and causes massive internal displacement including some cross border migration



Source (adapted) and credit: thenationalnews.com

88 UNHCR (2022) Thousands of Eritrean refugees displaced in clashes in Ethiopia's Afar region.
89 UNHCR (2022) Ethiopian families struggle to survive amid record drought.
90 UNHCR (2022) East and Horn of Africa, and the Great Lakes Region: Internally displaced persons – Regional overview (January – June 2022).
91 Amnesty International (2022) Ethiopia: Authorities must investigate massacre of ethnic Amhara in Tole.
92 Burke, J. (2022) As many as 320 dead in Ethiopia gun attack, witnesses suggest. The Guardian.
93 Abera, E. & Tsegaye, G. (2022) In-depth analysis: Displaced by months-long violence, hundreds of Amhara community members from western Oromia seek refuge in Addis Abeba and Arsi zone. Addis Standard.
94 Horwood, C. & Frouws, B. (2021) Mixed migration consequences of the Tigrayan crisis. Mixed Migration Centre.
95 UNHCR (2022) Ethiopia's Tigray Refugee Crisis Explained.
96 4Mi is the Mixed Migration Centre's flagship primary data collection system. Mixed Migration Centre (2022) Drivers and aspirations of Ethiopians impacted by the Tigray conflict: Data from Somalia and Sudan – May 2022.
97 Ibid.
98 OCHA (2022) Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator Martin Griffiths Remarks to the press – as delivered (Mogadishu, 5 September 2022).
99 NHCR and Norwegian Refugee Council (2022) One million people displaced by drought in Somalia.
100 UN (2022) Somalia: "We cannot wait for famine to be declared; we must act now".

The situation in Ethiopia is also drastic, with almost 19 million people targeted for drought response as of mid-October.[101] Millions are also at risk in drought-hit northern **Kenya**.[102]

Deadline passes for the closure of Dadaab and Kakuma refugee camps in Kenya

Kenya hosts a sizeable refugee population, numbering over 555,000 as of the end of June 2022, of whom the majority (56.8 percent) originate from Somalia.[103] Close to half of the country's refugee population resides in Dadaab, where a camp was first established more than 30 years ago in 1991 and has since grown into a multi-camp complex whose population has grown in the wake of several disasters, such as the 2011 famine and drought in southern Somalia, which prompted 130,000 people to travel to Kenya.[104] Kakuma, established in 1992 with the arrival of young orphaned Sudanese boys and now also populated with Ethiopian and Somali refugees, hosts around 200,000 people.[105] The Kenyan government has repeatedly threatened to close the camps in both Dadaab and Kakuma, and after extensive negotiations with UNHCR had announced June 2022 as the final deadline.[106] However, that deadline has passed without any change in the current situation in the camps, and at the time of writing their future remained uncertain (and did not feature prominently in political campaigns leading up to the August general election).

Returns to Burundi as stability improves

The outbreak of political unrest in Burundi in 2015, following the announcement by the incumbent president that he would be seeking a third term, triggered an exodus of refugees. However, since national elections in 2020, the environment within Burundi has become more secure. This has opened up the possibility that the hundreds of thousands of refugees still living outside Burundi might be able to return to their home country. The process of repatriation had begun before the 2020 elections, but has gathered pace since, with more than 65,000 repatriated in 2021[107] and almost 15,000 in the first seven months of 2022.[108] This brings the total number of refugees repatriated by UNHCR since 2017 to just over 200,000 as of the end of July 2022, with another 265,671 still living in other countries in the region. Almost half (126,971) of these are in Tanzania, followed by Rwanda (48,354), Uganda (41,798), DRC (40,798), and Kenya (7,697).[109]

For many, however, return can bring new challenges as former refugees struggle to adapt. Notwithstanding the recent improvements in the political climate, economic and security conditions in Burundi remain precarious, and the country is not yet adequately prepared to support the long-term reintegration of tens of thousands of returnees. While the government, in partnership with UNHCR and UNDP, has developed a Joint Refugee, Returnee and Reintegration Plan (JRRRP) to support returnees, it is hampered by chronic underfunding: just 21 percent of the $104 million required was allocated in 2021,[110] and as of 20 September only 31 percent of the $80.5 million budget requested had been funded.[111]

West Africa

The Sahel crisis continues

Violent insurgency, environmental pressures, and food insecurity have all contributed to a spiralling crisis in the Sahel region, centred around the three-border area of Burkina Faso, Mali, and Niger but also threatening to spill into other countries in the wider region, including Benin, Ghana, and Togo, though at present the threat is confined to certain areas.[112] As a result, displacement levels have risen exponentially recently. As of the end of August 2022, UNHCR had identified more than 4.9 million persons of concern in the region, comprising a diverse mix of refugees and asylum seekers, IDPs, and returnees.

A succession of coups across the region has created further political instability. In **Burkina Faso**, President Roch Kaboré was ousted by the military in January 2022 following months of protests against the government's perceived failure to prevent the spread of militant attacks in the country. That same month, an estimated 160,000 Burkinabé civilians were displaced by violence, one of the largest increases since the crisis began.[113] Other incidents during the year have triggered fresh displacement, including a massacre in the border town

101 UN OCHA (2022) Ethiopia Situation Report; Creta, S. (2022) Ethiopia's worsening drought sees hunger numbers soar. The New Humanitarian.
102 The Guardian (2022) Horn of Africa drought places 22 million people at risk of starvation, says UN.
103 UNHCR (2022) Operational data portal: Kenya.
104 UNHCR (n.d.) Dadaab refugee complex.
105 UNHCR (undated) Kakuma Refugee Camp and Kalobeyei Integrated Settlement.
106 Mixed Migration Centre (2021) Mixed Migration Review 2021, p.26.
107 UNHCR (2022) Burundi factsheet – May 2022.
108 UNHCR (2022) Burundi situation map - 31 July 2022.
109 Ibid.
110 UNHCR (2022) Burundi factsheet – May 2022.
111 UNHCR (2022) Burundi: funding update as of 20 September 2022.
112 OCHA (2022) Sahel Crisis: Humanitarian Needs and Requirements Overview 2022, p.10.
113 Oxfam (2022) Burkina Faso: second biggest spike in displacement since crisis began.

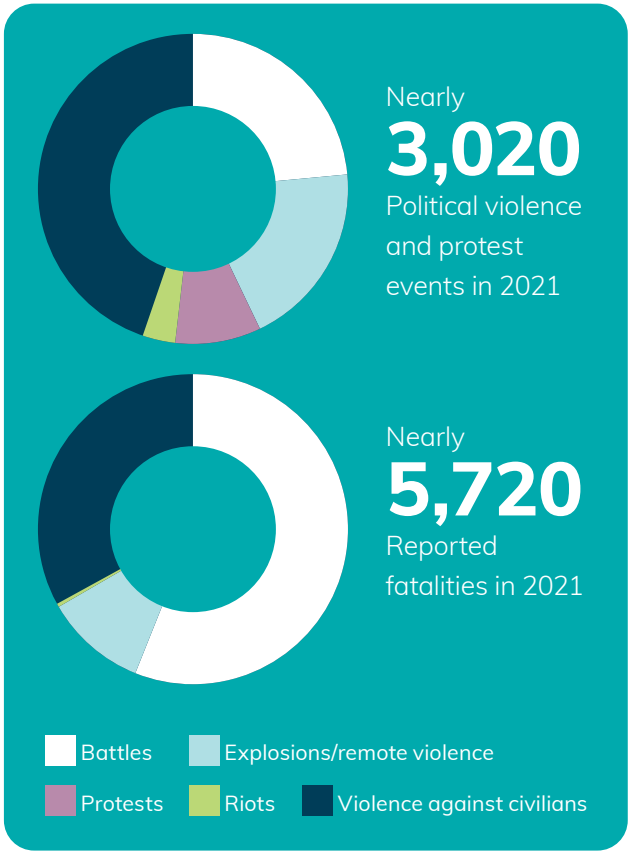
of Seytenga that killed at least 79 people and uprooted more than 16,000.[114] The violence has also forced some to flee the country, with an estimated 19,000 Burkinabé having fled to Benin, Côte d'Ivoire, Mali, and Niger during 2021. This movement continued into the first weeks of 2022, with reports suggesting that an average of 100 people a day were crossing into northern Côte d'Ivoire.[115]

Similar pattens of violence and forced displacement took place in **Mali**, where at the end of June there were some 1,373,860 persons of concern according to UNHCR, including IDPs, returnees, refugees, and asylum seekers.[116] Indeed, much of the instability in the Sahel region today is rooted in the emergence of a humanitarian crisis in northern Mali a decade ago following the outbreak of an armed separatist movement that quickly gave way to the consolidation of various extremist and secessionist groups, including the Islamic State in the Greater Sahara (ISGS). ISGS has carried out several attacks against civilians, particularly in Ménaka, where thousands have been uprooted by the violence since the early months of 2022. Most of these were forced to seek sanctuary in Ménaka town or even cross into Algeria.[117] A further complication is that Malian security forces and associated fighters have also been implicated in human rights violations, such as the execution of 300 male civilians in March 2022 as suspected insurgents.[118] The country has also had to contend with two successive coups, in 2020 and 2021, that prompted ECOWAS to impose sanctions that were only lifted in July 2022 following the military regime's announcement of elections to be held in February 2024.[119] In August 2022, after nine years, the remaining French troops also left Mali.[120]

The Lake Chad crisis

In addition to Central Sahel, conflict is also concentrated around Lake Chad, spanning Nigeria, Niger, Chad, and Cameroon, fuelled by a nexus of actors including armed militant groups (in particular, continued attacks by Boko Haram), changing environmental conditions, and chronic underdevelopment. As of the end of June 2022, the four countries were together hosting around 5.6 million affected persons, including IDPs, refugees, returnees, and third country nationals.[121]

Graphic 5. Persistent, expanding and escalating instability in the Sahel in 2022 causes significant displacement and continues from 2021's dire statistics



Source (adapted) and credit: ACLED

In **Niger**, the challenges overlap with the impacts of insecurity in Central Sahel: for example, in the early months of 2022, an average of over 2,500 new arrivals were crossing its borders from Nigeria, Mali, and Burkina Faso every week, creating further pressures in areas already struggling with chronic food shortages and drought.[122] **Chad**, meanwhile, was hosting more than 1 million displaced people as of the end of July 2022, including refugees, IDPs, Chadian returnees from the Central African Republic at risk of statelessness, and Chadian returnees from the Lake Chad Basin still internally displaced in the country.[123] **Nigeria**,[124] however, has the highest numbers of all, driven by multiple crises, including almost 3.2 million IDPs as of March 2022.[125] Given that some areas of Borno state, for example,

114 UNHCR (2022) UNHCR calls for urgent support to assist almost 16,000 newly displaced in Burkina Faso who fled massacre.
115 UN (2022) Burkina Faso: Rising displacement adds to Sahel crises.
116 UNHCR (2022) UNHCR Mali factsheet – June 2022.
117 Amnesty International (2022) Mali: New eye-witness testimony describes killings and mass displacement amid surge in violence in Menaka.
118 Human Rights Watch (2022) Mali: Massacre by army, foreign soldiers.
119 BBC (2022) Mali coup: How junta got Ecowas economic sanctions lifted.
120 Al Jazeera (2022) Last French troops leave Mali, ending nine-year deployment.
121 IOM (2022) West and Central Africa — Lake Chad Basin Crisis Monthly Dashboard 45 (30 June 2022).
122 UNHCR (2022) Niger faces refugee influx as violence increases in neighbouring states.
123 UNHCR (2022) Operational data portal: Chad.
124 UNHCR (2022) Operational data portal: Niger.
125 UNHCR (2022) Operational data portal: Nigeria.

have been inaccessible to humanitarian actors since 2018, when conflict intensified, it is possible that true displacement figures are considerably higher there.[126] Hundreds of thousands of civilians continue to be in need of emergency assistance as a result of the protracted Boko Haram insurgency and acute food insecurity.[127]

Intercommunal conflicts in the Sahelian Far North region of **Cameroon** have driven mass displacement across the border into Chad, including more than 85,000 Cameroonian civilians who fled in December 2021 after fighting broke out, with dozens killed, many more injured and numerous villages destroyed.[128] Though some subsequently returned, this was the latest in a series of violent outbreaks rooted in tensions between Musgum fishers and farmers and ethnic Choa Arab pastoralists, who are increasingly clashing over access to dwindling water supplies in this arid region.[129] Boko Haram insurgents also continue to be active in the region, with regular deadly attacks carried out against communities.[130] In addition to insecurity in the Far North, Cameroon is also struggling with internal displacement in its predominantly Anglophone North-West and South-West regions, where the emergence of armed separatist movements and the heavy-handed response of security forces have led to thousands of deaths and uprooted well over half a million civilians.[131] As of the end of September 2022, close to a million people were displaced across the country.[132]

Expulsions from Algeria to Niger

Under the auspices of a 2014 oral agreement, Algerian authorities continue to return thousands of Nigerien nationals into Niger. In practice, however, security forces have also been expelling numerous nationals from other countries.[133] In 2021, an estimated 27,208 refugees, migrants, and asylum seekers were deported, a trend continuing in 2022 with more than 14,000 pushed back across the border between January and May.[134] While Nigerien citizens are transported back into Niger, nationals of other countries are typically abandoned at "Point Zero", on the border between Algeria and Niger, and forced to walk more than 14 kilometres through the Sahel desert to the Nigerien village of Assamaka. Many have already suffered prolonged abuse and violence before being left in the desert, and dozens of people have died or gone missing en route.[135]

Death and displacement at the Chad-Libya border

Over the last decade, gold mining activities in northern Chad near the border with Libya have resulted in an increase in human smuggling and trafficking, with some refugees and migrants abandoned in the area. Gold mining activities have also led to conflict, with hundreds killed and an estimated 10,000 Chadian miners displaced after fighting broke out in Kouri Bougoudi in May 2022.[136] In addition, in recent years increasing numbers have been transiting through northern Chad on their way to Libya, with IOM data in the first three months of 2022 identifying more than 45,000 migrants travelling through northern Chad, of whom close to a third (32 percent) were heading on to Libya.[137] However, the dangers of this route were highlighted when the bodies of 20 people, 18 of them believed to be Chadian, were discovered in the Libyan desert on 28 June. The deaths, reportedly from dehydration, prompted the UN to renew calls for stronger migrant protections along the Chad-Libya border.[138]

Cessation of refugee status for Ivorians

More than 300,000 Ivorians were displaced in successive periods of civil unrest spanning 2002 to 2007 and 2011 to 2012, with further movement in 2020 when fears of renewed violence emerged around the presidential elections. The large majority sought refuge in other countries in West Africa, but with security in Côte d'Ivoire largely stabilised their refugee status was formally ended in June 2022. By then, more than 310,000 Ivorian refugees had returned to Côte d'Ivoire, meaning just four percent of those registered across West Africa had not returned.[139] The Abidjan Declaration, signed in September 2021 by officials from various governments in the region and UNHCR, outlined commitments to facilitate permanent residency for those who wished to remain in their host countries.[140]

126 IOM (2022) Nigeria — North-east — Displacement Report 41 (June 2022).
127 UN (2022) Nigeria: crisis in northeast will worsen without urgent help, says OCHA.
128 UNHCR (2021) Clashes in Cameroon's Far North displace more than 100,000 people.
129 Bourgois, X. (2021) Dwindling rains in northern Cameroon spark conflict and displacement. UNHCR.
130 IFRI (2022) Boko Haram in the Far North of Cameroon: The tree hiding the forest.
131 Human Rights Watch (2022) Cameroon: Events of 2021.
132 UNHCR (2022) Operational Data Portal - Cameroon.
133 Mixed Migration Centre (2021) Mixed Migration Review 2021, p.27.
134 Médecins Sans Frontières (2022) Niger: Thousands of migrants expelled from Algeria and Libya each month and stranded in Sahel desert.
135 Ibid; Human Rights Watch (2022) Algeria: Events of 2021.
136 IOM (2022) Thousands need urgent help as gold rush fuels clashes in northern Chad.
137 IOM (2022) Suivi des flux et enquêtes individuelles de migrants au nord du Chad: Janvier – Mars 2022.
138 UN (2022) Migrant deaths in Libyan desert "wake-up call" for stronger protections.
139 UN (2022) Côte d'Ivoire welcomes returning families as refugee status set to end.
140 Mixed Migration Centre (2022) Quarterly Mixed Migration Update: West Africa – Quarter 2 2022.

A new frontier in West Africa for Frontex?

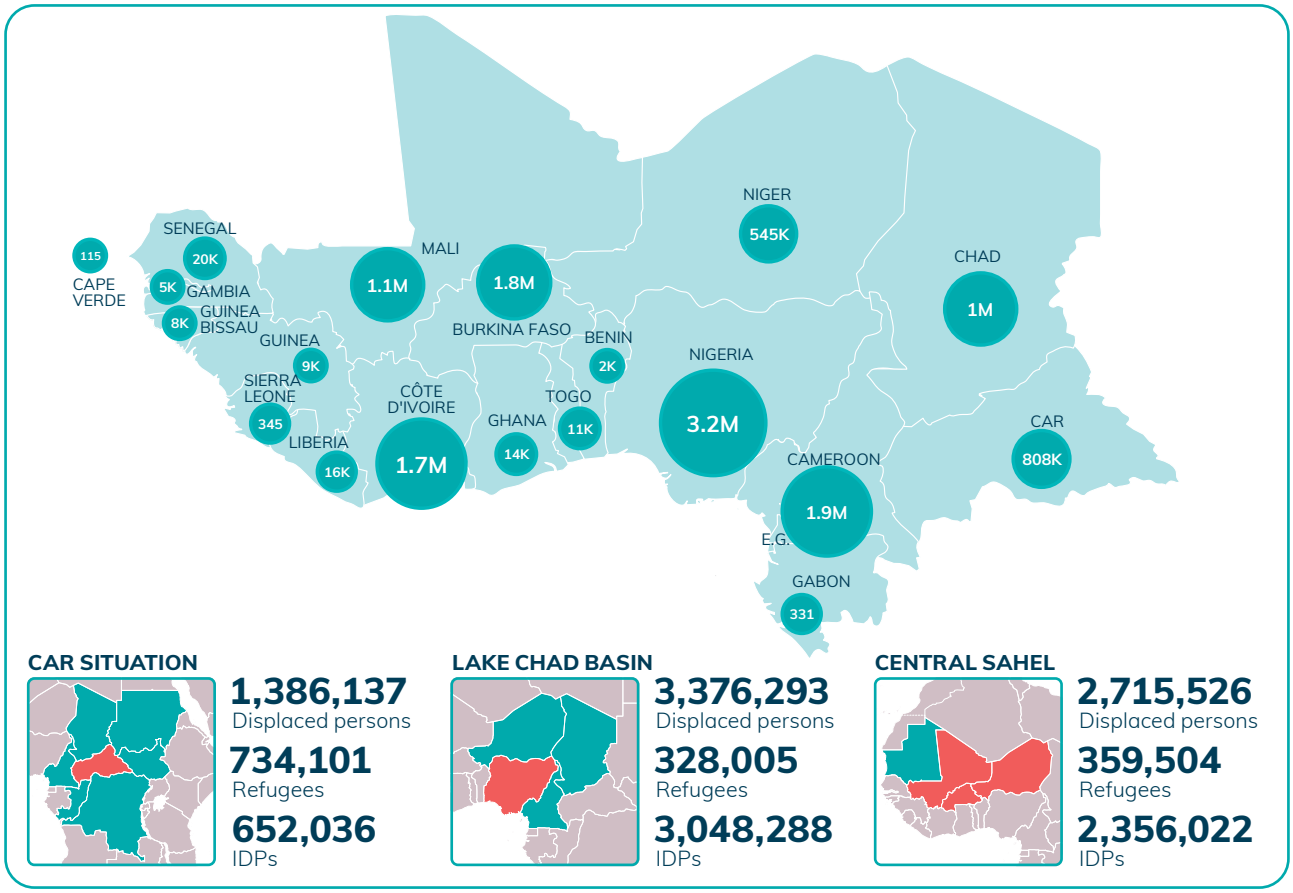
For years, the EU border agency Frontex has sought to reduce irregular migration to Europe by working to influence migration policies in countries outside the EU. Until recently, however, it was only able to operate with its own personnel in countries directly adjoining the EU's borders.[141] Nevertheless, according to a statement by the NGO Statewatch in July 2022, based on internal documentation, Frontex had been authorised to develop such operations in Mauritania and Senegal. Among other activities, it was reportedly seeking to establish a "risk analysis cell" in Nouakchott and provide vessels, surveillance, and other assistance to curb irregular migration from both countries to the Canary Islands.[142] This arrangement would signal a fundamental shift in Frontex's operations, potentially expanding its sphere of activity to anywhere in the world provided legal agreements with the governments in question are in place.[143] This arrangement was in fact publicly proposed back in February by European Commissioner Ylva Johansson during her visit to Dakar, though the offer was not officially accepted by the Senegal government at the time.[144]

IDPs at risk in the Democratic Republic of Congo

With more than 5.6 million IDPs, the Democratic Republic of Congo (DRC) has the largest internally displaced population in the continent. Over four million of these are concentrated in North Kivu, South Kivu, and Ituri, where intercommunal conflicts and a proliferation of armed militias have caused decades of death and displacement.[145] Insecurity in the country's eastern provinces has deepened: according to IDMC data, fighting in North Kivu, South Kivu, Ituri, and Kasai accounted for as many as 2.7 million displacements in 2021, a significant increase from the 2.2 million recorded in 2020.[146] In July 2022, UNHCR expressed deep concern about the growing number of fatalities among civilians in these regions, including an estimated 800 people killed in Ituri province between February and June, as well as the displacement of over 160,000 civilians by fighting between security forces and the M23 armed group in North Kivu.[147] Despite its severity and longevity, the DRC crisis continues to be overlooked and underfunded: according to the Norwegian Refugee Council's annual ranking of the world's most neglected displacement crises, published in June 2022, it again topped the list—the fifth time in a row.[148]

141 Wallis, E. (2022) Frontex planning operations in Senegal and Mauritania, claims NGO. InfoMigrants.
142 Statewatch (2022) EU: Tracking the Pact: Plan for Frontex to deploy "vessels, surveillance equipment, and carry out operational tasks" in Senegal and Mauritania.
143 Wallis, E. (2022) Frontex planning operations in Senegal and Mauritania, claims NGO. InfoMigrants.
144 France24 (2022) EU seeks to deploy border agency to Senegal.
145 UNHCR (2022) Democratic Republic of the Congo.
146 IDMC (2022) Congo, Democratic Republic of.
147 UNHCR (2022) UNHCR gravely concerned by death toll of displaced in DR Congo's east.
148 Norwegian Refugee Council (2022) The world's most neglected displacement crises in 2021.

Graphic 6. UNHCR persons of concern in West and Central Africa in early 2022 in the context of high instability and violence



Source (adapted) and credit: UNHCR

Insecurity persists in the Central African Republic

The crisis in the Central African Republic (CAR) began around a decade ago when the Séléka, a loose alliance of rebel organisations, took up arms against the government and ultimately ousted then President François Bozizé from power in 2013. In the ensuing years, the conflict took on an increasingly sectarian dimension as militias solidified along religious lines, with civilian communities routinely targeted as armed groups sought to establish personal fiefdoms across the country. Today, government control of the areas outside the capital of Bangui remains very limited and insecurity is pervasive.

Though the CAR receives much less media coverage nowadays, the situation has not significantly improved: with more than 480,000 civilians living as IDPs and almost 750,000 residing as refugees outside the country (as of September 2022), almost one in four of the total population are still displaced.[149] In response to the seemingly intractable nature of the crisis, on 27 April 2022 Cameroon, CAR, the DRC, the Republic of Congo, Chad, Sudan, and South Sudan along with UNHCR jointly signed the Yaoundé Declaration on Solutions in the Context of Forced Displacement related to the Central African Republic Crisis. This set out a roadmap for cooperation and peacebuilding, with a range of provisions affirming the importance of a lasting solution for those displaced in CAR and abroad, in line with the principles of the Global Compact on Refugees.[150]

Southern Africa

The "Southern route" spans the length of the continent from the East and Horn of Africa down to South Africa, transiting through an array of countries including Tanzania and on through Malawi, Mozambique, and Zambia to South Africa, the intended destination for the majority of those travelling the route due to its relative prosperity and stability. Thousands continue to make the journey every year despite the dangers en route,[151] as well as the increasingly hostile environment towards foreign nationals in South Africa itself.

149 UNHCR (2022) Operational data portal: Central African Republic; OCHA (2022) Central African Republic: Situation report, 15 Aug 2022.
150 UNHCR and others (2022) Yaounde Declaration on Solutions in the Context of Forced Displacement related to the Central African Republic Crisis.
151 IOM (2022) Vulnerabilities rife for East and Horn of Africa Migrants traveling the Southern route.

Anti-migrant violence in South Africa

Despite welcoming migrants from across the continent following the end of apartheid, in recent years South Africa has experienced waves of xenophobic violence against foreigners, often at moments of political or economic crisis. In July 2022, UN experts issued a joint statement warning that South Africa was "on the precipice of explosive violence".[152] The experts condemned the failure to address a rising tide of anti-migrant sentiment in the country, at times actively encouraged by high-ranking officials and politicians, as well as the impunity enjoyed by vigilantes targeting refugees and migrants. Among other incidents, they highlighted the burning to death of a Zimbabwean father of four in April 2022 in Diepsloot, a settlement in Johannesburg, and the arson in June of a market apparently aimed at migrant shopkeepers.[153] Since the attack in Diepsloot, migrants in the neighbourhood have reportedly been living in continuous fear of further attacks. Similar incidents have occurred in other townships across the city during the year. Social media and hashtags such as #OperationDudula (meaning "force out") have played a prominent role in mobilising the violence.[154]

An end to the Zimbabwean Exemption Permit?

The Zimbabwean Exemption Permit (ZEP) programme was originally set up as a positive measure to allow Zimbabweans who had migrated to South Africa before 2009 to escape the protracted crisis in their own country to regularise their status.[155] The suspension of ZEP in December 2021, followed by the announcement that the permits would expire from the end of 2022, has created further uncertainty and insecurity for the country's 178,000 ZEP holders. The majority, having lived in South Africa for many years, are now confronted by the prospect of having to leave the lives they have established over more than a decade to return to Zimbabwe or live without documentation in their adopted home.

While ZEP holders make up a small fraction of the estimated four million foreign-born residents based in South Africa,[156] the issue has become a lightning rod for those seeking to reduce the presence of foreigners in the country.[157] However, the move has been challenged on a number of fronts, with one thinktank filing a lawsuit against the government.[158] This was followed by another legal application by the Zimbabwean Immigration Federation, which pointed to the protection the ZEP has afforded to tens of thousands of Zimbabweans who were forced to flee persecution and the illegality of forcing them to return against their will.[159]

Extreme weather exacerbates insecurity in Mozambique

Since 2017, a violent ISIS-affiliated insurgency active in the northernmost provinces of Mozambique has caused widespread death and displacement, with around 946,000 people displaced in Cabo Delgado (870,000), Nampula (74,000), and Niassa (2,000).[160] This includes almost 84,000 people displaced between 1 June and 21 July of this year alone by fighting.[161] The situation has been made worse by a series of cyclones and tropical storms in recent years, including Tropical Cyclone Gombe in March 2022 that displaced at least 24,000 people.[162] Alongside the challenges of delivering humanitarian assistance in this context of extreme insecurity and natural disasters, the response to this crisis has also been undermined by severe shortfalls in funding.[163]

152 UN (2022) South Africa "on the precipice of explosive xenophobic violence", UN experts warn.
153 UN (2022) South Africa: UN experts condemn xenophobic violence and racial discrimination against foreign nationals.
154 Amnesty International (2022) South Africa: Migrants living 'in constant fear' after deadly attacks.
155 Marawankyika, G. & Ndlovu, R. (2022) South Africa faces legal fight over Zimbabwean work permits. Bloomberg.
156 Gordon, S. (2022) Xenophobia is on the rise in South Africa: scholars weigh in on the migrant question. The Conversation.
157 Brown, R.L. (2022) Why South Africa is closing its doors to migrants it once welcomed. The Christian Science Monitor.
158 Marawankyika, G. & Ndlovu, R. (2022) South Africa faces legal fight over Zimbabwean work permits. Bloomberg.
159 GroundUp (2022) New court challenge to decision to scrap Zimbabwean permits.
160 IOM (2022) Mozambique - Cabo Delgado, Nampula, Niassa, Sofala, Zambezia and Inhambane Provinces: Summary of results - IDP Baseline Assessment Round 16 - June 2022.
161 OCHA (2022) Mozambique: Displacement influx in Cabo Delgado and Nampula provinces - Situation Report No. 1 [EN/PT].
162 OCHA (2022) Mozambique: Tropical Cyclone Gombe flash update no.3 (as of 16 March 2022).
163 UNHCR (2022) UNHCR raises alarm over Mozambique's "invisible" crisis as climate shocks worsen displacement.

The Middle East

Overview

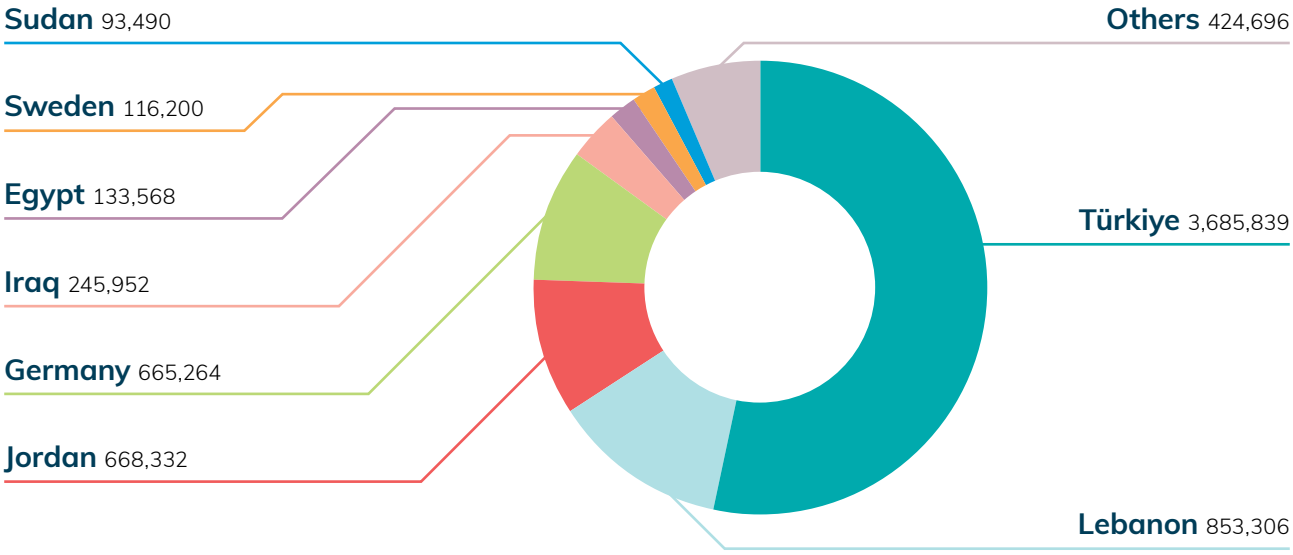
There has been little progress in addressing the protracted displacement crisis both within Syria and the situation of the millions of Syrians now living in neighbouring countries such as Lebanon and Türkiye. As economic and political conditions in both become more challenging, the environment for refugees has become increasingly inhospitable, characterised by food insecurity, lack of access to services, and discrimination. In Yemen, the deteriorating security context has left no civilians unaffected, but people on the move and IDPs remain disproportionately at risk. The humanitarian emergency is likely to be exacerbated by the crackdown on Yemeni migrant workers in Saudi Arabia, who through remittances have provided a vital financial lifeline for families back in Yemen amidst the economic devastation brought on by the conflict.

Across the region, as various economic difficulties take hold, migration has either opened up as a coping mechanism or stalled in response to government policies put in place in the hope of addressing these issues. In Lebanon, for instance, the country's prolonged recession and soaring inflation has driven a growing number of Lebanese as well as refugees to migrate elsewhere, including to new destinations in Eastern Europe and the Caucasus region. In Kuwait, on the other hand, where authorities are proposing to more than halve the proportion of foreign nationals in the workforce as part of a "Kuwaitisation" drive to expand employment of their own citizens, many migrants could be forced imminently to return to their home countries.

Syria's humanitarian crisis deepens

More than 11 years on since the outbreak of Syria's civil war, there are few signs of an end to the crisis, with (as of mid-October 2022) almost 5.6 million Syrians living as refugees in neighbouring countries in the region. Of these, the majority (65.8 percent) are concentrated in Türkiye (65 percent), Lebanon (14.8 percent), and Jordan (12.1 percent), with smaller numbers in Iraq (4.8 percent) and Egypt (2.6 percent).[164] More than 1 million others are hosted in Europe, the majority in Germany and Sweden.[165] Within Syria, too, 5.3 million civilians are internally displaced[166] and acutely vulnerable to the country's protracted humanitarian crisis, exacerbated by economic turmoil and the impacts of Covid-19. In 2022, an estimated 14.6 million are in need of humanitarian assistance, an increase of 1.2 million from 2021.[167]

Graphic 7. The overwhelming majority of Syrians are hosted by Syria's neighbours, but by 2022 many are slipping into deep and extreme poverty



Source (adapted) and credit: COAR

164 UNHCR (2022) Syria Regional Refugee Response
165 UNHCR (2021) Syria refugee crisis – Globally, in Europe and in Cyprus.
166 OCHA (n.d.) United Nations Office for the Coordination of Humanitarian Affairs-UNOCHA Syria Hub.
167 OCHA (2022) About OCHA Syria.

Amid concerns that the crisis in Syria was in danger of being forgotten, in April 2022 the UN secretary-general's special envoy for Syria stated that "Syria is a hot conflict, not a frozen one" and highlighted the need for a comprehensive political solution to bring an end to the continued violence and displacement suffered by millions across the country.[168] One of the areas most affected by the conflict is the north-western governorate of Idlib, bordering Türkiye, where sporadic attacks by Russian and Syrian forces continue to take place despite a 2020 ceasefire agreement.[169] The displacement of millions of Syrians from elsewhere to Idlib in recent years has meant that it is now one of the most densely populated regions in the country.[170]

Pressures intensify for refugees in Lebanon

In the context of protracted economic instability and the impact of the Covid-19 pandemic, the situation of refugees, migrants, and asylum seekers in Lebanon has only worsened. According to UNHCR's 2021 Vulnerability Assessment of Syrian Refugees in Lebanon, nine out of 10 are living in extreme poverty.[171] With food prices having risen by around 400 percent since 2019, the situation has affected almost all of the estimated 1.5 million Syrian refugees in the country: only three percent are judged to be food secure.[172] The gravity of their situation has forced some to contemplate return or migration to a third country, though both options are fraught with risk. Returnees to Syria face the threat of military conscription as well as targeted attacks, while those who seek to leave Lebanon for a better life in Europe are forced to engage smugglers and attempt the hazardous sea crossing.[173]

Concerns have also risen around statements by Lebanon's Inter-Ministerial Committee and senior government officials in April 2022 that the financial burden of maintaining security for its large displaced population—Lebanon has the highest per capita refugee presence in the world, accounting for around a fifth of its total population[174]—could soon become untenable. This prompted UNHCR to call on Lebanon to "continue upholding principles of refugee protection" while also urging the international community to increase its refugee assistance.[175]

Deteriorating economic conditions drive Lebanese to emigrate elsewhere

Those forced to migrate from Lebanon elsewhere include not only Syrian refugees but also Lebanese nationals, driven by unemployment and runaway inflation: the Lebanese pound has fallen by 90 percent in value since 2019.[176] According to estimates by a local consultancy, Information International, emigration among Lebanese citizens increased by 346 percent in 2021 compared to the previous year, with over 79,000 people leaving the country.[177] Projections suggest that these numbers could double again in 2022, with young Lebanese in particular not only migrating to Cyprus and various established Western European destinations, but also pursuing relatively novel routes to destinations such as Armenia, Georgia, Serbia, and Türkiye.[178] The existing presence of Lebanese in these destination countries and the relative ease of entry has helped drive this movement. In Armenia, for instance, thousands of Lebanese are already residing in the country and permits are easily obtainable.[179] In Georgia, similarly, Lebanese nationals can enter on one-year tourist visas and set up bank accounts there, making it a viable destination for those forced to leave Lebanon in search of opportunities elsewhere.[180]

Increasing hostility in Türkiye

With around four million refugees and asylum seekers, the large majority (almost 3.7 million) from Syria, Türkiye hosts the largest refugee population in the world.[181] The number of new arrivals, however, after peaking at 454,662 in 2019, dipped to 122,302 in 2020 and rose slightly to 162,996 in 2021. The volume of migration in 2022 appears to be rising again, with 110,968 recorded arrivals as of 9 June 2022.[182] Of these, the largest national groups originated from Afghanistan (53,617), Syria (15,883), and Pakistan (7,102).[183]

168 UN (2022) Warning 'future looks bleak' for Syrians living through twelfth year of crisis, top United Nations officials urge more resources, focus on conflict.
169 Human Rights Watch (2022) Syria: Events of 2021.
170 IDMC (2022) Syrian Arab Republic.
171 UNHCR (2021) UN: Syrian refugees in Lebanon struggle to survive amid worst socioeconomic crisis in decades.
172 UNHCR (2022) Lebanon – Needs at a glance – 2022; Chehayeb, K. (2022) Ramadan 2022: Syrian refugees struggle in cash-strapped Lebanon. Al Jazeera.
173 Refugee Protection Watch (2021) "I Have Not Known the Taste of Safety for 10 Years"; Kayali, Y. (2022) Syrian refugees in Lebanon need help and protection, not more pressure to leave. The New Humanitarian.
174 Christopherson, E. (2020) These 10 countries receive the most refugees. Norwegian Refugee Council.
175 Sewell, A. (2022) UNHCR urges Lebanon to "continue upholding the principles of refugee protection". L'Orient Today.
176 Save the Children (2022) Lebanon's economic crisis "spirals out of control", pushing children further into hunger in 2022, Save the Children warns.
177 Middle East Monitor (2022) Lebanon: emigration increased by 346% last year.
178 Damaj, R. (2021) Lebanese opt for new emigration destinations amid crises. Al-Monitor.
179 Ibid.
180 El Dahan, M. & Kanaan, A. (2021) Economic meltdown forces Lebanese to flee to unfamiliar destinations. Reuters.
181 UNHCR (2022) Türkiye.
182 Government of Türkiye (2022) Düzensiz göç.
183 Ibid.

Following the fall of the Afghan government to the Taliban in August 2021, Türkiye reinforced security on its border with Iran in anticipation of a surge in Afghan refugees, migrants, and asylum seekers. By October that year, there were reports of Afghans being subjected to beatings and violent pushbacks by Turkish security forces. At the same time, asylum applications were also suspended, despite the urgent needs of many of those forced to flee Afghanistan.[184] For those who have managed to enter Türkiye irregularly, however, the situation is still challenging: as undocumented migrants, they are unable to access basic services and health care, including Covid-19 vaccines.[185] Furthermore, after suspending deportation flights in August 2021 following the Taliban takeover, in January 2022 Türkiye resumed deportation, with more than 18,000 Afghan nationals returned by mid-June.[186]

The situation of Syrians in Türkiye—the large majority of whom are not formally recognised as refugees but are under "temporary protection"—has also become increasingly precarious. With many working for low pay in the informal sector, Syrians are seen by some Turkish citizens as undermining their own employment opportunities, a source of resentment that has only sharpened since the country's economic downturn. Growing public antipathy towards Türkiye's refugee population has at times spilled over into the destruction of Syrian shops and homes, as well as targeted violence and even murder.[187]

In this context, the 2016 Türkiye-EU migration pact—originally brokered to strengthen border management and allow for the return of those arriving irregularly in Greece, in exchange for funding, humanitarian support, and the resettlement of registered refugees from Türkiye to Europe—could face further pressure in future as the refugee presence becomes increasingly entangled in Türkiye's domestic politics. Some commentators have argued that a more innovative approach that extends beyond lump financial sums is needed, spanning knowledge exchange, microloans for Syrian and Turkish enterprises as well as more resettlement within the EU, to keep the agreement alive.[188]

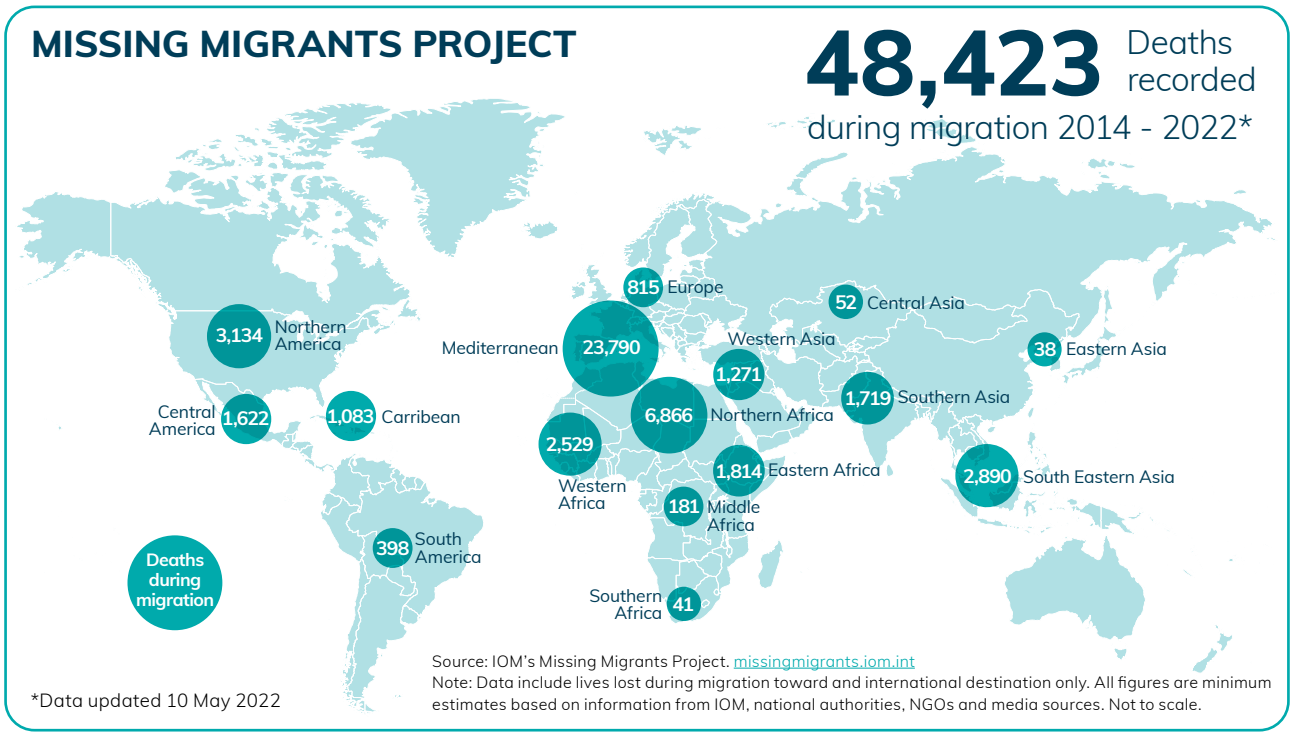
Türkiye eyes northern Syria for a new buffer zone

Like Russia, Türkiye has played a prominent role as an actor in the Syrian conflict, having undertaken multiple incursions into the country since 2015.[189] President Recep Tayyip Erdoğan's announcement, in the spring of 2022, of a plan to establish a 30-kilometre-wide security strip in northern Syria in territory currently held by the Syrian Democratic Forces—a group largely made up of People's Defense Units (YPG), who in turn are the Syrian branch of the Kurdistan Workers' Party (PKK), an armed Kurdish political movement that the Turkish government regards as a terrorist organisation—could create further instability in Syria.[190]

Alongside his stated objectives of reducing the influence of the PKK and further weakening the capacity of Islamic State militants active in the region, President Erdoğan has also proposed that a million Syrians could be repatriated to Syria once the buffer zone was in place. Besides providing him with a powerful populist card ahead of national elections in 2023, given the growing hostility within Türkiye towards its Syrian population, the move would further diminish the Kurdish demographic in the border areas of northern Syria.[191] While the Turkish government has claimed that up to 500,000 Syrians have chosen to return in recent years, these figures are disputed by civil society organisations, who put the actual figure at closer to 80,000 and argue that many of these who have left have not done so voluntarily.[192]

184 Yeung, P. (2021) Afghan refugees accuse Türkiye of violent illegal pushbacks. The Guardian.
185 Ridgewell, H. (2022) Undocumented Afghan refugees in Türkiye struggle to access COVID treatments, vaccines. Voice of America.
186 Dawi, A. (2022) Türkiye deports thousands to Taliban-controlled Afghanistan. VOA.
187 Serdaroglu, O. (2022) The Türkiye-EU migration agreement was effective. No longer. Middle East Eye.
188 Adar, S. (2022) Making EU-Türkiye cooperation on migration sustainable. SWP.
189 Al Jazeera (2015) Russia carries out first air strikes in Syria.
190 Jégo, M. (2022) Türkiye prepares to launch a new military operation in northern Syria. Le Monde.
191 Chulov, M. (2022) Türkiye's plan to forcibly relocate Syrian refugees gains momentum. The Guardian.
192 Ibid.

Graphic 8. IOM's Missing Migrants project charts the grim history and continued risks of mixed migration



Source (adapted) and credit: IOM / MMP

The deadly exploitation of migrant workers in the Gulf

Labour migration plays a vital role in the Gulf, with migrants undertaking the bulk of the region's construction, hospitality and domestic work. In turn, foreign workers from Bangladesh, India, Nepal, Pakistan, the Philippines, and other sending countries are able to send back much-needed remittance flows to their families at home. Remarkably, migrant workers are estimated to make up just over half of the region's population,[193] a proportion that is even higher in certain countries such as the United Arab Emirates (UAE), where more than 88 percent of the resident population are international migrants.[194]

However, this arrangement is underpinned by a profound power imbalance between foreign migrant workers and employers in the Gulf states, enabled in large part by the persistence of the *kafala* system, in which private citizens and companies in Jordan, Lebanon, and most Arab Gulf countries have near-total control over migrant workers' employment and immigration status. Despite a number of Gulf states having passed legislation to either weaken or abolish its requirements, including the need for foreign workers to be "sponsored" by their employers—a situation that leaves migrants highly dependent on their goodwill and with little recourse in the event of rights violations—in practice implementation has been slow.[195] The outbreak of Covid-19 and its aftermath, when migrant workers across the region suddenly found themselves without work, forcibly quarantined and even deported by authorities in their host countries, only served to highlight the precariousness of their position.[196]

Perhaps the most extreme manifestation of the structural inequalities of labour migration in the Gulf is the high level of fatalities among migrant workers across the region, made worse by the lack of transparency and accountability accompanying many of these deaths. This was illustrated by the findings of a report by the Vital Signs project that estimated that as many as 10,000 migrants from South and Southeast Asia die in the Gulf every year. Furthermore, more than half of these deaths are effectively unexplained, attributed to "natural causes" or "cardiac arrest" without any clear exploration of how their living and working conditions may have contributed.[197]

In **Qatar**, for instance, preparations for the November 2022 FIFA World Cup have been accompanied by repeated allegations of exploitation and abusive working conditions in the construction and servicing of stadiums, hotels, and other infrastructure built for the event. While thousands of migrants have died in Qatar

193 Vital Signs (2022) The Death of Migrants in the Gulf, p.4.
194 IOM (2022) World Migration Report 2022, p.75.
195 Mixed Migration Centre (2021) Mixed Migration Review 2021, pp.31-32.
196 Mixed Migration Centre (2020) Mixed Migration Review 2020, pp.34-35.
197 Vital Signs (2022) op cit.

since the World Cup contract was awarded in 2010, most fatalities are classified as "non-work-related", even when they have occurred during or shortly after work shifts.[198] Many families of foreign workers, having lost their loved ones unexpectedly, receive no compensation from their employers and may even struggle to access unpaid wages, a situation compounded by substantial debts incurred at home to secure the work in Qatar.[199] A similar picture is evident in Saudi Arabia, where large numbers of migrant workers from countries such as India and Nepal die of "natural causes" while official data on migrant deaths remains opaque and piecemeal.[200]

The persistence of the *kafala* system

In recent years, across the Gulf as well as other countries such as Lebanon where *kafala* is still in place, significant reforms have been announced, yet still the system persists. Part of the problem is that rhetorical commitments are often undermined by caveats or ambiguities, such as the exclusion of significant sections of the most marginalised migrant workers from new protections, as well as the replication of exploitative practices in other forms. This section briefly outlines some of the progress and shortfalls in meaningful reform across the region.

- **Bahrain.** The introduction of the Flexi-Permit in 2017 was heralded at the time as the most progressive framework in the Gulf, and the closest that any country in the region had come to actual abolition of *kafala*. Though migrants still require a sponsor to enter the country initially, they are now in principle free to change jobs and renew their permit without the permission of their employer, meaning they cannot be criminally charged for absconding or have their passport confiscated. However, the benefits of the system have been undermined by the high annual fees that migrant workers are obliged to pay to be registered on the system—more than twice the amount that employers pay the government for a traditional work permit. Consequently, a significant proportion of Flexi-Permits have been cancelled due to non-payment, and some migrants have reported a preference for the traditional sponsorship arrangements where the employer rather than the worker would take on the cost of the permit.[201] The shortcomings of the arrangement were laid bare in a February 2022 report by Migrant-Rights.org that highlighted how migrant workers were providing the bulk of payments into Bahrain's Social Insurance Organisation (SIO) while receiving few benefits in return: this is because, while claims can typically take up to two months to process, migrant workers have a grace period of just 30 days without employment before they become irregular and are therefore unable to access the benefits.[202]

- **Kuwait.** Despite some limited reforms in recent years, the *kafala* system in Kuwait has remained largely intact. The continued dependence of migrant workers on their employers to secure visas or change jobs has helped perpetuate human rights abuses and oppressive working conditions, particularly for domestic workers.[203] Furthermore, the situation of foreign workers in the public sector has been exacerbated by the government's "Kuwaitisation" programme, which includes proposals to reduce the proportion of non-Kuwaiti workers in the public sector from 70 to 30 percent.[204] Many migrant workers have lost their jobs in the process and have struggled to access their end-of-service compensation from the government.[205]

- **Lebanon.** Outside the Gulf, the most egregious practice of *kafala* is in Lebanon. Around 250,000 domestic workers, predominantly from Bangladesh, Ethiopia, the Philippines and Sri Lanka, reside in the country under its *kafala* system. They continue to be denied basic rights and are regularly subjected to unfair or abusive working conditions. Their plight has only worsened in the wake of the Covid-19 pandemic and Lebanon's protracted economic crisis.[206] In September 2020 the Ministry of Labour introduced a unified labour contract for migrant workers, a move that would have enabled migrants to leave their employer without their consent, but the reform was blocked by the Shura State Council and failed to materialise.[207] Reports emerged in early 2022 that a revised version of the labour contract was being prepared that, rather than extending more protections

198 Pattisson, P. & Acharya, P. (2022) "No one should suffer like me": families of Qatar's dead migrant workers left with nothing. The Guardian.
199 Page, M. (2022) FIFA should listen to families of Qatar's migrant workers. Human Rights Watch.
200 Vital Signs (2022) op cit.
201 Mohamed, A. (2021) The Flexi Permit experiment: No kafala, but poor labour practices persist. Migrant-Rights.org.
202 Migrant-Rights.org (2022) Bahrain's migrants pay into unemployment funds, but rarely access benefits.
203 Human Rights Watch (2022) Kuwait: Events of 2021.
204 Arab News (2020) Kuwait vows to cut migrant population to 30%.
205 AlSammak, Z. (2022) Hundreds of Kuwait's public sector workers still owed payment. Migrant-Rights.org.
206 Abdel Jawad, F. (2021) Lebanon crises increase suffering of migrant domestic workers. UN.
207 Amnesty International (2020) Lebanon: Blow to migrant domestic worker rights.

to migrant workers, would further reduce the limited freedoms and benefits currently available to them. However, there is hope that a landmark case launched by an Ethiopian domestic worker against her former employer and recruitment agency on charges of slavery could pave the way for other migrants to file cases against coercive employers and help accelerate the end of the *kafala* system as a whole.[208]

- **Oman.** In 2020, Oman passed reforms allowing migrant workers to change employer after two years. Until then, foreign workers who left their employer without permission were barred from re-entering Oman for two years.[209] Nevertheless, in practice migrants remain vulnerable to abuse and coercion, a reality highlighted by reports during the pandemic of domestic workers being trafficked to the country and subjected to servitude.[210] Without substantive reform, these abuses are likely to continue. However, Oman rejected the recommendation in its 2021 Universal Periodic Review (UPR) to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.[211]

- **Qatar.** Despite announcements in 2020 that *kafala* would be abolished, following extensive international campaigns drawing attention to the role of labour abuses in preparations for the 2022 World Cup, recent reforms have fallen short of total abolition. While the reforms in 2020 introduced a range of improvements, including an end to onerous exit requirements and empowering foreign workers to change jobs without the permission of their employers, abuses continue to occur. A "reality check" published by Amnesty International in November 2021 found that, in the year since the passage of the reforms, progress had stalled and exploitative practices had re-emerged, with many elements of *kafala* effectively remaining in place.[212] In March 2022, the human rights organisation called on FIFA to set up a fund of at least $440 million to compensate foreign workers who had suffered abuses while working on projects related to the World Cup.[213] There were also concerns that a legal amendment extending the probation period of domestic workers from three to nine months, drafted in 2021 and coming into effect in early 2022, could further marginalise already vulnerable migrants.[214]

- **Saudi Arabia.** New legislation enacted in March 2021 was criticised by rights groups as inadequate and exclusionary, given that millions of workers were still left out from these limited reforms. Furthermore, while the amendments relaxed some of the restrictions that migrants faced in changing jobs or leaving the country, much of the machinery of the *kafala* system remains in place.[215] Strikingly, in September 2021 Kenya's Ministry of Foreign Affairs called for a temporary ban on the recruitment of Kenyan nationals for work in Saudi Arabia in response to dozens of deaths of Kenyan migrant workers during the year, as well as an apparent increase in distress calls.[216] While data is limited, reports of abuse and discrimination continued to emerge in 2022 from migrant workers in the country.[217]

- **United Arab Emirates.** As elsewhere in the region, the persistence of *kafala* has created a large underclass of migrant workers with little recourse to justice or labour protections in the event of abuse. While the adoption of a revised law on domestic workers in 2017 was an important step in improving their situation, providing basic rights such as a weekly rest day and paid leave, the provisions are still weaker than those outlined in the country's labour law.[218] Domestic workers continue to be excluded from this legislation, as well as other reforms, such as the new insurance scheme announced in May 2022 for private and public sector workers of all nationalities. There are also concerns that, as in Bahrain, migrant workers supposedly benefitting from this package could in practice find themselves ineligible due to loopholes and time restrictions in its provisions.[219]

208 Christou, W. (2022) Suing Kafala: Lebanon's modern-slavery system goes on trial for the first time in Ethiopian worker abuse case. The New Arab.
209 Migrant-Rights.org (2020) Oman eases restrictions on sponsorship transfer.
210 McQue, K. (2021) Alone in Oman: Covid worsens abuse for trafficked women. The Guardian.
211 Amnesty International (2022) Oman 2021.
212 Amnesty International (2021) Qatar: One year to make good on promises to migrant workers as progress stagnates.
213 BBC (2022) Qatar World Cup: Amnesty calls on Fifa to set up £350m fund for migrant workers.
214 Migrant-Rights.org (2022) Qatar's extended probation period increases domestic workers' vulnerability.
215 Human Rights Watch (2021) Saudi Arabia: Labor reforms insufficient.
216 Mutai, E. (2021) Ban Kenyans from going to Saudi Arabia as domestic workers: ministry. The East African.
217 Casterlier, S. & Müller, Q. (2022) "The Saudis treat us like animals". Haaretz.
218 Human Rights Watch (2022) United Arab Emirates: Events of 2021; Human Rights Watch (2017) UAE: Domestic workers' rights bill a step forward.
219 Migrant-Rights.org (2022) Migrant workers to be included in UAE's new unemployment insurance scheme.

Yemen

With 23.4 million people (around three-quarters of the total population) in need of humanitarian assistance, the situation in Yemen has steadily deteriorated since the outbreak of the conflict in 2015.[220] More than 4.3 million people are currently displaced in the country, including almost 377,000 people uprooted during 2021 by the fighting, with more than 84,000 others displaced by natural disasters.[221] Notwithstanding the difficulties faced by other Yemenis across the country IDPs are particularly exposed to the impacts of the conflict and economic slump. For example, those living in displacement are on average four times more likely to fall into hunger than other civilians. Almost four-fifths (79 percent) of IDPs are women and children.[222] Reflecting the scale of the challenges there, in April 2022 the UN's Humanitarian Country Team called for S$4.3 billion in funding for the year to meet the critical humanitarian needs of civilians in the country.[223]

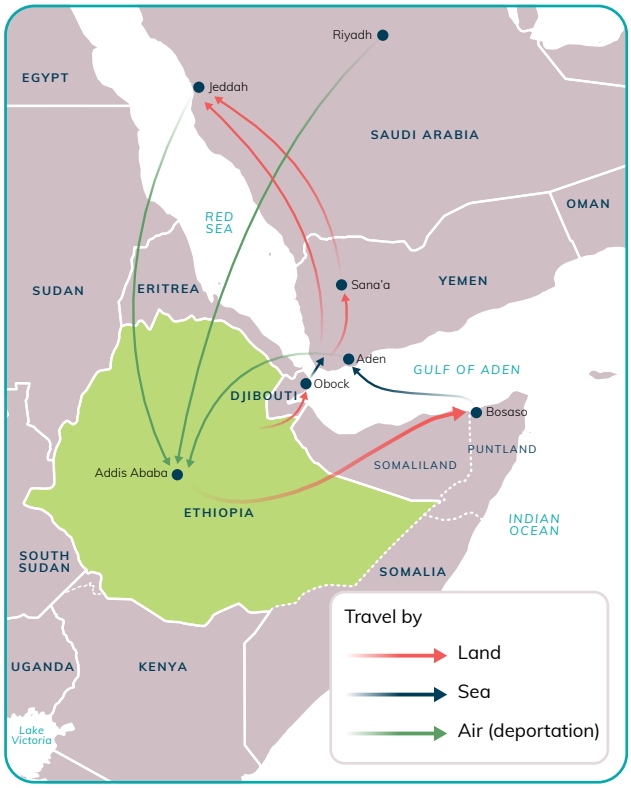
Migration from the Horn of Africa on the rise, even as repatriations continue

In recent years, hundreds of thousands of migrants, predominantly from Ethiopia and Somalia, have travelled the hazardous route from the Horn of Africa to Yemen, en route to Saudi Arabia. This movement persisted in the years after the outbreak of conflict in Yemen, despite deteriorating security in the country and the risk of violence by human traffickers, criminal gangs and armed groups. In the wake of the outbreak of Covid-19, according to IOM estimates, movements along this route reduced from 138,000 in 2019 to 37,500 in 2020 and just 27,700 in 2021. However, the number of people entering Yemen has increased markedly in 2022, with 47,000 migrant arrivals up until 30 September—significantly more than the total for the entirety of 2021.[224] A combination of factors, including relaxed restrictions on movement and increased insecurity in Ethiopia since the outbreak of civil war in November 2020, may have contributed to this rise. However, once there, refugees and migrants face significant dangers in the fighting, with hundreds of reported deaths and injuries in the north of the country in the first months of 2022.[225] As 2022 progressed, however, the number of arrivals dipped due to adverse weather conditions as well as increased border security in both Djibouti and Yemen:[226] after peaking in February 2022 with 8,358 arrivals, movement reduced markedly in the months that followed, with 3,171 recorded arrivals in July, before climbing again.[227]

There are currently an estimated 190,000 migrants in Yemen,[228] including around 40,000 who are trapped and unable to move on or return to their home countries.[229] Many are confronted with the dilemma of remaining in a state of profound insecurity or returning to the volatile, unpredictable contexts they chose to leave. For instance, in January and February alone, around 4,000 people (a quarter of whom originated from the conflict-affected Tigray region in Ethiopia) were displaced across active frontlines—yet many were still reportedly fearful of returning to Ethiopia.[230] Nevertheless, hundreds are now seeking to be repatriated. In June 2022, IOM carried out the Voluntary Humanitarian Return of 150 Ethiopians from Ma'rib, with plans to return a total of 900 Ethiopians from the governorate during the month.[231]

220 UN (2022) UN humanitarians say $4.3 billion is needed to halt 'worsening' Yemen crisis.
221 IDMC (2022) Yemen.
222 UNHCR (2022) Yemen fact sheet, January 2022.
223 UN (2022) UN humanitarians say $4.3 billion is needed to halt 'worsening' Yemen crisis.
224 IOM (2022) Human rights violations against migrants in Yemen increase amid soaring arrivals: IOM warns; IOM (2022) Non-Yemeni migrant arrivals and Yemeni migrant returnees In September 2022.
225 IOM (2022) Human rights violations against migrants in Yemen increase amid soaring arrivals: IOM warns.
226 Mixed Migration Centre (2022) Quarterly Mixed Migration Update: East and Southern Africa: Quarter 2 – 2020.
227 IOM (2022) Non-Yemeni migrant arrivals and Yemeni migrant returnees in February 2022; IOM (2022) Yemen - Flow Monitoring Points | Non-Yemeni Migrant Arrivals And Yemeni Migrant Returnees In September 2022.
228 UN (2022) "We must not turn our backs" on migrants stranded in Yemen.
229 IOM (2022) Quarterly Migration Review: January-March 2022.
230 IOM (2022) Human rights violations against migrants in Yemen increase amid soaring arrivals: IOM warns; IOM (2022) Quarterly Migration Review: January-March 2022.
231 UN (2022) Ethiopian migrants head home on first ever return flight from Yemen's Ma'rib.

Graphic 9. The land and sea routes used for irregular movements by Ethiopians to Saudi Arabia possibly have the highest rates of violations of any routes. For thousands, after all their efforts and pain they are deported back to Ethiopia.



Source (adapted) and credit: Doctors Without Borders

Deportations of Yemenis from Saudi Arabia

For years, Saudi Arabia has conducted aggressive deportation campaigns against Ethiopian refugees, migrants, and asylum seekers in the country. These expulsions slowed during the first wave of Covid-19, when many were instead detained in inhumane conditions in holding centres, before rising again in 2021 when tens of thousands of Ethiopian nationals were forcibly returned.[232] Recent reports from Ethiopians in detention centres have suggested that many, having been caught in mass crackdowns, continue to be held in these abusive conditions.[233] In March 2022, Saudi authorities reportedly reached an agreement with Ethiopia to return some 100,000 Ethiopian nationals in the country.[234] By mid-July, more than 50,000 had already been repatriated.[235]

The Saudi government has also intensified its crackdown on many of the approximately two million Yemeni in the country, who play a vital role—through remittances—in supporting the basic needs of their family members back in Yemen. Among other measures, the government has increased visa fees levied on Yemenis, restricted their access to certain sectors of the economy and, in July 2021, imposed quotas that capped the maximum proportion of Yemeni workers that could be employed by private entities at 25 percent. As a result, many Yemeni workers have had their contracts terminated.[236] Some 50,000 Yemenis, and almost as many migrants from other countries such as Ethiopia, left Saudi Arabia for Yemen in the first nine months of 2022.[237] These job losses and the resulting drop in remittance flows to Yemen could have catastrophic implications for humanitarian and security conditions in the country.[238]

232 MMC (2021) Mixed Migration Review 2021, p.34.
233 Bekele, E. (2022) Ethiopians tell of suffering in Saudi detention. DW.
234 Jelan, B. & Zelalem, Z. (2022) Saudi authorities hide abuses in migrant centres amid wave of arrests. Middle East Eye.
235 Xinhua (2022) Ethiopia repatriates over 50,000 nationals from Saudi Arabia in last 45 days.
236 Human Rights Watch (2021) Saudi Arabia: Yemeni workers at risk of mass forced returns.
237 IOM (2022) DTM flow Monitoring Registry Dashboard: Non-Yemeni migrant arrivals and Yemeni returnees in September 2022.
238 Dashela, A. (2021) Layoffs of Yemenis in Saudi Arabia: Implications for peace and stability. Carnegie Endowment for International Peace.

The Americas

Overview

As Venezuela's crisis continues, millions of Venezuelans are still displaced across the region. While some host countries such as Colombia continue to provide a sanctuary to many, others such as Chile have implemented increasingly restrictive policies towards them. In addition, across South America economic strains in the wake of Covid-19 and rising xenophobia are pushing more Venezuelans to move north towards the US. A number of countries including Mexico, apparently under pressure from the US, imposed stricter visa requirements in early 2022 to reduce this movement.

In the US, while the controversial Trump-era Migration Protection Protocols (MPP) were finally halted in June 2022 after protracted legal challenges, the equally contentious provisions of Title 42—originally introduced in March 2020 as an emergency measure to contain the spread of Covid-19—are still in place and being used to summarily expel hundreds of thousands of refugees, migrants, and asylum seekers, despite their dubious justification on public health grounds. At the same time, the drivers of displacement elsewhere in the region, including the persistence of gang violence and political authoritarianism in Central America, have not gone away. It remains to be seen whether the Los Angeles Declaration on Migration and Protection, endorsed by 21 countries across the Americas, will help deliver a more humane and collaborative approach to migration and asylum across the region.

An important litmus test in this regard is how countries respond to the deepening crisis in Haiti, a situation that has attracted far less attention and support despite chronic insecurity and the growing prospect of institutional collapse. Haitians have previously faced discriminatory treatment as refugees across the region, with fewer protections and lower asylum approval rates than other citizens from countries on the mainland. Until recently, too, thousands were being expelled across the border by US authorities or repatriated to Haiti, with little regard for the lack of safety in their home country. While in June 2022 a Title 42 exemption for Haitians was put in place, allowing refugees and asylum seekers to use legal ports of entry to apply for protection, this has made little difference to the many Haitians who continue to attempt the dangerous maritime route through the Caribbean to the coast of Florida. While growing numbers of boats have been intercepted, with the majority of their passengers then returned to Haiti, others are shipwrecked and the bodies of those on board never found.

Venezuela

The ongoing economic and humanitarian crisis in Venezuela continues to drive civilians across its borders in search of protection and better living conditions elsewhere. As of the beginning of August 2022, there were some 6.8 million Venezuelan refugees, migrants, and asylum seekers worldwide, with the large majority (5.7 million) based in Latin America and the Caribbean. The largest populations are based in Colombia (2.5 million), Peru (1.3 million), Ecuador (0.5 million), Chile (450,000) and Brazil (360,000), with smaller numbers in Argentina, Panama, Dominican Republic, Mexico, and Costa Rica.[239] Many live irregularly in their host countries, placing them at added threat of poverty, exploitation, and coercion.

Rising poverty and discrimination as conditions deteriorate

While there was remarkable regional solidarity in the early years of the crisis, cracks have emerged as different countries have pursued very different responses, ranging from regularisation and amnesties for undocumented Venezuelans to increased visa restrictions and border militarisation. For example, in June 2022 Ecuador announced that it would offer the more than 500,000 Venezuelans in the country without documentation a path to regularisation,[240] beginning with those who entered the country through official channels and then extending from February 2023 to those who entered irregularly.[241] However, this was in marked contrast to the launch a few months earlier of Chile's new Migration Law. Since 12 February, when it went into effect, irregular arrivals intercepted by Chilean authorities are being "redirected" (in other words, forcibly returned) to Bolivia or Peru.[242] Many host countries, even those with relatively open

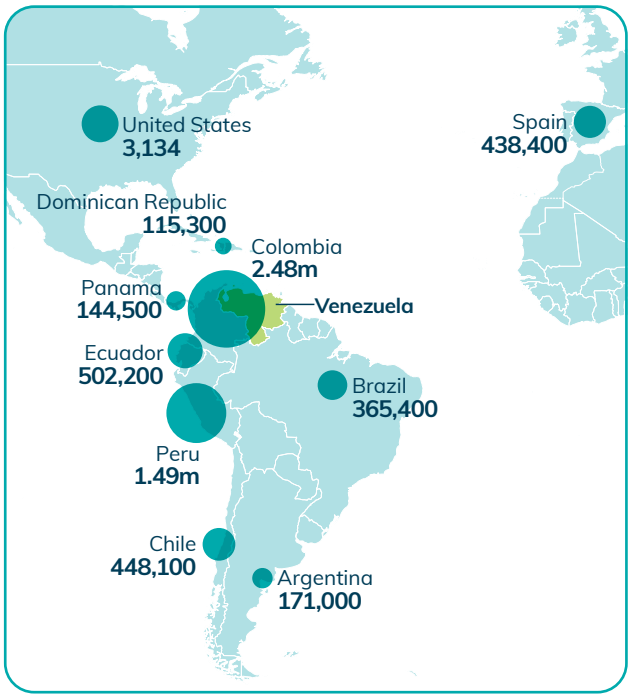
239 R4V (2022) Refugees and migrants from Venezuela.
240 DW (2022) Ecuador otorgará amnistía y regularizará a migrantes de Venezuela.
241 Reuters (2022) Ecuador begins regularization process for thousands of Venezuelan migrants.
242 R4V (2022) Special Situation Report – Bolivia, Chile and Peru. Many non-Bolivians forcibly returned to Bolivia were not accepted by Bolivia. Subsequently, on 28 April 2022, the governments of Bolivia and Chile signed an agreement that only Bolivian nationals would be "redirected" to Bolivia. See Ex-Ante (2022) La polémica resolución del gobierno de Boric que impide la expulsión de extranjeros hacia Bolivia.

policies towards Venezuelans, are struggling with other domestic pressures such as rising poverty and the legacy of the pandemic. **Colombia**, for instance, besides having the largest Venezuelan displaced population, is still struggling to provide durable solutions to more than 5.2 million IDPs—the second largest internal displacement crisis in the world after Syria.[243]

The large majority of Venezuelans on the move cross into Colombia, either to settle there or to move on to other destination countries further south, such as Ecuador, Peru, Chile, and Argentina. Others cross the border in northern Brazil. Smaller numbers have been displaced to **Guyana**, also neighbouring Venezuela, including an estimated 2,500 indigenous Warao, many of whom are in remote border areas with little access to services or humanitarian assistance.[244] However, there has also been an increase in movement northwards into Central America and Mexico, en route to the United States. This has been driven by increased entry restrictions in South American countries such as Chile and Peru, shrinking economic opportunities in Colombia in the wake of Covid-19, and a broader rise in anti-migrant sentiment within the region.[245] Increasing numbers of Venezuelans, particularly those living near the coast, are also crossing by boat to Caribbean islands such as **Aruba**, **Curaçao**, the **Dominican Republic**, and **Trinidad and Tobago**. In the latter, in particular, in addition to the dangers of the journey, arrivals face detention, abuse, and even being trafficked into sexual slavery.[246]

Whether settled or on the move, Venezuelans may face a variety of challenges and threats, including forced recruitment by armed groups and criminal gangs,[247] due to their uncertain legal status, limited access to public services, and xenophobia. For women and girls, these issues are reinforced by gender inequalities and the risk of sexual violence. A report published by Amnesty International in July 2022 highlighted the "double and brutal lack of protection" faced by Venezuelan women in Colombia and Peru, two countries that together host more than half of Venezuela's displaced population.[248]

Graphic 10. Where Venezuelan migrants and asylum seekers currently reside (September 2022)



Source (adapted) and credit: BBC News

More Venezuelans cross into Chile

Migration patterns in the region are constantly evolving, as demonstrated by the uptick in movement of Venezuelans from **Bolivia** into **Chile** since November 2021, with between 400 and 500 refugees, migrants, and asylum seekers crossing the border every day. Many have reportedly been driven to do so by the economic aftershock of Covid-19. The route itself, traversing the harsh Atacama Desert, is fraught with the risk of criminal gangs and weather extremes that can kill those making the journey through dehydration or hypothermia.[249] In May 2022, reports emerged of an 83-year-old Venezuelan who had died in the border village of Colchane after crossing into Chile, bringing the total number of migrant deaths in the mountainous area so far that year to 26.[250]

Amid growing anti-Venezuelan sentiment in the country, illustrated by large-scale protests at the beginning of 2022,[251] Chile's previously open policy towards foreign arrivals has steadily shifted in recent years towards a more restrictive and securitised approach.[252] In February

243 IDMC (2022) Colombia.
244 UNHCR (2021) UNHCR concerned about difficult conditions of indigenous Venezuelans in Guyana.
245 Dupraz-Dobias, P. (2022) Nowhere left to turn, part 2: In a region hit hard by COVID, the welcome for Venezuelan migrants wears thin. The New Humanitarian.
246 Ibid.
247 International Crisis Group (2022) Hard times in a safe haven: Protecting Venezuelan migrants in Colombia.
248 Amnesty International (2022) Colombia and Peru: Abandoned by the state in host countries, Venezuelan women face increasing gender-based violence.
249 UNHCR (2021) Amid surge in arrivals from Venezuela, UNHCR steps up response in the north of Chile.
250 Ortiz, F. (2022) Migrante de 83 años muere tras cruzar la frontera en Colchane: es la víctima número 26. BioBioChile.
251 BBC (2022) Chileans protest against Venezuelan migrants.
252 Doña-Reveco, C. (2022) Chile's welcoming approach to immigrants cools as numbers rise. Migration Policy Institute.

2022, Chilean authorities militarised the trench along the border to prevent irregular entry.[253] It is unclear whether the electoral victory in March of the left-wing politician Gabriel Boric will lead to any significant change of Chile's restrictive migration policy, though the new president has called for a more cooperative approach to the Venezuela crisis, founded on solidarity and resettlement quotas across the region.[254]

Visa restrictions drive an increase in irregular migration northwards to Panama, Mexico and the US

In early 2022, seemingly in response to pressure from the US to reduce the record numbers of Venezuelans attempting to cross its southern border, **Mexico**, **Belize**, **Costa Rica**, and **Honduras** all imposed new visa restrictions on Venezuelans seeking to enter their territories. Similar measures were also put in place by Mexico requiring visas for Brazilian and Ecuadorian nationals following an uptick in apprehensions of refugees, migrants, and asylum seekers from both countries at the US border earlier in 2021.[255] By effectively barring legal means of entry by plane, these measures have contributed to a surge in irregular migration by forcing people to make the long and dangerous journey by foot from Colombia into Panama through the Darién Gap. As a result, Venezuelans have become the largest national group making the crossing,[256] with a total of 68,575 recorded entries in Panama in the first eight months of 2022. Of these, the vast majority (61,699) entered between May and August.[257]

The imposition of restrictions in Mexico saw a dramatic fall in the number of Venezuelans entering the country regularly by air: from 27,835 in January 2022 to 3,578 the following month.[258] However, while regular entries have reduced, the new measures have in their place driven a spike in irregular migration into Mexico, with 6,666 Venezuelans detained by authorities from January to the end of April 2022, compared to 96 during the same period in 2021. At the same time, the number of asylum seekers has risen sharply, with 4,270 applications in the first four months of 2022 compared to 6,192 in the whole of 2021.[259]

While until recently the number of Venezuelans attempting to enter the US from Mexico was negligible, with just over 1,300 arriving during 2020, the number of recorded encounters at the southern border rose sharply in 2021 to almost 106,800. Numbers peaked in December 2021 and January 2022, with 24,802 and 22,779 Venezuelans apprehended each month respectively, before falling to just 3,073 in February:[260] this marked dip was largely the result of the visa restrictions imposed by Mexico and other countries around the same time. These measures appear to have been encouraged by the US in reaction to the surge in Venezuelan refugees, migrants, and asylum seekers intercepted at its border. In practice, these measures serve to increase irregular migration, as illustrated by the departure of a caravan from southern Mexico in early June 2022, comprising thousands of refugees, migrants, and asylum seekers, a large proportion of them Venezuelan. While the caravan attracted significant media coverage, less publicised are the many others likely being moved through Mexico by smugglers.[261] In subsequent months, however, the number of Venezuelans apprehended at the border rose again, reaching 17,651 in July.[262]

In July 2022 the US government announced that it would extend Temporary Protected Status (TPS) to all Venezuelans who were already in the US on 8 March 2021 (when the programme was originally launched by the Biden administration) for another 18 months, affording them protection from deportation until 10 March 2024. However, this provision does not apply to those who reached the country after the cut-off date or are seeking to enter the US now. Activists criticised the decision not to redesignate all Venezuelans as eligible for TPS, arguing that it would not deter further attempts to enter the US and force tens of thousands to live illegally, exacerbating their vulnerability.[263] Though Venezuelans have generally been less at risk of deportation compared to other nationalities in the US, some have nevertheless been sent to Colombia under Title 42 provisions or returned across the border to Mexico under the Remain in Mexico programme.[264]

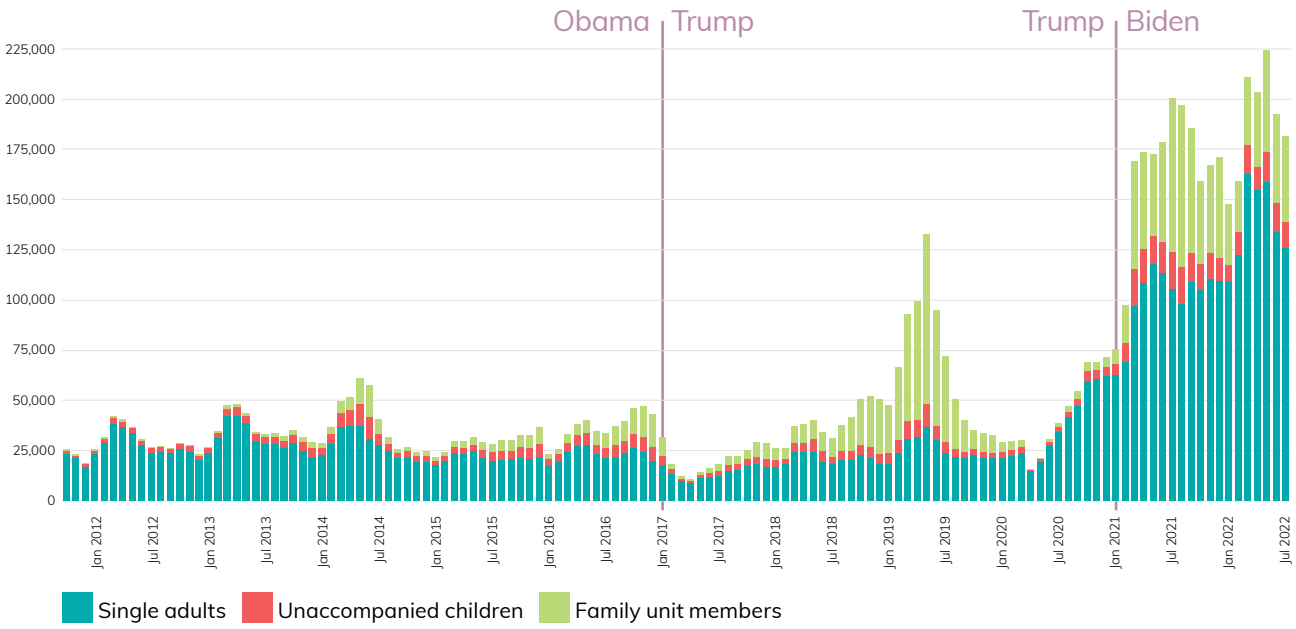
Migration attempts to the United States rise

Attempted entries to the US have increased markedly, despite efforts to prevent refugees, migrants, and asylum seekers from reaching its borders. While in FY2020 (October 2019–September 2020) a total of

253 France24 (2022) Trench proves ultimate barrier to Venezuelans arriving in Chile.
254 Infobae (2022) Boric calls for "regional integration" for common causes such as Venezuelan crisis.
255 Martinez-Gugerli, K. (2022) Mexico's restrictive visa policy limits Venezuelans' ability to flee to the U.S. WOLA; El Nacional (2022) Honduras exige visa a venezolanos para ingresar al país.
256 Human Rights Watch (2022) Mexico/Central America: New visa restrictions harm Venezuelans.
257 Republic of Panama (2022) Irregulares en tránsito por Darién por país.
258 Government of Mexico (2022) Boletín Mensual de Estadísticas Migratorias 2022, p.39.
259 Human Rights Watch (2022) Mexico/Central America: New visa restrictions harm Venezuelans.
260 US Customs and Border Protection (2022) Nationwide encounters.
261 Clemente, E. (2022) Venezuelans a big presence in U.S.-bound caravan after visa requirement. Los Angeles Times.
262 US Customs and Border Protection (2022) Nationwide encounters.
263 Al Jazeera (2022) Biden administration extends TPS protection for Venezuelans.
264 Martinez-Gugerli, K. (2022) Mexico's restrictive visa policy limits Venezuelans' ability to flee to the U.S. WOLA.

646,822 encounters took place nationwide, the total rose significantly in FY2021 (October 2020–September 2021) to more than 1.9 million and in the first three quarters of FY2022 (October 2021–June 2022) had again exceeded the total for the previous year with over two million nationwide encounters.[265] The composition of nationalities represented in those intercepted by border forces is relatively dynamic and can very even from month to month: in April 2022, for instance, 20,118 encounters with Ukrainians took place, but in May this fell to just 375 as the US government's passage of the "United for Ukraine" programme opened up an alternative route for Ukrainians to seek sanctuary in the US without crossing the border from Mexico.[266] For July 2022, the five most frequently encountered countries of origin were Mexico (55,569), Honduras (20,305), Guatemala (20,159), Cuba (20,009), and Venezuela (17,651).[267]

Graphic 11. Comparing migration 'encounters' by US officials along the US southern border between Trump and Biden administrations (up to May 2022)



Source (adapted) and credit: BBC News

The human cost

The toll of dead and missing at the US-Mexico border has climbed steadily in recent years, with 728 reported deaths and disappearances during 2021, an increase of 53 percent from the recorded fatalities in 2020 and one of the deadliest years on record.[268] This trend has continued into 2022, with 493 deaths and disappearance In the first half of the year.[269] Many fatalities are the result of dehydration (particularly in more arid remote areas used to reduce the risk of detection by US authorities) and drowning in the Rio Grande that separates Mexico from the US, as well as violence.[270]

The dangers of the journey were highlighted by the discovery in Texas in June 2022 of an abandoned truck with dozens of bodies inside. With a total of 53 victims, predominantly from Mexico and Central America, the incident was one of the most lethal events of human smuggling on record.[271] While US officials blamed the deaths on the ruthless indifference of human smugglers,[272] other commentators also pointed to the continued failure of government policies to address family reunification and labour migration, particularly as many seeking to cross have relatives already living in the country.[273]

Fatalities are also occurring in US waters as refugees, migrants, and asylum seekers, predominantly from Cuba and Haiti, attempt to cross from the Caribbean to the US. In January 2022, 39 died in a shipwreck off the coast of Florida. Only one passenger on the boat, which

265 US Customs and Border Protection (2022) Nationwide encounters.
266 Isacson, A. (2022) Weekly U.S.-Mexico Border Update: May migration data, caravan outcome, migrant deaths, Border Patrol troubles. WOLA.
267 Ibid.
268 IOM (2022) Missing Migrants Project: Annual regional overview – the Americas.
269 IOM (2022) Latest migrant tragedy in Texas highlights crisis along deadliest migration land route.
270 NPR (2022) Border Patrol says 8 migrants were found dead in the Rio Grande.
271 Sanchez, R., Chavez, N. & Alvarez, P. (2022) On a Texas road called "the mouth of the wolf", a semitruck packed with migrants was abandoned in the sweltering heat. CNN.
272 Helmore, E. (2022) Homeland security secretary warns against crossing US-Mexico border. The Guardian.
273 Chappell, B. & Rose, J. (2022) No, the 53 migrants who died in Texas didn't likely cross the border in that truck. NPR.

had departed from the Bahamas, survived.[274] Hundreds of Haitians intercepted at sea have been subsequently returned to their countries of origin, despite credible security and human rights concerns in Haiti.[275] In fact, between October 2021 and the end of August 2022, the US coast guard has intercepted 7,173 Haitians, far higher than the total for the entire FY 2021 (1,527).[276] Significant numbers of Cubans (5,154) have also been intercepted in the same period.[277]

An end to the Migration Protection Protocols, but Title 42 remains in place

The controversial Migration Protection Protocols (MPP) programme, also known as "Remain in Mexico" policy, was introduced in January 2019 by the administration of then President Donald Trump. This divisive approach saw tens of thousands of asylum seekers in the US returned to Mexico while their claims were processed, leaving them highly vulnerable to destitution and criminal violence. Unable to access proper legal representation or even attend their own hearings, only a tiny fraction of applications were successful.[278]

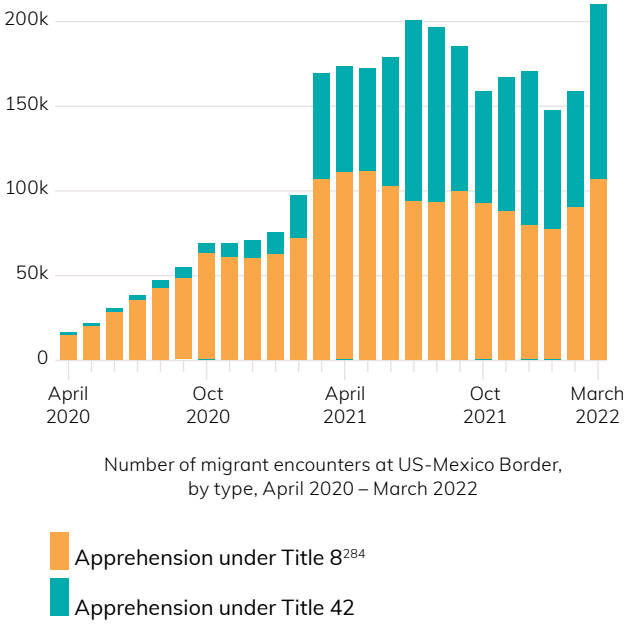
In January 2021, on his first day in office, President Joe Biden announced that the policy would be suspended, enabling thousands of asylum seekers to re-enter the US while they awaited a decision. In August 2021, however, in a case brought by Missouri and Texas to challenge the MPP's closure, a federal judge ruled that they should be reinstated, forcing the Biden administration to begin new proceedings to have the policy annulled. Finally, at the end of June 2022, the US Supreme Court confirmed that the government had the authority to do so, thus enabling the Biden administration to terminate the programme.[279] Nevertheless, in the wake of the ruling, some confusion remained around the situation of many of those already enrolled in the programme.[280]

Another controversial Trump-era measure was the Title 42 provisions put in place in March 2020 by the Centers for Disease Control and Prevention (CDC). These measures, justified as a necessary public health intervention to curb the spread of Covid-19 across its borders, effectively granted authorities extraordinary powers to intercept and summarily return individuals apprehended at the border without affording them the opportunity to apply for asylum. Unlike with MPP, the Biden administration was slow to take action to lift these suspensions. Despite the policy appearing increasingly untenable from a public health perspective, Title 42 was repeatedly extended. Hundreds of thousands of attempted arrivals continued to be pushed back under these provisions during 2022: in the first nine months of FY2022 (October 2021 – June 2022), 861,736 Title 42 expulsions were carried out nationwide.[281]

On 1 April 2022, the end of Title 42 appeared imminent when the CDC confirmed that the measure was no longer deemed necessary for the protection of public health and the Biden administration announced that the provisions would come to an end on 23 May. Just a few days before this deadline, however, a federal judge in Louisiana blocked the move on the basis that it was a violation of administrative law. As a result of the decision, though the Department of Justice vowed to challenge the ruling, Title 42 measures will remain in place indefinitely.[282] Human rights groups criticised the decision, arguing that it undermined the legal right to asylum and would prolong unnecessary suffering for those trapped at the Mexican border, who remained vulnerable to violence, exploitation, and sexual assault.[283]

274 Al Jazeera (2022) US Coast Guard says 38 missing after boat capsizes off Florida.
275 Al Jazeera (2022) US Coast Guard sends 119 migrants back to Cuba; Al Jazeera (2022) US Coast Guard rescues 176 Haitians from sailboat near Florida.
276 Coast Guard News (2022) Coast Guard transfers 51 Haitians to The Bahamas.
277 Coast Guard News (2022) Coast Guard repatriates 163 people to Cuba.
278 American Immigration Council (2022) The "Migration Protections Protocols".
279 Sneed, T. & Alvarez, P. (2022) Supreme Court says Biden can end Trump-era 'Remain in Mexico' immigration policy. CNN.
280 AILA (2022) Featured issue: Migrant Protection Protocols (MPP).
281 US Customs and Border Protection (2021) Nationwide enforcement encounters: Title 8 enforcement actions and Title 42 expulsions.
282 García, U. (2022) Judge blocks Biden administration from lifting public health order used to quickly expel migrants. Texas Tribune.
283 Al Jazeera (2022) US judge blocks Biden's plan to end Title 42 border expulsions.

Graphic 12. Up to March 2022, in the previous 2 year period most encounters at the US/Mexican border have resulted in expulsions (i.e. under Title 42)



Source (adapted) and credit: Pew Research Center

The dangers of the Darién Gap

One of the most difficult and hazardous migration routes in the world is the journey through the Darién Gap, connecting Colombia with Panama. This journey through deep jungle exposes refugees, migrants, and asylum seekers to an array of dangers, from violent human rights abuses by armed gangs to wild animals.[285] Many, by the time they reach Panama, are seriously ill and in urgent need of medical assistance and psychological support.[286] At least 136 deaths were recorded between 15 March and 22 July 2022 alone,[287] though official estimates likely represent only a fraction of the real numbers, given that many bodies are never recovered.[288]

Most of the journey can be made by boat from Capurganá in Colombia to Carreto in Panama, followed by two to three days of walking in the jungle. Another route is from Capurganá by foot, taking between seven and 10 days. Armed gangs prey on those travelling this way, with numerous incidents of theft, sexual assault, and violence reported.[289] A more recent maritime route has also developed through the Pacific, passing from Tumaco and Juradó in Colombia to Jaqué in Panama), though this also carries considerable risk and is more expensive.[290]

Despite these risks, the location of the route means it is a key transit point for tens of thousands of refugees, migrants and asylum seekers heading northwards through Central America to Mexico and the US. More than 133,000 people crossed this way in 2021—compared to 8,500 in 2020 and 23,000 in 2019[291]—with 13,000 in the first three months of 2022: almost three times the total in the same period in 2021.[292] The composition of those making the journey is also diverse, spanning refugees, migrants, and asylum seekers from Africa, Asia and the Americas. While Haitians were the most numerous nationality among those travelling through the Darién Gap in 2021, Venezuelans have become the largest national group making the crossing in 2022.[293] An estimated 23,632 Venezuelans crossed into Panama from Colombia in August 2022, accounting for 76.1 percent of all irregular arrivals that month and more than 20 times the number (1,134) of Venezuelans who entered that way in January.[294] After Venezuela, Haiti (6,359), Ecuador (4,088), and Cuba (3,707) were the most represented countries of origin among refugees, migrants, and asylum seekers crossing into Panama in the first eight months of 2022.[295]

Central America

While migration northwards to the US has become more diverse in recent years, with a range of nationalities including Cubans, Haitians, and Venezuelans, a significant proportion of movement continues to be driven by criminal gangs, poverty, and political instability in Central America. In March 2022, the International Committee of the Red Cross warned that migration in Central America and Mexico would escalate as a result of endemic violence there. Attempts by countries such as Mexico and the US to contain this movement have in practice resulted in large concentrations of refugees, migrants, and asylum seekers bottlenecked at the northern and southern borders of Mexico,[296] where they

284 Under Title 8, migrants typically can seek asylum in the U.S., citing a credible fear of persecution or other threats in their home country.
285 Mixed Migration Centre (2022) Quarterly Mixed Migration Update: Latin America and the Caribbean – Quarter 2 2022.
286 Médecins Sans Frontières (2022) "We are tired and desperate": Stories from families who survived the Darién Gap.
287 IOM (2022) DTM: Monitoreo de Flujos Migratorios en Panamá.
288 IOM (2022) Missing Migrants Project: Annual review – the Americas.
289 Médecins Sans Frontières (2022) "We are tired and desperate": Stories from families who survived the Darién Gap.
290 Oquendo, C. (2022) La ruta del Darién ahora tiene más migrantes venezolanos que haitianos. El País.
291 Alcoba, N. (2022) "We didn't have choice": Thousands risk lives to cross Darien Gap. Al Jazeera.
292 Blair, L. (2022) Risking it all: migrants brave Darién Gap in pursuit of the American dream. The Guardian.
293 Human Rights Watch (2022) Mexico/Central America: New visa restrictions harm Venezuelans.
294 R4V (2022) Central America, Mexico and Colombia: Special situation report – June 2022.
295 Republic of Panama (2022) Irregulares en tránsito por Darién por país.
296 The Guardian (2022) Violence in Mexico and Central America driving large waves of migration.

struggle with food shortages and inadequate housing.[297]

The complex patterns of intra-regional and transit movement now underway in Central America, including Central American, Caribbean, and smaller numbers of African and Asian refugees, migrants, and asylum seekers, was illustrated by the emergence of a 10,000-strong caravan at the Mexican city of Tapachula, bordering Guatemala in June 2022. One of the largest of its kind, it encompassed a wide range of nationalities including Venezuelans, Cubans, Haitians, Hondurans, Salvadorans, Guatemalans, as well as Bangladeshis, Indians, and citizens of several African countries. Having formed in protest after months of waiting unsuccessfully for Mexican authorities to issue visas, the majority were granted temporary humanitarian visas to allow them to transit through Mexico.[298]

Harsher policies at Mexico's southern border

As a result of the continued restrictions in place at the US border, asylum applications and apprehensions within Mexico have increased markedly. In this regard, 2021 was a record-breaking year, with an unprecedented 307,569 apprehensions in 2021, as well as 130,863 asylum claims—the third-highest number of asylum claims received by any country worldwide that year. Haitians alone accounted for close to half of all refugee applications in 2021.[299]

Alongside an underfunded and resource-stretched asylum system—barely 38,000 refugee applications were processed in 2021, less than a third of the total filed that year—Mexico has actively implemented a range of hostile policies to reduce migration, apparently under pressure from the Biden administration to curb movement northwards into the US. In addition to new visa requirements imposed on Brazilians, Ecuadorians, and Venezuelans, there have also been reports of those arriving at the southern Mexican border being denied entry or encouraged to seek voluntary returns to their countries of origin rather than apply for asylum.[300] Under the orders of President López Obrador, immigration checks in Mexico have also intensified to reduce undocumented migration within its territory. Military and police have been implicated in numerous violent and sometimes deadly incidents involving migrants.[301]

Immigration and emigration in Honduras

Central America is both a destination region for many thousands of refugees, migrants, and asylum seekers, many of them en route to the Mexico-US border, and a major sending region for thousands of others from El Salvador, Guatemala, Honduras, and Nicaragua who also seek to escape persecution, gang violence, and chronic poverty in their home countries by migrating irregularly to North America.

This dual role is illustrated by Honduras, where almost 85,000 people entered the country irregularly in the between 1 January and 25 August 2022. Most were transiting through and included refugees, migrants, and asylum seekers from countries in Latin America and the Caribbean but also nationals from countries in Africa and Asia.[302] The announcement on 3 August of an amnesty for undocumented migrants could also contribute to an uptick in the number of those attempting to transit through the country.[303] Yet, thousands of Hondurans are themselves choosing to migrate northwards, driven by chronic insecurity in their country. For example, in January 2022 a caravan of 300 predominantly Honduran and Nicaraguan refugees, migrants, and asylum seekers were intercepted after entering Guatemala, apparently en route to the US border.[304]

Deepening authoritarianism in Nicaragua drives new displacement

In November 2021, Daniel Ortega secured his fourth consecutive term as president in national elections widely condemned as neither free nor fair.[305] Ortega's rule became even more restrictive in the build-up to the election and in its wake launched further crackdowns on opposition members, activists, and civil society organisations. This increasingly authoritarian environment has further accelerated the flight of thousands of Nicaraguans. By February 2022, the number of Nicaraguan refugees and asylum seekers in Costa Rica had doubled in the previous eight months to a total of 150,000—a larger population even than at the height of the 1980s, when Costa Rica was a haven for Nicaraguans fleeing the conflict in their country.[306] The uptick in movement is not only evident in Guatemala and Mexico, but also at the southern US border, where almost 19,000 Nicaraguans were intercepted in May 2022, the highest monthly figure recorded.[307]

297 International Rescue Committee (2022) Asylum seekers in southern Mexico: Emergency support for housing and food required. IRC reports; International Rescue Committee (2022) U.S.-Mexico Border: Safe housing, food and legal orientation among priority needs of displaced people. IRC reports.
298 Xinhua (2022) Migrant caravan disbands as Mexico grants visas; Perlmutter, L. (2022) Up to 15,000 may join largest ever migrant caravan to walk through Mexico to US. The Guardian.
299 Human Rights Watch (2022) Mexico: Asylum seekers face abuses at southern border.
300 Ibid.
301 Ibid.
302 Acción contra el Hambre (2022) Honduras: Situation Report N° 4 - Migratory Situation.
303 Hondudiario (2022) Amnistía ya benefició a unos 5 mil 76 migrantes en condición irregular.
304 Palencia, G. (2022) Hundreds of U.S.-bound migrants in caravan stuck at Guatemala border. Reuters.
305 Reuters (2021) OAS members condemn Nicaragua elections, urge action.
306 UNHCR (2022) Number of displaced Nicaraguans in Costa Rica doubles in less than a year.
307 WOLA (2022) Weekly U.S.-Mexico Border Update: May migration data, caravan outcome, migrant deaths, Border Patrol troubles.

This continues a longstanding trend: while in FY2020 (October 2019-September 2020) a little under 2,300 Nicaraguans were apprehended at the southern border, this rose to just over 50,100 in FY2021 and in the first 10 months of FY2022 until the end of July had reached some 134,000.[308]

The Los Angeles Declaration on Migration and Protection

Signed in June 2022 by 20 countries in the region, the Los Angeles Declaration on Migration and Protection could signal a milestone moment in how migration and protection is managed across the Americas. The document emphasises the need for a regional approach to the challenges currently being faced in many countries, whether they are experiencing large-scale displacement of their own populations or struggling with the pressures of hosting large numbers of refugees, migrants and asylum seekers from elsewhere. While highlighting the importance of addressing insecurity in sending countries ("We embrace the need to promote the political, economic, security, social, and environmental conditions for people to lead peaceful, productive, and dignified lives in their countries of origin") and reducing forced or involuntary displacement ("Migration should be a voluntary, informed choice and not a necessity"), it also affirms the need to facilitate "safe, orderly, humane and regular migration" and protect "all migrants, refugees, asylum seekers and stateless persons, regardless of their migratory status".[309]

While observers have welcomed the principles of the Declaration on paper, they also point to the need to ensure it is followed up with concrete steps to implement it in practice.[310] In addition to concerns around the political will of many countries in the region to realise its vision, there were also clear signs of political division before its publication in response to the refusal of the US to invite representatives from Cuba, Nicaragua and Venezuela to the summit, despite all three being major sending countries within the region. As a result, a number of leaders from other countries chose not to attend in person and instead sent lower-ranking officials in their place.[311] Crucially, to be successful it will require more equitable partnerships across the region and an end to many of the exclusionary practices that are currently contributing to increased irregular migration and protection gaps. It is also necessary that further measures are put in place to realise its aspirations: as one commentator put it, "The Los Angeles Declaration will be successful if it is the first, not the final, word on migration cooperation in the Americas, and the spark for efforts yet to come."[312]

No sanctuary for Haitians

Haiti's ongoing political and economic crises have deepened in recent years, contributing to continued migration from the country. The acute governance challenges there were highlighted by the outbreak of armed violence in the neighbourhood of Cité Soleil in the capital, Port-au-Prince, in July 2022. Fighting between rival gangs left hundreds dead and forced thousands from their homes, with blocks bulldozed and civilians indiscriminately terrorised.[313] This protracted insecurity and the chronic destitution afflicting the large majority of the population—much of it rooted in the devastating 2010 earthquake and the continued displacements of tens of thousands of people from that disaster more than a decade on—have contributed to large-scale migration from Haiti, first to Brazil and then on to Chile when Brazil's economy experienced a downturn. While more than 230,000 Haitians were estimated to be living in Chile by 2020, increasingly restrictive visa requirements, rising anti-Haitian sentiment, and economic hardship in the wake of Covid-19 have all contributed to a shift northwards to Central America, Mexico, and the US.[314] Unlike Venezuelan refugees, migrants, and asylum seekers, who have been afforded a degree of protection in many countries, Haitians have been subjected to discriminatory measures, deportation, and even forcible return to Haiti.

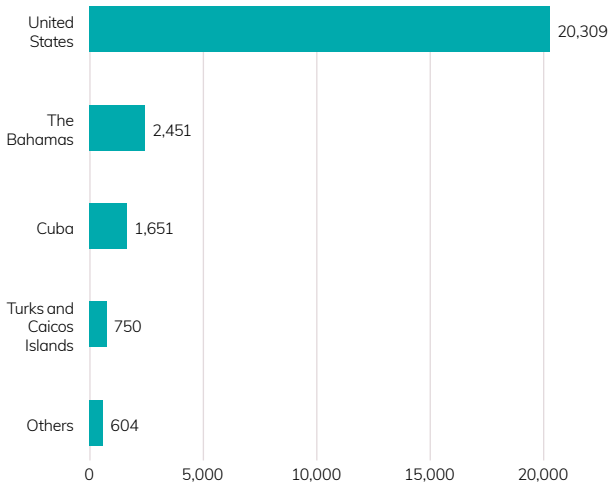
Haiti has a long history of migration with its neighbour, the **Dominican Republic** (DR), one strongly shaped by inequality, racism, and periodic spikes of xenophobia that have resulted in campaigns of violence and deportation against Haitians. The DR's current President, Luis Abinader, has overseen a renewed crackdown on undocumented migrants since assuming power in 2020: tens of thousands of Haitians have left since, with an estimated 7,300 returning in April 2022 alone.[315] While ostensibly targeting undocumented migrants, these crackdowns have often encompassed other groups, including Dominicans of Haitian descent who, despite being born in the DR, still struggle to access identification papers on account of the country's exclusionary

308 CBP (2022) Nationwide encounters.
309 Los Angeles Declaration on Migration and Protection.
310 International Rescue Committee (2022) IRC's statement on Los Angeles Declaration on Migration and Protection.
311 Aguilera, J. (2022) Biden administration cheers new international migration agreement. Experts say it may not do much. Time.
312 Selee, A. (2022) The Los Angeles Declaration could represent a big step for real migration cooperation across the Americas. Migration Policy Institute.
313 UNICEF (2022) After weeks of unrest, parents and children of Cité Soleil finally reunited.
314 Lutz, J. & Yayboke, E. (2021) Haitian migration: Food insecurity, fragility, and a better way forward. CSIS.
315 teleSUR (2022) Some 7,300 Haitians returned from Dominican Republic in April.

citizenship laws.[316] In February 2022, the DR began construction of a concrete wall that will run along almost half of the border separating the two countries.[317]

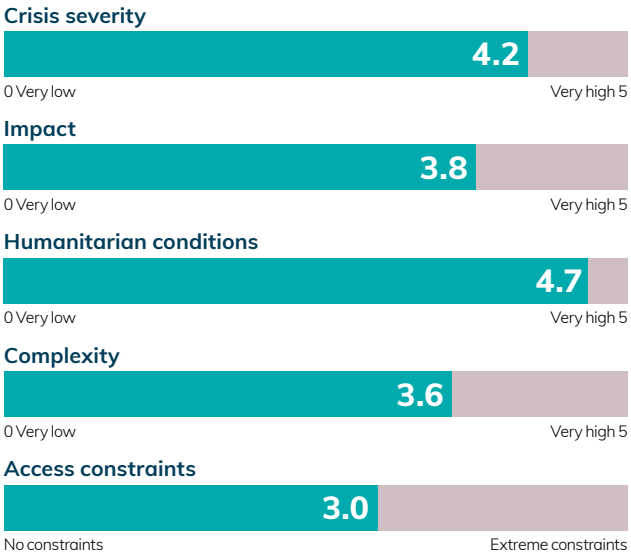
Many Haitians have migrated over the last 10 years to **Chile**, attracted by its previously open migration policies, with number swelling from less than 2,000 in 2012 to over 182,000 by the end of 2020.[318] However, the economic slowdown brought on by the Covid-19 pandemic, together with an increasingly unwelcome environment, prompted tens of thousands to travel northwards in 2021 through the Darién Gap and on to the Mexico-US border. Their movement through Central America appears to have reduced to some extent in 2022: many Haitians who chose to leave Chile already reached North America and are now based in Mexico, having been deported from the US. It is also possible that others still in Chile may have chosen, following the election of the left-wing Gabriel Boric, to remain there for the time being in the hope that their situation begins to improve.[319]

Graphic 13. People expelled or deported to Haiti by sending country from January 1st 2021 to 26th February 2022, (and continuing into 2022)



Source (adapted) and credit: Human Rights Watch

Graphic 14. ACAP's crisis analysis of Haiti in October 2022



Source (adapted) and credit: ACAPS

Stranded in Mexico

Having been expelled from the US or unable to cross the border, the number of Haitians who have applied for asylum in Mexico has increased dramatically. In 2021, Haitians were the most represented nationality among new asylum seekers, with almost 52,000 claims registered that year compared to 6,000 in 2020,[320] though the numbers fell to some 9,300 in the first seven months of 2022, lower than the total numbers of asylum seekers from Honduras (16,815) and Cuba (11,667) during that period.[321] However, Haitians have reportedly experienced far lower approval rates than citizens from other countries in Central and South America, with some estimates suggesting that just over a quarter (27 percent) are currently being approved (by contrast, 98 percent of Venezuelan applicants are successful). This is in part because the Cartagena Declaration, a regional agreement that extends refugee protection to those fleeing threats such as "generalised violence" and "seriously disturbed public order" in their home countries, have been applied to nationals from Honduras, El Salvador, and Venezuela but not to Haiti, despite the latter facing similar challenges. Haitian asylum seekers have also reported numerous issues during the application process, from language barriers to poorly trained officials. While Haitians can in principle access complementary protection, a status that protects them from deportations and allows some access to employment in the meantime, only a fraction of those in need of protection have been granted this to date.[322]

Besides detention and physical mistreatment by police, Haitians in Mexico were subjected to a series of disorientating policy shifts by Mexican authorities in late 2021 and early 2022, in part responding to pressure from the US. Following the appearance of large numbers of Haitians at the Rio Grande in Texas in September 2021,

316 Quintama Soms, L. (2022) Lack of documentation leaves Dominicans of Haitian descent on the margins. Minority Rights Group International.
317 Daniels, J.P. (2022) Dominican Republic starts work on border wall with Haiti. The Guardian.
318 McDonnell, P. & Poblete, J. (2022) Haitians in Chile: Rough going for many prompts large-scale migration toward US. Los Angeles Times.
319 Oquendo, C. (2022) La ruta del Darién ahora tiene más migrantes venezolanos que haitianos. El País.
320 Government of Mexico (2022) Solicitantes x nacionalidad 2019, 2020 y 2021 (personas).
321 Ibid.
322 Schacher, Y. & Schmidke, R. (2022) Pushed into the Shadows: Mexico's Reception of Haitian Migrants. Refugees International.

many of whom were subsequently flown back to Haiti or moved back into Mexico, authorities in Mexico rounded up Haitians in the north and relocated them southwards in Tapachula and required any asylum applicants to remain there while their claims were reviewed. By the end of the year, however, the government announced a new approach and encouraged Haitians to move northwards again, creating further disruption to their lives. Many remain stranded in precarious conditions there and are afraid to attempt to cross into the US to seek asylum out of fear of being deported directly to Haiti.[323]

Expulsions from the US

The reception of Haitian refugees, migrants and asylum seekers in the US has been marked by similar issues of discrimination and inequitable treatment, prompting condemnation from UN human rights experts.[324] Of the 83 nationalities where data is available, Haitian asylum seekers have the lowest success rate of any country, with just 4.6 percent of applications between October 2019 and June 2021 being approved.[325] The US government has continued to deport Haitians back to their home country, with 25,765 Haitians forcibly returned between 1 January 2021 and 26 February 2022.[326] In the months that followed, despite deteriorating conditions in their country of origin, US authorities continued to deport Haitians in large numbers, with around 4,000 returned on flights in May alone.[327]

In June, however, these deportations came to a halt when the government announced that Haitians would be exempt from Title 42, the provision being used to enforce their removal. Instead, Haitians would be able to present themselves at legal ports of entry and pursue potential asylum claims from there. As a result, the number of Haitians apprehended between ports of entry fell to just 130 in June, a fraction of the total intercepted before, while 3,643 presented themselves at legal entry points and were admitted to the US to be processed.[328] Shortly after, during the Summit of the Americas, the US also pledged to expand legal options for family reunification for Haitians and Cubans.[329]

The perilous maritime route

An increasing number of Haitians, as well as nationals from other countries such as Cuba and Dominican Republic, are attempting to migrate to the US through the Caribbean. This is the largest maritime exodus of Haitians for almost 20 years, reflected in the sharp uptick in maritime interceptions of Haitians by the US coast guard: while 418 were interdicted in FY2020 and 1,527 in FY2021, more than 6,100 Haitians were apprehended at sea in the first nine months of FY2022 (October 2021 to June 2022).[330] The route typically begins on northwest coast of Haiti, on via the Bahamas and Puerto Rico with Florida as the end destination. Though many are intercepted or capsize en route, a number of boats have managed to reach the US coast in 2022, including a vessel carrying more than 300 Haitians that landed on 6 August.[331]

With this rise in movement, the sea route has become more deadly, and between October 2021 and May 2022 at least 175 Haitians were reported dead or missing to the US coastal guard[332]—a figure that could in reality be higher, given that some shipwrecks are never officially identified.[333] The death toll has continued to rise during the year, including due to the capsizing of a boat off the Bahamas in late July that left 17 dead.[334] Only a few days later, five more Haitians died after they were abandoned with 68 others by human smugglers in waters near Puerto Rico.[335]

Despite the dangers, however, the crisis in Haiti continues to drive more Haitians to attempt the journey. The scale of this movement was highlighted in May 2022 when a boat carrying 842 refugees, migrants, and asylum seekers, apparently headed to the US, landed in Cuba. Only the day before, another 153 Haitians had been intercepted by US coast guards near the Florida Keys.[336] While violence and instability in Haiti persist, these maritime crossings are likely to continue. Despite the lifting of Title 42 restrictions for Haitians, a welcome move that allows those on the mainland to enter the US through legal ports to claim asylum, Haitians still in their home country have no recourse but to attempt to reach the US through these irregular maritime routes. At present, besides the high risk of death at sea, those doing so also face the likelihood of being returned to Haiti if they are apprehended by the US coast guard. This highlights the need for a harmonised approach that recognises the very real humanitarian and security needs of those migrating this way.

323 Schacher, Y. & Schmidke, R. (2022) Pushed into the Shadows: Mexico's Reception of Haitian Migrants. Refugees International.
324 UN (2021) UN rights experts condemn US expulsion of Haitian migrants and refugees.
325 Morrison, A., Galvan, A. & Lo, J. (2021) Haitians see history of racist policies in migrant treatment. AP.
326 Human Rights Watch (2022) Haitians being returned to a country in chaos.
327 Ainsley, J. (2022) Number of Haitians deported plunged in June as more are allowed to seek asylum. NBC News.
328 Ibid.
329 Solomon, D.B. & Hesson, T. (2022) US pledges more visas for Cubans, Haitians at Summit of the Americas. Reuters.
330 US Embassy in Haiti (2022) US coast guard repatriates 98 people to Haiti.
331 NBC Miami (2022) More than 300 Haitian migrants land in the Florida Keys.
332 UNHCR (2022) UNHCR urges Caribbean governments to protect refugees amid surge in risky sea crossings.
333 CBS News (2022) Boat with two dozen U.S.-bound Haitian migrants disappears at sea: "People are going missing and no one is paying attention".
334 AP News (2022) Boat carrying Haitian migrants sinks off Bahamas, killing 17.
335 Coto, D. (2022) 5 dead, 68 Haitians rescued from waters near Puerto Rico. AP News.
336 Duran, M. & Rodriguez, A. (2022) Boat with 842 Haitians headed for US winds up in Cuba. ABC News.

Europe

Overview

The outbreak of conflict in Ukraine, following its invasion by Russia in February 2022, has prompted the largest mass migration in Europe since the end of the Second World War. With the total number of refugees and IDPs exceeding 12 million, the humanitarian needs of those uprooted from their homes are acute. Yet, the impact of this disaster has been alleviated to some extent by the remarkable show of solidarity across mainland Europe in welcoming and supporting Ukrainians fleeing the violence. The collective response, even from countries where attitudes towards refugees, migrants, and asylum seekers more generally have steadily hardened in recent times, is a remarkable demonstration of the protection and support the region can provide when the necessary political will is in place.

Yet, human rights groups have also drawn attention to the contrast between this welcome and the continued mistreatment of refugees, migrants, and asylum seekers from Africa, Asia, and the Middle East seeking to enter Europe who face detention, abuse, and violent pushbacks. The increasingly systematic nature of these practices at the borders of Europe, in particular Greece, suggest that these incidents are not anomalies or egregious individual acts but, as UN High Commissioner for Refugees Filippo Grandi put it in February 2022, on the verge of becoming "normalised and policy based".[337] Meanwhile, both Denmark with its "zero asylum seekers" policy (though not currently applied to Ukrainians) and the UK with its efforts to transfer asylum seekers who entered the country irregularly to Rwanda appear to be denying or outsourcing their responsibilities towards refugee protection.

Following the peak of 2015, when Europe saw more than a million registered arrivals, there was a continuous year-on-year decline until 2020, when just 95,774 new arrivals entered—less than a tenth of the total five years before. In 2021, however, the numbers rose again to over 123,000. As of 28 August 2022, some 85,000 new arrivals had reached Europe, the majority through Italy (almost 55,000), while the number of arrivals in Malta has dwindled to just 119. Significant numbers entered through Spain (about 19,200), exceeding by some margin the numbers entering Greece (8,400) and Cyprus (2,400).[338] Between January 2021 and the end of July 2022, the most represented countries of origin among arrivals have been Tunisia (20 percent), Egypt (14.4 percent), Bangladesh (12.5 percent), Syria (6.6 percent), Afghanistan (5.8 percent), Côte d'Ivoire (4.7 percent), and Iran (4.1 percent),[339] though the composition of nationalities varies significantly along different routes.

The cost of migration to Europe for those making the journey remains high, with the number of dead and missing rising across the continent while human smugglers pursue more dangerous routes to evade interceptions and pushbacks. On the Eastern Mediterranean route, harsh border securitisation measures and pushbacks place refugees, migrants and asylum seekers in greater jeopardy. This is also the case in the Central Mediterranean route, where humanitarian patrols and rescue operations have been dramatically curtailed in recent years, as well as along the Western Mediterranean route to Spain and the increasingly popular but dangerous Western African route to the Canary Islands. According to UNHCR, deaths at sea en route to Italy and Spain exceeded 3,000 in 2021, close to double the total in 2020, including 1,173 on the Western Africa route[340]—though independent estimates by NGOs suggest the true number may be even higher. As of 22 September, an estimated 1,325 people had died or gone missing en route to Europe during 2022, including 1,049 on the Central Mediterranean route, 156 on the Western Mediterranean route, 120 on the Eastern Mediterranean route, and 43 on the Western African route. Though high, these figures represented an improvement from the same period in 2021. [341]

Crisis in Ukraine

The Russian invasion of Ukraine on 24 February 2022 triggered incalculable destruction, death and an ongoing displacement crisis that is now estimated to be the largest in the world. Around a third of the population have been displaced by the fighting, including around 7 million IDPs, and almost two-thirds of Ukrainian children. Meanwhile, some 13 million civilians are trapped in conflict zones or

337 UNHCR (2022) News comment: UNHCR warns of increasing violence and human rights violations at European borders.
338 UNHCR (2022) Mediterranean situation.
339 Ibid.
340 IOM (2022) West and Central Africa – Irregular Migration towards Europe | Western Africa – Atlantic Route (January – December 2021).
341 IOM (2022) Missing Migrants Project.

unable to move freely due to security concerns.[342] At the same time, there has been significant flight out of Ukraine as well as returns during this period: as of September, it was estimated that there were over 7.4 million Ukrainian refugees across Europe and almost 6 million IDPs within the country.[343]

Humanitarian pressures and displacement within Ukraine

The plight of IDPs, as well as those stranded in conflict-affected areas, remains dire. Lack of access to basic services such as essential healthcare, water, or electricity are widespread, compounded by food insecurity, trauma and the risk of sexual abuse, trafficking, and targeted violence, particularly for displaced women and children.[344] The scale of destruction, both of infrastructure and housing, has further complicated the possibility of return.

Internal displacement as a result of the conflict is especially concentrated in the east, with approximately 1.9 million IDPs in Kharkivska/Dnipropetrovska. There is also a significant IDP population around Lvivska (1.7 million), Chernivska/Sumska (1.2 million), Cherkaska/Kirovohradska (1.0 million), Odeska (669,000), and Kyiv (410,000).[345] Many IDPs have moved westwards to escape the most intense fighting. Some, having found a temporary refuge, are contemplating further movement due to the uncertainty around how the conflict may develop.[346]

Refugee movements from Ukraine across Europe

As of mid-October 2022, the five countries with the largest number of Ukrainian refugees are Russia (2.85 million), Poland (almost 1.45 million), Germany (815,000), the Czech Republic (450,000), and Italy (160,000).[347] These figures do not necessarily capture the scale and nature of movement from Ukraine, particularly in neighbouring countries such as Hungary, where as of 18 June only 30,000 individuals had applied for temporary protection status but an estimated 1.6 million arrivals had entered, either from Ukraine directly or via Romania.[348] The fact that the majority choose to continue their journey to other countries in Europe is attributed in part to the established anti-refugee policies of the government of Viktor Orbán and its position of neutrality towards Russia and Ukraine, in marked contrast to the pro-Ukraine position elsewhere in Europe.[349] In Poland, similarly, though the number of registered refugees is considerable, it is only a fraction of the estimated 4.9 million people who entered the country in the first eight months of the conflict.[350]

Notwithstanding the enormous challenges facing all those displaced, as well as the relatively welcoming reception most EU countries have demonstrated, the challenges have been especially acute for non-Ukrainians fleeing the country as well as members of marginalised and discriminated communities. For instance, there were reports of African, Asian, and Middle Eastern students in Ukraine who had fled into Poland being violently targeted by nationalist groups.[351] Others were subjected to discriminatory measures by authorities, including detention.[352] Ukrainian Roma, too, many of whom face challenges around personal documentation, experienced barriers not only as IDPs when attempting to access humanitarian assistance but also as refugees in countries such as Moldova, where their lack of identification papers left them in a limbo while they awaited the issue of birth certificates and passports from the Ukrainian embassy.[353]

Double standards? Human rights groups criticise EU's inconsistency on refugee protection and asylum

The EU responded quickly to the mass flight of Ukrainians with an unprecedented temporary protection scheme that offered those escaping the conflict the opportunity to seek temporary protection anywhere in the EU, with immediate access to education, healthcare, and employment, rather than go through the usual process of applying for asylum. This, in principle, allows Ukrainians to connect relatively easily with family, friends, and diaspora across the continent, enabling them to settle and access work, schooling, and other essential needs immediately.[354] At present, the arrangement is laid out for a one-year period, beginning March 2022, potentially extendable for two further six-month tranches depending on the

342 UNHCR (2022) Internally Displaced Persons (IDPs); UNHCR (2022) Ukraine refugee situation; UNICEF (2022) UNICEF briefing note on the situation of children in Ukraine.
343 UNHCR (2022) Ukraine situation flash update #31.
344 OHCHR (2022) Ukraine: Millions of displaced traumatised and urgently need help, say experts.
345 OCHA (2022) Ukraine: Situation update – 21 September 2022.
346 IOM (2022) Living life on pause: Millions of Ukrainians face protracted displacement.
347 UNHCR (2022) Ukraine refugee situation.
348 UNHCR (2022) Hungary: UNHCR Ukraine Refugee Situation Operational Update – 7 June 2022.
349 France24 (2022) Hungary's neutral war stance puts off Ukraine refugees.
350 UNHCR (2022) Ukraine emergency: UNHCR Poland factsheet – 27 May 2022.
351 Tondo, L. & Akinwotu, E. (2022) People of colour fleeing Ukraine attacked by Polish nationalists. The Guardian.
352 Lighthouse Reports (2022) Ukraine exodus.
353 Popenko, V. (2022) For displaced Roma, the conflict has exacerbated existing patterns of discrimination – and left them without an income. Minority Rights Group International.
354 Frouws, B. (2022) When war hit Ukraine. Reflections on what it might mean for refugee, asylum and migration policies in Europe. Mixed Migration Centre.

situation in Ukraine, with the possibility of a further extension of another year.[355]

The speed and unanimity of the EU's extension of temporary protection status to the millions of Ukrainians fleeing the country was hailed by many as a remarkable return to the spirit of the 1951 Refugee Convention, itself the product of the displacement and humanitarian disaster that resulted from Europe's last major conflict, the Second World War. In particular, by largely lifting restrictions on the right to work and access to services that can normally hang over asylum seekers for years, the scheme could demonstrate the value and effectiveness of a more inclusive and generous approach to refugee integration.

However, activists have also highlighted the apparent disconnect between the welcome extended to Ukrainians and the increasing hostility and disengagement shown towards asylum seekers from other countries afflicted by political instability, violence, or persecution, such as Afghanistan. The criticisms included:

- Human Rights Watch highlighted the "mismatched treatment"[356] of Syrian and Ukrainian refugees in **Denmark**, where in recent years a series of increasingly repressive policies have been put in place, including the announcement in 2019 of a "zero asylum seekers" strategy and the designation of Syria as a safe place of return for many Syrians resident as temporary refugees in the country, stripping them of their residency rights. Dozens have already been forced to choose between return to Syria, where the risks of arrest, torture, and forced disappearance are well documented, and languishing indefinitely in detention centres.[357] Ukrainians, on the other hand, have been afforded a much more generous reception and exempted from many of the harshest measures imposed on other refugees, such as the notorious "jewellery law" whereby asylum seekers are stripped of any assets they may bring (including jewellery) to fund their stay in Denmark.[358]

- In May 2022, the Greek Refugee Council, Oxfam and Save the Children issued a joint statement condemning the "two-tier system" in place in **Greece**, reflected in the sharp disparity between its open policy towards Ukrainian arrivals versus the harsh reception meted out to nationals from Africa, Asia, and the Middle East.[359]

- In **Italy**, the far-right politician Matteo Salvini, who has placed anti-migration policies at the heart of his populist agenda, sought to reposition himself as an ally of Ukraine's displaced refugees and pledged to support the arrival of "as many children and families as possible"—an apparent change of heart that was viewed by many of his detractors as an exercise in political opportunism.[360]

- **Poland**, while emerging as one of the most significant hosts of Ukrainian refugees, was condemned by Amnesty International for the "stark contrast" between this generous welcome and the gratuitously brutal treatment it continues to mete out to the thousands of predominantly Asian and Middle Eastern refugees pushed back to Belarus or held in overcrowded, unsafe detention facilities—a position infused with "racism and hypocrisy".[361]

- **Spain**, meanwhile, was also attacked by Amnesty International for similar "double standards", comparing its welcome with the "extreme brutality" experienced by refugees, migrants, and asylum seekers in Ceuta and Melilla.[362]

The central point highlighted in these different countries is that the welcome afforded to Ukrainians should also be offered to other refugees and asylum seekers fleeing persecution, regardless of their country of origin.

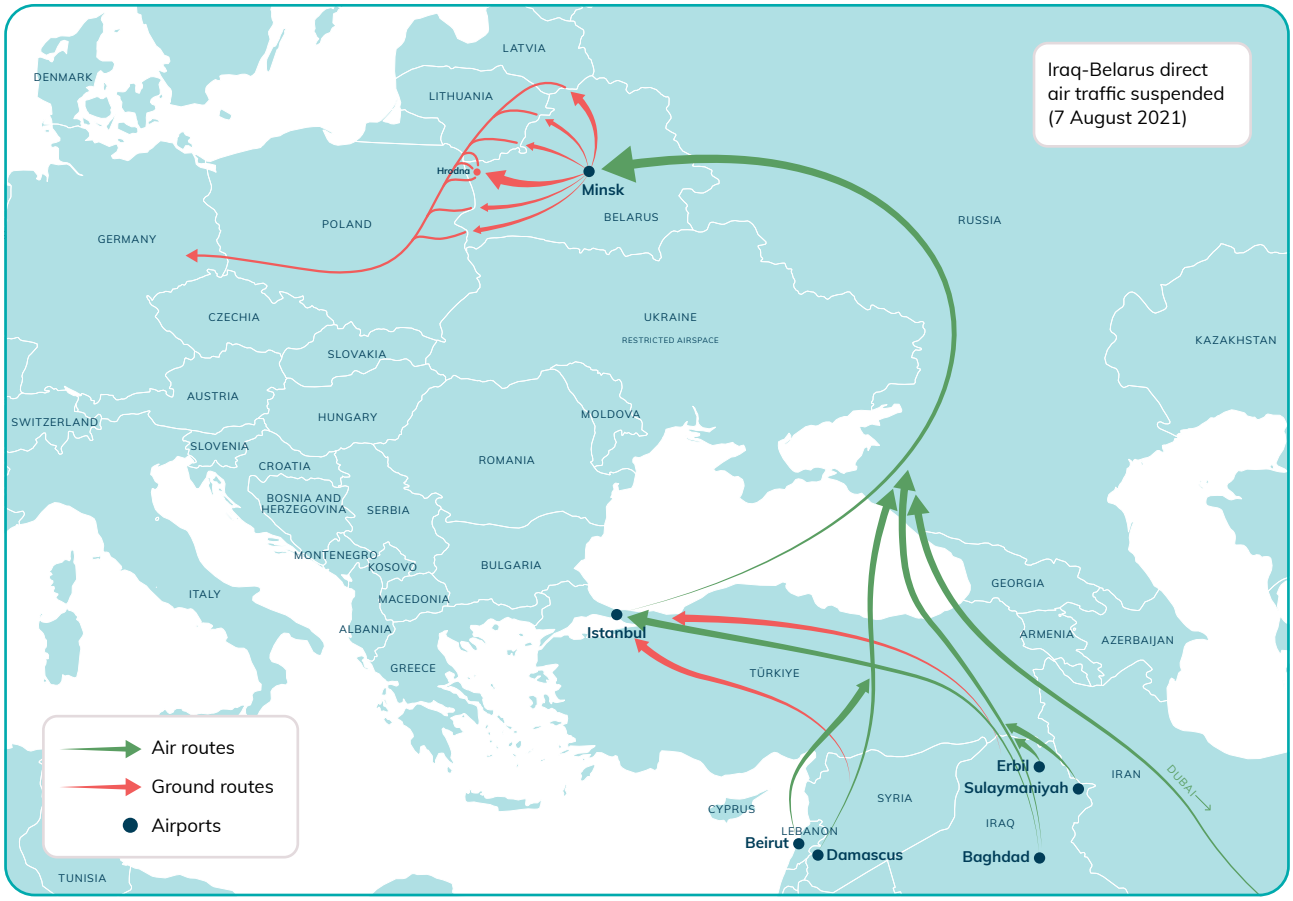
Thousands remain trapped between Belarus and the EU

The crisis at the border between Belarus and neighbouring countries, in particular **Poland** but also **Latvia** and **Lithuania**, began in the summer of 2021 when all three countries reported a sharp increase in attempted entries by refugees, migrants, and asylum seekers. Many had been actively encouraged to travel from Iraq to Belarus by travel agencies amidst reports that Belarus would then allow them to travel on to the EU—a situation that was widely interpreted as an orchestrated reprisal by President Alyaksandr Lukashenka for the EU's perceived

355 European Council (2022) Ukraine: Council unanimously introduces temporary protection for persons fleeing the war.
356 Hardman, N. (2022) Denmark's mismatched treatment of Syrian and Ukrainian refugees. Human Rights Watch.
357 Peltier, E. & Nielsen, J. (2022) These refugees can't stay in Denmark, but they can't be sent home. The New York Times.
358 Hardman, N. (2022) Denmark's mismatched treatment of Syrian and Ukrainian refugees. Human Rights Watch.
359 Wallies, E. (2022) NGOs highlight a 'two-tier system for refugees' in Greece. InfoMigrants.
360 Roberts, H. (2022) Italy's Matteo Salvini recasts himself as champion of Ukraine's refugees. Politico.
361 Amnesty International (2022) Poland: Racist pushbacks at Belarus border are 'in stark contrast' to welcome for Ukrainian refugees – new evidence.
362 The Local (2022) Amnesty International slams Spain's "double standards" on immigration.

support of the opponents of his authoritarian regime.[363] In response to this apparent effort to encourage large-scale undocumented migration into their territory, all three countries intensified their border security (with Poland even cordoning off the border area from non-residents) and repeatedly pushed back arrivals into Belarus. However, Belarusian security guards then forced many back, meaning thousands of refugees, migrants and asylum seekers were effectively left stranded at the border, many of them in an acute state of vulnerability due to hunger, ill health and injuries.[364]

Graphic 15. Map showing main routes of irregular migrants to Belarus and the Belarus–EU border in 2021 and into 2022



Source (adapted) and credit: Wikipedia / Homoatrox

At least 22 people died or went missing in 2021 at the Belarus-EU border,[365] the majority freezing to death in sub-zero temperatures without adequate clothing, shelter, or medical care. The death toll has climbed further in 2022 as more bodies have been found in the forests. The situation has been exacerbated by the restriction of humanitarian assistance to these areas and the targeting of activists seeking to provide assistance to injured or vulnerable arrivals, with several volunteers arrested and charged with organising illegal immigration for seeking to provide basic humanitarian support to those trapped in these areas.[366] Besides pushing back many refugees, migrants, and asylum seekers to Belarus, where numerous incidents of violence, sexual assault, and abuse against them have been reported, Polish authorities are also detaining close to 2,000 others in squalid and dehumanising conditions in detention centres.[367]

363 For more information, see Mixed Migration Centre (2021) Mixed Migration Review 2021, pp.48-49.
364 Ibid.
365 IOM (2022) Missing Migrants Project.
366 Human Rights Watch (2022) Violence and pushbacks at Poland-Belarus border.
367 Amnesty International (2022) Poland/Belarus: New evidence of abuses highlights 'hypocrisy' of unequal treatment of asylum-seekers.

Border closures and restrictions on the Eastern Mediterranean route

Since the implementation of the EU's 2016 migration agreement with Türkiye and the strengthening of border controls in Greece, the number of refugees, migrants, and asylum seekers reaching Europe through the Eastern Mediterranean route has dwindled to just a fraction of previous levels: while an estimated 861,630 new arrivals entered through this route in 2015, the vast majority (856,723) by sea, the total for 2021 was just 9,157—a little over 1 percent of the total six years before. The numbers have increased slightly in 2022, with 10,561 arrivals as of 18 September, the majority (6,036) by sea.[368] Troublingly, however, while arrivals have generally fallen in recent years, the number of dead and missing along this route rose at the same time from 71 in 2019 to 106 in 2020 and 111 in 2021—a trend suggesting that the journey itself has become significantly more hazardous. As of late September, 120 had died or disappeared in 2022.[369]

Violent pushbacks from Greece, with refugees and migrants used as proxies

Since March 2020, when relations between Greece and Türkiye around border management deteriorated, Greek authorities have been carrying out systematic pushbacks to expel refugees, migrants, and asylum seekers.[370] Despite official denials, these abuses appear to have become common practice. Testimonies collected by human rights groups highlight a recurrent pattern of abuse, with those on board intercepted boats beaten, stripped, and robbed of their possessions before being forced into the Evros River to wade back to Türkiye.[371] Alongside the violence and humiliation, this brutal treatment can prove fatal: in February 2022, for instance, the bodies of 12 people who had been pushed back from Greece were found on the Turkish border, frozen to death after being stripped of their clothes and shoes.[372]

While these abuses have been carried out for years, a relatively new phenomenon is the apparent deployment of masked migrants by Greek authorities to perpetrate these abuses.[373] Testimonies from a number of those recruited, published in a joint investigation, suggest that many were coerced by police into being given a choice between undertaking this work or being imprisoned on charges of human smuggling. The situation, likened by one of those recruited in this way to "slavery", was traumatic not only for those refugees, migrants, and asylum seekers expelled in this way but also those forced to carry out the pushbacks. There were also reports of a number of foreign nationals, including a convicted murderer, being engaged in this work long term. Reportedly, one reason Greek authorities are increasingly adopting this tactic of using proxies is to avoid direct confrontations with Turkish security guards.[374]

Since 2020, with significant EU support, Greece has bolstered its border security through investments in drones, thermal cameras and other technologies. Authorities claimed to have prevented around 40,000 migrant crossings from Türkiye in the first four months of 2022 alone.[375] This movement continued during the year, including the largest attempted entry of the year to date on 23 May, when approximately 600 people in sail boats and dinghies were intercepted by Greek authorities.[376] The EU has itself been repeatedly criticised for its continued support of Greek migration management and for its failure to hold the government to account for the human rights violations taking place at its border.[377] In October 2021, Greece rejected proposals for the EU to set up independent monitoring processes there.[378]

Frontex under fire for pushbacks from Greece

The EU's border security agency, Frontex, has in recent years expanded rapidly and has a budget of €750 million for 2022.[379] Nevertheless, it has been beset by scandal since the publication of a shocking investigation by the organisation Bellingcat in October 2020 that implicated Frontex in illegal pushbacks carried out by Greek security forces. The report alleged that Frontex had direct knowledge of these actions and had actively participated in at least one of these incidents.[380] Following this report, further investigations, lawsuits, and condemnations from various civil society groups, media outlets, members of the European Parliament, and the European Ombudsman subjected increasing

368 UNHCR (2022) Mediterranean situation: Greece.
369 IOM (2022) Missing Migrants Project: Easter Mediterranean route.
370 Human Rights Watch (2020) Greece: Investigate pushbacks, collective expulsions.
371 Amnesty International (2021) Greece: Violence, lies, and pushbacks – Refugees and migrants still denied safety and asylum at Europe's borders.
372 Euro-Med Human Rights Monitor (2022) Greece: Illegal pushbacks are dooming migrants to freeze to death.
373 Human Rights Watch (2022) "Their Faces Were Covered" Greece's Use of Migrants as Police Auxiliaries in Pushbacks.
374 Fallon, K. et al (2022) Revealed: Greek police coerce asylum seekers into pushing fellow migrants back to Türkiye. The Guardian.
375 The New Arab (2022) Greece blocks 40,000 migrants at Evros river so far in 2022.
376 Al Jazeera (2022) Greece prevents about 600 migrants from crossing Aegean.
377 Lighthouse Reports (2020) Frontex chapter II: Complicit in pushbacks; Human Rights Watch (2021) Frontex turns a blind eye to Greece's border abuses.
378 Voice of America (2021) Greece rejects EU Proposal for border monitors.
379 ECRE (2022) Frontex: MEPs urge release of EU anti-fraud investigation, Frontex to increase manpower at Ukrainian border, green light for talks on Senegal deployment.
380 Bellingcat (2020) Frontex at fault: European border force complicit in 'illegal' pushbacks.

pressure on Frontex and its beleaguered director, Fabrice Leggeri.[381] Despite the seriousness of the accusations against him, many doubted that EU member states would take decisive action against him. However, the publication of a damning report by the European Anti-Fraud Office in March 2022, accusing Leggeri of complicity in the pushbacks and violating the rules of his own agency, tipped the balance against him and by the end of April he had tendered his resignation.[382] While his successor, Aija Kalnaja, has sought to distance herself from his legacy and reaffirm the importance of protecting the rights of refugees and asylum seekers, further details continue to emerge about the systemic nature of these abuses, suggesting the scandal will continue to cast its shadow over the agency.[383]

Uncertain prospects for refugees and migrants on the Aegean islands

Following the fire in Moria camp on Lesvos in September 2020, the Greek government initially established temporary camps to accommodate those displaced. Since then, however, the majority of refugees have been moved to the mainland. Just over 3,500 were on the five islands of Lesvos, Chios, Samos, Leros, and Kos by the end of 2021, a fraction of the 17,000 there a year before.[384] Those who remain, however, face bleak living conditions in "prison-like" facilities.[385]

The EU, shortly after the fire, brokered an agreement with Greece to construct five new camps in the islands. Despite aspirational commitments to provide healthy and secure camps, the reality has fallen short of these standards. In May 2022, for instance, it was reported that Samos camp—previously presented as an exemplar when it first opened in September 2021—was largely without running water, forcing refugees to live on daily rations of water for their needs.[386] The camp on Lesvos, meanwhile, was at the time of writing scheduled to be completed around the end of 2022, with refugees, migrants, and asylum seekers in the meantime accommodated in the temporary camp of Mavrovouni. In addition to being vandalised by local protestors in February 2022, the proposed site of the new camp has been criticised for its remote location and vulnerability to wildfires.[387]

The "Calabrian route" from Türkiye to Italy

In response to the increasing barriers to entry on the Greek border, since 2020 smuggling networks have sought to exploit less well-known routes into Europe, including the so-called "Calabrian route"—a longer journey where sailboats circumnavigate the Greek mainland to dock in southern Italy. This option, while being not only more costly but also more dangerous, has increased in popularity, with approximately 10,000 reported arrivals in 2021 through that route, a fourfold increase from the year before.[388] In January 2022, a criminal network that had orchestrated much of the smuggling activity along this route was broken up by police.[389] Nevertheless, the popularity of this route has persisted, with 20 percent of recorded sea arrivals in Italy in April 2022 originating from Türkiye.[390]

The struggle of asylum seekers in Cyprus

Another entry point from Türkiye is **Cyprus**, with arrivals typically entering the Turkish-occupied north of the island with a Turkish visa before crossing the Green Line into the southern part of the island, governed by the internationally recognised Republic of Cyprus, an EU member state. In response, the Cypriot government has constructed barbed wire fences across the 184-kilometre *de facto* border and announced the rollout of a planned surveillance system in the latter part of 2022.[391] Meanwhile, asylum seekers from Syria and other countries have been confronted by increasingly restrictive government policies and a hardening of attitudes within local communities towards them.[392] Many asylum seekers on the island face substandard living conditions, with the country's children's rights commissioner criticising the "miserable" and "unhygienic" reception camp where unaccompanied minors are currently being held.[393]

At 4.6 percent, Cyprus already has the highest proportion of asylum seekers among its population in the EU.[394] Its extremely high rate of asylum applications—almost 15,000 for every million residents in 2021, twelve times the EU average of 1.2 per million[395]—has prompted the government to propose suspending asylum claims from irregular arrivals and call on the EU to relocate some asylum seekers to other countries in the bloc.[396] In February 2022, the European Commission, Frontex and Europol signed a joint agreement with the Cypriot

381 ECRE (2021) Frontex: Open scrutiny season for scandal-ridden border agency.
382 Christides, G. & Lüdke, S. (2022) Inside the final days of the Frontex chief. Der Spiegel.
383 Christides, G. & Lüdke, S. (2022) Classified reports reveals full extent of Frontex scandal. Der Spiegel.
384 InfoMigrants (2021) Few migrants remain on Greek islands.
385 Ibid.
386 Dumont, J. (2022) Greece: Migrants at Samos camp without running water. InfoMigrants.
387 Papanikolaou, N. (2022) Forest fire fears over new Greek migrant camp. Al-Monitor.
388 NPR (2021) Sailboats packed with migrants seek Italy on lesser-known migration route.
389 Reuters (2022) Police smash ring smuggling migrants from Türkiye to Italy in yachts.
390 UNHCR (2022) Italy sea arrivals dashboard April 2022.
391 Panara, M. (2022) Migrants live in "misery" as Cyprus suffers overwhelm with migrant influx. InfoMigrants.
392 Chehayeb, K. (2021) Syrian refugees in Cyprus struggling to rebuild lives torn by war. Al Jazeera.
393 InfoMigrants (2022) Cyprus: "Miserable" conditions for children in migrant camp.
394 France24 (2022) Cyprus minister pins blame for migration "emergency" on Türkiye.
395 Shurka, J. (2022) Cyprus tops number of asylum applicants per capita in EU. CyprusMail.
396 Hadjicostis, M. (2021) Cyprus wants EU support for migrant crackdown as flows rise. AP.

government to enhance border management, improve living conditions in reception centres, and accelerate asylum procedures.[397]

More movement on the Western Balkan route

In recent years, as other routes have become more restrictive, increasing numbers of refugees, migrants, and asylum seekers have travelled through the Balkans (made up of Albania, Bosnia and Herzegovina, Kosovo, Montenegro, North Macedonia and Serbia) en route to other countries in Europe. According to Frontex data, the number of detected crossings has increased year-on-year since 2018 (about 6,000), rising steadily throughout 2019 (15,000) and 2020 (27,000) before more than doubling to almost 62,000 in 2021.[398] This trend continued into 2022, with Frontex reporting 40,675 "illegal crossings" from January to the end of May, around half of the total detected across the EU during this period and almost three times the number recorded in the same timeframe in 2021.[399]

As of the end of August 2022, there were almost 10,800 "persons of concern" to UNHCR in the region, the majority concentrated in **Serbia** (7,300) and **Bosnia and Herzegovina** (BiH) (2,700).[400] **North Macedonia**, while seeing significant movement as thousands pass through its territory, has only a very small refugee and migrant population based there as most continue their journey on northwards into other countries. Living conditions remain difficult for those based in BiH who, alongside crowded reception centres and the increasing prevalence of anti-migrant campaigns by local politicians, face the threat of violent pushbacks by security forces in **Croatia**.[401] In Serbia, too, aggressive expulsions by border guards in **Hungary** and **Romania** have also been reported.[402]

The Central Mediterranean route

After a steady decline in the number of arrivals travelling to Italy from 2016 to 2019, the year in which total sea arrivals fell to 11,471, the number of refugees, migrants, and asylum seekers rose to 34,154 in 2020 and 67,477 in 2021. As of 18 September, 66,314 arrivals had reached Italy in 2022. Strikingly, a significant number of these were detected not in Sicily, the favoured destination for those travelling from North Africa, but in the southern regions of Calabria (12,585) and Apulia (3,066)[403]—suggesting that increasing numbers are in fact embarking from Türkiye and travelling the so-called "Calabrian route" to Italy, discussed above. It is now the most popular route into Europe.

In recent years, there has been a marked shift in the representation of different nationalities among refugees, migrants, and asylum seekers travelling the Central Mediterranean route. While in 2016 the five most common countries of origin among arrivals in Italy were all in sub-Saharan Africa—Nigeria (21 percent), Eritrea (11 percent), Guinea (7 percent), Côte d'Ivoire (7 percent), and Gambia (7 percent)—the picture was very different five years on, with the highest sending countries in 2021 being Tunisia (23 percent), Egypt (12 percent), Bangladesh (12 percent), Iran (6 percent), and Côte d'Ivoire (6 percent).[404] The composition shifted significantly in the first half of 2022, too, with the top five nationalities among arrivals being Bangladesh (17 percent), Egypt (17 percent), Tunisia (14 percent), Afghanistan (12 percent), and Syria (6 percent).[405]

Migrant deaths rise in the context of pushbacks and protection gaps

After decreasing for several years, fatalities in the Central Mediterranean rose in 2021 to 1,553 dead and missing, up from 999 in 2020. This trend has continued during 2022, with 1,003 dead and missing as of 2 September.[406] While this in part reflects an uptick in movement along the route during the same period, NGOs have also blamed European governments for scaling back naval search and rescue operations and their reluctance to allow boats to disembark, placing those on board at even greater risk.[407]

In particular, Operation Sophia—a longstanding naval operation of the EU that was actively focused on rescue of boats in distress and saved an estimated 45,000 people between June 2015 and March 2020—was replaced at the beginning of the Covid-19 pandemic with Operation Irini. The latter has a far narrower focus on preventing shipments of arms and illegal oil exports, rather than humanitarian protection: while obliged to respond to any emergencies in its vicinity, the relocation of its patrol area eastwards has meant that in practice it does not

397 Wallis, E. (2022) Cyprus: Electronic surveillance planned to hinder migration. InfoMigrants.
398 Frontex (2022) Migratory routes: Western Balkan route.
399 Frontex (2022) EU external borders in May: Detections in Western Balkan region more than double.
400 UNHCR (2022) Western Balkans – Refugees, asylum-seekers and other people in mixed movements: as of end August 2022.
401 Human Rights Watch (2022) Bosnia and Herzegovina: Events of 2021.
402 ECRE (2021) Balkan Route: Croatia and Romania Deny Systemic Pushbacks Despite Overwhelming Evidence, NGOs Point to EU Complicity and Urge Stronger Response, Croatian Border Monitoring "Toothless" and "Ineffective".
403 UNHCR (2022) Mediterranean situation: Italy.
404 Forin, R. & Frouws, B. (2022) What's new? Analysing the latest trends on the Central Mediterranean mixed migration route to Italy. MMC.
405 UNHCR (2022) Italy sea arrivals dashboard – June 2022.
406 IOM (2022) Missing Migrants Project – Central Mediterranean route.
407 Médecins Sans Frontières (2022) Search and rescue: MSF, SOS MEDITERRANEE, and SEA-WATCH warn of more deaths in the Central Mediterranean.

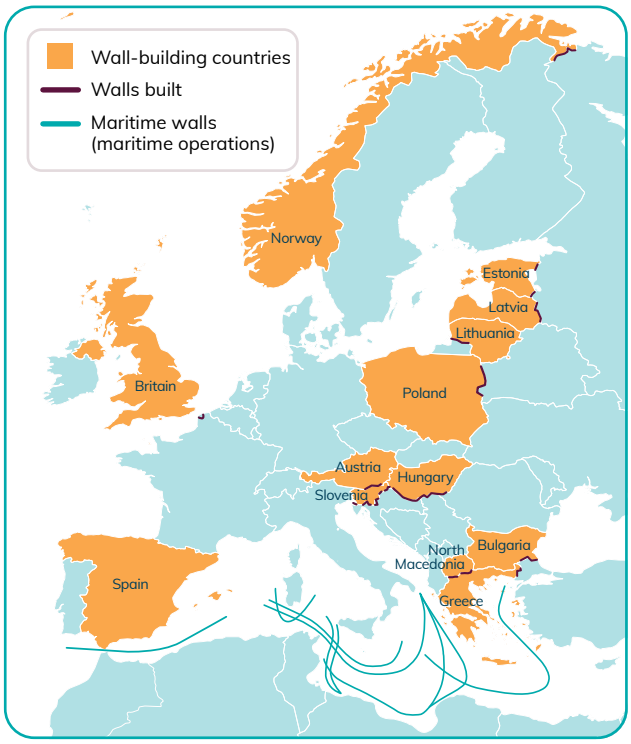
encounter any migrant boats. Indeed, in the first year of its operation, not a single boat was rescued by its fleet.[408] NGOs and charitable organisations have had to fill this gap with the limited resources at their disposal. Over just one weekend in mid-February 2022, for example, the vessel Ocean Viking (run by SOS Méditerranée in collaboration with the International Federation of Red Cross and Red Crescent Societies) rescued 247 people in five separate operations.[409]

Criminalising migration in Italy

Despite the 2019 departure from government of the right-wing politician Matteo Salvini, who as deputy prime minister and interior minister between June 2018 and September 2019 was the main architect of Italy's hostile migration policy during this time, the country continued to criminalise migrants and their supporters.[410] Numerous refugees, migrants, and asylum seekers have been arrested on charges of trafficking—typically for helping to steer the boat they arrived on—with the risk of lengthy prison sentences. A report published in late 2021 estimated that over the previous eight years approximately 2,500 people had been charged for "aiding and abetting illegal migration", often on the basis of very flimsy evidence, and that at times (in particular, during the years 2018 and 2019) almost one in every 100 migrant arrivals was arrested for this reason.[411]

Beyond this, however, Italian authorities have also targeted humanitarian and civil society organisations who have rescued or supported refugees, migrants, and asylum seekers on smuggling charges. On March 2021, criminal charges were launched against dozens of crew members on rescue boats, including staff from Médecins Sans Frontières and Save the Children, with prosecutors accusing charity workers of collaborating with human smugglers.[412] On May 2022, four former crew members of the Iuventa, a search and rescue vessel credited with saving some 14,000 lives before it was impounded in 2017, attended the preliminary hearing in a court in Sicily, where if convicted they could face sentences of up to 20 years in prison.[413] Meanwhile, Andrea Costa, the head of the non-profit Baobab Experience, faced charges of facilitating illegal migration for purchasing bus tickets for a number of migrants from Rome to Genoa in 2016. Only in May 2022 was he acquitted, with the judge in the case ruling that the "crime was non-existent".[414]

Graphic 16. Europe's border wall and mechanisms to restrict mobility



Source (adapted) and credit: AFP (updated by MMC as of end 2022)

The Western Mediterranean route and the Western African route

Since 2015, when only a small proportion of refugees, migrants, and asylum seekers entered Europe through Spain, increasing numbers have favoured this entry point in recent years. Though movement has reduced since 2018, when Spain was the most popular portal into Europe with over 58,500 arrivals by sea and another 6,800 by land, it nevertheless remains an important point of entry with almost 42,000 arrivals by sea and just over 1,200 by land in 2021.[415] Spanish authorities reported a significant uptick in undocumented migration in the first few months of 2022 compared to the same period in the previous year.[416]

Because of Spain's geographically dispersed territories, including the Canary Islands off the coast of Morocco and Western Sahara as well as Ceuta and Melilla, two

408 MMC (2021) Mixed Migration Review 2021.
409 IFRC (2022) Ocean Viking rescues 247 people within 48 hours from the Mediterranean Sea, including 5-month-old baby.
410 Salvini regained these same posts on 22 October 2022 in the government formed by Prime Minister Georgia Meloni, the leader of the far-right Brothers of Italy party who has described irregular migration as a threat to Italy's security and the quality of life of its citizens.
411 Arci Porco Rosso and Alarm Phone (2021) From Sea to Prison: The Criminalization of Boat Drivers in Italy.
412 Tondo, L. (2021) Refugee rescuers charged in Italy with complicity in people smuggling. The Guardian.
413 Amnesty International (2022) Italy: Search and rescue crew in court.
414 Paynter, E. (2022) A court case against migrant activists in Italy offers a reminder – not all refugees are welcome in Europe. The Conversation.
415 UNHCR (2022) Mediterranean situation: Spain.
416 AA (2022) Spain's irregular migration increases 29% this year.

enclaves on the North African coast bordering Morocco, refugees, migrants, and asylum seekers enter Spain through a number of different routes. Of the 21,264 arrivals up to 18 September 2022, the majority entered through the Western African route to the Canary Islands (11,616), followed by Andalusia (4,663) in the south and the Eastern Mediterranean mainland (1,912), the Balearic Islands (1,343), Melilla (1,341), and Ceuta (1,089).[417]

Difficult conditions on the Canary Islands

The Western African route to the Canary Islands is a maritime route connecting Morocco, Western Sahara, Senegal, and the Gambia to the Canary Islands. The route to the Canary Islands is especially dangerous, with at least 84 shipwrecks and 1,173 deaths recorded during 2021, though the true number is likely to be higher.[418] One monitoring group, Caminando Fronteras, estimated that in 2021 around 4,000 people died at sea on their way to the Canary Islands in 124 separate shipwrecks,[419] with another 978 deaths in the first half of 2022.[420]

Those who do manage to reach the Canary Islands face further challenges. While significant concerns persist around their treatment, the response of Spanish authorities has improved to some extent and delivered better outcomes than during the crisis in 2020, when thousands were forced to shelter in Arguineguín harbour without adequate housing or basic services. Among other measures, the central government, having previously blocked transfers to the mainland, has now permitted periodic resettlement of refugees, migrants, and asylum seekers from the islands to prevent overcrowding, while local officials have improved their own management of health, safety, and other issues.[421] Nevertheless, stories continue to emerge that highlight significant protection gaps for arrivals in the Canaries. In January 2022, for instance, reports emerged of around 400 refugees, migrants, and asylum seekers who were being warehoused in cramped and insalubrious conditions, with no access to showers, just five chemical toilets and a single tap with running water.[422] Reception facilities have also been severely strained by the arrival of thousands unaccompanied minors in need of housing, education, and health care.[423] By early 2022, child protection officials were reporting that their capacity would soon be insufficient to meet the needs of new arrivals, and called on both local municipalities and the national government to help address these gaps.[424]

Turbulent relations with Morocco over Ceuta and Melilla

The presence of two Spanish enclaves, Ceuta and Melilla, in North Africa has been a periodic source of friction between Spain and Morocco in relation to border management and the repeated attempts of refugees, migrants, and asylum seekers on the Moroccan side to scale the fortified barriers into Spanish territory. These tensions flared up between 17 and 19 May 2021 when, following the treatment of the leader of the Western Saharan independence movement Polisario Front, Brahim Ghali, in Madrid for Covid-19, some 9,000 refugees, migrants, and asylum seekers attempted to cross into Ceuta—a situation seemingly enabled by the inaction of Moroccan security guards. Their failure to prevent this movement was interpreted as retribution by Rabat.[425]

In March 2022, however, the Spanish government ended its position of neutrality on the question of Western Sahara (a disputed territory occupied by Morocco but classified by the UN as a "non-self-governing territory" and largely unrecognised as Moroccan territory at the international level) came out in support of Morocco's 2007 proposal for the area to be recognised as an autonomous region under Moroccan sovereignty. Shortly afterwards, Rabat and Madrid announced the normalisation of relations.[426] In May, the border crossing to Ceuta and Melilla was reopened for Moroccan workers after more than two years, having been first closed in response to the outbreak of Covid-19 and then during the protracted diplomatic row.[427]

In the meantime, refugees, migrants, and asylum seekers have continued to make mass attempts to enter Ceuta and Melilla. On two separate occasions on 2 and 3 March 2022, for instance, 2,500 and 1,200 people tried to scale the fences at Melilla, with 491 and 350 respectively successfully entering.[428] A week later, another 1,000 people made another attempt.[429] However, the most serious incident occurred on 24 June, when approximately 2,000 people attempted to storm the border fence into Melilla, resulting in the deaths of as many as 37 refugees, migrants and asylum seekers. While Spanish authorities condemned the incident as a "violent assault", reports suggested that the heavy-handed response of border security had contributed to the high number of fatalities, with Moroccan guards seen physically attacking those

417 UNHCR (2022) Mediterranean situation: Spain.
418 IOM (2022) West and Central Africa – Irregular Migration towards Europe | Western Africa – Atlantic Route (January – December 2021).
419 Reuters (2022) 4,400 migrants lost at sea bound for Spain in 2021, double previous year.
420 InfoMigrants (2022) Nearly 1,000 migrants died trying to reach Spain in first half of 2022, says NGO.
421 Klitgaard, A. (2021) How better migration management is reducing xenophobia in the Canary Islands. The New Humanitarian.
422 Martín, M. (2022) In Spain's Lanzarote island, political bickering keeps 400 migrants in cramped conditions. El País.
423 Carretero, L. (2022) Canary Islands overwhelmed by arrivals of unaccompanied minors. InfoMigrants.
424 Ibid.
425 For more information, see Mixed Migration Centre (2021) Mixed Migration Review 2021, p.22.
426 Reuters (2022) Morocco, Spain patch up diplomatic feud after Spanish shift on Western Sahara.
427 Al-Monitor (2022) Spain partially reopens enclaves to Moroccan workers.
428 EuroNews (2022) Melilla: Hundreds of migrants force their way across border to Spanish enclave.
429 EuroNews (2022) Hundreds of migrants attempt in vain to enter the Spanish enclave of Melilla.

attempting to scale the fence while Spanish police launched tear gas on the other side.[430] In the wake of the tragedy, human rights groups called for a formal investigation into the incident, particularly following reports that Moroccan authorities were planning to bury bodies without determining the identity or cause of death of the deceased.[431]

Looming labour shortages and the growing need for migrant workers in Europe

Notwithstanding the increasingly restrictive asylum and migration policies being implemented across Europe, there is also growing recognition of the need to expand labour migration to Europe in the face of demographic shifts and a large number of citizens now out of the workforce, a process accelerated in part by the impacts of the Covid-19 pandemic. In Italy, for instance, according to some estimates, around 2.6 million citizens have effectively "given up" on employment, meaning they are in a position to look for work but are not doing so.[432] Analysis suggests that Italy, as well as other European countries like Germany, could see its labour force shrink significantly in the coming years, with one projection forecasting an eight percent reduction in its working age population by 2050.[433]

In response to these forces, the European Commission published a communication in April 2022, entitled "Attracting skills and talent to the EU", that highlighted the need for expanded avenues for legal labour migration—in line, it pointed out, with the vision of the New Pact on Migration and Asylum. From healthcare to the green economy, it outlined the need for what it described as "a pragmatic and gradual approach towards an ambitious and sustainable EU legal migration policy".[434] Though it remains to be seen how this will be reconciled with the populist and anti-migrant agendas evident in many countries across the continent, its publication could usher in a more sustained discussion about the realities of labour shortages and the potential of increased opportunities for regular migration to meet this gap.

The UK's hostile environment, 10 years on

The infamous declaration of a "hostile environment" in the UK by then home secretary Teresa May in May 2012 was the beginning of a decade of increasingly adversarial policies put in place towards refugees, migrants, and asylum seekers. This draconian strategy sought to place sustained pressure through a variety of means, from restricted access to healthcare and housing to intimidation and surveillance, to force undocumented residents to leave the country.[435]

Though frequently criticised not only for its aggressive rhetoric but also its lack of effectiveness—for example, an official evaluation of a notorious and divisive publicity drive involving vans emblazoned with the words "In the UK illegally? Go home or face arrest?" found that only 11 people chose to leave the country as a direct result[436]—the consequences of the policies were devastating for many in the country, in particular the fallout of the Windrush Scandal. This involved the targeting of many long-term residents who had arrived in the country between 1948 and 1970, predominantly from the Caribbean. Even though they had been born British subjects and lived for most of their lives in the UK, many were threatened and in dozens of cases wrongfully deported because they were unable to fulfil the onerous paperwork requirements imposed by the government (a situation compounded by the Home Office's destruction in 2010 of the original landing cards of those who had arrived by boat to the UK).[437]

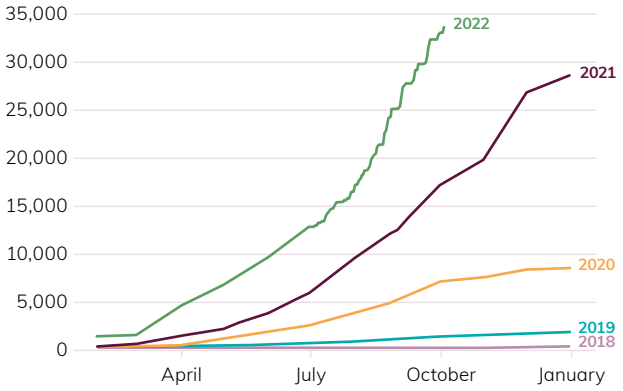
The hostile environment has been criticised not only for its moral shortcomings, but also its failure to deliver any significant improvements in the management of migration to the UK, despite the considerable human cost it has brought in its wake. An assessment by the Institute for Public Policy Research concluded that while immiserating the lives of many migrants in the UK, it had not succeeded in driving voluntary returns: "the available evidence suggests that the hostile environment forces people into poverty and destitution—denying them rights to essential goods and services—but it does not necessarily encourage them to leave the UK in greater numbers".[438] However, its legacy continues to shape the government's response to migration.

430 Middleton, J. (2022) Melilla border "stampede" death toll rises to 37 as police accused of "aggressive violence". The Independent; Kassam, A. (2022) "A bloodbath": refugees reel from deadly Melilla mass crossing. The Guardian.
431 Burgen, S. (2022) Moroccan authorities accused of trying to cover up Melilla deaths. The Guardian.
432 Miglicaccio, A. & Salzano, G. (2022) Italy is held back by 2.6 million people who have given up on work. Bloomberg.
433 Kenny, C. (2022) Global mobility: Confronting a world workforce imbalance. Center for Global Development.
434 European Commission (2022) Attracting skills and talent to the EU.
435 Taylor, D. (2022) From "go home" vans to Windrush scandal: a timeline of UK's hostile environment. The Guardian.
436 Travis, A. (2013) "Go home" vans resulted in 11 people leaving Britain, says report. The Guardian.
437 BBC (2021) Windrush generation: Who are they and why are they facing problems?
438 Institute for Public Policy Research (2020) Access Denied: The Human Impact of the Hostile Environment, p.22.

Crossings from France to the UK increase

The number of refugees, migrants and asylum seekers attempting to cross the Channel from France to the UK has increased significantly in recent years, from 8,417 in 2020 to 28,431 in 2021[439] to a record 33,500 in the first ten months of 2022.[440]

Graphic 17. Escalation of number of migrants and asylum seekers crossing the channel between France and the UK in last 5 years



Note: Data to June 2022 is monthly totals, more recent figures are updated daily and weekly. Some data from the latest week may be unavailable. Source: Home Office / Ministry of Defence, latest data 03 Oct.

Source (adapted) and credit: BBC News

The UK government announced a new agreement with **France** in July 2021, whereby in return for almost €63 million in financial assistance, French authorities would strengthen border security and surveillance.[441] Among other tactics, French authorities have repeatedly evicted refugees and migrants in Calais from makeshift camps. Following a Human Rights Watch report published in October 2021 documenting the systematic harassment and evictions carried out by police,[442] as well as an extended hunger strike by an elderly priest and two young activists, the French government announced in November 2021 that it would provide housing and support to migrants.[443]

Despite this agreement, relations between France and the UK over migration management have been strained: by September 2021, as the number of cross-Channel arrivals soared, it was reported that the UK's then home secretary Priti Patel was threatening to withhold the funding.[444] Around this time, the UK government suggested that the Royal Navy could conduct systematic pushbacks of boats intercepted in the Channel, though in April 2022 this proposal was officially withdrawn shortly before it was to undergo a judicial review.[445] Nevertheless, from mid-April responsibility for policing the waters was transferred to the Navy, despite concerns that patrol boats could increase the number of crossings by acting as "magnets" to people smugglers.[446]

The government has also been quick to propose other deterrent policies, including the transfer of asylum seekers who enter the UK on small boats to Rwanda,[447] as well as the announcement in June of a 12-month pilot to electronically tag asylum seekers who arrive in the UK through irregular routes.[448] This criminalisation of vulnerable arrivals has been criticised by activists who point to the urgent protection needs of those making the crossings. For example, analysis published by the Refugee Council in late 2021 found that based on the countries of origin of those travelling on small boats to the UK, 61 percent would have successfully qualified for initial asylum decisions even within the restrictive system currently in place in the UK.[449] By July, as the number of crossings continued to climb, reports suggested that the Royal Navy might "walk away" from the arrangement as untenable.[450]

Proposals for offshore processing in Rwanda

The UK government has recently enacted a raft of restrictive asylum policies, including the Nationality and Borders Act. Passed in April 2022, among other provisions this legislation raises the maximum jail term for illegally entering the UK to four years. It also effectively creates a "two-tier" system for classifying even recognised refugees, depending on how they entered the country, with those who arrived without a visa being afforded a temporary form of protection only, with limited access to welfare support.[451] While the bill was justified as a means to promote safe, legal alternatives to migration, even government officials have admitted that the text contains no provisions to facilitate formal migration routes for potential asylum seekers.[452]

439 Medlicott, L. (2022) As Calais grows more hostile, desperate migrants gather in Caen to make the Channel crossing to the UK. The i.
440 InfoMigrants (2022) Over 1,000 migrants cross Channel to UK.
441 France24 (2021) France calls for creation of a migration treaty between the EU and Britain.
442 Human Rights Watch (2021) Enforced misery: The degrading treatment of migrant children and adults in Northern France.
443 France24 (2022) France says will provide shelter, end surprise evictions for migrants in Calais.
444 France24 (2021) France calls for creation of a migration treaty between the EU and Britain.
445 Syal, R. (2022) Priti Patel's refugee pushback policy withdrawn days before legal review. The Guardian.
446 Robson, R. (2022) Royal Navy ships will be "magnets" for migrant boats and could make refugee crisis worse, former officer says. i.
447 Faulkner, D. (2022) First flight taking Channel migrants to Rwanda set for 14 June. BBC.
448 Savage, M. (2022) Outrage over scheme to electronically tag asylum seekers arriving in UK. The Guardian.
449 Refugee Council (2021) An analysis of Channel crossings and asylum outcomes November 2021.
450 Townsend, M. (2022) Priti Patel's plan to end Channel crossings in disarray as navy threatens to "walk away". The Guardian.
451 Refugee Council (2022) Differential treatment (Clause 11).
452 Townsend, M. (2022) Priti Patel accused of misleading parliament over controversial borders bill. The Guardian.

Shortly after the passage of the act, the UK and Rwandan governments announced the launch of a new agreement to transfer asylum seekers who had reached the UK irregularly (generally on small boats or hidden in lorries), or via a safe third country, to Rwanda to have their claims processed there, with those relocated unable to return to the UK. The scheme was painted as a deterrent to those considering entering the UK without authorisation, with the then home secretary pointing to the large proportion of young men among new arrivals as proof that they were "effectively economic migrants" (rather than "genuine asylum seekers") who were "elbowing out" women and children more in need of protection. However, the suggestion that young males would not have legitimate asylum claims is not supported by the evidence, with the large majority (73 percent) of asylum applications by men aged 18 to 29 in the UK in 2021 receiving approval for asylum or other permission to stay. Nor is it certain that the threat of offshore processing, which at present would likely be imposed on a very small proportion of the thousands of people crossing the Channel, will discourage those seeking to enter the country.[453]

The agreement has attracted widespread condemnation both within the UK and internationally, with UNHCR reiterating its resistance to any arrangements that transfer asylum seekers to third countries: "Such arrangements simply shift asylum responsibilities, evade international obligations, and are contrary to the letter and spirit of the Refugee Convention."[454] Critics also questioned whether Rwanda could be considered a safe third country, given the scale of political repression and human rights abuses taking place in the country, as well as the fact that many asylum seekers previously relocated to Rwanda from Israel under a similar agreement were subsequently denied asylum and forced to move on to other countries for protection.[455] In early June, human rights groups launched an injunction to suspend the planned deportations, though the High Court in London dismissed the complaint and ruled that the first transfers could take place the week after.[456] On 14 June, however, shortly before the plane was scheduled to depart, the European Court of Human Rights issued an urgent interim measure that delayed the deportation of the only person on board, a 54-year-old Iraqi who was a victim of torture. The announcement ultimately forced the government to cancel the flight.[457] The UK government subsequently announced its intention to go ahead with the planned deportations, with proposals to introduce legislation that would enable it to circumvent certain ECHR rulings.

As of October 2022, amidst ongoing legal challenges, not a single asylum seeker has been transferred to Rwanda. However, the government has continued to push for the implementation of the Rwanda programme despite the many human rights concerns it raises. In the meantime, human smugglers have reportedly lowered their prices and are sending even greater numbers across the Channel on overcrowded boats. On one day alone, 1 August 2022, 696 people made the journey across to the UK. Critics have pointed to the scale of this continued migration as evidence that the Rwanda policy is failing to act as a deterrent or address the underlying causes that are driving refugees, migrants, and asylum seekers to migrate.[458]

453 The Migration Observatory (2022) Q&A: The UK's policy to send asylum seekers to Rwanda.
454 UNHCR (2022) UN Refugee Agency opposes UK plan to export asylum.
455 Walsh, D. (2022) What happened when Israel sent its refugees to Rwanda. BBC.
456 Al Jazeera (2022) UK court says asylum seeker deportation to Rwanda can go ahead.
457 Davies, C. (2022) What is the ECHR and how did it intervene in UK's Rwanda flight plans?. The Guardian.
458 Syal, R. (2022) UK Rwanda asylum plan under fire as rising numbers cross Channel. The Guardian.

Asia

Overview

Conflict and persecution continue to drive the two worst displacement crises in the region: Afghanistan and Myanmar. In Afghanistan, the formal end to the war in August 2021 and the resumption of Taliban rule two decades after their ousting in 2001 has not brought peace and stability. Instead, against a backdrop of continued violence and insecurity, humanitarian conditions have deteriorated further. While hundreds of thousands of people crossed into Pakistan and Iran to escape the regime, large numbers have also returned (many involuntarily deported), creating further pressures on limited resources and a collapsing economy. In addition, natural disasters, in particular a devastating earthquake in south-eastern Afghanistan in June 2022, have led to further displacement.

Meanwhile, the Rohingya crisis has continued, as the situation in Myanmar has become increasingly challenging following the military seizure of power in February 2022. In Bangladesh, in the camps of Cox's Bazar, the safety and wellbeing of the almost one million refugees there has steadily eroded, and criminal gangs and assassinations have assumed prominent concern. While some refugees are prompted by these difficult conditions and their lack of future prospects to continue on to other destinations such as Malaysia, they now face an increasingly hostile environment in these countries, including the threat of detention and deportation. However, the prospects of safe return seem uncertain in the immediate term, given the military's resumption of control since the coup in February 2021, and the escalation of conflict in many parts of the country between ethnic armed organisations and government forces. Tens of thousands of Rohingya in Rakhine state continue to be held in squalid detention camps, unable to earn a living, access adequate services, or move freely.

Climate change and environmental catastrophes combine with the heightened vulnerability of many areas of Asia to these impacts to drive the displacement of millions of people. According to the Internal Displacement Monitoring Centre (IDMC), the three countries with the largest disaster-related displacement in 2021 were China (6 million), the Philippines (5.7 million), and India (4.9 million). This also reflects the broader exposure of the region as a whole to disaster-induced displacement: four-fifths of the 23.7 million internal displacements from disasters that occurred during the year took place in Asia.[459] Future projections of climate change-related displacement and forced migration suggest that Asia may be especially affected.

The impact of Covid-19 on migration has been considerable, with restrictions on labour movement and returns diminishing vital remittance flows and leaving many workers stranded in their home countries. As global economies open again, there appears to be a gradual shift towards more intraregional movement within Asia to countries like Malaysia, Singapore, and Thailand which are facing labour shortages in the post-pandemic recovery phase,[460] relative to migration to traditional hotspots in the Gulf, where reduced spending, changing labour requirements, and a recent emphasis on nationalising employment in sectors traditionally dependent on foreign labour have all affected labour demand. Nevertheless, migrant workers—particularly those without legal documentation, including refugees and asylum seekers—continue to be disproportionately exposed to unfair pay, long working hours, forced labour, and other abuses.

Afghanistan's crisis continues

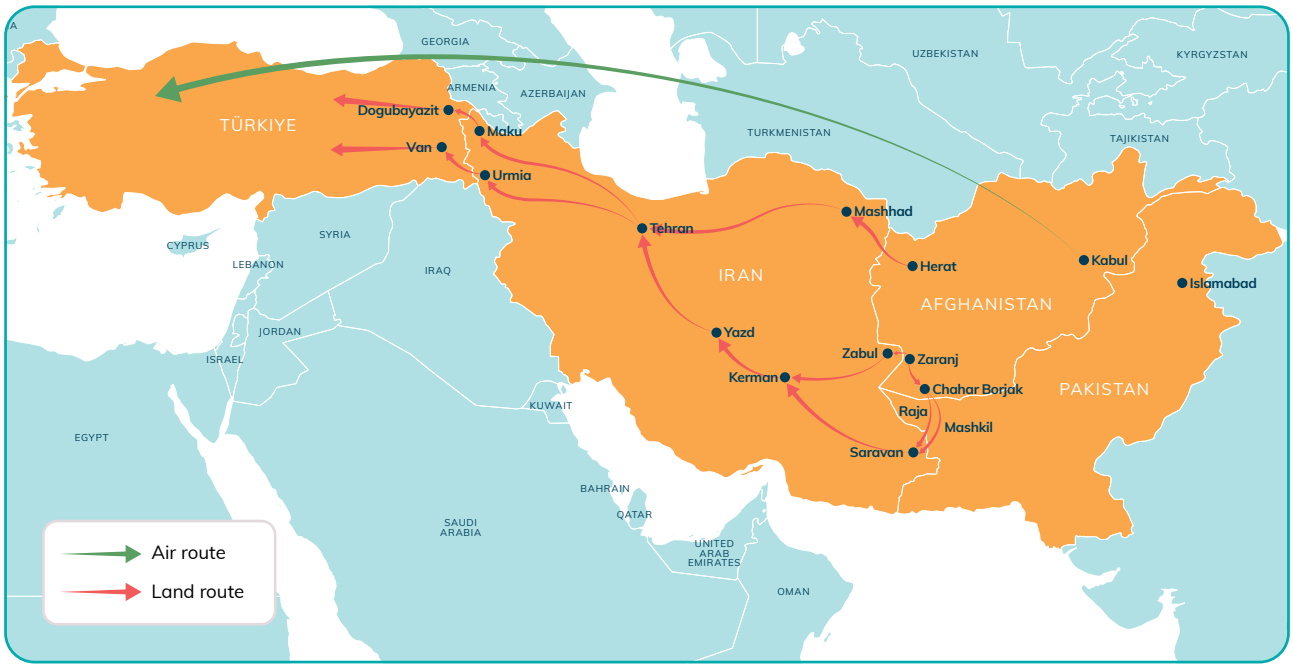
The swift territorial gains made by the Taliban during 2021 culminated in the seizure of Kabul on 15 August and the group's return to government, two decades after being ousted from power in 2001. There have been continued reports of torture, killings, and forced displacement carried out by the Taliban as well as continued attacks by Islamic State – Khorosan Province and other terrorist organisations against the civilian population, with women and ethnic minorities targeted in particular. Even in the capital, Kabul, reports have emerged of a growing security vacuum marked by extortion, kidnappings, and criminal violence.[461]

Conflict induced displacement in Afghanistan declined considerably in 2022, totalling just 7,400 displacements in the first half of the year, compared to 723,000 for the entirety of 2021.[462] Natural disasters, on the other hand, have taken a greater toll, accounting for around 124,000

459 IDMC (2022) GRID 2022: Children and Youth in Internal Displacement, p.27.
460 Bloomberg (2022) Thailand short of 500,000 foreign workers after govt lifts Covid-19 travel curbs; Reuters (2022) Malaysia firms turn down orders as migrant labour shortage hits; Bloomberg (2022) Singapore to fill foreign worker shortage in a 'few months', government promises.
461 O'Donnell, L. (2021) Afghan crime wave adds to Taliban dystopia. Foreign Policy.
462 IDMC (2022) One year on: The Taliban takeover and Afghanistan's changing displacement crisis.

displacements between January and the end of June 2022, five times higher than the total in the same period in 2021.[463] This included the worst earthquake to hit the country in two decades, leaving at least 1,000 dead and 1,500 others injured.[464] Thousands of homes were also destroyed, forcing many families to shelter precariously in temporary settlements.[465] The country's humanitarian crisis has also worsened since the Taliban takeover, with 25 million people now living in poverty and almost half the population in a state of food insecurity.[466] IDPs are especially vulnerable in these conditions. While many Afghans have been able to move back to areas where security has improved, with approximately 791,000 IDPs returning to their homes during 2021,[467] the devastation of housing and infrastructure has complicated this process.[468] In addition, around 450,000 people returned from neighbouring countries in the first half of 2022,[469] many of them involuntarily deported from Iran. Internal displacement in Afghanistan has slowed, however, with around 1,200 people newly displaced in the first half of 2022[470]—a significant reduction from the same period in 2021, when hundreds of thousands were uprooted by fighting.

Graphic 18. Most prevalent routes by migrating Afghans according to the Mixed Migration Centre's interviews in 2021 (via 4Mi)



Source: Mixed Migration Centre

Cross-border movement

Economic conditions and the humanitarian crisis in Afghanistan have forced many people to migrate, including into Iran and Pakistan.[471] For many, this decision has also been driven by the threat of violence and persecution, particularly towards former government officials, human rights activists, women's representatives, journalists, people affiliated with the allied forces, and members of persecuted communities such as Hazaras. Despite early promises that the new regime would be more inclusive, the Taliban has presided over the steady corrosion of human rights protections, particularly for women and girls, who are now excluded from secondary education and have been forced to wear face coverings in public.[472]

There are an estimated 3 million Afghans in **Pakistan**, including almost 1.3 million UNHCR-registered Afghan refugees,[473] 840,000 Afghan Citizen Card holders, and

463 IDMC (2022) One year on: The Taliban takeover and Afghanistan's changing displacement crisis.
464 Sands, L. & Cursino, M. (2022) Afghan earthquake: At least 1,000 people killed and 1,500 injured. BBC.
465 OCHA (2022) Afghanistan: Earthquake response situation report No. 3 (26 August 2022); Red Cross (2022) Afghanistan earthquake: hundreds of thousands of people affected.
466 UN (2022) Amid plummeting humanitarian conditions in Afghanistan, women, girls "are being written out of society" by de facto authorities, briefers warn Security Council.
467 UNHCR (2022) Afghanistan Situation Update – 1 June 2022.
468 IDMC (2022) Afghanistan.
469 OCHA (2022) Afghanistan: Snapshot of population movement (June).
470 Ibid.
471 IDMC (2022) Afghanistan.
472 Joya, Z. (2022) Afghanistan face veil decree: "I've lost the right to choose my clothes". The Guardian.
473 UNHCR (2022) Pakistan (Islamic Republic of).

approximately 775,000 others without documentation.[474] While Pakistani authorities increased border security in the wake of the Taliban's takeover in Afghanistan, an estimated 300,000 Afghans crossed into Pakistan by the end of 2021, most of them clandestinely. Around a third entered on valid visas that have since expired, while the remainder—approximately 200,000 people—were undocumented.[475] In December 2021, the Pakistan government announced that those who had arrived on visas would have the opportunity to renew them, but the remainder would be encouraged to return to Afghanistan.[476] Approximately 41,400 people returned from Pakistan from January to mid-June 2022, a significant uptick from the 7,000 returnees in the same period in 2021.[477] For those who have been able to stay in Pakistan, particularly those without documentation, securing even menial work and accessing services such as education remains acutely challenging.[478]

According to official estimates from October 2020, around 780,000 Afghan refugees were resident in **Iran**, along with 2.1 million undocumented Afghans and 600,000 Afghan passport holders.[479] Despite hosting Afghans for decades, deteriorating economic conditions in Iran and fears that the crisis in Afghanistan will drive an increase in migration have contributed to a hardening of both government policy and public attitudes towards Afghans. Allegations of police torture and brutality, public crackdowns on undocumented Afghans, and xenophobia appear to be on the rise.[480]

Afghans continue to cross into Iran despite increasing violence by Iranian border guards, with almost 100 Afghans reported killed and hundreds of others wounded in the first six months since the Taliban's takeover while attempting to cross into Iran.[481] As many as a million Afghans are believed to have entered Iran since the Taliban takeover in August 2021. Though around two-thirds (65 percent) of arrivals are deported by authorities back to Afghanistan, UNHCR projects that by the end of 2022, around 274,000 new arrivals will remain in Iran.[482] The remainder will either attempt to continue their journey or be returned to Afghanistan (in most cases). More than 408,000 people returned—forcibly or otherwise—between January and mid-June 2022.[483] By mid-2022, as many as 6,000 Afghans were reportedly returning from Iran every day.[484]

Afghans are also attempting to move on to Türkiye and the EU, in the face of heightened barriers and increasingly violent pushbacks. Afghans made up close to half of all recorded arrivals in Türkiye so far in 2022,[485] despite heightened security on its eastern border with Iran, and are still the second most represented nationality among recorded arrivals in Greece.[486] Despite widespread statements of support and solidarity with the Afghan people after the Taliban takeover, the reception of Afghan refugees, migrants, and asylum seekers is in stark contrast to the welcome extended to refugees fleeing the conflict in Ukraine.

Catastrophic flooding in Pakistan

Asia is one of the most vulnerable regions in the world to climate change, a situation that could contribute to increased migration in future. For example, one recent study projected that "climate migration" could triple by 2050, when more than 62 million people in South Asia could be displaced or homeless as a result of flooding, drought, cyclones, and other natural disasters.[487] It should be noted that the concept of "climate migration" is itself contested and evolving, in part because of the difficulty correlating slow-onset climactic changes with specific disasters, as well as the intersection of other factors such as persecution, poverty, and political instability. Some researchers prefer instead to put the emphasis on "climate mobilities", a framing that moves away from an overly simplistic causal relationship between climate change and human movement.[488]

Nevertheless, the flooding disaster that began in mid-June 2022 and in the ensuing weeks inundated over a third of the country and displaced more than 32 million people[489] has been decisively linked with climate change, with researchers concluding that climate change "likely increased" the severity of the

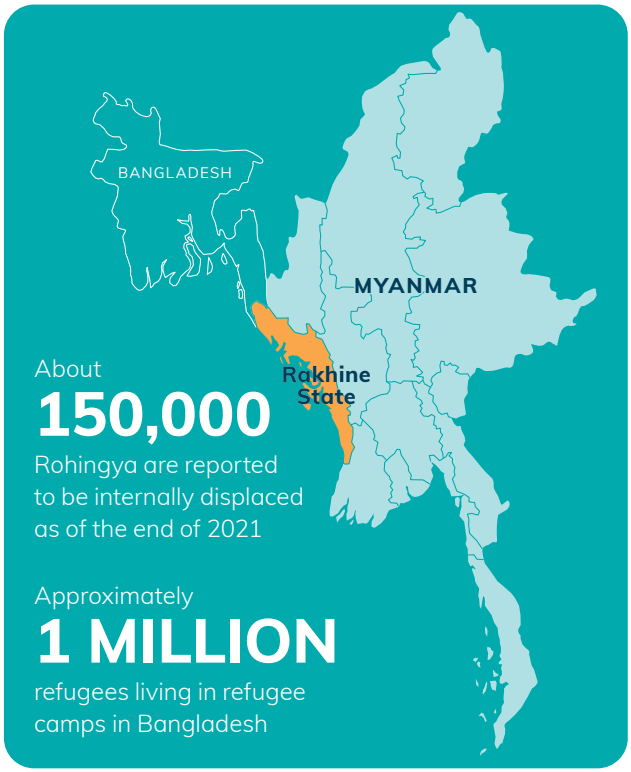
474 UNHCR (2022) Afghanistan Situation Regional Refugee Response Plan (RRP) 2022, p.27.
475 Gul, A. (2021) More than 300,000 Afghans flee to Pakistan since Taliban takeover of Afghanistan. VOA.
476 Ibid.
477 OCHA (2022) Afghanistan: Snapshot of population movement (June).
478 Amani, A. & Amiri, M. (2022) Afghans escaping the Taliban face new challenges as refugees. Minority Rights Group International.
479 UNHCR (2022) Iran (Islamic Republic of).
480 Lewis, T. & Nguyen, H. (2022) Unwelcome refugees: Afghans continue to face pushback and deportation. The Diplomat.
481 ANI (2022) Nearly 100 Afghan refugees shot dead by Iranian security forc2 es during past 6 months: Local officials.
482 UNHCR (2022) Iran (Islamic Republic of); UNHCR (2022) External update: Afghanistan situation #17 as of 1 June 2022.
483 OCHA (2022) Afghanistan: Snapshot of population movement (June).
484 Khan, A. (2022) For desperate Afghans, risky crossings into Iran are worth chancing. The New Humanitarian.
485 Government of Türkiye (2022) Düzensiz göç.
486 UNHCR (2022) Mediterranean situation: Greece.
487 Singh. H. et al (2020) Climate migration in South Asia set to treble by 2050 due to political inaction on global warming. Brot fur die Welt/ CANSA/ActionAid.
488 Boas, I. et al. (2019) Climate migration myths. Nature Climate Change.
489 Mallapaty, S. (2022) Pakistan's floods have displaced 32 million people — here's how researchers are helping. Nature.

flooding, potentially driving up rainfall by as much as 50 percent during the most intense period.[490] In September, during his visit to Pakistan, UN Secretary General Antonio Guterres called for global solidarity to support Pakistan's recovery from the disaster, but also highlighted the need for long-term action to avert future catastrophes: "we have waged war on nature, and nature is striking back".[491]

The Rohingya crisis

One of the largest refugee populations in the region is the Rohingya, a predominantly Muslim ethnic minority who despite their longstanding presence in Myanmar have been subjected to increased persecution in recent years. Violence against the community stretches back as far as the 1960s, driving thousands from the country. The single largest displacement occurred in 2017 when military forces conducted a systematic terror campaign of arson, torture, rape, and indiscriminate violence that left thousands dead and forced 745,000 into neighbouring Bangladesh over a matter of weeks. Rohingya are now the largest stateless population in the world. As of the end of May 2022, the majority (almost 930,000) were located in Bangladesh,[492] followed by Malaysia, where over 100,000 Rohingya refugees are present.[493] While research suggests that the majority of Rohingya still intend to return to Myanmar,[494] the possibility of a safe and orderly return for community members seems distant given current conditions in the country, particularly in the wake of the February 2021 military coup.

Graphic 19. Rohingya fleeing continued persecution in Myanmar: where are they?



Source (adapted) and credit: Al Jazeera 2022

Violence and insecurity in Cox's Bazar

An estimated 919,000 Rohingya refugees[495] are based in Cox's Bazar, Bangladesh. Concentrated in dense, poorly serviced camps, their vulnerability to disease and natural disasters was demonstrated first by the outbreak of Covid-19 and subsequently by a series of devastating fires, flash floods, and landslides that have destroyed thousands of shelters and left dozens dead. Camp residents suffered multiple fires in 2022, including in January when hundreds of shelters were destroyed and around 5,000 people were left homeless.[496] Another in March left one young boy dead and as many as 2,000 others homeless—the sixth blaze in three months.[497] Given the frequency and severity of these events, there are concerns that future incidents could be even more deadly unless comprehensive fireproofing and evacuation contingencies are put in place.

Rohingya refugees also face a growing presence of armed criminal gangs in the camps. Following the September 2021 shooting of a popular local leader and activist, Mohib Ullah, seven other community organisers

490 World Weather Attribution (2022) Climate change likely increased extreme monsoon rainfall, flooding highly vulnerable communities in Pakistan.
491 UN (2022) In flood-hit Pakistan, Guterres appeals for "massive" global support, tougher action on climate change.
492 UNHCR (2022) Bangladesh operational update – May 2022.
493 UNHCR (2022) Figures at a glance in Malaysia.
494 For example, see UNHCR (2021) Rohingya refugees from Myanmar: A regional perspective.
495 UN Refugees (2022) Rohingya refugee crisis explained.
496 Ratcliffe, R. (2022) Thousands homeless as fire sweeps through Rohingya refugee camp. The Guardian.
497 Save the Children (2022) One child killed and 1,000 children left homeless as fire rips through Rohingya refugee camp.

were assassinated over the month that followed. Many blamed their deaths on the Arakan Rohingya Salvation Army (ARSA), an armed militant group that has also been associated with arms and drug trafficking and other illicit activity in the camps.[498] In addition, there are at least 10 criminal gangs entrenched in the camps,[499] carrying out kidnappings, extortion and other abuses. As the rivalry between them intensifies, at times erupting into deadly confrontations, the lives of hundreds of thousands of refugees are again threatened by violence and insecurity.[500]

At the same time, refugees have had to contend with a wave of new restrictions imposed in the camps since October 2021. These include the closure of Rohingya-led school, barring around 60,000 Rohingya students from access to education, and the imposition of checkpoints that greatly constrain movement.[501] Around 3,000 shops run by Rohingya residents have also been demolished by the authorities, devastating the livelihoods of thousands of shop owners and worsening conditions for refugees in the camps.[502]

Bhasan Char

One of the most controversial developments in Bangladesh's Rohingya policy is the transfer of numerous refugees from Cox's Bazar to Bhasan Char, an island made of silt located 60 kilometres offshore. For years, the government maintained its intention to relocate 100,000 refugees there to ease crowding on the mainland, a proposal widely criticised by human rights groups on account of the island's remote location, lack of adequate infrastructure and high exposure to natural disasters. The first groups transferred there were passengers on marooned boats intercepted by the Bangladesh Navy at the beginning of the pandemic in May 2020, ostensibly to quarantine them.

Reports emerged during 2021 of health crises and abuse by security forces on the Bhasan Char, highlighting the neglect and mistreatment of refugees there. After a deal was agreed between Bangladesh and the UN in October 2021 to allow the UN to provide humanitarian assistance to refugees on the island, the government announced that it planned to relocate another 81,000 refugees by February 2022 to achieve its 100,000 target. Though transfers continued in the early months of 2022, by late May when the UN High Commissioner for Refugees visited the island, there were only 28,000 refugees living there.[503] The relocations have been criticised for effectively "warehousing" refugees in unsafe, poorly serviced conditions that leave them with little access to education, health care, or meaningful employment.[504] An added challenge is that many international donors are still reluctant to channel funding towards services in Bhasan Char.[505]

Talks on repatriation resume between Bangladesh and Myanmar

In recent years, Bangladesh has brokered several repatriation agreements with Myanmar that have ultimately foundered due to the widespread reluctance of Rohingya to voluntarily repatriate when their safety cannot be guaranteed and their citizenship remains unrecognised. Following negotiations between Bangladesh and Myanmar mediated by China in early 2021, signs of tentative agreement around issues such as installing an international presence in Rakhine state to monitor the repatriation process began to materialise. However, the Myanmar military coup only days later effectively brought these discussions to an end. Since then, the spread of civil conflict across the country has further challenged return. In January 2022 talks between the two countries resumed, with both sides expressing willingness to work together to address barriers to return.[506]

But the prospect of safe and voluntary return for Rohingya refugees in the immediate future appears remote given ongoing conflict in Myanmar and the targeted persecution of Rohingya in Rakhine. Despite the clear protection concerns that Rohingya returnees would face in Myanmar, there are concerns that Bangladeshi authorities are keen to expedite the process of repatriation. Having imposed severe restrictions on protests following demonstrations in 2019 calling for their citizenship to be restored, authorities permitted Rohingya to hold "Go Home" rallies calling for their right to return to Myanmar—and crucially, to their original villages, not government-built internment camps.[507]

For the time being, however, it is important that Rohingya refugees are not denied access to health care, education, and employment. At present, the restrictions in place on almost every aspect of their lives—arguably intended to prevent their integration into Bangladeshi society—exact a

498 Beech, H. (2021) They warned their names were on a hit list. They were killed. The New York Times.
499 Al-Masum Molla, M. (2022) Fear and loathing in refugee camps. The Daily Star.
500 Rashid, M. (2021) How cross-border crime ensnares and endangers Rohingya refugees in Bangladesh. The Diplomat.
501 Human Rights Watch (2022) Bangladesh: New restrictions on Rohingya camps.
502 Times of India (2022) Official: Thousands of Rohingya shops demolished in Cox's Bazar camps; Human Rights Watch (2022) Bangladesh: New restrictions on Rohingya camps.
503 UNHCR (2022) UNHCR's Grandi urges redoubled support for Rohingya refugees, host communities in Bangladesh.
504 Nguyen, H. & Lewis, T. (2022) Bhasan Char and refugee 'warehousing'. The Diplomat.
505 Loy, I. (2022) Q&A: The aid policy "limbo" on Bangladesh's refugee island. The New Humanitarian.
506 Mostofa, S. (2022) Bangladesh and Myanmar resume talks on Rohingya repatriation. The Diplomat.
507 France24 (2022) Thousands of Rohingya refugees in Bangladesh rally to "go home".

heavy toll on Rohingya. In December 2021, the UN Special Rapporteur on the human rights situation in Myanmar emphasised the importance of human rights, livelihoods, and access to education and health care as the basis for a sustainable and dignified return for displaced Rohingya to Myanmar. While stressing that the ultimate responsibility for the resolution of the crisis lay with Myanmar, he also highlighted that ensuring better protections and greater opportunities until repatriation was possible was "in the interest not only of the Rohingya community, but of everyone who shares the goal of a successful and sustained repatriation of the Rohingya community back to where they most want to go, home."[508]

Maritime migration to other countries in Southeast Asia

Significant numbers of Rohingya attempt to move to other countries in the region, predominantly Malaysia, from Bangladesh or within Myanmar. More than 630 Rohingya are estimated to have attempted sea crossings from January to May 2022.[509] Those who manage to avoid being intercepted by naval patrols face a hazardous journey across the Bay of Bengal and the Andaman Sea to reach their destination, illustrated by the deaths of at least 17 Rohingya on 21 May after a boat embarking from Sittwe capsized off the coast of Myanmar.[510]

While **Malaysia**, the most popular destination country, has tolerated Rohingya in the past, the environment for arrivals has become less hospitable, particularly after the advent of the Covid-19 pandemic. Malaysia is not a signatory to the 1951 UN Refugee Convention and a large proportion of those arriving without documentation are detained, meaning many vulnerable people are effectively criminalised and confined for extended periods.

In April 2022, more than 500 Rohingya who had been held since 2020 in a crowded detention centre in northern Malaysia attempted to escape; six were killed while attempting to cross a highway.[511] Most of those who had escaped were swiftly rounded up, but more than 60 were still missing almost a week later, prompting authorities to call on locals to track them down—a move denounced by human rights groups and described by one activist as a "witch hunt".[512] A leading human rights organisation criticised the inflammatory rhetoric of senior officials in the wake of the incident, including calls by the interior minister for refugees to leave the country "if they want freedom" that may have contributed to a subsequent surge in online hate speech.[513] In addition, the suggestion by the director general of the National Security Council to shut down UNHCR's office, and the denial of UNHCR's access to detention centres since 2019, has raised serious concern about the Malaysian government's stance against refugees and asylum seekers.[514]

Thailand has been repeatedly criticised for its harsh treatment of Rohingya, who are viewed as "illegal immigrants" and summarily transferred on arrival into detention centres. On 4 June 2022, 59 Rohingya (including 23 women and five children) who were picked up by authorities on Koh Dong island after being abandoned by smugglers were detained and now face criminal charges of illegal entry.[515] According to a June 2022 estimate, around 470 Rohingya were being held in indefinite detention in Thailand with no recourse to seek asylum as refugees. At the same time, Thailand bars Rohingya from registering as legally documented migrant workers, a discriminatory measure that is not applied to other Myanmar nationals. Thailand also maintains a dangerous practice of pushbacks, with any vessels intercepted by the navy forced to continue their journey or return to Bangladesh—though in some cases the boats never reach their destination and go missing.[516]

Smaller numbers of Rohingya have also reached **Indonesia**. In late December 2021, a boat with 105 passengers on board (97 of them women and children) was stranded for days at sea near the coast at Aceh. Authorities initially refused to allow the boat to dock, but following international pressure agreed for those on board to disembark.[517] In March 2022, another 114 Rohingya were found on a beach in Aceh, in a weakened state after weeks at sea. Though Indonesia, like many other countries in Southeast Asia, is not a signatory to the 1951 Refugee Convention, a 2016 presidential regulation provides a national legal framework guiding the reception of refugees on boats in distress,[518] albeit with certain limitations and restrictions on the ability of refugees to remain there in the long term.

508 OHCHR (2022) Promotion of human rights of Rohingya in Bangladesh is vital to their sustainable and dignified return to their homeland.
509 UNHCR (2022) UNHCR shocked at Rohingya deaths in boat tragedy off Myanmar coast.
510 Ibid.
511 Al Jazeera (2022) UN refugee agency "shocked" at Rohingya deaths in Malaysia escape.
512 Chaigne, T. (2022) Malaysian authorities start "witch hunt" for Rohingyas fleeing migrant detention centre. France24.
513 Article19 (2022) Malaysia: End hateful rhetoric against Rohingya refugees.
514 Free Malaysia Today (2022) Shut down UNHCR office in Malaysia, says security DG; Ananthalakshmi, A. & Chu, M. (2020) Malaysia denying U.N. access to detained asylum seekers, agency says
515 Boonkong, C. & O'Connor, P. (2022) Rohingyas found on an Andaman Sea island to face illegal entry charges and return to Bangladesh. Thai Examiner.
516 Human Rights Watch (2022) Thailand: Allow newly arrived Rohingya access to asylum.
517 UNHCR (2021) Press release: UNHCR applauds Indonesia for allowing safe disembarkation of boat with Rohingya refugees in Aceh; Al Jazeera (2021) Indonesia to accept dozens of Rohingya refugees stranded at sea.
518 VOA (2022) More than 100 Rohingya land on beach in Indonesia's Aceh; Missbach et al (2018) Stalemate: Refugees in Indonesia — Presidential Regulation No 125 of 2016. CILIS.

Renewed crackdowns in India force Rohingya into hiding

In India, particularly since the right-wing Bharatiya Janata Party (BJP) came to power in 2014, the estimated 40,000 Rohingya there have faced increasing restrictions. The community have been targeted against a broader backdrop of rising Hindu nationalism and anti-Muslim policies implemented by the government, marginalising Muslim citizens and refugees alike. Rohingya have been vilified as "terrorists" by nationalist officials and vigilante groups who have violently attacked Rohingya settlements in Jammu and Delhi.[519]

Since 2017, right-wing Hindu nationalist groups including BJP officials in Jammu have called for the Rohingya's expulsion, with the national government subsequently ordering every state to identify and detain Rohingya residents in their territory so they could be deported back to Myanmar.[520] The targeting of Rohingya in the country has recently intensified. The deportation to Myanmar in March 2022 of a Rohingya mother of three despite her status as a UNHCR-registered refugee and the clear danger she faced in her country of origin highlights the precarious situations endured by Rohingya in India.[521] Some 1,000 Rohingya are now being detained across the country, with further crackdowns in Jammu despite international condemnation of the woman's deportation. The increasing frequency of violent attacks and detentions prompted thousands of Rohingya to flee Jammu and other parts of India, with many seeking to cross into Bangladesh.[522]

Conflict persists in Myanmar

The military seizure of power from the elected National League for Democracy in February 2021 has only deepened the insecurity and humanitarian crisis in Myanmar. In June 2022, the UN Special Envoy for Myanmar described how longstanding pressures in the country had "both deepened and expanded significantly" in the wake of the coup, with "new frontlines that had long been at peace".[523] As of August 2022, 1,249,600 people were internally displaced in the country, including 903,000 newly displaced since the coup. During the same period, an estimated 42,300 refugee movements into neighbouring countries also occurred.[524] A total of 14.4 million people, more than a quarter of the national population, are now in need of humanitarian assistance across Myanmar.[525]

Conflict has spread into areas of the country that previously had enjoyed relative stability, such as Kayah and Kayin States, where fighting escalated from the end of 2021, destroying hundreds of homes and displacing thousands of civilians, often repeatedly,[526] with 74,600 and 84,800 IDPs in Kayah and Kayin respectively as of the August 2022.[527] Other areas that have seen an extraordinary uptick in violence include Chin State, as well as Sagaing and Magway Regions, displacing many in the process: as of the end of May 2022, there were 336,300 IDPs in Sagaing and 53,600 in Magway, as well as 36,000 in Chin State.[528] The majority of the 39,800 refugee movements into Mizoram in India since the 2021 coup are displaced residents of Chin State.[529]

Nevertheless, while civilians from different communities across the country are at risk of violence and displacement in the current context, the situation is especially challenging for the 600,000 Rohingya living in Rakhine state, including 135,000 who remain confined in IDP camps[530] following the outburst of violence targeting the community in 2012. The Rohingya population in Myanmar continues to face a range of restrictions such as limited freedom of movement and denied access to basic services including health care and education. [531] Deliberate neglect by authorities has left camp residents exposed to a variety of health and environmental hazards, from fires to flooding. [532]

Unsurprisingly, this continued persecution has driven many Rohingya to seek refuge outside the country, not only across the border in Bangladesh but also crossing by boat directly to Malaysia. According to analysis by Radio Free Asia, more than 600 Rohingya were arrested attempting to travel to Malaysia in the first half of 2022, driven by ongoing oppression and severe deprivation of basic needs in Rakhine.[533] In addition to the threat of interception and imprisonment, Rohingya who embarked on this journey also face the risk of boats capsizing. In May 2022, for instance, a boat that had left Sittwe with Rohingya on board capsized, resulting in the deaths of at least 17 people.[534]

519 Azizur Rahman, S. (2022) India won't give homes to Rohingya refugees, after Hindu right wing protests. VOA.
520 Human Rights Watch (2017) India: Don't forcibly return Rohingya refugees.
521 Human Rights Watch (2022) India: Rohingya deported to Myanmar face danger.
522 Rahman, S.A. (2022) India crackdown forces Rohingya refugees to go underground, flee to Bangladesh. VOA.
523 UN (2022) Myanmar's multidimensional crises have "deepened and expanded dramatically".
524 UNHCR (2022) Myanmar emergency update as of 8 August 2022.
525 UNICEF (2022) UNICEF Myanmar Humanitarian Situation Report No. 5: 1 to 30 June 2022.
526 OCHA (2022) Myanmar: Escalation of conflict in the Southeast flash update (as of 13 January 2022); UNHCR (2022) Displaced families in crisis-hit Myanmar struggle for survival.
527 UNHCR (2022) Myanmar emergency update as of 8 August 2022.
528 UNHCR (2022) Myanmar emergency update as of 1 June 2022.
529 Ibid; MMC (2022) Quarterly Mixed Migration Update: Asia – Q1 2022.
530 Bauchner, S. (2022) "Nothing called freedom": A decade of detention for Rohingya in Myanmar's Rakhine state. Human Rights Watch.
531 Human Rights Watch (2022) "Nothing called freedom": A decade of detention for Rohingya in Myanmar's Rakhine State.
532 Bauchner, S. (2022) "Nothing called freedom": A decade of detention for Rohingya in Myanmar's Rakhine state. Human Rights Watch.
533 Radio Free Asia (2022) Hundreds of Rohingya tried to flee Myanmar in past six months.
534 UNHCR (2022) UNHCR shocked at Rohingya deaths in boat tragedy off Myanmar coast.

Exploitation of migrant workers in South and Southeast Asia

Within Asia, some countries (such as India, Nepal, and the Philippines) are primarily sending countries for migrant workers elsewhere, both in the region and beyond to destinations in the Gulf. Others (such as Malaysia, Singapore, and Thailand), however, host millions of foreign workers from other Asian countries who arrive either through regular channels or without documentation, to work predominantly in manufacturing, agriculture, construction, and domestic services. Increasingly, labour migration in Asia is transitioning towards more intraregional movement as the richer Southeast Asian countries are outperforming Gulf states, where spending has fallen and there is now a greater focus on recruiting nationals rather than migrant workers in key sectors.[535]

Though the money they send back to their families is a crucial economic lifeline—remittances account for almost a quarter of Nepal's GDP, for example[536]—migrant workers are at high risk of being exposed to exploitation, abusive conditions, and other violations such as unpaid wages especially in host countries with weak labour protection mechanism. Even at the pre-migration stage, the process of securing approval to migrate, often conducted through the services of unscrupulous intermediaries, can push migrants into significant debt and leave them misinformed about the nature of the work that awaits them. Furthermore, once in their destination country, migrant workers do not enjoy the same protections as citizens. In **Thailand**, for example, only citizens are allowed to form labour unions, meaning foreigners are more vulnerable to labour rights violations. For migrants working without documentation, the probability of exploitation is even greater: as one undocumented Burmese migrant in Thailand told Al Jazeera, "if you are an illegal person, you get illegal pay."[537]

While there remain gaps in ensuring adequate living and working conditions for foreign workers in certain host countries, some sending countries have also failed to establish proper safeguards and protections for nationals working overseas. In **Indonesia**, for instance, deckhands on foreign fishing boats have frequently been subjected to excessive working hours, debt bondage and violence. Despite being compelled under the 2017 migrant workers law to pass reforms to strengthen their protection by 2019, these regulations were still unratified in May 2022 due to a lack of signatures, prompting three migrant workers to issue a lawsuit against the government. Shortly afterwards, in June, the new rules were finally approved.[538] Indonesia had also previously suspended labour migration to Malaysia in response to concerns around abusive working conditions there.

Migrants in Malaysia face repression and abuse...

Malaysia is one of the largest migrant-receiving countries in the region, with between 1.4 and 2.0 million documented migrant workers and another 1.2 to 3.5 million irregular migrants.[539] Notwithstanding its heavy reliance on the migrant workforce, weak law enforcement and fragmented administration have partially contributed to ineffective policy instruments in managing and protecting migrant workers in Malaysia. Estimates of migrant workers, either documented or undocumented, in Malaysia are inconsistent and vary by government departments.[540] Frequent shifts in migration policies, including a series of amnesty programmes intended to address the magnitude of undocumented migrants implemented since 2011—such as the Recalibration Plan for Illegal Migrants, initiated in 2020[541]—reflect the government's failed attempts in addressing the issue.[542] By 25 June, according to Home Ministry data, 282,561 undocumented migrants had registered for the latest programme and 243,297 had been repatriated.[543] Those who failed to leave, however, have been threatened with deportation and a lifelong ban from re-entering Malaysia.[544]

The Malaysian government has also come under pressure for its failure to ensure the protection of migrant workers in the country. A November 2021 media report documented excessive working hours, unpaid wages, and other serious labour rights abuses at ATA, a Malaysian electronics firm that until then was the largest supplier to Dyson, a home appliance manufacturer. Shortly after the story broke, Dyson announced plans to sever business ties with ATA.[545] In January 2021, the US government announced further import bans on two Malaysian companies believed to have used forced labour, prompting Malaysian authorities to call in the

535 IOM (2021) Spotlight on Labour Migration in Asia: A Factor Analysis Study, p.5.
536 World Bank (2020) Personal remittances, received (% of GDP) – Nepal.
537 Duncan, K. (2022) In Thailand, Myanmar migrants' illicit unions fight to be heard. Al Jazeera.
538 Gokken, B. (2022) Indonesia issues long-delayed rules to protect migrant fishing workers. Mongabay.
539 IOM (n.d.) Malaysia.
540 World Bank (2019) Malaysia: Estimating the Number of Foreign Workers.
541 Government of Malaysia (n.d.) Recalibration Plan for Illegal Migrants (PATI).
542 Anderson (2020) Managing labour migration in Malaysia: foreign workers and the challenges of 'control' beyond liberal democracies. Third World Quarterly.
543 The Star (2022) Migrants who fail to leave will be deported and barred from Malaysia for life.
544 Ibid.
545 Ananthalakshmi, A. & Lee, L. (2021) Dyson splits with Malaysia supplier, stoking concern over migrant worker treatment. Reuters.

embargoed companies to discuss immediate actions to address these issues.[546]

The reported incidents of abuse at the ATA factory highlight the need for a much stronger focus on the rights of foreign workers and their vulnerable position in the context of Malaysia's heavy-handed approach to migrants, particularly those lacking documentation. In February 2022, a group of former employees at ATA, predominantly from Bangladesh and Nepal, launched legal proceedings against Dyson for the abuses they had suffered, ranging from forced labour and 18-hour shifts to psychological abuse and physical mistreatment. Some workers claimed, having been assured that ATA would take care of their documentation, that the company had apparently allowed some of their visas to expire. As a result, they lost their legal residency and lived in fear of arrest, with several incarcerated for weeks in jail, including one instance where a worker was allegedly taken to police by his manager.[547]

...while in Singapore, lockdown continues for its foreign workers

In **Singapore**, meanwhile, the outbreak of Covid-19 in 2020 brought renewed attention to the harsh living conditions of its migrant worker population, who were forcibly quarantined in cramped, poorly ventilated dormitories that accelerated the spread of the virus. The government responded by committing to improve accommodation and services for its foreign labour force. However, more than two years after the pandemic began, and months after the last lockdown was lifted for Singaporean nationals, migrants continue to live with serious restrictions. Months after citizens were able to move freely around the island, the majority of remaining restrictions on Singapore's migrant labourers were only lifted in June 2022: even then, the requirement for passes when visiting a number of popular locations on Sundays and public holidays was kept in place to help prevent crowding, measures condemned by activists as exclusionary and unfair.[548]

Foreign workers also still live with intrusive surveillance measures originally introduced to contain the spread of the virus, including contact tracing, despite lack of a similar requirement for Singaporeans. Migrants are required to check in to their dormitory rooms twice a day, for instance, and their whereabouts can be tracked by their employers through an app called DormWatch.[549]

Inequalities in access to Covid-19 vaccines among refugees and migrants persist

Across Asia, as governments rolled out their Covid-19 vaccination programmes in the early months of 2021, citizens were prioritised for this life-saving treatment in many countries, while refugees, migrants, and asylum seekers were denied access. In the latter part of the year, once a large proportion of nationals had received their doses, provision was generally expanded to include refugee and migrant populations. Nevertheless, the effects of this exclusion remain more than a year on, reflected in significant disparities in vaccination coverage. In Bangladesh, for instance, where the government only began to include Rohingya in its vaccination drive in August 2021, the proportion of vaccinated refugees in early 2022 was still markedly lower than Bangladeshi nationals. A similar picture is evident in India, Indonesia, and Thailand, where rollouts for refugees only took place months after citizens were eligible and have yet to reach significant numbers of people.

The obstacles are especially acute for those without legal paperwork, including millions of unregistered Afghans living in Pakistan who are unable to receive vaccines without formal documentation. It is also the case, given the importance of proper information and trust in driving uptake, that in some countries barriers to access are not only grounded in public health provision but also the context of migration policy enforcement. In Malaysia, for instance, while authorities announced at the beginning of 2021 that no immigration-related arrests would be made against individuals accessing treatment for Covid-19, this policy was annulled a few months later and thousands of undocumented migrants were detained. Since then, the government has again announced that lack of documentation will not be a barrier to receiving a vaccine, yet many migrants residing without documentation in Malaysia are understandably reluctant to come forward due to fears they will be arrested.[550] Other factors such as transportation costs and loss of income due to long waiting and travel time must be taken into account to create an enabling environment for vaccine uptake.

546 Reuters (2022) Malaysian firms facing U.S. bans over forced labour summoned by ministry.
547 Leigh Day (2022) Dyson accused of forced labour and dangerous conditions by migrant workers in Malaysian factory.
548 France24 (2022) Singapore eases movement curbs for migrant workers.
549 Ibid.
550 Mukhopadhyay, J. & Thampi, G. (2022) Persistent Covid-19 vaccine inequity has significant implications for refugees and other vulnerable migrants. Migration Policy Institute.

Australia's harsh asylum policies persist, despite political change

Australia's controversial Operation Sovereign Borders (also referred to as the "Stop The Boats" policy) has seen thousands of asylum seekers transferred to offshore facilities in Nauru and Papua New Guinea while their claims are processed. Many have languished in harsh penal conditions for many years. While the policy of offshore processing began in August 2012, it was amended in July 2013 to include a provision that any asylum seeker intercepted and transferred could never resettle in Australia, even once their claims were recognised as legitimate.

Current estimates suggest that there are 105 asylum seekers living in Papua New Guinea and 112 in Nauru.[551] Facilities on Manus Island were closed in October 2021 after a 2016 court ruling in Papua New Guinea that deemed them to be unconstitutional, with detainees allowed to resettle in the capital, Port Moresby, or given the option to transfer to Nauru.[552] Australia renewed its agreement with the latter in September 2021.[553] Government officials made clear that there would be no shift in national migration policy, with those attempting to enter by boat turned back or sent to Nauru for processing, with no prospect of ever settling in Australia.[554]

In the early months of 2022, however, dozens of refugees were released from detention and in March the government announced a deal to resettle 450 refugees in New Zealand.[555] Nevertheless, refugees have been released on six-month temporary visas, and are still expected to leave the country after this time, either through resettlement in a third country or return to their country of origin. They are expected to manage these arrangements despite many dealing with profound trauma from almost a decade in detention, with only limited and short-term assistance provided by authorities.[556]

There was speculation that the announcement of release and resettlement by the government, ahead of national elections in May, was motivated by political concerns as reports of the brutal treatment endured by refugees in Australia's asylum system threatened to divide voters.[557] Regardless, prime minister Scott Morrison (the architect of the 2013 Operation Sovereign Borders policy in his then capacity as minister for immigration and border protection) was defeated by Anthony Albanese, the leader of the Australia Labor Party. Despite his more open stance on refugees—in August 2021, for instance, Albanese called on the Morrison government to grant permanent residency to the thousands of Afghan refugees in the country[558]—hopes that his administration would usher in a more progressive asylum policy have so far been disappointing. In June 2022, following reports that traffickers were informing potential asylum seekers from Sri Lanka that the new government would welcome them, Albanese reiterated that Operation Sovereign Borders would remain in place and that his government would be "strong on borders without being weak on humanity".[559] The Refugee Council of Australia has pointed to the need for lasting and sustainable solutions to the continued reality of asylum needs, with an end to offshore processing and the reinstatement of refugee visas that were in place until 2013.[560]

551 Refugee Council of Australia (2022) Offshore processing statistics.
552 Doherty, B. (2021) Australia to end offshore processing in Papua New Guinea. The Guardian.
553 Doherty, B. (2021) Australia signs deal with Nauru to keep asylum seeker detention centre open indefinitely. The Guardian.
554 BBC (2021) Australia ends controversial asylum detention deal with Papua New Guinea; BBC (2021) Australia signs deal with Nauru to keep asylum seeker detention centre open indefinitely.
555 Osborne, Z. (2022) Australia election 2022: Are Australia's refugee releases an election ploy? BBC.
556 Al Jazeera (2022) Refugees freed on six-month Australian visas live "life in limbo".
557 Australia election 2022: Are Australia's refugee releases an election ploy? BBC.
558 Grattan, M. (2021) Politics with Michelle Grattan: Anthony Albanese says Afghans in Australia should be given permanent residency. The Conversation.
559 Wu, D. (2022) Albanese insists refugees will not be settled in Australia after smugglers told them new government won't send them back. Sky News.
560 Refugee Council of Australia (2022) Three refugee issues requiring urgent change in 2022.

Photo credit: Alexi Rosenfeld

People gather in support of the people of Afghanistan in New York in late August 2021 just after the US and other states abruptly withdrew their military forces from the country, which the Taliban quickly took over again. Although for a brief period, thousands of fleeing Afghans were airlifted and given asylum around the world, many at-risk Afghans were left behind, while others who left by their own means have been thwarted in their migration or asylum-seeking objectives. (See Thematic Snapshot "What happened to the predicted out-movement of Afghans?" on page 106).

Photo credit: Petra Molnar

A cemetery for unidentified refugees and migrants in Sidiro, a small Greek village closed to the Turkish border. Some of those buried here drowned while trying to cross the Evros River, others died of hypothermia or were victims of road accidents. As the numbers of missing and deceased rise, a handful of forensic experts are working to give those who have perished and their families the dignity of identification and closure. Their challenges are formidable, but progress is being made in terms of international cooperation. (See the essay Raising the bar: New international instruments, scientific disciplines, and practice related to missing migrants, on page 164 as well as two interviews on pages 172 and 175).

Section 2

The migrants' world

This section explores the experiences and context of those on the move in mixed migration. It consists of a key interview with the United Nations' Special Rapporteur on the human rights of migrants, as well as five stories spoken in their own words by refugee and migrants' family members who stayed behind—the events from their perspectives and the emotions that migration evoke for them. Additionally, there are Thematic Snapshots presenting mixed migration updates from four crisis situations including Haiti, the Greek 'hotspots', Ukraine, and Afghanistan as well as an essay exploring the nature of high-risk migration—but from the migrants' perspective.

This mix of the lived experiences of migrants and families, location briefings, and expert commentary, aims to situate those in mixed migration at the heart of this review.

Failed onward movement to Côte d'Ivoire:

"We even had to send him money."

When the armed groups came to our village in northern Burkina Faso, we had to run away leaving everything behind. They killed several people and we had to flee with our families. The number of people they killed is impossible to count. Many of our possessions were destroyed. That's how we ended up here in Ouagadougou. Others continued to Côte d'Ivoire and some to Mali.

I have brothers who left a long time ago, long before the security crisis. But the one who left recently, my big brother, that was only a year ago. He had to migrate to get money so that we could eat, the family was in crisis. So he left to look for work in Côte d'Ivoire to help us to feed the family.

He left here with nothing, he had only the clothes he was wearing and nothing else. He left his wife with eight children here so you can imagine. It's stressful for everyone. I contributed 105,000 CFA francs (about $160) to enable him to migrate. At first, we were really optimistic that once he arrived there, he would be able to find a good job and help us, but unfortunately, he is having a hard time. We even had to send him money.

He spent almost all his money because of hassles on the road. We knew that he would have to pay on the road, but we didn't know it was so expensive. He arrived with only 15,000 CFA francs in his pocket because of the harassment by the police. And we were obliged to send him money until he found a job. He hasn't even been able to send money since he left.

During the migration we didn't communicate too much, it was when he arrived in Bobo Dioulasso that he called us and that was it. Since his arrival until now, I am in regular contact with him. On average once a week we manage to call each other. Even this morning we communicated.

We had no choice. Even if he doesn't make it, we think the decision to go to Côte d'Ivoire was right. The rest as you know is God's will and we have not lost hope. One day we think his turn will come.

It was a migration for the benefit of the family. But for the moment it is me and the other family members who help his family eat. If he earns something in Côte d'Ivoire, we can all benefit. We discussed that me and our elder son would stay to look after the family because we knew that if we migrated too, the whole family would be broken up.

He wants to come back but he can't. His work is not profitable and if he comes back what will he do? There are too many difficulties. His wish is to return home, not here in Ouagadougou but rather to our village in the northern department of Arbinda. But as our village is occupied by armed groups, it is complicated.

It is better if he stays there in Côte d'Ivoire. Maybe he will find a job that will bring him a good income, which will allow him to support his family here in Ouagadougou. If he comes back here, he will have expenses. Even I, who am here, have plans to migrate.

Migration is not a good thing in my opinion. What is good for us all is our village in the Sahel region. There we used to farm, raise livestock, and we managed to feed our families with dignity. Otherwise here in Ouagadougou we have no home and no work. Often you can make it through the day without having 1,000 CFA francs, even though you have a large family to feed.

Migration is not the best solution, but when you have no choice, you can't just sit back and do nothing. We go to other countries hoping to find work. If our region of the Sahel was at peace, we would not move, but alas...

Migration is like that: you can earn well or not earn anything, that's life. But a man has to make an effort to provide for his family and if he can't find work here, he has to migrate in order to hope.

The authorities really need to work on facilitating migration. It's impossible to travel without our law enforcement agencies robbing you of your money on the road. Often, even in other countries, it is better than here in Burkina. Even though you have your national identity card, the police will take money from you. In Côte d'Ivoire and Mali, if you have your documents, it's better than here. But here in Burkina, you have to pay. This is a real problem for us. The Malian police are a bit more flexible than those in Burkina. In Burkina, our soldiers act as if they don't know us.

Haiti: No exits and no mercy

Endemically poor and politically unstable Haiti has had a troubled, and interfered-with, history since it violently won independence in 1804.[1] Now, since the assassination of President Moïse in July 2021, long-standing deteriorating security and economic conditions have become even more intolerable for many Haitian families as "brutal gangs control and terrorise whole neighbourhoods, especially around Port-au-Prince; democratic institutions have collapsed; the justice system is unable to provide justice; and impunity is overwhelming."[2] Since 2018, Haitian civil society organisations have documented the killings of hundreds of people in at least 18 massacres allegedly committed by gangs in the Port-au-Prince metropolitan area.[3] The security, political, and justice crises aggravated a longstanding humanitarian situation that stretches back at least to the 2010 earthquake, which itself led to successive movements of migrating Haitians.[4]

But all exits appear to be blocked as Haitians face a hostile reception whichever way they turn. Historically, Haitians who fled to the Dominican Republic found their experiences in their neighbouring country exploitative, discriminatory, and exclusionary and today Dominicans of Haitian descent find themselves stateless and excluded from the country's nationality rights.[5] The hundreds of thousands of Haitians that sought refuge and better livelihoods in South America, especially after the devastation of the 2010 earthquake, were initially accepted and tolerated, mainly in Brazil and Chile, but later found the discrimination intolerable and started to leave. This was exacerbated during the Covid pandemic and by 2021 they were joining new movements of Haitians who had travelled into Mexico, having sailed to Colombia and journeyed by foot and vehicle to Mexico's northern border with the US. Others have attempted to reach Florida by boat, but all have been met with an implacable government response that not only—in contravention of US and international law—denies asylum application to almost all Haitians but which has also spared no effort to expel them through forced repatriation. In many cases, the controversial and selectively-applied Title 42 health law is applied to effect expulsions.[6]

In September 2021, about 15,000 migrants, many of them Haitian, crossed the border into Del Rio, Texas, over the course of a few days. After a widely publicised stand-off with US immigration and border patrol officers the US started returning Haitians to Haiti en masse.[7] Between September 2021 and May 2022, over 25,000 were returned to Port au Prince, echoing the expulsions during the so-called Haiti Refugee Crisis in 1991.[8]

Despite calls from the UN agencies for migration (IOM), refugees (UNHCR), children (UNICEF), and human rights (OHCHR), and numerous NGOs to refrain from sending families and individuals back to "dire" Haiti, the US government and others (such as the Bahamas, Cuba, Turks and Caicos Islands, Mexico, and others) have continued doing so into 2022. In May 2022 alone, the IOM documented almost 5,400 returnees, a fifth of them minors, on 47 flights and five ships.[9]

Despite eliciting controversy, the US response has continued with determination in what looks increasingly—and indefensibly—like a racialised reaction when contrasted with the speed and ease with which tens of thousands of Ukrainians were given asylum in the US in the wake of Russia's invasion in February 2022. By June 2022, over 45,000 families in the US had offered to sponsor Ukrainian refugees, while President Biden committed to assist up to 100,000.[10]

In September 2021, Daniel Foote, the US Special Envoy for Haiti, resigned, denouncing the "inhumane, counterproductive decision to deport thousands of Haitian refugees and illegal immigrants to Haiti." In a contradictory policy decision, the US has offered Haitians who entered the US before September 2021 Temporary Protection Status (TPS) and leave to remain while conditions remained dangerous in Haiti, but those entering (irregularly) after that period are not offered TPS. Meanwhile, in August 2021 the US issued a Level 4 travel warning, the most severe level, telling its own citizens: "do not travel to Haiti due to kidnapping, crime, civil unrest, and Covid-19." Blocked from discrimination-free refuge and/or access to countries in the Caribbean, South America, the Dominican Republic, and the US, fleeing Haitians have no exits in a hostile environment that appears to single them out. States are simply turning away from Haitians, denying them rights enshrined in international and national laws, giving them special treatment, and ensuring they are offered little or no mercy.

1 Cela, T. & Marcelin, L. (2021) Exploitative and ineffective international engagement created Haiti's migration crisis. The New Humanitarian.
2 Human Rights Watch (2022) Haitians Being Returned to a Country in Chaos.
3 Sullivan, E. (2022) U.S. Accelerated Expulsions of Haitian Migrants in May. New York Times.
4 UN News (2020) Haiti earthquake victims honoured at UN, with pledge to safeguard the nation's future.
5 Minority Rights Group International (2015) Statelessness in the Dominican Republic.
6 American Immigration Council (2022) A Guide to Title 42 Expulsions at the Border.
7 IOM (2022) Migrant Returns And Reception Assistance In Haiti , Air & Sea. May 2022.
8 The Guantánamo Public Memory Project Haitians and GTMO.
9 IOM (2022) op cit; Sullivan, E. (2022) op cit.
10 Centre for Immigration Studies (2022) Uniting for Ukraine: A New 'Privately' Sponsored Pathway to the United States.

Interview

Out of synch

Partnerships and collaboration between the global North and the global South forged through bilateral arrangements and broader initiatives such as the 2018 Global Compact for Migration disguise significant differences in terms of priorities and perspectives, at the level of both government policy and public opinion, explains **Leander Kandilige**.

Dr Leander Kandilige is a senior lecturer and a seasoned researcher at the Centre for Migration Studies, University of Ghana, a visiting lecturer at the University of Northampton, and a research associate at the Refugee Studies Centre, University of Oxford.

Are you seeing more or fewer regular channels for labour migration since the migration compact was adopted in 2018? What's your assessment of what's happened since then?

I think that the channels have increased at some points but then are also being restricted at other points, especially depending on where people are trying to access other countries from. So the geographical location is critical. If you talk about the global South to global North type of migration, then I think there's still room for improvement, especially within the context of African migration to destinations in the EU and then North America. There have been some restrictions and I think for this to be improved, or for us to achieve our aim of increasing regular migration and then dissuading people from embarking on irregular migration, we need more accessible pathways to migration.

There are also restrictions in terms of the economic resources that are required for people to embark on migration and policy restrictions in terms of how difficult it is to be able to access a visa, for example. They tend to be the background factors that dissuade people from embarking on regular migration, and these channels haven't improved that much since the compact in 2018. The theory is one thing, but then in practice we still see that lots of migrants are restricted from being able to access the formal channels of migration.

For instance, movement through the Sahara Desert to the EU, through Niger and then Libya: in 2015, after the EU agreed a migration policy/deal with the Nigerien government, the number of migrants crossing the Nigerien regions such as Agadez dipped from 400,000 in 2015 to less than 10,000 in 2019, but that has since picked up. So policy regulations alone will not be sufficient to dissuade people from moving unless you have formal channels that are open. I think it is counterproductive to rely too much on policy restrictions to keep the number of people who are willing to move and will do anything to move.

Is regularisation a serious choice? Or does it send the wrong message in terms of suggesting that irregular migration works out in the end? Which is not the message many of these states want to send of course.

Most states are quite nervous about regularising the status of irregular migrants once they're in country, because the fear is that it then indeed sends the wrong message that if you stick it out long enough, there will be an amnesty and then you finally become a regular migrant. However, people living in the shadows is also not an ideal situation where migrants are not able to be fully productive and they don't access basic amenities like healthcare facilities, and we know how that could potentially lead to the spread of communicable diseases, when people are too scared to access the formal healthcare facilities. So, regularising has its strengths, it has its positives, but of course it also has its negatives in terms of the optics. That's why states are reluctant to embark on that as a policy measure. So at some point, we are not saying that it should be *carte blanche* and everyone else who just arrives should be regularised, but it can be means tested in a way that allows people who probably have no criminal record, they have been doing the right thing as in working, paying their taxes etc. within a cut-off period of let's say, 10 or 20 years, to create a pathway towards regularisation so that it is not automatic but it is a necessary step in making people kind of move out of the shadows. And the type of exploitation that is embedded in people living in an irregular status could also be avoided. Cash-in-hand jobs, poor working conditions, exploitation by employers and so on and so forth, these are potential risks that irregular migrants face, and you will be able to get rid of all those and then get people to do the right thing and contribute even more towards the tax net if their status were to be regularised.

The most important aspect is also looking at the second generation: the offspring of irregular migrants who are in some cases automatically irregular by virtue of their parents' migration status. They haven't done anything wrong per se, they are just born in the country by parents who were not regular in the first instance. Such migrants, secondary or second-generation migrants, probably don't know anything about their parents' country of origin and all they know is the familiar environment of the destination country. So I think there is a case to be made for second generation migrants who are born to irregular migrants to be at the forefront of the queue for regularisation to allow them to become fully integrated and productive citizens.

Do you think there was an element of political gesturing around the compact? Did some nations at that time never have the intention to implement?

It is difficult to know what the intention was at the time because intentions do change depending on circumstances. We can cut them some slack and say they probably were well meaning at the time but then the circumstances have changed since then. That is if you want to be generous to them. A deeper analysis of it might mean that it was probably something that was superficial, an opportunity to be seen to be doing the right thing, to be part of the club of countries that have migration at heart, and they seemed to be pro-migration, when in reality it was easy to sign on the dotted line, but they were not intending to implement the compact to the letter. So there was political gesturing to some extent. For some of the countries, it became immediately obvious that they were not intending to follow through on the commitments they made. But others can also argue that with time the circumstances changed, and they had to make a U-turn on some of the things that they thought they could do. So, the answer is yes and no.

> **"Most academic writing from the global South about migration tends to reinforce some of the narratives predetermined by the global North's funding institutions. These are South-to-North migration biased, when in fact it should have been South-South migration, because that's where the bulk of migration happens."**

You straddle the academic and project-based migration sector of the global North and the global South. This gives you a special perspective. What differences are there between the academic perspectives of migration between Africa and Europe?

I think the African perspective for migration will be one that looks at Africa as an origin continent and then the destination being the privileged global northern countries, including [those] in Europe and North America. So, in analysing migration, it tends to be a global South-to-North type of migration, and very little attention is paid to the bulk of migration that takes place within the global South. In the case of Africa, the bulk of people actually migrate within the continent of Africa and not from African countries to external places. Now, the question is, why is that not the focus of academic discourse even in the African context? Part of it has to do with the funding of academia in Africa. Most of these journal articles that are developed are produced on the back of projects that are mostly funded by global North institutions and funding bodies like the EU, or the International Labour Organization, or the UN Development Programme, or the International Centre for Migration Policy Development, or the [UN's] International Organization for Migration, etc. So most academic writing from the global South about migration tends to reinforce some of the narratives that have been predetermined by the global Northern funding institutions. So unfortunately, that's the narrative from the perspective of the global South to the global North. It is Northern biased, South-to-North migration biased, when in fact, it should have been South-South

migration, because that's where the bulk of migration happens. Over 70 percent of the migration takes place within the African continent.

> **"Although African countries seem to be doing something about irregular migration, their priority is how their citizens are able to generate income in the global North and then transmit that through financial or social remittances."**

So what role do African researchers and academics play in all this?

When you look at it from the perspective of colleagues from the global North, the African colleagues are seen mostly as data collectors. We collect raw data which is analysed and the lead authors tend to be from the global North who use information that they don't have local knowledge of compared to their African colleagues. But African colleagues are willing to play that second-fiddle role because that is the only way you can advance in your career to continue to get funding, to continue to get projects, and then to be able to be associated with the "lead in that sector".

> **"Migration is seen as a livelihood strategy within the African context, but in Europe migrants are seen as scroungers, bogus asylum seekers, or people who are in European capitals just because of the welfare benefits and people who are taking from society rather than giving."**

What are the differences between the global North and South in terms of the politics and the policy context in relation to migration?

So there is a clash of interests here: whereas the EU and then the global Northern focus is on readmission agreements, returns and then externalisation policies to try and then get African countries to do the policing on behalf of the global Northern countries, the reverse is the case from the perspective of the African countries. Their main concern is how much money they can get through remittances. Although they seem to be doing something about irregular migration, their priority is how their citizens are able to generate income in the global North and then transmit that through remittances, whether financial remittances or social remittances, as in the cash remittances or knowledge, skills transfers and suchlike. So those are more the priority areas compared to what keeps European politicians awake at night, which is about irregular migration.

And how do citizens' attitudes to migration vary between the global North and South?

The electorate in the global North uses emotive language about being swamped, or their countries being overrun by migrants, and all migrants are perceived potentially to be irregular until proven otherwise. But that is very different from how it is seen from the global South or from the African perspective. You are a hustler, you are someone who is at least making an attempt to improve upon your livelihood by daring to migrate. So you are seen as a hero, whether you are doing it regularly or irregularly, you are someone who is taking practical steps to better the lot of yourself, your household and then your community. So, migration is seen as a livelihood strategy within the African context, but in the case of the European context [migrants] are seen as scroungers, bogus asylum seekers or people who are in European capitals just because of the welfare benefits and people who are taking from society rather than giving.

But we know that empirical evidence demonstrates the fact that migrants do put in more than what they take from these destination countries. They are also making up for the demographic deficit that is very pronounced in these destination countries. There's no other reason why the populations in these destination countries are continuing to grow when in fact the fertility rate is dropping substantially. Demographically speaking, you need at least 2.1 children per household to sustain the population of a given area. Most European capitals or countries or the advanced countries have 1.4 children per household and others don't even bother to have a child per household anyway. So, the differential here is made up by migration. Of course, we know there are three key components of population change or population dynamics: fertility, mortality, and then migration. Fertility unfortunately is on the decline; mortality, thankfully is on the decline because of enhancements in healthcare provision; and the third component is migration, which is making up for the population shortage in advanced countries.

> **"Migrants make up for the pronounced demographic deficit in destination countries. There's no other reason why their populations are continuing to grow when their fertility rates are dropping substantially."**

How do the ideas of migration transition theory, or the migration "hump" apply in Africa? Have many countries reached that point already or will do so soon?

The migration hump theory supposes that there is a relationship between development and migration, so

that as development takes place, the expectation is that in the immediate term, or the short or immediate term, emigration is supposed to increase and then it'll stagnate at a point, it'll level off and then begin to reduce more gradually.

[But] within the EU, for instance, or the global Northern countries, the expectation is that development assistance to developing countries is supposed to lead to an immediate reduction in immigration, which is totally wrong. You expect more people to be empowered and to be in the position to emigrate as development takes place; it only levels off at a later point. And it's very difficult to see how we are going to be at that point anytime soon. I mean, most countries are nowhere near the point where you can say the conditions are quite similar in the destination and the origin countries, thus making it unnecessary for people to emigrate for economic reasons. And while that is the case we are going to see more emigration taking place, not less migration. Even when conditions are more equalised in the future, it will not be the end of emigration, it'll just be that people will be emigrating for different reasons, not for economic reasons, but probably for leisure, for family reunion and so on and so forth.

> **“In the global North, the expectation is that development assistance to developing countries is supposed to lead to an immediate reduction in immigration, which is totally wrong. Most origin countries are nowhere near the point where you can say conditions are quite similar to destination countries, thus making it unnecessary for people to emigrate for economic reasons.”**

How important is the Economic Community of West African States as a free movement bloc and a functioning example to the world, or at least to Africa?

[The ECOWAS Protocol on Free Movement, Right of Residence and Establishment] is a fantastic project if it is implemented in its entirety. It's structured in such a way that it's supposed to be implemented in three phases. The first one has to do with free movement, visa-free movement for up to 90 days; the second is right of residence; and then the third one is right of establishment. Now, the first phase is largely complete: all 15 member countries have subscribed to it and it's easy for you to move around visa free. But even with that there are still some inherent challenges to do with corruption, harassment at the borders, and the implementation of national laws that run counter to the tenets of the protocol. Then, the second and third phases have largely not been implemented in terms of setting up businesses and then getting the chance to enrol on employment opportunities. So, I would say it is a good bloc, it is a good attempt, it has the benefit of allowing people to circulate, it has the benefit of skills transfer being made possible. It also has the benefit of holding other peer countries to a higher standard when it comes to human rights and good governance.

The African Union has been discussing an African Union passport for some years to include all 55 member states.[1] Do you see this happening, or what are the main obstacles?

I think it will be a good idea if it is realised because then it facilitates free mobility within the continent. However, there are some leaders who are a bit uncomfortable about yielding their national passport and then subscribing to another passport which is more regional or continental in nature. Part of the fears that I for instance see will be some countries, especially those that are doing well, the likes of South Africa, the likes of probably Nigeria and then the North African countries, they are worried about being overwhelmed by large volumes of arrivals from poorer African countries.

How do you view the reaction of the world to Ukrainian refugees compared to other conflict refugees?

The Ukrainian situation is a peculiar one and there are a few lessons to be drawn from that. I will not fault Europe for being accommodating of their own; these are neighbours, these are fellow Europeans who have been displaced. So of course they've thrown their doors open to them and the EU's Temporary Protective Directive was instituted straight away, allowing people to access the territory of other European countries for up to three years and then be able to attend education, health care, jobs and housing: everything, and immediately. But it was a bit strange that the same countries that were actively putting in place obstacles in the way of Syrian migrants, Afghan migrants, migrants from Iraq, are now, all of a sudden, seen as migrant-friendly countries. So, there is something a bit uncomfortable in the way that it has been implemented, even though it is for good reasons and they've done it in good faith. But I think it is discriminatory and possibly racist and it's exposing some rifts to the effect that some migrants are more important than others: if you look like me, you are a more deserving migrant than someone who is the “other”.

1 For details, see: African Union (n.d.) Visa Free Africa.

Climate change is already having an impact in Africa. How would you characterise its effect in relation to mobility, and what do you think the future effects will be?

I think climate change is real and it's having a real impact on the lives and the livelihoods of individuals and also compelling people to move against their wish, and that is only going to get worse considering how we are dealing with the issue of climate change. Now those who are polluting the most are not necessarily the ones who are severely affected by climate change. So, these vulnerable countries that are on the receiving end, they need the collective action or support of the globe for these conditions to be reversed. And I can see that over time there will be more conflicts related or directly traced to climate or environmental change issues: droughts, drying up of fields, low yields and so on and so forth. That is already happening in the Sahelian region. You have incidents in Niger, you have incidents in parts of Kenya, Mali and so on and so forth. All that is only going to get worse if it is not reversed. And I think with the question of climate justice, you see it's easy to preach from the comfort of the European capital where, probably apart from this year when there was a heat wave, people are talking about climate change as a distant problem. Now maybe the sentiments will change because people have felt it first-hand. There should be more resources devoted towards poorer countries that are at the receiving end for no fault of theirs, they are suffering the consequences of climate change.

> **“Climate change is real and it’s having a real impact on the lives and the livelihoods of individuals and also compelling people to move against their wish, and that is only going to get worse considering how we are dealing with the issue of climate change.”**

Please elaborate on the issue of climate justice.

I think more resourced countries need to do a bit more to offset the burden that the little countries are facing. And it is a tricky one with the intermediate countries that are also trying to get to the advanced status. They are asking, “Well, you polluted your way to becoming a developed country, why shouldn't I do the same? Why are you now calling me out to curb my pollution and then what I do?” And an aspect of it that is also a bit uncomfortable is, when you designate those so-called high-polluting countries as the world's manufacturers, of course they're going to be polluting more than you the consumers. So, you're in Europe and you're getting high-quality but low-cost products and the production is being done in developing countries, yet those developing countries are the ones who are blamed for polluting. You can't have it both ways. They're the world's manufacturers, they're doing the dirty work on your behalf, and of course they will pollute more than you, but you the recipient will now have to devote resources to try and make the production cleaner. There have to be cleaner alternatives to the way production is taking place at the moment.

How long do you think the destabilisation of the jihadist militias will last in West and Central Africa? Do you think it’s getting stronger or weaker? What's the key driver for its spread?

Unfortunately, it is getting stronger. I mean, in the case of Nigeria, for instance, for a very long period of time, even with an established national army, the numbers are only increasing, the attacks are becoming more and more daring. The same is happening in Somalia, the same is happening in other countries. You now have Burkina Faso also being destabilised and there are fears that that could also spill over to countries like Ghana and then the other neighbouring countries. So, it is something that is immediate, it is imminent, and it is dangerous, and it needs to be dealt with effectively.

I think the main driver is probably the brainwashing of young people and the fact that these young people are either unemployed and they feel like they are not being listened to, so it makes it very easy for them to be recruited or to be attracted to a group that seems to be organised and be delivering on whatever, however misplaced their thinking is, but at least there's a sense of belonging to a group. There has to be a powerful counter-narrative to what is being pushed down the throats of these young people. It's easy for them to be confused by some of these twisted ideologies. It is not good enough to just wish it away as extremists. I think that is the point where we need to deal with the problem, we deal with it by putting out concrete facts, calling them out for some of the misleading characterisations that have been put out there.

You're around halfway through the three-year project called Beyond Territorial Asylum.[2] What progress are you making, and what are the concrete results?

I think it is a fantastic project that is asking very uncomfortable questions about the current migration regime, and the current system that is in place. And I can foresee that bearing a lot of fruit, and then giving people a chance to reflect on what we take for granted as the global system as it is now. So on the whole,

2 For details, see: Migration Policy Institute (n.d.) Beyond Territorial Asylum: Making Protection Work in a Bordered World.

I think it's a project that will go places and the fact that we are looking at beyond just academia, beyond the policymakers, [by] also reaching out to other key stakeholders, civil society, private sector, NGOs and whatnot, that gives us a better opportunity to appreciate the problems as they are, and then to be able to come out with more representative solutions that will reflect the needs of countries, the popular countries, that people who tend to seek asylum come from, but also the destination or the receiving or the host countries in the global North. So, that conversation between the two realms, I think is critical. And the project is doing a fantastic job of highlighting some of these reservations, these fears about the asylum regime, and how to navigate the uncomfortable conversations that are there.

Here's your chance to list three things that you think would help address pressing migration issues. What would they be?

The first one is social security portability; it is something that I think is an important component in the migration discourse. And it needs to be worked out somehow because we have a good number of migrants who are working in different destination countries through the migration cycle. And if someone spends 10 years in one country, five years in another, and then four years before returning to their country of origin to retire and all those social security contributions are lost because there's no agreement between the origin country and destination countries, that is a cause for concern. And it is one low-hanging fruit that could be ironed out to protect the rights of the vulnerable migrants who tend to do all the hard work in different destination countries, and then come back poor because they cannot access their contributions that they made during their lifetime abroad.

Then the second one will be to push for a circular migration. Circular migration in the sense that we should have more pathways to regular migration, and then people should have the ability to circulate freely between the country of origin and the destination country. If there is no fear of being denied access, you'll see that that will automatically translate to fewer people migrating irregularly or overstaying their visas. It is because of the fear of not being allowed back in that people tend to overstay. So, if we have a proper system of circular migration where people can circulate, they can come and then go, that will solve so many problems. One, it'll release resources for the origin country, but then the destination country also benefits from the skills, the energy, the labour of the migrant himself or herself. It will also solve the problem of irregular migration and finally, it'll protect the rights of these migrants when they are allowed to circulate freely. And to cut out the middlemen, the intermediaries in the migration industry who tend to take advantage and exploit the vulnerabilities that people have, the fear of being denied a visa, then they enlist their services, and in the process the prospective migrants are abused. Some of them even become trafficking victims because they are trying to be smuggled into a country.

Number three will be Covid-19, and the way it has exposed vulnerabilities and access to welfare, especially for the migrant population. Of course, nation states were worried about their own citizens as their first priority. But who cares for migrants during pandemics or during global emergencies? That is one key area that I think we need to think through carefully. Is it the responsibility of the origin country? Is it the responsibility of the origin country in conjunction with the destination? Or is it the responsibility of the destination countries since they are benefiting from the labour of the migrants at the time? So that is a conversation that I think needs to be had. It is a challenge for everyone, but then migrants in particular are more vulnerable and they're more susceptible to these global challenges, these global pandemics, and then emergencies that take place. These are the three key things that I would like us to look at.

“It is because of the fear of not being allowed back in that people tend to overstay. So, if we have a proper system of circular migration where people can circulate, they can come and then go, that will solve so many problems.”

Finding success in South Africa

"My brother felt he had no option but to migrate."

A long time ago my elder brother migrated by car from here, a very small village in Garissa County, in Kenya, to South Africa. He was a pastoralist. There was an outbreak of diseases and a flood, sometime around 1997, and all his livestock died. So, with a growing family, and being our main provider, he felt he had no option but to migrate. That is why he went to South Africa on his own. His main intention was to earn money to support his family.

At the time, people came to my father, and said "Oh, why do you allow him to go very far from you?" This was stressing my parents. Later, when he settled there and started to provide money for my parents, then the same people were happy, they were even telling their sons to go there and find some jobs.

He has not returned to Kenya since he left, except for a period after a relative here died. At first, he went to a rural area in South Africa. Now he is in Pretoria.

When he left, we were very worried, the family prayed for him. We thought he would never come back and that we would never see our brother again because we had always heard that South Africa is not a very good place. People died, so many people that we knew died. Even on the journey, people can die because of hunger and insecurity. We thought that he would also go and die there. So I was very tense. At that time, there were no smartphones, we used to use a public telephone, where you put some coins, we called from there. We didn't really know how he was living there. And there was a very poor communication between us since there was no telephone. But now, currently we talk to each other, we know how he's living there, the situation he's facing, everything.

One of his families, his first wife and his seven children, are still here in Garissa. After some years, he took another [Kenyan] wife and he's living now in South Africa with his second family. He has five other children with the second wife.

Now his business is working well, and we are happy about that. He still supports his family in Kenya. The first two kids are studying and he's the one paying their tuition fees. He also sends money to my father, but not regularly. He sends every five months or six months. But for his wife, it's every month.

These days we talk on WhatsApp once per week. I have no network in the village, but when I am in Garissa, the town, I can speak to him or talk to him regularly.

He has a plan to come back to Kenya with his [second] family after his children finish secondary school in South Africa. I would like that so much! It would make me and the rest of the family very happy. We want him to be part of us.

All in all my brother's migration was a success. It was a positive idea because he earned money, he provided, he supported his family, and his father, his parents, and his wives and children. The best thing about people migrating is when they find money. But the disadvantage is that the person is away from his family. Maybe that person may fall sick, and he has no family to help him.

These days, it is very easy to migrate or to go to the other countries. Because there aren't any dangers while travelling. You can travel by aeroplane or something like that. But before it was difficult. And now you can even access the one who is migrating, and go visit.

Many people I know are thinking of migrating to find work and I am even helping them with my plans. Some of them are pastoralists who lost their cattle and want to go to cities in Kenya or to other countries, most often South Africa, to provide for their families. But I have no plans to do so myself. I want to stay here in Kenya.

Those without family, say men between the age of 23 and 30, who are no longer in school, they prefer to go far away, make a lot of money, and then to have a wife. In order to marry, they will come back or stay there. And those with family, because of their family and their kids, they want to go to the nearest cities here in Kenya or the nearest countries to provide for their family.

And also women, those women who are the main providers for the families, maybe because their husbands die, or they are divorced. Those women want to go to the nearest cities to find a job to earn money. But younger women, those who are not yet married, are under their parents. They are not allowed to go very far; they will stay with their parents.

Thematic Snapshot

Greek hotspots six years on: The 'temporary' solution in permanent emergency mode

The "hotspot" approach and the EU-Türkiye Statement were established as supposedly temporary responses to the "emergency" engendered by the sudden arrival in Europe of unusually large numbers of asylum seekers and irregular migrants in 2015 and 2016. But more than six years after the statement was adopted, both measures are not only still firmly in place but they look set to remain the primary modes of deterrence and key EU strategies to address migratory pressures, despite continuous and detailed criticism from major rights organisations that began from the start.[1]

The concept of hotspot reception and registration centres dates back to the European Agenda on Migration of spring 2015. They were designed as the initial reception points for refugees on the borders of the European Union—specifically in Greece and Italy. In Greece, the hotspot approach was applied to five islands—Chios, Leros, Lesvos, Kos, and Samos—because by 2015 migration routes had changed, making the Aegean Islands the premier gateway to Europe, with more than 800,000 people arriving there from Türkiye that year.

Caught in the middle of the so-called refugee or migrant crisis of 2015/16 and the policy panic of the EU immigration response, new arrivals needed to be registered and processed. But as more refugees and migrants arrived, and as EU states resisted burden-sharing calls, they also needed to be deterred. To achieve this, in March 2016 EU member states and the Turkish government adopted the EU-Türkiye Statement with the primary aim of reducing irregular migration from Türkiye to Greece. It also set up a mechanism to facilitate returns from the Greek islands to Türkiye. Subsequent rapid changes were made in Greek legislation, and, most critically, those accommodated in the hotspots were no longer allowed to leave the islands until their asylum claim procedures had been completed and, where applicable, they were returned to Türkiye. It was at that point the Greek hotspots became open prisons.

The hotspot camps have long been unsafe and overcrowded, with residents subjected to precarious living conditions and a lack of basic services, conditions that some suggest are specifically designed as a deterrent.[2] Agencies have documented and deplored high levels of stress and mental health deterioration as people are held for many months awaiting processing.[3] More than a third of hotspot residents are children who have virtually no access to education; only about six percent attend a state school.[4] The Greek asylum system continues to suffer from staff shortages and inefficiency, leading to asylum and return procedures in the hotspots becoming slow and dysfunctional.

Since 2016, approximately 310,000 refugees and migrants have made their way to the Greek islands by sea, with an increasing number coming from Afghanistan recently. In the wake of the EU-Türkiye Statement's adoption, arrivals along the Eastern Mediterranean route through the Aegean plummeted, from 174,000 in 2016 to just 30,000 in 2017.[5] In 2021, just 4,300 travelled by sea to Greece, while this year has seen a slight uptick, with almost 7,000 arrivals up to the beginning of October.[6] Architects of the deterrence models claim success, while the Migration Policy Institute dubbed them a "frayed and controversial but enduring blueprint", and Refugees International critique them as undermining refugee protection.[7] Other agencies have repeatedly questioned the hotspot concept's legality, claiming it undermines the EU' moral and political credibility.[8] Meanwhile, Greece has gone beyond just tolerating hotspots on its territory and acting as Europe's *de facto* eastern gatekeeper. In recent years, Greece has

1 Human Rights Watch (2016) Greece: Refugee "Hotspots" Unsafe, Unsanitary. And HRW (2017) Asylum Seekers' Hell in a Greek 'Hotspot'. Also NRC (2016) Five reasons why the EU Turkey deal still is not a good idea. Popp, K (2021) "No more Morias"? Origins, challenges and prospects of the hotspots on the Greek islands. SVR Policy Brief

2 Popp, K (2021) "No more Morias"? Origins, challenges and prospects of the hotspots on the Greek islands. SVR Policy Brief. Also, ECRE (2022) Country Report: Conditions in reception facilities

3 IRC – International Rescue Committee 2020: The Cruelty of Containment: The Mental Health Toll of the EU's 'Hotspot' Approach on the Greek Islands

4 Hernàndez, J (2020) Greece Struggles to Balance Competing Migration Demands. Migration Information Source, 25 September 2020.

5 UNHCR (n.d.) Operational Data Portal – Mediterranean Situation – Greece. Accessed 5 October 2022.

6 Ibid.

7 Terry, K (2021) The EU-Turkey Deal, Five Years On: A Frayed and Controversial but Enduring Blueprint. Migration Policy Institute; Refugees International (2022) EU-Turkey Statement: Six Years of Undermining Refugee Protection.

8 Tan, N. (2017) Fundamental Rights And The EU Hotspot Approach. Danish Refugee Council; Border Criminologies (2021) The European Approach to Hotspots in Greek Islands. University of Oxford Faculty of Law blog.

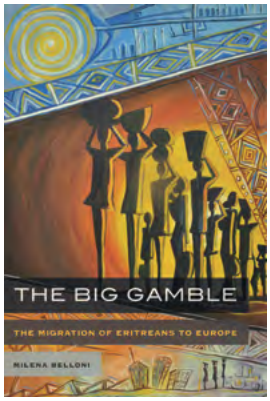
increasingly resorted to questionable or outright illegal means to stem arrivals, such as suspending asylum procedures in March 2020 and carrying out pushbacks at the border and in the Aegean.[9]

The EU-Türkiye Statement is not time-limited; rather, it is effectively renewed through negotiations and the allocation of new tranches of finance paid to Türkiye. So far, it has cost the EU some €6 billion. In September 2020, the European Commission launched the New Pact on Migration and Asylum.[10] The proposals mirror the hotspot approach as implemented on the Aegean Islands while the actual hotspots continue where thousands of detained and often vulnerable asylum seekers await their fate in dire and much-condemned conditions.

9 Amnesty International (2021) Greece: Pushbacks and violence against refugees and migrants are de facto border policy; see also Normalising the extreme, page 206.
10 European Commission (n.d.) New Pact on Migration and Asylum.

Risk in context: Decision-making in irregular and mixed migration

Following the publication of her book, "The Big Gamble: The Migration of Eritreans to Europe"[1] and other work, sociologist Milena Belloni continues her research into migration risk-taking and shares here her latest ideas and findings with these "notes from a field researcher".



By Milena Belloni[2]

Introduction

Much scientific literature and policy reports have recently focused on dangerous journeys and the risks related to movement. Dangerous journeys are a puzzle: aren't migrants aware of the risks? How can these journeys be prevented? Some analysts have highlighted that the focus on danger has implicitly justified restrictive border policies.[3] As it is a public responsibility to protect migrants from danger, proponents of such restrictive policies would argue that risky mobility and those who facilitate it should be stopped at all costs.

In the debates and in many of the reports about the myriad dangers refugees and migrants in mixed migration face around the world, risk is defined in absolute and objective terms. A long tradition of scholars—though less in the field of migration—such as Mary Douglas, have pointed out that the notion of risk is a social construction in a particular historical and cultural context.[4] Costs and benefits related to a risky decision are in fact defined at a personal (psychological), collective, and cultural level. In other words, the question "Is it worth it?" cannot be answered in absolute terms outside the specific biographical, cultural, and historical context.

Moreover, while migrants may be relatively well aware of the dangers, what is difficult to know are the risks, that is to say the probability of falling victim to any of those potential dangers. Uncertainty—a condition where odds are rarely known—is the norm in real life. While there is a plethora of reports in grey literature on all the dangers of mixed migration, the notion of risk—and especially how risk calculations are made at individual and collective levels and how they play a role in migration decision-making—remains unexplored and poorly understood, despite the massive investments by destination countries in so-called risk awareness campaigns.

Although we talk about risk in migration, it is clear that migrants are rarely in a position to know in advance how likely they are to fall victim to the objective dangers along the migration journey, or whether their decision will be successful and at what cost. Migrants—like all human beings—make choices under conditions of partial knowledge and in shifting circumstances. Moreover, they often assess probabilities of success and failure in context of distress and among limited alternatives.

The fact that migration debates are dominated by a simplistic notion of risk, thus, seems to mirror the willingness of governments to convert uncertainties into something quantifiable, predictable, preventable, and manageable. This framing, moreover, shifts the focus from border enforcement mechanisms—such as fences, strict visa requirements, border police, etc—that push migrants on dangerous routes and, thus, *create* some of the dangers, to the risk-taking behaviour of migrants and their role in producing their own misfortunes.

Drawing on studies from all around the world and my own research on Eritrean migration, this essay shows that perception of danger—even extreme such as exploitation and death—has to be understood from the specific perspective of migrants in their living circumstances at home and in exile. Contrary to decision-making models based on individual attitudes to risk or an economic calculation of cost and benefit, this essay illustrates

1 Belloni, M. (2019) The Big Gamble: The Migration of Eritreans to Europe. University of California Press.
2 Dr Milena Belloni is a FWO Post-doctoral researcher at the University of Antwerp and Human Rights Centre - University of Gent.
3 Hovil, L. & Gill, M. (2022) Challenging how Danger is Understood: A Research Practitioners' Note on Migration in Africa. Stability: International Journal of Security and Development
4 Douglas, M. (1966) Purity and danger: An analysis of concepts of pollution and taboo. Routledge; Zinn, J. O. (2019) The meaning of risk-taking–key concepts and dimensions. Journal of Risk Research.

that migration is more often the result of complex power dynamics within nuclear and extended families in a specific cultural context which defines losses and gains. Lack of information about the dangers of the journeys is equally insufficient to explain the determination of migrants to move onward. Instead, this essay introduces the concept of *entrapment*, drawn from studies on gambling. Rather than irrational actors prone to risk, this concept allows us to understand that migrants in many cases are rational actors, making a choice—to move—that makes most sense.

Collective decisions

Decision-making around migration is usually thought of as a rational process in which individuals balance opportunities and costs (often analysed only in economic terms) to come to the most convenient conclusion. Alternatively, some psychological studies assume that specific personality traits determine why certain individuals are more prone than others to face migration risks. For example, a large-scale individual-level study covering 30 countries found that risk aversion is negatively correlated with willingness to migrate.[5] In other words, individuals who are more risk averse are less likely to want to migrate. Moreover, this effect was found to be less strong in the case of riskier sending countries, meaning that if people come from riskier countries of origin, their risk aversion is less likely to influence their willingness to migrate. Another study, conducted among university students in Germany, looked at the relationship with the "big five" personality traits, social dynamics, and people's intentions to migrate, and found that extraversion and openness are positively associated with migration intentions, while agreeableness, conscientiousness, and emotional stability negatively relate to migration intentions.[6]

However, these studies only looked at a limited number of countries of origin, focused on a particular target group, and mainly focused on regular migration and/or migration intentions. These theories may be partially valid in contexts of regular migration, but they have hardly been explored in the often more dangerous contexts of irregular mixed-migration journeys across land and sea and, thus, may or may not be found wanting in such contexts. While underexplored and potentially a missing link in understanding the role of risk in the decision-making process of migrants embarking on irregular migration journeys, such psychological perspectives might also overly focus on individuals and model their behaviour as if it were taking place in a social vacuum.

Cost-benefit calculations...

In the mid-1980s, scholars of the "new economics of labour migration" highlighted that costs and benefits were evaluated within families in order to ensure the survival of the family when facing diverse risks.[7] For instance, for households dependent on small-scale agriculture, sending a family member abroad meant being able to boost household income with remittances and to invest in new productive activities. This framework has recently been applied to refugee migration too. In a study on Iraqi refugees in Canada, respondents narrated how their decision to move was negotiated within their families to secure the best collective interests based on migration policies, cost of living in the receiving state, who in the family ran the greatest risks by staying put, and who had the skills to make them employable in a country of emigration.[8]

These findings provide an interesting perspective on why in some cases males make up a large proportion of newly-arriving asylum seekers. The high rate of men coming from certain countries is often used to argue that their asylum claims are unfounded. Those critical of the arrival of so many men among asylum seekers tend to argue along the lines of: "Why are mainly young men coming to apply for asylum while they leave their women and children behind? Who would leave them behind in an unsafe country? This must mean they are not genuine refugees and that their countries are safe". Studies have shown instead that this is a strategy of *risk diversification*: young men are the ones coming to Europe because they are the ones who can cope with the physical challenges on the way. With limited possibilities to apply for asylum outside of the desired asylum country or to travel in a safe manner, families decide their men should face the risk of irregular migration alone in order to secure for their wives and children waiting in camps or in the country of origin a safe way to travel through legal family reunification.

...are only part of the story

Friends and family—both abroad and in the country of destination—are the main influences on people's decision to migrate. As such, family decision-making plays an important role in migration decision-making. But family consultation is rarely a straightforward process. Who decides within families? How do different members of the family accept or contest collective decisions? Is migration always the result of an explicit deliberation process or is it sometimes the consequence of growing up in a context where leaving is perceived as the only available way to access a meaningful future? What purist interpretations of the new economics of labour migration theory neglect is the fact that decisions of families and individuals are embedded in a wider societal and cultural context which

5 Huber, P. & Nowotny, K. (2020) Risk aversion and the willingness to migrate in 30 transition countries. Journal of Population Economics.
6 Fouarge, D. Nezihe Özer, M. & Seegers, P. (2018) Personality traits, migration intentions, and cultural distance. Papers in Regional Science.
7 Stark, O., & Bloom, D. (1985) The New Economics of Labour Migration. Frontiers in Demographic Economics.
8 Poole, A. (2021) Migration as conflict risk-management: testing the new economics of labour migration as a framework for understanding refugee decision-making. Journal of Ethnic and Migration Studies.

shapes the cost-benefit analysis. We could say that each culture, each community, defines what a benefit is and what the acceptable cost to achieve it is. What is clear is that "benefit" cannot be reduced to economic gain.

Migration as a rite of passage

Migration is at times an end in itself, a conduct which is highly esteemed in communities and promoted no matter the economic prospects at home. Scholars have spoken about the concept of a *culture of migration*[9] to refer to societies—usually those with a long and rich history of emigration—which have identified in migration a necessary step for young men (and to a lesser extent young women) in order to become adults and achieve a recognised social status. Some studies illustrate that this culture of migration continues to motivate young professionals in the Indian city of Hyderabad to move to Gulf states even when labour opportunities abroad are decreasing.[10] Other research from rural Romania similarly found that since the 1980s young people had come to see migration to Western Europe as the only way to transit to adulthood even when possibilities in the local labour market expanded.[11] Other examples can be found from West Africa, the Horn of Africa, North Africa, Mexico, Central America, China, and many other countries and regions of origin.

Similar considerations have been made in the context of asylum migration. One expert, for instance, investigated how due to protracted crises, mobility has become key for the survival of entire Afghan communities and has transformed their value system. Young boys can prove themselves as strong and courageous men by facing the hardships of an irregular journey and can attain success by saving money for relatives left behind in Afghanistan.[12] In this context, the experience of danger may become an important element that defines the migration experience and makes it valuable in itself as a sort of rite of passage.

Insights from Eritrea

Eritrea offers an interesting case study that illustrates the roles that dangers and risks, as well as families and broader social contexts, play in migration decision-making. It also exposes the limits of rationalistic economics-oriented modelling of cost-benefit decision-making. For the last 60 years, Eritreans have risked their lives to escape war, persecution, and poverty at home. Today, it is estimated that more than 1.5 million Eritreans live abroad.[13] Within this historical context, Eritreans have come to see emigration as the only possibility for individual development and community survival. Some recent studies estimate that remittances from abroad account for an average 80 percent of household incomes.[14]

Complex decisions

In spite of these economic benefits, individual deliberations around migration are never straightforward. First, leaving one's own home is not a choice made in complete freedom in Eritrea, as in many other refugee-departing contexts. Migration is a risk taken in response to vulnerability; that is to say, in circumstances where there are few, if any, positive alternatives.[15] Any assessment of the risks of migration needs to consider the risk of *staying* in the light of the many dangers at home. Many of my respondents in Eritrea, Ethiopia, and Sudan were former soldiers escaping indefinite and/or abusive forced national service. They were continuously on the run, trying not to get caught by police. "I cannot sleep at home," said one father in his 40s who had been escaping the military for more than 15 years. "Soldiers can come anytime and take me to a military training camp, or the prison or directly to the front." My respondents' narratives in rural and urban Eritrea described a life juggled between the "ordinary" danger of ending up in prisons notorious for their appalling conditions and the need to provide for their families. For them, the risk of staying was arguably as high as the risk of leaving: they were on the run either within their country or trying to get out of it. But the prospects opened up by migrating were definitely more appealing than those of remaining in Eritrea.

Second, all decisions around migration have to balance its huge human cost. In the last two decades, Eritreans have been the target of traffickers in Sudan, Egypt, and Libya. As they can often count on the economic solidarity of kin living in the US, Israel, Canada, and so forth, they have gained a reputation of being profitable victims for extortionists.[16] This reputation has cost Eritrean communities and diasporas huge ransoms, often extracted under barbaric torture at the hands of their kidnappers.

Third, migration in Eritrea is the result of a specific cultural environment and complex family negotiations. Young people grow up thinking that leaving home is a necessary step to help their families and achieve a well-respected social status. Peer pressure among agemates in classrooms and playgrounds promote the feeling that there is no alternative to migration. Older siblings are often encouraged to leave the country to

9 Kandel, W., & Massey, D. (2002) The culture of Mexican migration: A theoretical and empirical analysis. Social forces.
10 Ali, S. (2007) 'Go west young man': The culture of migration among Muslims in Hyderabad, India. Journal of ethnic and migration studies .
11 Horváth, I. (2008) The culture of migration of rural Romanian youth. Journal of ethnic and migration studies.
12 Monsutti, A. (2007) Migration as a rite of passage: Young Afghans building masculinity and adulthood in Iran. Iranian Studies.
13 After the 1961-1991 war, Eritrea had one million people in the diaspora. Moreover, UNHCR reports that there were almost 600,000.
14 Belloni, M, Fusari, V & Massa, A. (2022) Much More Than Just Money: Investigating Remittances Across Time and Place in the Eritrean Context. Modern Africa: Politics, History and Society.
15 Hayenhjelm, M. (2006) Out of the Ashes: Hope and Vulnerability as Explanatory Factors in Individual Risk Taking. Journal of Risk Research.
16 Van Reisen, M. & Rijken, C. (2015) Sinai trafficking: Origin and definition of a new form of human trafficking. Social Inclusion.

escape forced conscription and to support the education and the survival of younger siblings. However, given the dangers of the journeys and a residual political loyalty to the government and its national project, many parents are more hesitant to push their children to move.
The decision of young Eritreans to migrate often sounds as if it were taken for the sake of—and despite the lack of approval of—left-behind families, as they would be the beneficiaries of remittances if the migration journey was successful. "I never told my parents that I had the intention to leave. It is better not to worry them. They came to know it from my uncle when I arrived in Ethiopia," one young man told me in Addis Ababa. His first concern, however, was to be able to earn enough to send money back home.

Rather than stemming from a mere cost-benefit evaluation, therefore, migration is the thorny result of complex dynamics and positions within the nuclear and larger family network. A recent survey conducted in Ethiopian refugee camps showed that Eritrean refugees with good connections are able to move fast and spend less time waiting before moving on.[17] It is thanks to relatives working and living in the US, Israel, Saudi Arabia, and Europe (to mention just some of the key locations of the diaspora) that young refugees can pay the facilitators of irregular migration.[18] However, these transactions are often results of tough negotiations, as family members abroad may be reluctant to pay large sums—which are rarely reimbursed—and are scared to finance journeys which may end up tragically. It is often because of the determination of Eritreans to move ahead in spite of risks that family members have little choice but to collaborate with their migration projects.

What kind of risk? Risk perceptions in context

Although it is often discussed as something objective, several scholars have pointed out that risk perception is influenced by the biographical, social, and cultural contexts in which a person grows up and the conditions he/she experiences.[19]

Risks, even major ones, may become acceptable if they potentially offer high gains. These high gains may appear even more attractive as the alternative of not migrating can lead to a certainty that is even more frightening. People escaping conflicts and persecution, for instance, may consider a very risky journey as a better alternative than sure death. In other words: not migrating can be a riskier choice than migrating, regardless of how dangerous the migration journey would be. Migrating and not migrating can thus be seen as competing risks.[20] In fact, at every stage of a migration journey there are decisions to be taken that are influenced by individual factors, personality traits, and contextual factors. And every time, migrating or staying can be considered as competing risks between which a decision has to be made in the absence of certainty or full information about the likelihood of actually experiencing those risks. However, fear of death is not the only factor pushing people to take risky pathways. In Eritrea, it is the structural restriction of freedom, the extremely limited possibility to earn enough money to secure one's own independence and family survival produced by the system of national service that motivates youths to leave no matter the cost.

When death en route is a risk worth taking

The point is that life circumstances may be so gloomy that, even when people do not experience an impellent death threat, they may consider the risk of dying on the way as acceptable. For instance, Senegalese men preparing to board dinghies to reach the Canary Islands—along one of the world's most deadly migration routes—have said that by staying put in their country of origin they would end up as "living dead".[21] Economic stagnation, the limited possibility to contribute to one's own community, and the risk of living as a "failed" man were among the motivations for young Senegalese men to leave. I found similar expressions among Eritrean refugees I met in camps. They also compared the risk of leaving and facing the dangers of the desert and the sea with the certainty of living in a camp, referring to the miniscule prospect of resettlement. Without a job, without a place in their community, they would have been considered failures. "What is the difference between dying slowly here in camps or dying while crossing the sea? If we die, it is better we do so by trying to reach Europe rather than waiting, wasting time here far away from our homes and without the possibility to construct a future!" said a 27-year-old engineer I met in Ethiopia's Adi Harush camp.[22] This is the mindset that often leads Eritreans, both those who have already migrated and those still considering doing so, to leave their country.

Risk analysts moreover found that exposure to hazard—for example through high-risk professions,

17 Fekadu, A. Rudolf, M. & Getachew, M. (2022) A matter of time and contacts: trans-local networks and long-term mobility of Eritrean refugees. Journal of Ethnic and Migration Studies.
18 Belloni, M. (2016) 'My uncle cannot say "no" if I reach Libya': Unpacking the social dynamics of border-crossing among Eritreans heading to Europe. Human Geography.
19 Douglas, M., & Wildavsky, A. (1982) Risk and culture: An essay on the selection of technological and environmental dangers. University of California Press.
20 Willekens, F. (2021) The emigration decision process Foundations for modelling. QuantMig Project Deliverable D2.3 Southampton: University of Southampton.
21 Hernández Carretero, M. (2008) Risk-taking in unauthorised migration. Master's thesis, Universitetet i Tromsø.
22 This quote is drawn from Belloni, M. (2019) op cit. (p53)

environmentally-challenging living conditions, and violence—can induce a normalisation process. That is to say, people who live their lives in danger may develop a higher tolerance to risk. Coming back to the earlier notion of risk aversion in migration intentions, it is likely that prolonged exposure to risks at home creates a much lower degree of risk aversion and thus a higher preparedness to accept the risks of irregular migration. This could definitely be applied to the context of Eritrean migration, where many of my respondents were former soldiers with experience of hardships and battles.

Ill-informed kamikazes?

It is often assumed that high-risk migration emerges from lack of information about the dangers of the journey. In other words, it is because of a mistaken calculation of costs that migrants embark on dangerous journeys.[23] This is one of the reasons why information and risk-awareness-raising campaigns among potential migrants are widely implemented.[24] Although findings from different areas greatly vary,[25] my research and other studies[26] show that this assumption is not sufficient to explain why people embark on risky journeys.

"My friends have died while trying to cross the Mediterranean last year, but I am ready to try myself. We have no alternatives here," an Eritrean refugee who had spent the previous six months in an Ethiopian refugee camp told me. "I will move ahead at the end of the month", said another refugee who had been tortured by traffickers in the Sinai while trying to cross to Israel the year before. A 2019 survey of irregular migrants in Europe by UNDP revealed similar sentiments.[27] Based on surveys of 30,000 refugees and migrants around the world, MMC's 4Mi project found that only 25 percent of respondents would not have started their journey had they known in advance how dangerous it would be.[28]

These findings should not be seen as proof that migrants are irrational kamikazes, or that they show specific personality traits which make them prone to risk. Their strong determination to migrate can be understood by taking into account their difficult contexts of departure (the dangers at home), their constrained living circumstances in exile, and their high hopes of finding better opportunities in their destination. Moreover, it is important to consider that migrants who embark on dangerous journeys have limited choices and, importantly, that this possibility to choose may decrease as they proceed along their journeys as their circumstances funnel them into ever-narrower choice options.

Entrapment

One point that is often overlooked in academic and public discussion of risk in migration is its cumulative aspect during migration journeys. Migrants and refugees, especially those who move in irregular ways, are constantly strategising to limit dangers in their everyday life. "In what neighbourhood of the city shall I stay not to be caught by local police? When is the best moment to leave the camp to reach the closest city? What smuggler can I contact?" These are some of the many questions migrants ask themselves. This means that they do not have to take a decision about the risk of moving vs the risk of staying only once. In theory, every time they decide to move locations from one city to another or cross a border—be it local, regional, or international—especially if they have to face danger while doing it, migrants have to evaluate costs and benefits of doing so. However, my research with Eritreans migrating to Europe illustrates that the possibility to freely evaluate risks and opportunities decreases the further migrants proceed along their journeys, not least as they consider the "sunk costs" (see below) in terms of the effort taken, money spent, and hardship endured to get to where they are in their journey. At some point, they may feel they have already invested and suffered so much that there is no turning back anymore, and they have to continue the journey to reach the end goal.

Eritreans have to first cross borders within their own country to be able to reach the international border with Ethiopia. Then, from Ethiopia to arrive in their favoured destination somewhere in northern Europe they have to cross at least two more borders in Africa (Sudan, Libya), cross the Mediterranean, and then cross more borders in Europe if they decide to move on. At each stage, they have to decide whether and when to continue, what route to take, which smugglers to engage, and must assess the risk of every decision. However, they rarely feel free to choose. "We do not have another choice but moving onwards," many Eritreans told me in Sudan and Ethiopia.

23 Bah, Tijan L., & Batista, C. (2018) Understanding willingness to migrate illegally: Evidence from a lab in the field experiment. Nova School of Business and Economics Working Paper.
24 Nieuwenhuys, C. & Pécoud, A. (2007) Human trafficking, information campaigns, and strategies of migration control. American Behavioral Scientist; Oeppen, C. (2016) Leaving Afghanistan! Are you sure? European efforts to deter potential migrants through information campaigns. Human Geography.
25 See for instance the following 4Mi snapshot which shows that Afghans report having limited access to information about the journey before embarking on it.
26 Sheridan, L. (2009) "I know it's dangerous": why Mexicans risk their lives to cross the border. University of Arizona Press; Van Bemmel, S. (2020) The perception of risk among unauthorized migrants in Ghana. Journal of Risk Research.
27 UNDP (2019) Scaling Fences.
28 Mixed Migration Centre (n.d) 4Mi Interactive – Data direct from refugees and migrants.

Although contemporary refugee and migrant journeys imply a degree of choice and agency—and it is important to always acknowledge people's agency—their journeys reflect a process of progressive *entrapment*.[29] This concept is drawn from gambling studies to describe the predicament of someone who has invested so much money in a game of chance that their only options are to quit (with certain losses) or to keep betting.[30] Migrants I met also felt that they had gone too far (in distance from home, time spent, stress, and money) to give up their dream to reach a destination where they would not only be physically safe but also find the opportunity to earn enough money to secure a safe future for themselves and their families left behind. Interestingly, only a slight probability of success is enough to keep going and trying.

Sunk costs

In economics, scholars write about the *sunk cost fallacy*.[31] This happens when individuals continue a behavior as a result of previously invested resources. This behavior is defined as irrational by economists, but philosophers working on gambling have argued—using the term *entrapment*—that to keep investing can be considered the *only* rational choice if individuals do not want to lose what they have already invested. This shows how difficult—and maybe even pointless—it is to interpret human conduct—in this case on migration—as either rational or irrational.

This theory has important implications for policy-making. It explains why restrictive border enforcement often fails to deter migrants on their way to their chosen destination. This applies for movements to Europe and secondary mobility within Europe. Having invested so much energy and resources to arrive in Europe, migrants in border areas, such as Ventimiglia (on the France-Italy border) and Calais (a French gateway to the UK) are even more determined to move on and able to tolerate high risks even when the chances of gaining legal residence are very slim—because they are almost there. Additionally, while in media and public debates it is often said how "desperate and hopeless" people must be to take such enormous risks by, for example, crossing the open sea, *determination* and *hope* are key ingredients of these migrants' journeys. Surely these, too, are accompanying drivers compelling migrants onward, which if family reunification and/or family and individual survival are involved become a potent mix of forces where failure becomes an unacceptable alternative.

Conclusion: recentring on migrants' point of view

When discussing migration decision-making, scholars and policymakers mostly explore costs and benefits, and the availability or lack of information as if migrants' choices could be equated to the conduct of an investor. As a result, if migrants do not behave as well-informed and balanced investors, their choices are implicitly considered to be irrational. Here migrants become *kamikazes*, risk-takers who can then also be "blamed" for their own misfortunes and poor calculations.

Drawing from a variety of studies across the globe and my own ethnographic work with Eritrean refugees, this essay has shown the importance of interpreting risk and its meaning given the specific living circumstances of potential migrants and migrants on the way. Going beyond models of individual rational decision-making, the essay highlighted the role of family, extended kin, and culture in how migrants perceive and face risk among different migrants. It also looked at the under-explored understanding of psychological factors in mixed migration decision-making, even though these, too, cannot be isolated but need to be understood in a broader family and societal context. Further, it stressed the need to consider competing risks between migrating and not migrating (when still in country of origin) and between moving on, returning, or staying at every subsequent stage of the journey. Moreover, by refocusing the analysis on migrants' perceptions, this essay has attempted to illustrate that the possibility of freely choosing—which can, in the context of some countries, like Eritrea, be extremely constrained already at departure—progressively shrinks as migrants invest money, energy and time to move away from home.

29 Belloni, M. (2019) op cit.
30 Elster, J., & Skog, O. J. (Eds.). (1999). Getting hooked: Rationality and addiction. Cambridge University Press.
31 Arkes, H. & Blumer, C. (1985) The psychology of sunk cost. Organizational Behavior and Human Decision Processes.

4Mi on...

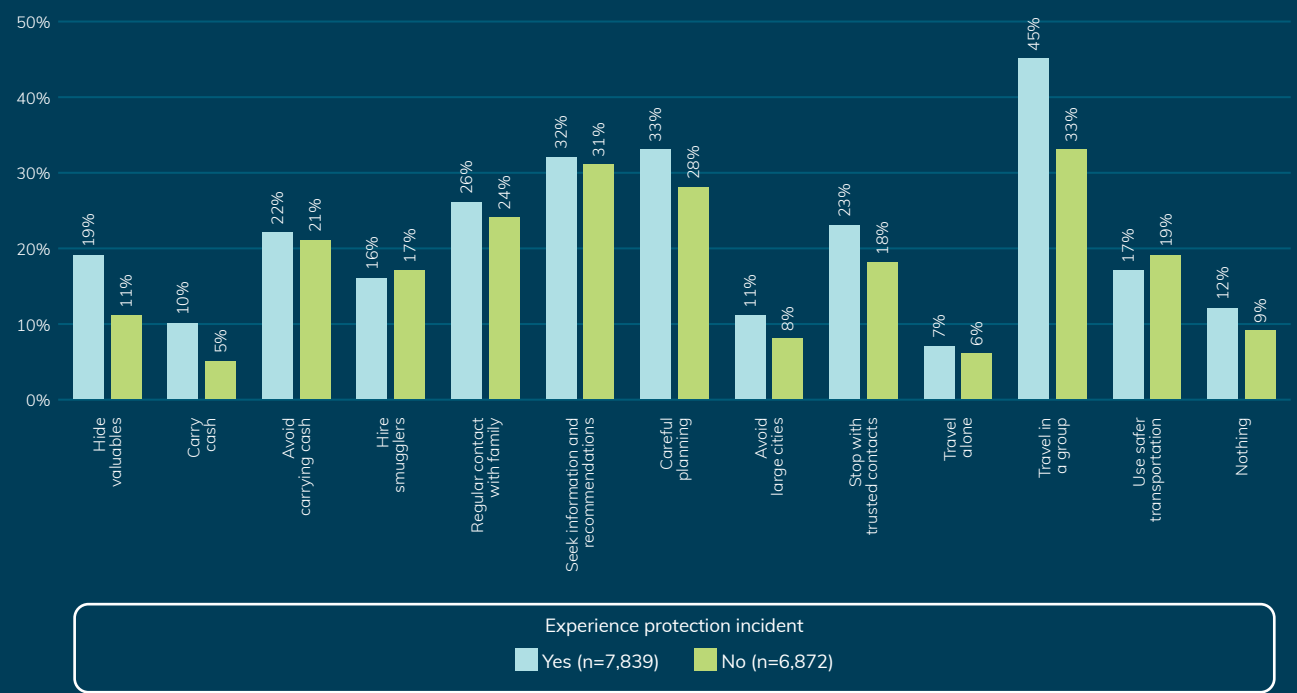
risk-taking among refugees and migrants

Is there a link between taking safety precautions and experiencing abuse or violation?

4Mi data suggests there is not, at least not directly. Just over half of respondents report experiencing a protection incident (physical violence, sexual violence, robbery, detention, kidnapping, bribery/extortion, and/or witnessing death), with very little difference between men (53%) and women (52%).

Most people take safety precautions. Very few people do nothing at all to keep themselves safe, although slightly more people who do experience a protection incident report doing nothing. Women consistently report taking more precautions.

Figure 1. Safety measures taken on the journey, and experience of a protection incident



Note on the data: 'Yes' comprises respondents who said they experienced one of the following: witnessed death; physical violence; sexual violence; robbery; detention; kidnapping; bribery/extortion. 'No' comprises respondents who said they experienced no protection incidents. 1 percent of the dataset did not answer the question, and are not included in the analysis. The question on safety precautions is multi-select: respondents can choose more than one. Results for 'other' and 'refused' are not shown: they were all 3 percent or below. Figures are rounded.

The most popular safety precautions are the same across groups: travelling in a group, careful planning of the journey, and looking for information and recommendations.

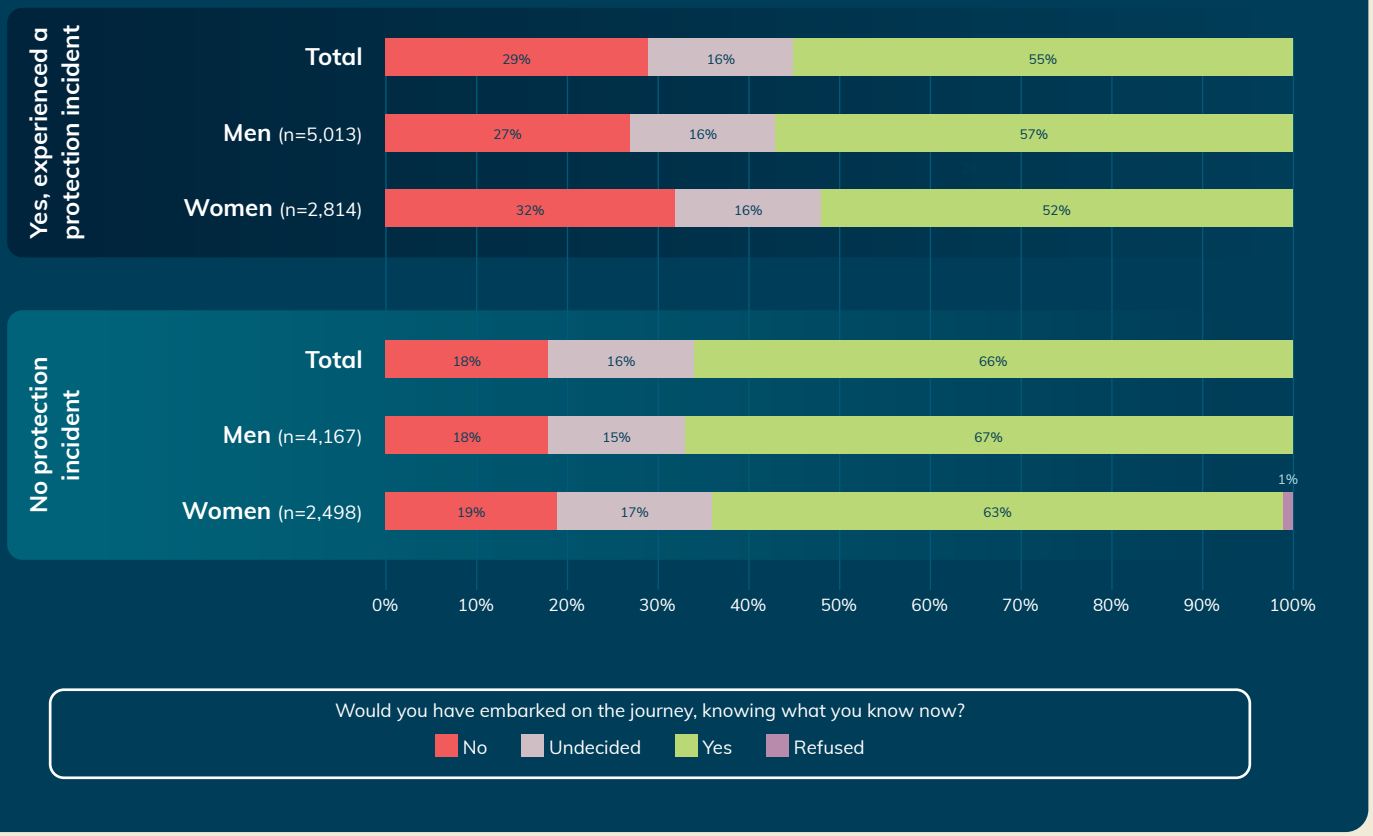
Safety precautions are reported more often among people who did experience a protection incident than those who did not.

Indeed, the prevalence of safety measures implemented by people who experienced a protection incident suggest a number of possible explanations: people implement more safety measures because they have experienced an incident; or people who travel on riskier routes are more likely to experience an incident, no matter the measures implemented. Ultimately, the vast majority of respondents seem to make an effort to calculate risk, and take measures to reduce the risks of their journey. Yet, even those taking precautions experience incidents. As such, it would seem that the experience of incidents is not a direct result of generally risky or careless behaviour on the part of individuals, and that individual safety measures cannot safeguard against all incidents on dangerous mixed migration journeys, although this needs to be explored in greater depth.

How does experience of abuse or violation impact on perceptions of the journey?

There is a difference in thinking about the migration journey between those who experienced a protection incident and those who had not: more of those who did experience such an incident say they would not embark on the same journey again (29% compared to 18%, with little difference between men and women).

Figure 2. Would respondents take the same journey again?
(against experience of a protection incident)

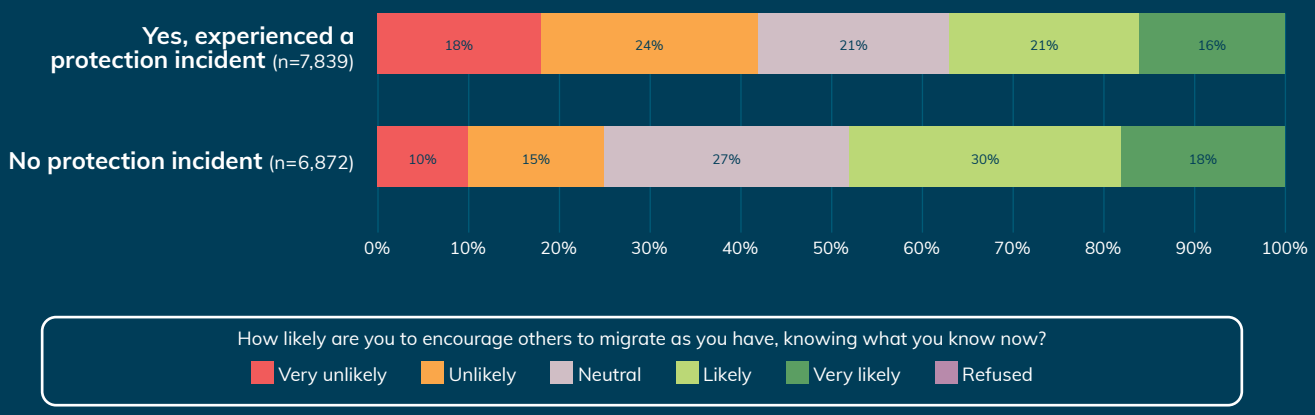


However, a majority in all cases still asserts that they would embark on the same journey again, suggesting that the risks are considered to be a necessary and almost unavoidable gamble, even among those who have been victims of violations or abuse.

How would people advise others?

Similarly, there appears to be a link between experiencing a protection incident and advising others to undertake a similar migration journey. While in no cases does a majority say they are likely to recommend the journey, those who experienced a protection incident more often said they were unlikely to recommend it (42%) than those who did not (25%). (There is very marginal difference between men and women). This also shows that while many seem to be prepared to take significant risks themselves, they would not advise others to do the same.

Figure 3. Would respondents advise others to take the same journey?
(against experience of a protection incident)



Sweet sorrow in South America

"I miss my children but I'm happy and at peace with them being abroad."

I am a mother of three wonderful children. I recently turned 52 years old. I am currently in Venezuela, in the city of Cagua.

My youngest son decided to emigrate seven years ago when he was 19. Being of legal age, he did not ask for permission. He only announced that he would leave the country. As I knew I had raised him well, I let him go. My three children are well prepared, academically and for life, to understand how to do their things, work, and have a job. They know how to live.

I accepted his decision with pain because he was the youngest. However, we supported him in living the life that he had chosen to live. I belong to personal growth groups. I'm a therapist, and that holistic knowledge helped me a lot to believe things were going to be alright. This helped me after all my children left the country, and I was left alone after having a house full of people.

Two years after my youngest son left, my oldest son decided to go to be with him and keep him company. One might say, "those who stay suffer because they remain," but the one who goes is alone in another country. I am here with my neighbours and family, doing things in my comfort zone.

My environment sustains me. I will always miss my children. However, I will not manipulate them to come back, because everyone chooses how they want to live. Two months ago, after nearly seven years since my youngest son left, and just as I was thinking I would never see him again because he's so independent, he came back to Venezuela as a surprise for my birthday.

We had already experienced living in the United States, all five of us, the whole family. So, we knew what it was like to live outside your country. As adults, my three children made their own decisions to experience it in another way. The situation in Venezuela pushed them to make these decisions. For them, leaving was a social, political, and economic decision.

I feel proud of them. If my children were in another situation, I would be worried, but the truth is, I'm happy and at peace with my children being abroad. I miss my children. I've felt bad, but I don't tell them, as to not worry them.

Some people might say, "hey, your three kids left you," and you are left thinking, "Did I raise them so badly?" But other people say they are [sufficiently] educated to live well.

Technology has helped us a lot because almost seven years have passed. I saw how my youngest grew since he left as a skinny little boy with his child's face. But with video calls and those things, when he came back, I realised the only thing I missed was hugging him. My brother left many years ago when he was 19 years old. We sent each other letters when he went to Miami, or he called, but we didn't really know if he was alright. Now [with my children] we do; we can even see where they live with video calls.

I feel satisfied and grateful to God because they are experiencing something they chose to live. Everything, from eating, to waking up in a new house, to going to work, to deciding what they want to do for work. It's satisfying.

I see my children doing well. They have work, are busy, and have friends. The positive aspect of their migration is to see them fulfilled every day, as human beings, professionally. The ways they grow, seeing them satisfied. Now I see my youngest, how he behaves, how he has changed his diet, and how he sees things. It pleases me.

The negative experience of their migration is that I miss them at moments like birthdays, New Year's Eve, and Mother's Day. One day, on my birthday, I got a video call and cried. But then, I said to myself: "No!" After that, I decided to call them before, or we talk after singing "Happy Birthday", because I prefer to choose how I want to live my experiences. I avoid things that will hurt me, and I choose the lovely, nice, and positive part of my children's migration.

Sometimes, I tell myself that I am weird to be positive. But I must keep living and think everyone is where they want to be. We must keep living, missing them, or not missing them. If my children are well, I am calm.

"You choose the path you want to experience" has been the key for me to see things differently from others concerning migration. If someone tells me they want to leave, I wish them all the best. I tell others to live the whole experience to the fullest. Even if it is good or different because nothing is good or bad, it is different according to each person.

Interview

Where states fall short

From passing the buck on the growing trend of border pushbacks, through deliberately—and counterproductively—conflating the separate crimes of smuggling and trafficking, to failing to make good on their commitments to expand legal pathways and regularisation, many states have a lot to answer for when it comes to the protection of people on the move, argues **Felipe González Morales**.

Felipe González Morales is the UN Special Rapporteur on the human rights of migrants. He is a professor of International Law at the Diego Portales University, in Santiago, Chile. Between 2008 and 2015 he was a commissioner and the rapporteur on migrants at the Inter-American Commission on Human Rights, where he was president between 2010-2011. He was the founder and first director of the Center for Human Rights at the Diego Portales University and of the Latin American Network of Human Rights Legal Clinics.

You've said that in the case of migrants who do not make asylum claims, international and regional refugee law should not be dismissed automatically. Are you effectively saying that it's okay for non-asylum seekers using irregular channels to be considered for refugee status? Is there a risk this will broaden the criteria for refugee acceptance too wide for states to accept?

What I find is that there are many, many persons who are asylum seekers or potential asylum seekers who remain as irregular migrants. And this is true in the different regions of the world. So in this regard, it's very important to ensure that all these people have the opportunity to seek protection and that they're not simply dismissed as economic migrants or the like. I think that all applicable international instruments should be applied. Additionally, as a special rapporteur—and this is the case for all special rapporteurs—we have universal jurisdiction on all countries and we are not based on a specific treaty. So, our competence is regardless of the ratification of this or that treaty by a specific country: we have to look at all the applicable instruments, especially treaties but not only treaties.

You've spoken and written about the "regrettable trend of the legitimisation of pushback practices through the introduction of legislation and government executive orders." What is driving this trend, and where is it heading?

This is a very worrisome trend that has been expanding and expanding. I have been a special rapporteur for five years now, and I have seen, for instance, this becoming an extended practice in many countries of Latin America, which was not the case before. So, we

have this scenario in the different regions of the world now. And I would say that the typical claim by states is that they're not conducting violent pushbacks even when sometimes we have the evidence. But they say, "No, these are not officers from the state, or they may be paramilitary or whatever and we do not practice or do not consent violent pushbacks." Often, this is not true, but the fact is that pushbacks are against international law, even in the case that there is not much force used. States try to normalise this practice and we have seen a change in the jurisprudence of the European Court of Human Rights in this regard that has been interpreted by some European countries as allowing pushbacks. And in this context, I thought it was very important to address this issue from my mandate and I have published two reports on this matter.[1] This is an extended practice about which I don't foresee any reduction in the near future.

> **"Pushbacks are against international law, even when there is not much force used. This is an extended practice about which I don't foresee any reduction in the near future."**

And there was this case in June this year in Melilla where almost 40 migrants died...[2]

Yes, according to some sources the deaths took place in Moroccan territory, but the pushbacks were conducted also by the Spanish forces back to Morocco, although there were no corpses found in Spain. It is an example of the outcomes of externalisation and deniability. Some states are able to produce some sort of documentation that indeed they have conducted an individual examination or that they are following the law, but it's really a formalistic approach, and they're trying to hide the fact that they are conducting pushback, in the Melilla case with tragic consequences.

Looking around the world, can you point to a continent or region where the human rights of migrants give you some optimism?

I think that the situation is generally very worrisome, but I would also say that in some continents, there are some good practices. For instance, in the case of Latin America, I would highlight the fact that migratory detention is not an extended or widespread practice except in cases in Mexico. In the case of Europe, I would highlight, the role of a number of cities which have become sanctuary cities, for instance.

You mentioned in your recent report the rise of trafficking or the possibility of trafficking in mixed migration context. Could you briefly elaborate?[3]

I would say that this is a feature that was first developed in some regions of the world and has expanded to all regions. Through the process of criminalisation of migration, migrants have to look for other routes, more risky ones, to arrive to the countries of destination and this has increased also the risk for them of becoming victims of trafficking. So, I see a connection in this and there is the paradox that quite often states which enact barriers to human mobility, strong barriers, they do so invoking a fight against trafficking and in fact this leads to more trafficking. So that's a problem.

Additionally, what states usually do is to mix up trafficking and smuggling. During the visit I did to Poland in July I had the impression that my interpreter was using the term "trafficking" in a context which might have been smuggling. So I talked to him to make sure that he was making a difference between trafficking and smuggling. But he told me that the expression that the authorities use was a more vague, general one that usually implies trafficking but it's not only trafficking. So I think the mix is either because people are not aware of the correct terminology or because they mix up the terms deliberately. This was the case I found out at my official visit to Niger, which has a lot of financial support from the EU for the purpose of stopping human mobility. State authorities there were always talking about trafficking, trafficking, and trafficking. EU officers also spoke repeatedly about trafficking regarding Niger. The EU was very critical of my report on Niger at the time.

> **"There is the paradox that quite often states which enact barriers to human mobility do so invoking a fight against trafficking and in fact this leads to more trafficking."**

After an impressive welcome of millions of Venezuelans in neighbouring South American countries we are now hearing of complaints about discrimination and changes in the law to exclude Venezuelans and resist regularisation. Can you confirm this is the trend now?

1 United Nations Human Rights (2022) Human rights violations at international borders: trends, prevention and accountability; United Nations Human Rights (2021) Report on means to address the human rights impact of pushbacks of migrants on land and at sea - Report of the Special Rapporteur on the human rights of migrants.
2 See, for example: Human Rights Watch (2022) Morocco/Spain: Horrific Migrant Deaths at Melilla Border. The number of fatalities in this incident reported by various sources ranges from 23 to 37.
3 United Nations Human Rights (2022) Report of the Special Rapporteur on the human rights of migrants.

I saw this from the very beginning because when I was a rapporteur on migrants at the Inter-American Commission of Human Rights, I made a country visit to Colombia at the time that the first massive wave of Venezuelans arrived, in addition to the returning Colombians who had been living for decades in Venezuela. And in fact over the first few years there was a policy of welcoming Venezuelans in different countries of South America. In that context, the Quito Process was established in August 2018.[4] It comprises almost all the countries of South America, and its original aim was to welcome the Venezuelans and adopt a set a common policies in this regard.

> **"The situation for Venezuelan migrants has become much, much more worrisome. The number of people who are recognised as refugees from Venezuela are not many in the countries of [South] America, and the processes to apply for international protection are very slow."**

However, this process, which still exists, didn't have much impact. I would exclude Colombia in this regard, but one by one countries started to raise barriers against the Venezuelans. Now the situation has become much, much more worrisome. The number of people who are recognised as refugees from Venezuela are not many in the countries of [South] America, and the processes to apply for international protection are very slow.

Would you agree that Mexico has militarised its immigration policy? I know you spoke at the launch of a report on the matter.[5] How much has this been influenced by the US, and has there been change since Joe Biden became president?

Well, the militarisation of the whole of Mexico has been a dramatic situation which has affected human rights as a whole and not just immigration. Since 2006, more or less, this has become more and more of a feature in respect to migration as well. The Lopez Obrador government initially had a welcoming policy to the caravans of migrants, for instance, but then partly due to the influence of Trump that changed over a matter of a few months. The Lopez Obrador government started in December 2018. I was there in April 2019, and its migration policy had already changed in those four months, and it really became more militarised. It has been widely documented that the Trump administration said publicly the US wanted Mexico to stop the migrants. So Mexico militarised its southern border and also its northern border and other places throughout the country as well.

Your latest report explored the relationship between climate change, human rights, and migration.[6] Observers seem to be split between those who predict climate change will lead to the sudden, almost apocalyptic, cross-border movement of hundreds of millions of people and those who think it will be generate more gradual internal migration. Where do you stand?

First, this is an issue that was already addressed by the Special Rapporteurship 10 years ago, so we have been following this closely all these years. I cannot foresee how traumatic this may be. I mean, it's beyond my knowledge how fast or severe the impacts will be, but based on all the information we already have it's an extremely worrisome situation, one we have to address now in general in relation to climate change. We are already seeing people from different regions of the world who are mobilising as a result of natural disasters in the contexts of climate change. And there is an urgent need to address this. The Global Compact for Migration refers to natural disasters. This is an issue that the international community is debating, but, of course, much more specific agreements are needed to ensure that both climate change is reversed and at the same time that all aspects of human mobility are also considered.

> **"Much more specific agreements are needed to ensure that both climate change is reversed and at the same time that all aspects of human mobility are also considered."**

In the same report, you wrote that Refugee Convention may offer protection to individuals affected by the adverse effects of climate change in some circumstances, such as where national authorities' denial of protection from these adverse effects amounts to persecution. Have you come across a specific example of this yet?

No, I have not so far, but typically these thematic reports try to anticipate some trends, some events, and the case of climate change, as I said before, we're revisiting this issue 10 years after first flagging it. Because we're not going to produce another report on this matter in the next couple of years, it's important to anticipate this kind

4 For more information see the Quito Process website.
5 Fundación para la Justicia (2022) Bajo la Bota: Militarización de la Política Migratoria en México (Under the Boot: Militarisation of Migration Policy in Mexico).
6 United Nations Human Rights (2022) Report of the Special Rapporteur on the human rights of migrants.

of a situation and I think this is going to be an important legal discussion.

In relation to the Warsaw International Mechanism for Loss and Damage associated with climate change impacts, it seems that the international community has so far been very reluctant to accept responsibility and pay up. Would you agree with that?

I think that at this point what we have at the level of the international community are mainly general commitments regarding climate change, but not more specific measures like that. I think that should be the next step to be addressed, and as long as the situation becomes more acute, it's going to be the next scenario.

You've noted with concern that insufficient pathways for regular migration have been created, especially for climate-driven migration. How would you assess the impact of the GCM now four years on, in this regard?

I have been participating in the follow up of the compact, including by participating in the Steering Committee of the Trust Fund, which assigned projects, pilot projects, basically. I was part of the Steering Committee until last June and, despite its efforts, I have not seen much development on the part of states on this matter. Of course, the pandemic has slowed things down but additionally there is a lack of sufficient commitment from states. The trouble is that the migration compact is such a large instrument, such an exhaustive document addressing so many issues, that I would say any state has some progress to highlight in some area, even some specific measure here and there, while not necessarily addressing its most problematic areas. But what I think is still pending is making decisive steps regarding the main issues addressed by the GCM, particularly the one on expanding legal pathways for migration. In addition, while the compact refers explicitly to legal pathways for migration, it doesn't explicitly address the issue of regularisation. But the truth is that in order to make sure that many of the provisions of the compact become really effective, regularisation is indispensable. And I don't see much change in this regard either: there were some measures adopted throughout the pandemic regarding temporary status being extended, temporary permits being issued, but not many permanent regularisation initiatives. This is going to be the topic of my next report to the UN Human Rights Council.

How do you feel when you see the positive response to Ukrainian refugees and the openness of many countries in Europe, even some like Poland who are normally very anti-migrant, in contrast to how they respond to people from other countries?

I saw this contrast in my visit to Poland this July, and I was really impressed by the difference. There are some problems in the reception of the refugees from Ukraine there but there are many, many efforts been made by the government and by society, by private entrepreneurs regarding refugees from Ukraine, who, as a whole, are well received in Poland. At the same time, I visited the border of Poland with Belarus where the situation is a completely different one, with pushbacks of migrants and asylum-seekers from both sides, and persons in migratory detention, including children with their families in Poland and so forth. So it's a completely different scenario. And I saw this also in Hungary when I did an official visit in 2019: it had—and still has—a very harsh policy against migrants and asylum-seekers from the Middle East and other countries from Asia, while at the same time it had already in place a programme to bring Ukrainian migrant workers. And this well before the war in Ukraine, so they were not refugees. At some level, I think it's racial discrimination really, that conclusion is unavoidable.

Finally, what would be your top three policy or practice changes you'd like to implement, if you could?

First, it would be very important for governments and for people in different countries to recognise is that the situation of migrants or refugees coming to your country is not an exception nowadays. Many governments say, "we are overwhelmed by the amount of migrants or refugees arriving". But we can see that in many regions as well, so it's not exceptional. That's why it's very much needed to have a coordination of migration policies among countries.

Second, there is the issue of regularisation and of the creation of legal pathways that we already addressed. I think those two issues which are connected are very important.

And third, the issue of access to public services and sanctuary cities and establishing strong firewalls. It's very important that in order to ensure the access of migrants, especially regular migrants to public services, such as health, education, tribunals, and so forth, information is not shared between these public service institutions and migration agencies.

> **"To make sure that many of the provisions of the GCM become really effective, regularisation is indispensable."**

Thematic Snapshot

Ukrainian refugee crisis: An extraordinary but selective response

As of the end of September 2022, more than 7.5 million Ukrainian refugees were recorded across Europe.[1] A further 7 million people have been displaced within Ukraine and "some 13 million people are estimated to be stranded in affected areas or unable to leave due to heightened security risks, destruction of bridges and roads, as well as lack of resources or information on where to find safety and accommodation".[2]

Prompted by Russia's invasion of Ukraine in February 2022 this has been described as Europe's largest refugee crisis since World War II, and the world's largest this century. However, the constant focus on the high numbers who fled the country risks neglecting all the others who are still inside Ukraine, the internally displaced and "those who are trapped, unable to even move away from danger, who are usually the most vulnerable in any conflict"[3].

Ninety percent of Ukrainian refugees are women and children, largely because Ukrainian men are banned from leaving the country and are expected to take up arms in national defence. Although most refugees are being hosted by Ukraine's immediate neighbours (in order of numbers hosted, by Russia, Poland, Moldova, Romania, Slovakia, Hungary, and Belarus), all European countries and many elsewhere welcomed Ukrainian refugees, with the largest numbers taken by Germany, the Czech Republic, Türkiye, Italy, and Spain.[4] Barely a week after Russia's invasion, the EU invoked the Temporary Protection Directive for the first time since it was created in 2001. This grants Ukrainians the right to choose in which country they would like to settle, as well as to stay, work, and study in any European Union member state for an initial period of one year, a duration that is likely to be extended. Beyond the EU, many countries, including those with otherwise harsh immigration regimes, have rapidly activated emergency travel, family reunification, and humanitarian visa provisions to allow Ukrainians to relocate, settle, and access services.

Although the widespread, widescale, and almost immediate international support for Ukrainian refugees has some parallels with the initial (and mixed) response to the exodus of Syrian refugees in 2015, it stands in stark contrast to responses to other forced displacement events.[5] Some commentators point to the rapid adoption of legal pathways and the necessary infrastructure afforded to Ukrainians as an inspiration and model for future responses.[6] Others have documented the stark differences between the way some countries treat Ukrainians and the way they deal with asylum seekers from Africa, the Middle East, and Asia, with one advocacy group concluding that "the double standards and racism inherent in Europe's refugee responses are glaring".[7] Indeed, at the same time that Ukrainian refugees continued to be welcomed with every amenity and overwhelming public support, other people fleeing violence and persecution were being detained, separated from family members, relocated, denied entry and humanitarian aid, deported, and even experiencing refoulement. Here, "other people" include non-Ukrainians fleeing Ukraine, or non-Ukrainians entering Poland through Belarus. Consider the treatment during the same months of 2022 of, for example, asylum seekers from Haiti and Central America trying to enter the US, or Afghans trying to access Europe, or Syrians coming to Greece, or Rohingya in Bangladesh, or people from West Africa and the Horn trying to escape abusive detention in Libya. The Ukraine refugee crisis offers an important space for sober reflection on different responses and on how the international community prioritises and triages its support in a world rife with continuing crises.[8]

How likely is it that the response to Ukraine's exodus will serve as a model for future asylum systems? Or will it in fact *reduce* the asylum and migration space for non-Ukrainians? And given how once-welcoming public attitudes towards (for example) Venezuelans in parts of South America, Zimbabweans in South Africa, or Syrians in Lebanon eventually soured, it is fair to ask how long the welcome extended to Ukrainian refugees will last.

1 UNHCR (2022) Operational Data Portal. Ukrainian Refugee Situation. Accessed Oct 3, 2022.
2 UNHCR (2022) Ukraine. Internally Displaced Persons.
3 Frouws, B. (2022) When war hit Ukraine. Reflections on what it might mean for refugee, asylum and migration policies in Europe. Mixed Migration Centre.
4 UNHCR (2022) Operational Data Portal. Ukrainian Refugee Situation.
5 Brito, R. (2022) Europe welcomes Ukrainian refugees — others, less so. Associated Press.
6 Katsiaficas, C. (2022) Non-EU Pathways to Protection for Ukrainians: Complementary Pathways Gain Significant Momentum. Migration Policy Centre; McFadyen, G. & Hedydd Arwyn, A. (2022) Help for Ukraine's fleeing refugees shows the power of support when the political will is there. The Conversation.
7 Global Detention Project (2022) The Ukraine Crisis Double Standards: Has Europe's Response to Refugees Changed?
8 Frouws, B. (2022) op cit.

Taking flight from the Taliban

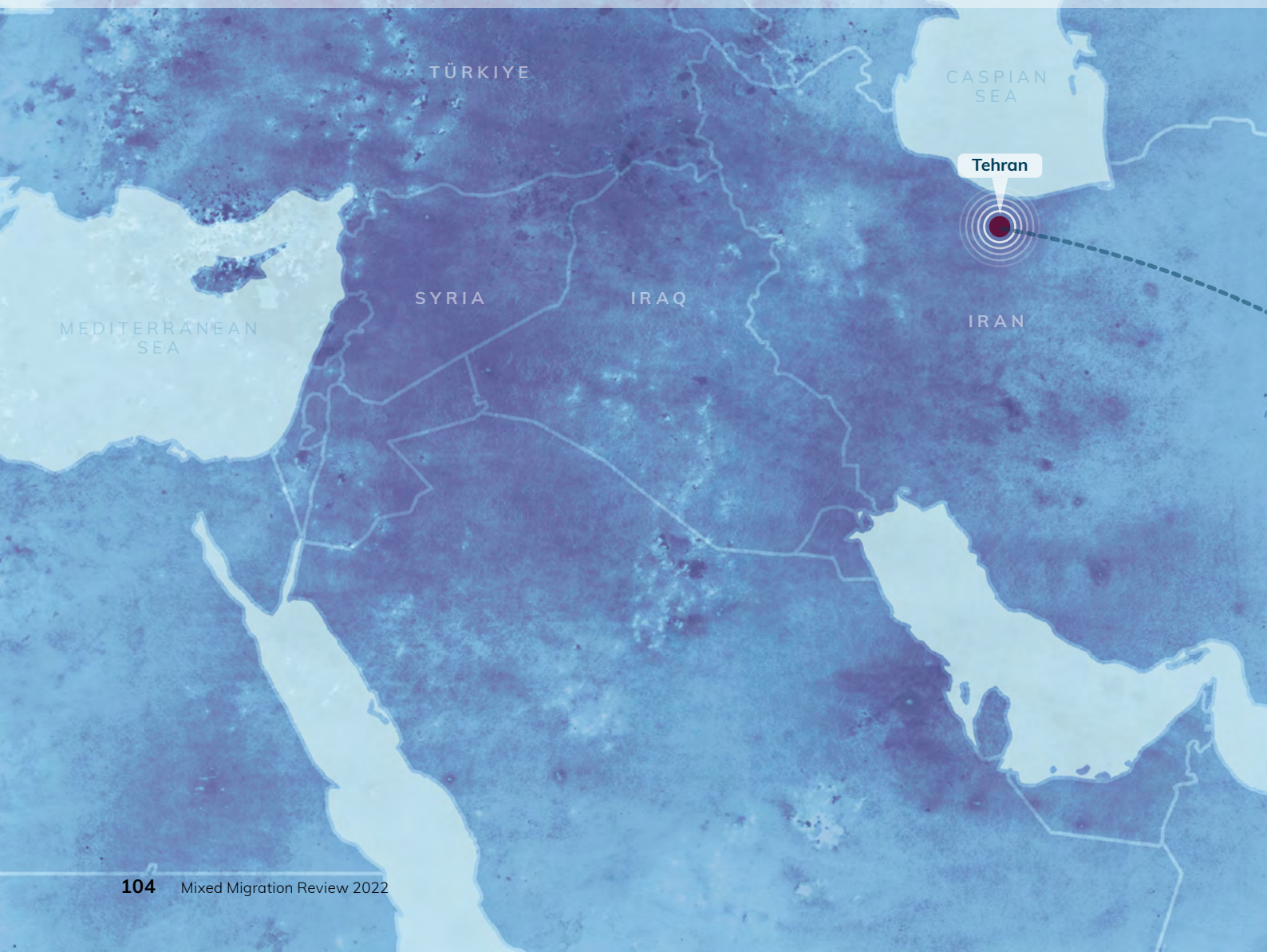
"My home is empty without my sons."

When Taliban took over Herat in early August last year, I was at my office in Kabul and my son was in Mazar at his post. He was an officer in an army camp at that time, training those who had just joined.. We knew that everything was over and that the Taliban would take Kabul and Mazar soon. I called my son to inform him that I was heading back to Mazar and that he should also be ready to leave the city for our village in the mountains. I was on the road when the Taliban took over Mazar. After Kabul fell, I continued my way to Mazar and went directly to my home with a lot of fear. In the house, no one was there, and our neighbour said that my whole family had gone to our home village nearby. I went there to join them. I used to be an army officer myself and there was rumour that the Taliban were looking for former officials and military personnel, especially those with ranking. We were so afraid for the life of my son because everybody in Mazar knows us, and everybody knows that most men in our family were working with the national army in the previous government. We knew that if he stayed in Afghanistan, he would be persecuted and killed by the Taliban. Also, we have a lot of rivals in Mazar who don't have good relations with us because of the factional rivalries back in the 90s, and in the chaos after the collapse of the regime, there were a lot of revenge killings.

We decided to send my son along with his younger brother to Pakistan or Iran. The situation at the Pakistan border was very bad in those days and no one could cross the border, so we called some relatives in Herat and tried to find a trusted smuggler to take them to Iran, but in Herat, the situation was the same. So, after consulting with more relatives, we sent them to Nimruz and from there, they paid some smugglers and went to Iran. Now they are living in Tehran without documents. My eldest son is working as a simple worker at a construction site and my younger son is working at a tailor shop.

I miss them both a lot. They were the light of my house and with them gone, it's like my house is dark and silent. But I am sure our decision was right. Every day, we hear that some young people disappear and their bodies are found later in the desert or wells. I had no choice but to send them away even though it was really painful for a father to send away his two dear sons to a foreign country.

At the time they left, all the roads were under Taliban control, and they were looking for former government soldiers. People even say that they had biometric devices from the Ministry of Defence and they were using them on roads to check travellers and passengers, to identify who was working with the previous government. But God helped my sons and they reached Nimruz safely. From there, they contacted the smuggler who we found for them before and with their help they went to Iran. But we were afraid that if the smuggler knew that my son was a former soldier, they would give him to the Taliban militia, so we told the smuggler that my son is just a simple worker and wanted to go to Iran for work. Still, we were worried because we had given them some money and it was really dangerous to have cash with you on the road. People killed each other for 100 afghanis (about $1). We called them all the time. Their mother and sisters spoke to them every night on the phone.



They said that they were beaten by Pakistani militia in Mushkel and sent back to Afghanistan, and they had to depart again the next day. On the Iran border, they tried to cross four times, but every time, they were arrested and beaten by Iranian border police and sent back to Pakistan. When they were caught by Pakistani militia, they beat them very badly. I was very worried for their health and knew what they were going through. But I couldn't tell them to come back. I just told them to bear all the hardships and trust their God and try again. Believe me, I couldn't sleep until they reached Iran. Finally, they managed to cross the border and go to Tehran on their fourth attempt.

For now, they are safe. However, as they don't have any documents, they are afraid of being caught and sent back to Afghanistan by the Iranian police. So, they are thinking about going to Türkiye, and from there to Germany. People say that in Germany, if you have proof that you were a former official or soldier, they will give you refuge. They are working now to save some money. I want to sell our house in Mazar to pay for their journey, but they don't accept this and tell me that we should keep our house. They are going to work until next spring and then try to go to Türkiye.

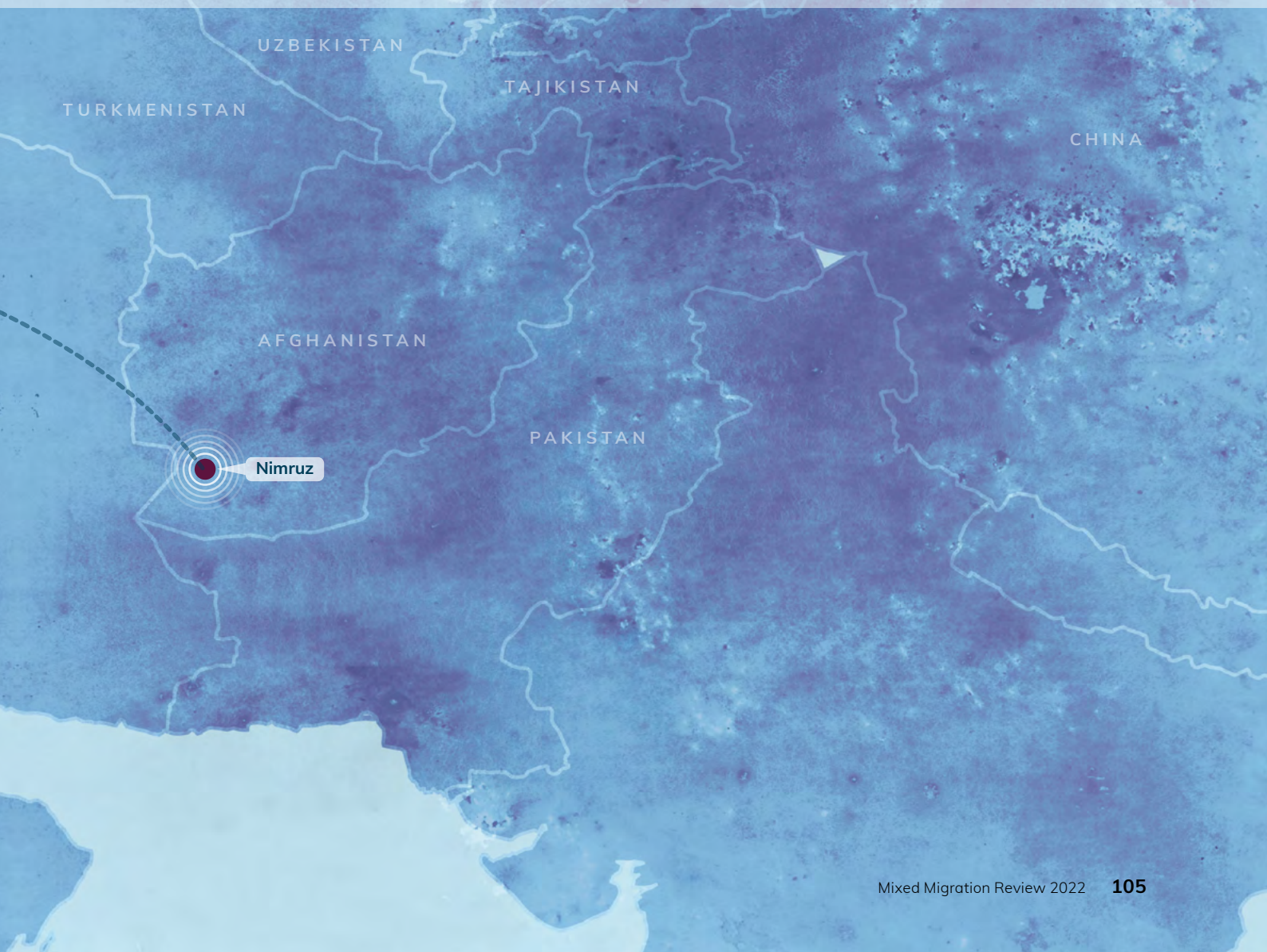
I prefer that they go to Germany and rebuild their lives there because Afghanistan has ended for them. There is no place here for them here, and if they come back, the Taliban will kill them. If the Taliban don't kill them, there is no work or future for them. It is really difficult for a father not to have his sons by his side during the days of hardship, but I am fine as long as they are safe.

I am still on my feet and can work to bring bread for my family, so I don't expect them to send money home, they have to save their money for their journey. But their absence is really difficult emotionally. My family is not the same as before. My wife cries in hiding, my daughters feel the lack of support. They love their brothers, and they always used to walk with their head up high on the street and in their school because they knew that their brothers had their back. But now, they are imprisoned in the house, feeling that they are left alone.

My home is empty without my sons. My wife, my girls and me, we don't feel joy anymore, there's no taste in the food anymore, it's like the world is suffocating us. My girls say that we have to leave for Iran to be with my sons. But I cannot do that. Because I do not dare take my girls on a journey with smugglers through the deserts and mountains, where anything can happen to them. And I cannot take them through the border to Pakistan or Iran. I thought about getting a visa. But even if I did get a Pakistan visa, how can I cross the border? The moment they put my passport in the machine at the border, my biometric information will pop up and they will know that I was a military man in the previous government and then, God knows what will happen to me. For now, we have to stay and see if the situation gets better. If not, then I might find some relatives to take my girls to Pakistan or Iran. But I have to stay here to take care of our house.

Migration is not a bad thing, all people in Afghanistan have migrated and there is no shame in it. Every family in Afghanistan has at least a son or a father in migration. If they want to say that my son is an escapee, then half of Afghanistan are escapees.

I don't know when I can see my sons again. If they happen to find their way to Germany or Türkiye, then it is for sure that their mother and I won't see them for years and that causes us utmost suffering.



What happened to the predicted out-movement of Afghans?

The effects of drought, flooding, and earthquake, decades of conflict, the collapse of basic services and the economic crash unravelling since August 2021 has driven levels of humanitarian needs in Afghanistan to unprecedented heights. With almost the whole population (42 million) being pushed into extreme poverty during 2022, according to the UN, all 34 provinces are facing crisis or emergency levels of acute food insecurity.[1]

Already in December 2021, the UN High Commissioner for Refugees, Filippo Grandi, warned that an economic collapse in Afghanistan may lead to an "implosion that will cause an inflow of people" both within and beyond Afghanistan's borders.[2]

What is the Afghan story in relation to refugees, asylum seekers, and migrants since the end of August 2021, when the Coalition forces of the United States and its allies precipitously left the country? What came of the predictions of massive outflows of migrants and refugees as the Taliban militants regained control of the country?[3] And what came of the widescale sympathy and implied support of the watching world in terms of responding to those wanting to leave?

Western evacuations of Afghans ended quickly after the Taliban takeover, leaving thousands of would-be evacuees stuck in relocation limbo. But according to Mixed Migration Centre's findings this accounts for only a small share of the Afghans who want to, and need to, move abroad considering the risks they perceive if they stayed in Afghanistan.[4] Additionally, many Afghans remain in a situation of 'involuntary immobility' as a result of the Taliban and some neighbouring countries closing land borders and increasing in-country checkpoints, curtailing the issue of passports and closure of consular services.[5] Far from the international solidarity expressed after the Taliban take-over, "fears of large-scale movements has fuelled regional and international anti-refugee and anti-migrant rhetoric, as well as increased the securitisation of borders."[6]

Internally displaced people

In 2021, there were an estimated 777,400 new internal displacements due to increasing instability and violence resulting in approximately 3.5 million people displaced inside Afghanistan by mid-2022.[7]

Refugees and asylum seekers

Afghan refugees are the third-largest displaced population in the world after Syrian refugees and displaced Venezuelans. To date UNHCR estimates that at least 2.7 million Afghanis have been forced across borders and live as refugees across 98 different countries. The vast majority of refugees from Afghanistan are living in Pakistan and Iran. Although, in August 2021, the UNHCR said it expected 500,000 people to flee Afghanistan in a "worst case scenario," by the start of 2022 an estimated 300,000 had left, mainly to their immediate neighbours, but some further towards Europe.[8] There are just 4,000 registered Afghan refugees in Türkiye. Those entering Türkiye are regarded by the government as irregular migrants and in the first half of 2022 they reportedly 'repatriated' 24,341 Afghans.[9] By the end of 2021, Afghans continued to be the most numerous 'irregular migrants' intercepted in Türkiye by authorities (70,252) — an uptick of 31 percent compared to 2020 figures.[10] Türkiye has complained that it dislikes being the 'warehouse' of Afghan asylum seekers to Europe, suggesting the EU have a de facto and funding understanding with them to stem increased movement towards Europe.[11] In April 2022, in Europe just 8,000 asylum applications were pending from Afghans (the highest number from any national group) suggesting

1 UNDP (2021) 97 percent of Afghans could plunge into poverty by mid 2022, says UNDP. Also, WFP (2022) WFP Afghanistan: Situation Report 06 May 2022
2 UNHCR (2021) Afghanistan situation: Emergency preparedness and response in Iran, 8 December 2021
3 International Crisis Group (2021) Beyond Emergency Relief: Averting Afghanistan's Humanitarian Catastrophe and IMF (2021) Regional Economic Outlook, October 2021, Middle East and Central Asia: Trade-Offs Today for Transformation Tomorrow.
4 MMC (2022) MMC Asia 4Mi Snapshot – May 2022: Afghans en route to Türkiye: Access to critical information
5 Loft, P (2021) Afghanistan: Refugees and displaced people in 2021. Research Briefing Number 9296 House of Commons Library
6 MMC (2021) The impact of the Afghanistan crisis on migration: Increasingly securitized borders will only make migration riskier and more dangerous.
7 UNHCR (2022) Afghanistan Refugee Crisis Explained.
8 NRC (2021) Humanitarian needs in Iran rise as 300,000 Afghans arrive since Taliban takeover.
9 Daily Sabah (2022) Türkiye repatriates 42,600 irregular migrants since start of year.
10 ICMPD (2022) Migration Outlook 2022 Western Balkans & Türkiye .Nine migration issues to look out for in 2022.
11 MacGregor, M. (2021) Erdogan: Türkiye will not become Europe's 'refugee warehouse'. Infomigrants

few Afghans were able to enter Europe or that of those that do a limited number actually apply for asylum. By comparison, a sizable number of Afghans were part of the rapid evacuation in mid-2021. For example, 74,000 people were given asylum in the United States while EU Member States together evacuated a total of 22 000 nationals.[12]

Informal crossings have continued

In the months following the Taliban take-over, tens of thousands of irregular movements were recorded in a ranges of regional countries despite restrictions and push backs. "Increasing securitisation and a lack of regular pathways has led to increased reliance on smugglers, new routes, increased costs, and escalating protection risks."[13] The exact number cannot be assessed, nor the scale of the movements during 2022. However, with border closures, pushbacks, deportations, and detention facing Afghans, in almost all countries they attempt to cross towards Europe the are thwarted.

MMC's 4Mi data from Türkiye shows that many Afghans intend to move on towards Europe but it's not clear how many make it. Few are applying for asylum in Europe but perhaps thousands more manage to arrive undocumented and fail to register, preferring to take their chances living under the radar. Among those interviewed by MMC in August 2021, only 22 percent indicated that Türkiye was their intended final destination (to either live there or apply for asylum and wait for resettlement in the future). This is compared to 73 percent who reported that they intend to continue moving onwards to another destination, including to Europe, with Germany as the preferred destination.[14]

Afghan returns

In August 2021, UNHCR released a non-return advisory for Afghanistan, calling for a halt on forced returns of Afghan nationals, including asylum seekers who have had their claims rejected. Despite this, forced return has continued. As mentioned, Türkiye repatriated more than 24,000 Afghans to Taliban-controlled Afghanistan, in line with its policy decision in September 2021 to replace integration with repatriation.[15] Some thousands have also been returned from Iran and Pakistan.

Despite the fact that more than 100 countries pledged to accept and welcome Afghans fleeing Afghanistan after the US military withdrawal from the country and talk of creating 'humanitarian corridors' to Europe for fleeing Afghans, the reality has been a doubling down of barriers, obstacles and a rising trend of forced returns—returns to what many regard as the world's worst humanitarian situation run by a regime with a much condemned record of human rights and protection.

12 IRC (2022) What is next for Afghans who fled to the United States? Also, European Parliament (2021) Evacuation of Afghan nationals to EU Member States
13 MMC (2021) op cit.
14 MMC (2021) op cit.
15 ICMPD (2022) op cit.

The greener fields of France

"My brother always wanted to live in Europe."

I am a young Tunisian man aged 29 from the governorate of Beja. I have a degree in economics but now I do casual work.

My brother, the eldest of four siblings, migrated eight years ago, when he was 24. He had studied at a language institution here in Tunisia and graduated at the top of his class in Italian. He was therefore awarded a six-month exchange scholarship. Such an opportunity for travel was why he took the language course.

Once he was selected for the scholarship, he made it clear to me and our family that he was going to stay in Italy even after his papers expired and that he was going to settle there. Although my parents were rather worried, they agreed with this decision and before he left tried to put him in touch with acquaintances in Italy to help him once he arrived.

My brother always wanted to live in Europe, despite his excellent academic record and abilities, and not in Tunisia, for two reasons: the better economic opportunities there and the more free and secure lifestyle. My brother likes to wander around and discover new ways of life. In Tunisia he always said he was limited and not fully fulfilled.

At the time we agreed, but of course we were concerned. Not so much about the trip itself—we were sure that he was safe and comfortable and that he would not encounter any risks because he left legally with papers and by plane. It was the next part that was difficult for us: we were a bit worried about the situation after he arrived in Italy. We didn't know where he was going to stay after he left the legal accommodation provided by the scholarship. We didn't know how he was going to earn money after spending the €1,000 my parents gave him at the beginning. Even in the first six months, my father tried to send him some pocket money, but it was not possible to send money from Tunisia.

We used Skype a lot at first. He used to talk to my mother every day when he was legal. Then, when his visa expired and he lived in a flat in Italy, the calls became less frequent. For two years he worked illegally at night in restaurants and bars. One day he was attacked in Italy and robbed of €300. He rented a bed in a flat with a partner for €200, but at the time of payment he had to pay €800 instead of €200 euros to avoid being kicked out of the flat.

Also, in Italy he encountered problems of racism in the streets, facing verbal and physical harassment. He was arrested once and spent three days in prison even though his visa was valid at the time. Once his six-month visa expired, he spent another year and a half in Italy working without papers "under the table" in restaurants, bars, and hotels.

Then he decided to move to France when he discovered a simple method to falsify his papers. My sister's fiancé, a Tunisian expat in France, took a risk and coordinated with a French border guard who already did this kind of work for €200 euros to allow my brother to cross in his car from Italy to France.

Once in France, my brother obtained falsified papers through a French smuggler who provides documents. With his "legal" papers he was able to find a job in a hotel kitchen. Afterwards, he transferred to the reception area as a receptionist as he speaks five languages. Now he is working on getting legitimate papers, the procedure is ongoing.

My brother managed to visit us this summer (2022) and bought his own car. He sends money to my parents regularly and he sent me money when I needed it. He even sent my parents to Mecca once.

We are used to his absence now and we don't find it a problem to call him at any time.

At the end of the day, we it was certainly the right decision for his future given the opportunities he received. With time, we all understood that migration is the best solution, especially with the limited work opportunities in Tunisia and the economic situation, which is more and more difficult to live with. The best part for me is seeing my brother thrive and be happy and seeing him support my parents.

Now my little sister is already looking for ways, legal or illegal, to join my brother in France. I am also motivated to leave. Elsewhere is better than here. I have a migration plan, but I will choose the safest way. Many of my neighbours have already left or are preparing their own trip.

My parents are fine here, they visit my brother, and they understand that the future is not guaranteed in Tunisia.

Photo credit: Sebastian Castelier

Relatives mourn at the graveside in Ghodghans, Nepal of Kripal Mandal, who died while working on a World Cup construction site in Qatar, where the conditions endured by some two million migrant workers have come under widespread international criticism. According to Human Rights Watch, many thousands of such workers have died in unexplained circumstances. (See Normalising the extreme page 206).

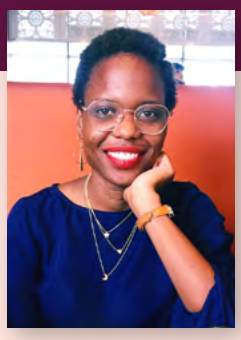
Photo credit: Fishman64

Refugees and migrants in Morocco frequently scale the fences surrounding the Spanish enclaves of Melilla and Ceuta to access EU territory. In late June 2022, some 35 people died as around 2,000 stormed the enclave. (see Normalising the extreme page 206 and Keeping Track page 17).

Alternative Perspectives

Essay competition prize winners

This year's Mixed Migration Review again includes five essays by academics, writers, and analysts under the age of 30 who are from and based in the global South. These were deemed to be the most original and well-drafted of essays submitted to MMC in response to a competition to find alternative perspectives on migration issues. As well as having their essays published in the MMR 2022, the five winners received price money to assist them in their studies and potential careers as migration analysts and commentators.



An island underwater[1]

By Inomusa Ndlovu[2]

Introduction

It rained today. It hardly rains here; if it does it's always excessive and off season. When I moved here it didn't rain for a whole year. The day it did I was terrified. It wasn't that excessive, just normal rain, but I froze when I had to leave the house. I could not step out of the house or attempt to leave my room. I would take my pillow and blanket and curl under the bed, close my ears with my hands and silently say a prayer until the rain stops. I struggled with anxiety for a while, but I am better now, although I still hate rain as it always gives unpleasant flashes of home.

Home! A small island town off the eastern seaboard of Africa, it has been subjected to a number of earthquakes and, recently, tropical cyclones. Whenever the cyclone hit, the wind would blow aggressively and we could sense its anger ravaging through our island. We could hear the sound of things getting uprooted from the ground only to be violently slammed down. The warm earth would eventually give up its heat, and refuse to evaporate the water, so it accumulated on its surface until it swallowed the roads, shook and cracked the tallest structures that we were once proud of. That would be the routine with many disasters that we experienced. Every time a warning of a cyclone was given, my parents would send my brother and I to my friend Linda's house where we would huddle up with her and her younger siblings Tanya and Nina in her room. We would pray and hope that at the end of it all our bodies wouldn't be part of those that remained scattered on the ground whenever the storm chose to calm its rage.

One tropical cyclone after the other: the same routine and the sight of death became normal. I couldn't stay in the face of climatic tragedies, so my family decided to migrate to Zimbabwe. It was easier to move there as my uncle was a permanent resident, so we moved in with his family. Within a couple of months I was registered at the same school as my niece and nephew who were a few years younger than me. I was one of the lucky ones who had a choice to move to a new place and be able to start afresh; most people stayed because they didn't have anywhere else to go or couldn't bear to abandon their ancestral land.

A year after I left the island, another cyclone hit, forcing the local government to accept the relocation plan to the mainland. It was during the course of relocation that I lost contact with Linda. Four years had since passed with no word, when one day I got home from college and my uncle gave me a letter that had been hand-delivered to his workplace. It had my name on it and no return address. I curiously opened it and it read:

Dear Musa,

In the last two years I have written letters many times and tore them up equally as many times. I hope this one will reach you one day.

Everything changed after you left, I wished I could tell you all about it every time you called but I couldn't bring myself to. When the last cyclone hit, we lost electrical power and internet connection, after a week we were evacuated to the mainland for refuge, in case you were wondering why I stopped communicating. I wanted to leave everything and come find you, but I was sixteen and I had no means to do that.

A few months after you left, we lost Tanya and Nina to floods. They were swept away trying to cross the river next to our school, they were coming from the shops. Their bodies were discovered a mile away from our home a few days later after a police-led search. We couldn't bury them as the mainland government resorted to mass cremation to deal with accumulating bodies and limited mortuaries. My parents blamed themselves for their death; my father died a month later from a heart attack. My mother and I stayed at the shelter in the mainland for a year as the attempts to rebuild the town were failing drastically, with one disaster after another making rebuilding impossible.

1 This essay is a work of fiction inspired by the experiences of countless people who felt compelled to leave their homeland in search of a better life abroad.

2 Inomusa Ndlovu is a Zimbabwean writer and researcher specialising in international relations and migration.

My attempts to look for a job landed flat on the ground as most employers did not hire "refugees", even if using that term was shallow considering we were part of the wider nation in the mainland. Probably "internal displacement" would suffice as a better attribute for our situation, but most people didn't seem to acknowledge that, maybe it's because of the semi-autonomous status of our island. Anyway, I tried getting a job so I could also help my mother who had been struggling with her health since my siblings died, but I could only find temporary work with below minimum wage. As a result I made a conscious decision to be smuggled into Europe to find better opportunities as the conditions at the shelter had become unbearable. I sacrificed leaving my frail mother to find better opportunities somewhere else. I didn't mind being the 20th person in a boat with a capacity of 9 adults.

I paid a cross-border truck driver to smuggle me and two other companions to Addis Ababa with the intention to reach Europe via Libya. We spent a month in Addis Ababa working at a factory for a man who would later facilitate our transit to Libya via Sudan. Having spent a month in Ethiopia, we then resumed our journey to Libya, enduring almost two weeks trying to cross the Sahara Desert in tough conditions. We reached the Sudan-Libya border after several days and we managed to cross without the truck getting thoroughly searched, only to be later stopped and searched in Kufra. The truck was then allowed to pass after a few hours, the driver then decided to spend the night in the desert town before proceeding to Tripoli. We reached Tripoli in the middle of the night of the following day, the driver dropped us in the middle of nowhere and I had to spend the night in the freezing streets. The next day we managed to make contact with the man who was to help us cross to Malta. He took us into an inflatable boat which was already full and one of the occupants was a young pregnant lady.

The smugglers did not travel with us; one person volunteered to captain the boat with a compass at hand. We were left to navigate the sea on our own, in freezing cold temperatures. The journey at sea was perilous. I witnessed the pregnant woman give birth on that small boat only to lose her life in the process. I helped fellow passengers throw her body into the sea, while we tried to keep the child alive until we arrived, but the child did not make it. We couldn't bear to throw the child's body into the sea, so we wrapped him in his blanket and kept his body with us. It seems the woman had lied about her due date to be allowed into the boat. Either way, I wondered how they would allow a visibly pregnant woman to take such a dangerous journey in the first place. The woman was on her way to reunite with her husband. It never happened, not even in death.

We spent almost four days at sea before we were captured by coast guards and taken to Malta. At the time of the arrest I had started menstruating and experiencing severe period cramps combined with possible hypothermia due to cold winds as we had taken this journey in winter. I was slowly fading away. I have no recollections of what happened next, but I was glad to wake up in hospital. I had made it alive. After getting discharged, I was taken to a refugee centre where I have been staying for almost a year now while awaiting a decision on my asylum application. A part of me wishes I never left home, but home no longer existed, it was nothing but an island under water.

Through all this I struggled to establish connection with my mother back home. When I finally managed to [make contact with home] I was told she had passed on in her sleep a few months after I left. At this point you are the only connection to home I am left with. Writing letters to you, even if I eventually rip them up, is the only way to keep me sane.

The letter had been abruptly ended. It had not been signed but I knew who had written it. It had been dated back by two years, yet the contents pierced my heart like it happened yesterday. I can only imagine the battles she fought in her mind before taking a decision to leave. The idea that we could pack our bags and leave was once a privileged choice, the kind that we dreamt of as a path to a world unseen. We always dreamt of leaving our small town. I remember when we used to walk the narrow streets of our sleepy island, discussing how "one day we will get rich and leave this place to explore the world". It was a sleepy island, we would say, because we found it too calm for our wild hearts and too small for our big dreams. For us, nothing ever happened there.

Our island, our home, once safe on the surface but now only existed in the minds of those who once called it home. It saddened me that regardless of these natural disasters being widely covered by regional and international media it was not enough for states to open humanitarian corridors or generate enough desire to offer protection to environmental migrants. The problem we have as human beings is that we have configured ourselves in a way that we only empathise when those in distress embody something familiar to us such as race, culture or religion. I was not immune to selective empathy; in hindsight I had not thought of why people take such risks in migration until I read Linda's letter.

Keeping Vietnamese migrants safe through technology

By Duyen Le[1]

Introduction

Vietnam is a developing country whose economy has grown rapidly over the past few decades, lifting millions out of poverty. However, this development has taken place unevenly, particularly between urban and rural areas. People living in rural areas have less access to education, career opportunities, and resources, thereby driving many to migrate to bigger cities or even to other countries in search of economic opportunities.

Due to the enormous impact of Covid-19 in recent years, many low-wage and blue-collar workers have lost their jobs or had their wages and hours reduced. Job opportunities became scarcer in their areas, particularly with the loss of tourism and during lockdowns. This has caused workers to look for other opportunities through different channels, such as social media or through acquaintances, in hopes of getting a job abroad with a seemingly lucrative salary. With misinformation abounding online, many migrants have made the decision to migrate irregularly without having clear knowledge of what the work may entail, how their journey would play out, or how they can keep themselves safe from smugglers with ill intentions or from the vulnerabilities they may encounter in their journey.

This essay will explore the impact of Covid-19 on migration patterns in Vietnam and the technological solutions that the organisation I work for, the Pacific Links Foundation, has implemented to inform and empower migrants while weaving in stories from trafficking survivors we have supported.

Impact and insights into migration trends during Covid-19 in Vietnam

Since Covid-19 first appeared in January 2020, the government of Vietnam accelerated efforts to contain the spread of the virus and provide treatment for those infected. To contain the outbreaks, the government introduced regulations restricting the movement of people, such as closing schools and non-essential services, facilities, and businesses, and implementing social distancing measures.

During Vietnam's longest and strictest lockdown between July and September 2021, low-wage workers—especially internal migrants—were heavily affected: they had reduced wages and/or working hours, or experienced loss of jobs, mostly while being stuck in an urban area with higher living costs compared to their hometowns. This meant they could not provide for themselves or their families, driving many to consider or actually make desperate decisions. This left an opening for unscrupulous labour brokers and traffickers to take advantage of the migrants' desperation.

At the same time, workers with reduced work hours or without jobs had more time at home to use social media, especially Facebook. We have seen the extensive propagation of information twisted into misinformation and disinformation on social media. Information about jobs with a high salary becomes enticing to workers, even if the job requires them to live and work far from home. Somehow they trust the news and any information posted on social media that speaks to their desires, leading them to contact brokers and follow their instructions without questioning whether the job information posted is real or not.

For example, Thao[2] had migrated from the Mekong Delta to Binh Duong Province to work as a factory worker. She had gotten acquainted with the traffickers through social media, having come across information on a high-paying job in China. The traffickers further enticed her by emphasising that "there is no Covid-19 there". They paid for her flight to Hanoi and had someone take her to Lao Cai Province to illegally cross the unguarded border into China. Only when she reached China did she realise that the trafficker had lied to her and forced her to marry a Chinese man.

Given the changing nature of Covid-19 prevention measures and governments' responses to the resulting economic consequences, internal and external migration patterns may become more complex in the coming months. The closure of countries between 2020 and 2022 resulted in low global migration rates. However, with an increasing number of countries opening up their borders once more, coupled with a strong need for migrant workers to fill the jobs that locals are unable or unwilling to do, migration levels are likely to rise sharply, particularly in regions that have a history of locals emigrating.

1 Duyen Le is a programme coordinator at the Pacific Links Foundation.
2 Name has been changed.

With the desire to find a job and have a higher salary to support their families, workers may be willing to move abroad or away from home to work. These factors can increase the risk of workers choosing to migrate irregularly. Anh,[3] for example, had seen recruitment information on Facebook about office jobs with a monthly salary of $900 in Cambodia. Compared to the average monthly wage of $200 in Vietnam, Anh thought this was a fantastic opportunity. He contacted the broker to "apply" for that job and was taken to Cambodia via an "underground" route with two others. Once they arrived in Cambodia, they were forced to work 12 to 14 hours a day for an online gambling company to trick other unwitting Vietnamese people into gambling. They were not allowed to leave the premises. Realising that they were tricked, they got in touch with the Embassy of Vietnam in Cambodia and were returned to Vietnam. Our local government partners then contacted us to provide reintegration support services for the victims. After receiving support from us, Anh said, "I want to find a stable job in Vietnam. The biggest lesson I learned from this ordeal is to not believe everything that's on the Internet."

Over the past two years, the Pacific Links Foundation has provided support to many trafficking survivors and returnees. In September 2021 alone, our "Compassion House" in Lao Cai Province supported nearly 30 people returning from China who were officially identified as victims of human trafficking by Vietnamese authorities.[4] This alarming trend of people continuing to be trafficked shows that trafficking and smuggling are still alive and well, even through border closures and nationwide lockdowns.

Supporting migrants through technology

In supporting trafficking victims and migrant workers, we have found that the lack of understanding of what is reliable information, along with the proliferation of fake news, are the leading causes of unsafe migration, which can heighten the risks of human trafficking and forced labour. To combat the rise in misinformation and to prevent human trafficking by emphasising safe migration, we have developed accessible technological solutions for workers, which includes a mobile app and an online learning platform.

PAXU is a free mobile application that was developed as a solution to help users make safer migration decisions. In this app, we provide curated news from vetted and reliable sources, guidance on finding safe jobs, and other skills that can support migrant workers. The news items all relate to workers' well-being, which can include topics such as protecting oneself from Covid-19 and national policies and regulations that provide support to workers during Covid-19.

The app also features calculators to help users 1) compare the costs of living between where they currently live and where they want to move to, and 2) calculate broker fees and debt repayments. In addition, we have built and provided updated information on jobs that can be found through trustworthy channels, which will help users with finding safe jobs. These features allow users to access information and carefully consider all aspects of migration before making their decision.

In addition to PAXU, there are other mobile apps developed by other organisations that support migrants on the go. For instance, Golden Dreams is an app for education and empowerment, safe migration, ethical recruitment, and getting access to assistance in Thailand, Cambodia, and Myanmar. The Safe Step app focuses on safe recruitment for migrant workers in Bangladesh. The Pacific Links Foundation saw a need for an app targeting migrant workers in Vietnam that could provide financial literacy in addition to providing the knowledge and tools for safer migration decisions. In my experience, migrant workers who use PAXU see the app as an on-the-go reliable source of information and learning opportunities.

Our other solution to combat misinformation is GLOW (Growing Learning Opportunities Worldwide), our free online learning platform. We built short self-study courses for our beneficiaries—who include migrant workers, scholarship recipients, trafficking survivors, at-risk and disadvantaged youth, etc.—to learn about the essential knowledge and skills to protect them from the dangers of human trafficking/forced labour and to migrate safely. Users, particularly migrant workers with whom we work closely, have taken those courses to relay the information back to their families, co-workers, and communities. One of the successes of GLOW is being able to provide resources for at-risk communities to help them build their self-learning capacity.

Conclusion

Migration trends in Vietnam have become more complex during Covid-19, whose devastating economic effects have led many low-wage workers to consider or make the decision to migrate. With the proliferation of misinformation, especially on social media, we recognise the need for cross-sector and cross-border collaboration to build a stronger network to fight human trafficking. Not only do we work with vulnerable individuals at the grassroots level through community outreach events, but we also coordinate with other organisations (including the Walmart Foundation, and the British Council) and partners in state agencies (such as the Women's Union and the Department of Labour) to take a step closer to our goal of preventing human trafficking and unsafe migration.

3 Name has been changed.
4 The Lao Cai Compassion House is located at the border of Vietnam and China. Trafficking survivors at our Compassion House receive long-term and individualised assistance to reintegrate into their communities upon their return to Vietnam.

The future of migration in South Africa: A melting pot bound to boil over

By Anesu Jahura[1]

Introduction

South Africa is one of the most developed countries in Africa. Its established infrastructure, relatively stable political and judicial systems, as well as its abundance of natural resources and fertile land make it an attractive destination for immigrants. It's no surprise that the country is home to an estimate of over 2.8 million migrants and refugees—more than any other country on the continent—which accounts for slightly less than five percent of the overall population of 60 million people.[2] Because the country houses so many migrants, the state of immigrant affairs in the country is crucial for the wellbeing of both South Africa and the continent as a whole.

My family emigrated from Zimbabwe in 2008 during the peak of the hyperinflation crisis, which saw the inflation rate soar to more than 89 sextillion percent.[3] Food shortages were rife, the cost of living was sky-high, and political instability rocked the country incessantly. As educated, middle-class parents who wanted the best future for their young children, my parents finally had enough and decided to leave the country. We chose to migrate to South Africa, which at the time was known as one of the best African countries for immigrants to prosper.

We travelled by bus to Cape Town, where my father had found employment as an electrician, and teaching opportunities were available for my mother. I was in Grade One at the time.

Adjusting to a new country was a struggle. When I arrived at my new school—which consisted mainly of English speakers—I struggled to fit in and to learn. The only English words I knew were "yes" and "no", and the language and culture barriers left me without any friends. But despite my initial troubles, I endeavoured to make the most of my situation and acclimate to my new environment. With a few months of hard work, my English had greatly improved, and by the time I reached the second grade, I was reading at fourth-grade level.

Fast-forward fourteen years to today in 2022, and I am nearing the tail-end of my undergraduate degree in industrial engineering. And although we don't exactly live a life of luxury, we can afford all of our daily needs as a family. This was thanks to the many opportunities that South Africa has afforded us. However, this is becoming less and less possible for new immigrants.

South Africa is currently a troubled state. The unemployment rate stands at more than 35 percent,[4] and there are no signs that it will improve any time soon. The social and economic effects of the pandemic, along with high crime levels, corruption, and poor service delivery, have exacerbated the country's woes. As the prices of goods and services keep increasing—while the pockets of consumers keep getting tighter—more and more people are falling into poverty every day. The country's many problems just keep getting worse, and no clear light is visible at the end of the dark tunnel that is the present.

South Africans are fed up, and they have been calling out the government for its failures for years. But their complaints have fallen on deaf ears, as most of the country's legacy issues—such as periodic power cuts due to an unreliable power grid—are still yet to be resolved. Recently, however, some South Africans have again resorted to one of the usual scapegoats for the hardships that befall the nation: foreign nationals.

Anti-immigrant sentiment in South Africa has been ever-present. There have been recurring outbreaks of xenophobia—and particularly Afrophobia—in past years, such as in 2008 where violence erupted across the country, seeing more than 60 people killed.[5] After 2008, other smaller conflicts also broke out periodically in certain communities, but these were quelled relatively quickly. In the past two to three years, though,

1 Anesu Jahura is an undergraduate industrial engineering student at Stellenbosch University. He is also a writer focusing on social commentary and works of fiction.
2 Statista (2020) Africa: international migrants by country 2020.
3 Hanke, S. (2017) Zimbabwe Hyperinflates Again, Entering the Record Books For A Second Time In Less Than A Decade. Forbes.
4 Stoddard, E. (2022) Unemployment rate in South Africa hits record 35.3% in Q4 2021. Daily Maverick.
5 South African History Online (2015) Xenophobic violence in democratic South Africa timeline; Sosibo, K. (2015). Xenophobia: What did we learn from 2008? Mail and Guardian.

consistent hateful rhetoric has been present on social media platforms like Twitter, where movements such as #PutSouthAfricansFirst have been vocal in their resentment of foreign nationals.[6] They blamed them for many of the social and economic ills that afflict South Africa, such as heinous crimes like human trafficking and cash-in-transit heists. These "activists" also advocate for South African firms to stop hiring a high number of foreigners (especially for low-skilled jobs), and for alleged illegal immigrants to leave South African townships. Usually, such outcries were mainly limited to social media, only manifesting into the real world through isolated conflicts in certain communities or in small protests that gained little traction. But in recent months, the noose has been tightened on immigrants in the country.

The immigration pushback has escalated to the point where organised groups are now being formed with the goal of eradicating all "illegal" foreigners, as well as making certain jobs and even services only accessible to South Africans.

One notable group of such kind is the "Operation Dudula" movement, meaning "operation push" or "shove aside". The organisation is spearheaded by a self-proclaimed voice for the marginalised, Nhlanhla "Lux" Dlamini. He rose to fame during the outburst of violent riots and looting in the country in 2021, where he put himself on the front line to defend affected areas.[7] Initially, he vowed to fight the problems affecting the poor and marginalised in South Africa. Eventually, however, his focus switched to issues surrounding immigration in the country. He has now garnered support from like-minded South Africans, both on social media and in the streets.

Vigilantes like Dlamini have been the catalysts for conflicts arising in some communities, especially in poorer townships. In these areas, immigrants are being harassed, beaten, and chased away from their homes in the name of alleged illegal immigration. It has reached a point where vigilantes are barging into people's homes and forcing them to show their documents to prove their immigration status. In Diepsloot—one of the conflict hotspots—a foreign national named Elvis Nyathi was killed by an angry mob after failing to produce a permit.[8] Sadly, this discrimination only affects black African migrants who mostly live in poorer communities. They are soft targets for aggrieved locals looking for someone to blame for the poverty and hardship to which they have been subjected due to the many failures of the state. It is disheartening to realise that in a country where heroes like Shaka Zulu and Nelson Mandela fought for black freedom, this kind of black-on-black hate and oppression is still existent.

So what do we do? What solutions do we implement to deal with South Africa's immigration crisis? Firstly, effective immigration policies are key. Without the strict enforcement of guidelines that determine which kinds of migrants are allowed to stay and work in the country, such as the criteria for obtaining a Critical Skills Visa[9], migrants that contribute little to South Africa's society and economy will continue to flow into the country and become scapegoats for locals. However, these policies need to make provision for refugees who have no option but to flee their home countries, especially those with verified claims to asylum. Not only will this fulfil the country's duty to help fellow Africans, but it will also build goodwill with nations from whom South Africa might one day need assistance.

Secondly, the country's borders need to be strengthened to help fight illegal immigration. Legal immigrants often bring a wealth of skills, experience, and good work ethic into the country, but the presence of illegal immigrants undermines the contributions of migrant labour. Due to a lack of documentation, illegal migrants have few options to find work that can put food on the table. They end up resorting to street vending and hawking, low-skilled practical labour, and in some cases even crime. This results in an oversupply of cheap labour in some fields, where employers take advantage of the desperation of these migrants. Also, undocumented criminals are much harder to trace and arrest, which adds to the many issues the state faces due to illegal migration. Therefore, stopping illegal immigration from the source—at borders—is pivotal to solving the issue.

Lastly, and perhaps most critically, greed and corruption amongst South African officials need to be addressed. Both at the country's borders and within government departments, corruption is one of the main enablers of the crisis. For example, an alleged syndicate was recently busted at the Department of Home Affairs for selling South African identities for R40,000 (approximately $2,500).[10] If South Africans do not play their part in fighting this kind of corruption, illegal immigration will continue to run rampant and further hurt and divide the country.

Until we can address the root causes of the country's issues related to immigration, blindly putting all the blame on immigrants themselves will do nothing more than create a smokescreen to mask the truth. Core issues, such as the resentment of foreigners from locals, need to be dissected and critically analysed if we are ever to put an end to these cycles of hatred. Why are some citizens so fixated on blaming hard-working immigrants for the lack of jobs available? Why is the government not more strongly criticised for its contribution to the crisis? And

6 Centre for Analytics and Behavioural Change (2020) Putting xenophobia first: Analysing the hashtags behind. Daily Maverick.
7 Malinga, T.D. (2022) Operation Dudula: Push for the positive, political smokescreen or populist opportunism?. Daily Maverick.
8 Bosch, E. (2022) The man killed in Diepsloot was a father of four. His name is Elvis Nyathi and this is his story. The Sunday Times.
9 Department of Home Affairs. (2022). Critical Skills Visa (dha.gov.za)
10 Bhengu, L. (2022) 'Syndicate' operating in Home Affairs branch charged with selling SA identities for R40 000. News24.

most importantly of all, how will we accommodate the incessant influx of foreigners while the country itself is slowly falling apart? These questions need to be answered if we are ever going to take steps forward in addressing the immigration woes of the nation. The future of South Africa depends on how well we can tackle this crisis while dealing with the country's piling issues.

On the discourses of *el harga*: What if the grass *is* greener on the other side?

By Imen El Amouri[1]

Introduction

"When my dad woke me up in the night with my backpack in his hand telling me that I had to leave, I did not mind. This is not a place to live. I had nothing to lose." My cousin, Mehdi, is 15; he was born in 2006, and so were my two other cousins. After taking the boat to Lampedusa, he ended up in a facility for unaccompanied children in Rome. The other two boys stayed in our coastal town, Chebba, in Tunisia. The narrative of el harga *is weighing on them too. Harga is an Arabic word widely used in North Africa to refer to irregular maritime migration to a dreamt-of better life, or to overstaying one's visa in destination countries.*[2]

The *harga* narrative knows only one truth: Europe is the destination; Tunisia is the just place where you wait to leave. Our village is one of the main hotspots for migration from Africa to Europe. Around Tunisia, it is common for young people to leave and seek a better life in France, Italy, or Germany.

The proximity to Lampedusa—a measly 135 kilometres across the Mediterranean from Chebba—throws kids like my cousins into the arms of a hard-to-resist temptation. But what drives a young student to seek a life far away from home, friends, and family? How can we comb through the different discourses around the choices of *el harga*? Mehdi survived the journey. Other kids on other boats did not. This essay will let my cousin's story narrate *el harga* from a Tunisian perspective, challenging the hegemonic European perspective on the choice to leave the country through the journey across the Mediterranean.

Home is where... you can afford a house, a car, and dignity

I am sitting with my cousins in a café on the beach of Chebba. Everyone, myself included, is scrolling through their phones. One of them sighs: "If I stay here, will I ever build a house and marry a beautiful girl? They take those with papers and cars!"[3] Mehdi is silent.

A few months later, I received a call from my uncle: Mehdi had made it to Italy! He tried his luck with leaving Tunisia twice. The first time the boat was overcrowded. The smugglers tricked them with a damaged vessel. Eventually, the Tunisian coast guard caught up with them. Mehdi was detained for a day and released after paying a fine. My uncle drove Mehdi to the coast the second time and left him on a boat with two families. One family's father was the boat owner and knew how to navigate: "It was slightly scary when the boat started leaking, but Lampedusa was already in sight. We made it in 12 hours. We were lucky!" They arrived and slept for two weeks outside a crowded detention centre on mattresses on the floor. The unaccompanied children were separated from the rest of the crowd and assigned to different *case famiglie*.[4] Mehdi ran away several times because of either bad living conditions or restrictive rules. After reaching Milan, he took a train to Rome with the help of strangers. He walked into the first police station and asked: "*Casa famiglia*?"

It's March 2022, I am still sitting in the café in Chebba, this time talking on the phone to Mehdi while he is on the other side of the sea. He recalls: "I gave up on school. I lost motivation. I was spoiled at home, but hanging around did not make sense. Even university graduates are hanging around. When the summer holidays came, I decided, 'let's give it a try!'"

When talking about his dreams, he said of Italy: "To be honest, I don't care about this place. I love Tunisia, I just need dignity. I did not find it there, so I decided to leave. Who chooses Italy out of love anyway?" Mehdi goes to a language school with the other minor migrants. When he turns 18, he might start an apprenticeship. "It's only two-and-a-half years from now. I will go home and see my family and bring them a lot of money!"

1 Imen El Amouri is a Tunisian-German researcher specialising in ethnography, migration, health, politics, and decolonisation.
2 The literal translation of *harga* is "to burn" – a reference to the common practice of destroying identity papers on arrival in destination countries. *Harga* is also the title of a Tunisan TV drama about irregular migration to Europe.
3 My cousin is referring to men who already got their residence permit or even citizenship in a European or another western country.
4 Literally, a "family house", in Italy a *casa famiglia* is an official shelter for unaccompanied minor refugees or migrants.

A short spring in an everlasting winter – Tunisia in turmoil

Where does the story of Mehdi stand on a national and global scale? Today, 11 years after the fall of Ben Ali's dictatorship in 2011, Tunisia is harvesting the crops of decades of economic and political erroneous decisions. Debt and political crises are raging through a country that has not yet recovered from the economic effects of the Covid-19 pandemic[5]. The outbreak of the Russo-Ukrainian war led to the unfolding of a food crisis in a country that imports almost 50 percent of its wheat from Ukraine and Russia.[6] The National Institute of Statistics published a non-surprising number regarding the wish to emigrate: about one in five (19.9 percent of) respondents over 15 expressed their desire to leave Tunisia in the survey published in 2021.[7] Between January 2020 and December 2021, the Tunisian security forces intercepted 35,040 migrants[8] leaving Tunisia, while the Italian authorities recorded the disembarkation of 28, 124 Tunisians.[9]

Is the choice of *el harga* the problem?

Most people in the global South have restricted freedom of international mobility and migration to the EU.[10] The mobility dynamics between Europe and Tunisia cannot be analysed without considering the "epistemological violence" of western migration politics and policy approaches.[11] Movement and mobility are not new phenomena between Europe and North Africa. Historically, the Mediterranean had showcased several empires and power games, from Phoenicians, Byzantines, Vandals, Romans, Ottomans, Amazigh, and Arabs to the slave trade from the Caucasus and the sub-Saharan region.[12] The flow of humans and goods in the context is complex. Western discourses around *el harga* exceptionalise the desire to move and desperately engage in silencing its legitimacy by disregarding the increasing precariousness of labour and life and shifting the discourse to simple dichotomies: political vs economic, forced vs voluntary, legal vs illegal, and high-skilled vs low-skilled.[13]

In the western development and migration agendas of the 21st century, the focus has shifted from simple aid politics to combating the causes of migration and flight.[14] The development sector is channelling millions of dollars of funding into projects engaged in financing returnee or refugee integration in Tunisia, all without addressing the systemic causes of oppression that lead to the journey to Europe.[15] In fact, the EU practice shows a commitment to restricting and preventing, rather than managing migration.[16]

Alternative perspectives on *el harga*

I argue that the desire to choose *el harga* should not be blamed on the bad governance of the Tunisian state alone, but rather on Tunisia having been exploited over its long history of colonial rule and the ensuing integration into the global neoliberal economy.[17] Deprived of the right to move while being exposed to an intangible free globalised world, the narrative of *el harga* becomes unavoidable. The coloniality of western migration discourses reflects itself in the persistence of combating *el harga* as a security threat.

For Mehdi, the world is indeed greener on the other side. Keeping the greenness of Europe from those who were and are crucial for sowing the seeds while maintaining anti-migratory discourses and policies will not silence the narrative of *el harga*.

5 Herbert, M. (2022) Losing hope - Why Tunisians are leading the surge in irregular migration to Europe. Global Initiative Against Transnational Organized Crime.
6 Data from 2020 shows that 41.7 percent of Tunisia's wheat imports came from Ukraine and 5.14 percent from Russia.
7 Institut National de la Statistique & Observatoire National de la Migration (2021) Tunisie HIMS - Enquête nationale sur la migration internationale.
8 The migrating population from the Tunisian shores shows a significant diversity, with citizens from Tunisia, Côte d'Ivoire, Guinea, Cameroon, Burkina Faso, Mali, Niger, Chad, Sudan, Ghana, Gambia, Somalia, Algeria, and Morocco. See Herbert. M. (2022) op. cit.
9 UNHCR (2021) Italy sea arrivals dashboard, September 2021; UNHCR (2020) Italy sea arrivals dashboard, December 2020. See also the Italian Interior Ministry's daily statistics dashboard.
10 Zanker, F. (2019) Managing or restricting movement? Diverging approaches of African and European migration governance. Comparative Migration Studies
11 In the field of social sciences, the term epistemological violence refers to the "interpretation of social-scientific data on the Other and is produced when empirical data are interpreted as showing the inferiority of or problematizes the Other, even when data allow for equally viable alternative interpretations." Teo, T. (2010) What is Epistemological Violence in the Empirical Social Sciences? Personal and Social Psychology Compass.
12 See Oualdi M. (2020) A Slave Between Empires: A Transimperial History of North Africa. Columbia University Press.
13 Düvell, F. (2021). Quo vadis, Migration Studies? The Quest for a Migratory Epistemology. Zeitschrift für Migrationsforschung.
14 Chetail, V. (2008) Paradigm and Paradox of the Migration-Development Nexus: The New Border for North-South Dialogue. German Yearbook of International Law.
15 Capasso, M. (2021) From Human Smuggling to State Capture: Furthering Neoliberal Governance in North Africa. Journal of Labor and Society.
16 Between 2010 and 2016 first-time visas for employment for African citizens reduced by approximately 80 percent. See Zanker, F (2019) op. cit.
17 Al Salhi, S. (2017) Internal colonialism and uneven development: the system of 'marginalisation' in Tunisia as a case study. Tunis: Sotepa Graphic.

Ripples of risk: How the hardening of migration policies and social attitudes in Peru increases refugees' and migrants' vulnerability at the hands of smugglers and traffickers

By Gabriela Ramos Traverso[1]

Introduction

Until 2017, Peru was considered a predominantly emigrant country. Since 1950, there have been a series of displacements and waves of migration from Peru to countries with more consolidated economies, such as the United States, Japan, European states, Argentina, and Venezuela.[2] However, this scenario has changed radically in recent years. As a result of the economic and humanitarian crisis in Venezuela, migratory flows in the Latin American region have increased, which resulted in Peru becoming the second country of destination for Venezuelan migration and the first to receive refugee applications from this population. In fact, nowadays there are almost 1.28 million Venezuelans living in Peru.[3]

Even though Peru, along with other Latin American countries, has been depicted as a welcoming country for Venezuelan refugees, this new scenario has led to different challenges and complexities regarding integration between migrant and host populations. These challenges have been reflected in and in some cases caused mainly by two factors: fluctuations in Peruvian migration policy and a context of discrimination at the social, institutional, and media levels. As a result, a context has been consolidated that increases the vulnerability of migrants and the risk of their becoming victims of human trafficking or migrant smuggling.

A changing migration policy

In response to the new migration context in the region, the Peruvian state initially adopted a receptive position regarding Venezuelan migration, implementing bespoke mechanisms such as the Temporary Stay Permit *Permiso Especial de Permanencia* (PTP) to facilitate the regularisation of Venezuelan migrants who wanted to carry out activities in the country. Moreover, the only requirements for obtaining the PTP, which enshrined a range of rights, were that applicants should have entered the country by a certain date, have an irregular migratory status, and have no criminal or judicial record. The mechanism was twice extended: first, to the end of July, 2017, and then to the end of 2018.

However, between August 2018 and June 2019, Peru radically changed its policy and began to require Venezuelan migrants first to present a passport and then a visa.[4] Before those dates, Venezuelan people only required their ID card to enter Peru. Bearing in mind that obtaining a passport in Venezuela is expensive and difficult, the requirement for both documents had a clear purpose: to reduce the number of arrivals in Peru of Venezuelan migrants.

But these modifications were implemented when many migrants were already en route to Peru and thus did little to stem arrivals. On the contrary, between July 2018 and March 2019, the number of Venezuelan migrants in Peru increased from 373,232 to 709,148; and between April and September 2019, from 755,767 to 860,871.[5] Most are in an irregular status, which greatly restricts their access to essential rights such as work, social security, or healthcare, among others. They even have

1 Gabriela Ramos Traverso is a researcher at Institute for Democracy and Human Rights from the Pontifical Catholic University in Peru.
2 Abusada, R. & Pastor, C. (2008) Migración en el Perú. Instituto Peruano De Economía.
3 Regional Inter-agency Coordination Platform for Refugees and Migrants from Venezuela (R4V) (2022) Regional Migrant and Refugee Response Plan 2022 – Peru.
4 Government of Peru (2018) Resolución de Superintendencia N° 00000270-2018-MIGRACIONES and Resolución Jefatural N° 00017-2019-JZ-MIGRACIONES-TUM.
5 R4V (2022) op. cit.

difficulties accessing basic services such as opening a bank account.[6]

However, the consequences of these demands were two features that would redefine the panorama of human mobility in the country: the increase in human smuggling through irregular paths, with the risks that this entails; and the exponential increase in refugee applications, since many migrants considered this option as the most feasible way to ensure an entry into Peru without breaking the law.[7]

Endemic discrimination

Structural discrimination against certain demographic groups, such as women, indigenous people, African Peruvians, or LGTBQ people has always been a problem in Peru. But since the onset of large-scale Venezuelan migration, discrimination against the foreign population, mainly of this nationality, has also begun to consolidate as a serious problem in the country. This can be observed through three spheres: institutional, media, and social. At the institutional level, the receptive position that was initially adopted towards Venezuelan arrivals by the authorities was transformed, without any valid reason, into a discourse that blamed migration for endemic problems that afflicted Peruvian society, such as crime, public disorder, sexism, etc.

In this way, authorities began to use migration as a "scapegoat", a practice that allowed them to avoid their own responsibilities by establishing an external element as the cause of the country's problems.[8] There are many examples of this trend. For example, the Ministry of Internal Affairs announced the creation of a specialised criminal migration brigade,[9] while in parliament, many legislative initiatives have been submitted proposing the rapid expulsion of migrants or the criminalisation of irregular entry.

These political actions are reflected in the Peruvian news media's coverage of Venezuelans, which is often stereotypically linked to negative issues such as crime, and also the hyper-sexualisation of women and girls. In the same way, at the social level, there has been a trend of increasing negative perceptions by the local population towards Venezuelan newcomers, which has led to acts of violence against them and other forms of xenophobia.[10]

Changing policies + high rates of discrimination = perfect scenario for human trafficking and migrant smuggling

The reconfiguration of the Peruvian landscape in terms of the reception of Venezuelan migration has been marked by the two aforementioned factors, thus fostering the perfect breeding ground for human trafficking and migrant smuggling. In this way, on one hand, we have a migration policy that, far from seeking the respect of people's rights and promoting safe transit, instead marginalises them and leads them towards irregular routes. These routes are far from state supervision and are exposed to multiple risks as being scammed or robbed, facing various forms of violence, or being recruited by a network of traffickers under the promise of ensuring entry into the country. These risks, furthermore, are intensified in the case of women and girls who, with greater preponderance, are exposed to all kinds of exploitation.[11]

At the same time, being conditioned to an irregular income and not being able to opt for regularisation mechanisms once installed in Peru, people face restrictions accessing regular labour opportunities, which leads them to seek opportunities in the informal labour market, where there are no documentary requirements, but also little recognition of labour rights and less control by the authorities.[12] The problem is that many times the offers of employment are fraudulent tactics that aim to recruit people into trafficked situations. In Peru, this has been the main method of recruiting for human trafficking in recent years.[13] Furthermore, the main purpose of human trafficking is sexual exploitation, followed by labour exploitation—in many cases related to criminal activities like illegal mining or environmental crimes—and, to a lesser extent, by begging, sale of children, and organ trafficking.[14]

6 This happens because to access the public health system, apply for a job in the formal sector, or to request various financial services, a resident card is required, and this is only granted to certain migrants with regular status. Public and private entities do not always recognise other migratory documents, such as the PTP or the refugee applicant card.
7 Recently, the Peruvian state has begun to implement new mechanisms to promote regularisation among the migrant population, such as the Temporary Stay Permit Card (CPP). However, it is too soon to talk of a real shift in Peruvian migration policy towards a focus on guaranteeing human rights, while some security measures are maintained.
8 De Lucas, J. (2003) Inmigración y globalización: Acerca de los presupuestos de una política de inmigración. Revista Electrónica del Departamento de Derecho de la Universidad de La Rioja.
9 Ministerio del Interior del Perú (2020) Policía Nacional crea brigada especial contra la migración delictiva.
10 Instituto de Opinión Pública (2019) Cambios en las Actitudes hacia los Inmigrantes Venezolanos en Lima-Callao 2018-2019.
11 United Nations (2020) General recommendation No.38 on trafficking in women and girls in the context of global migration. Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).
12 BBVA Research (2019) Inmigración venezolana a Perú. Características e impactos macroeconómicos.
13 INEI (2021) Perú. Estadísticas de trata de personas. 2012-2020.
14 Ministerio del Interior del Perú (2021) Política Nacional frente a la Trata de Personas y sus formas de Explotación al 2030.

On the other hand, due to the high levels of discrimination in Peruvian society, migrants do not have support networks. In addition, there is a fear among migrants of turning to the authorities—the same authorities who constantly criminalise and discriminate against them—either to obtain any type of service, or even to file complaints or request support if they are victims of human trafficking or other kinds of abuses.[15]

This situation has intensified because of the Covid-19 pandemic, since Peru's borders were closed for approximately two years, further limiting the regular ways of accessing the country, and because the perception of alienation regarding the migrant population increased.[16] Furthermore, during the first stages of the pandemic, the economic sectors were paralysed and the institutions in charge of the prevention, investigation, and punishment of crime reduced the work they had been doing because of lockdowns and requirements to work from home.[17]

Conclusion

It is necessary to analyse the phenomena of migrant smuggling and human trafficking from a holistic perspective. The Peruvian state has taken various steps, such as the approval in 2021 of a 10-year national policy against human trafficking and its forms of exploitation[18] and the establishment, in 2016, of a permanent multisectoral commission against human trafficking and migrant smuggling. This commission is responsible for proposing policies, regulations, plans, and strategies and for carrying out follow-up actions and preparing reports, among other functions. But an approach centred on the victim is also extremely necessary. It is a duty to understand not only their needs and requirements at an individual level, but also underlying structural factors that place them in positions of particular vulnerability.

In this way, although migration policy and the levels of discrimination regarding the migrant population in a society may seem to be variables unrelated to human rights violations associated with human trafficking or smuggling of migrants, they undoubtedly have an impact on exposure to these risks. Consequently, beyond the increased criminalisation of the phenomena, the Peruvian state must take into consideration that any action to combat human trafficking or human smuggling must be accompanied by parallel measures aimed at addressing the problem in a comprehensive manner. It should reduce the "control" approach of its migration policy to prioritise a context that promotes the regularisation of migrants and the guarantee of all their human rights, and implement mechanisms and policies that promote integration between the migrant and host populations in order to combat the high levels of discrimination in all spheres of society.

15 According to UNODC's Global Report on Trafficking in Persons 2020, seven out of ten victims of trafficking in Peru are recruited through false promises of work.
16 IDEHPUCP & Equilibrium (2020) Encuesta de percepción sobre migración venezolana en Perú.
17 UNODC (2021) Informe situacional del delito de trata de personas en contextos de flujos migratorios mixtos en el Perú.
18 Ministerio del Interior del Perú (2021) op. cit.

Photo credit: Sean Aidan Calderbank

Asylum seekers and those hoping to reunite with relatives are met by UK Border Force officials on arrival at the port of Dover after being "rescued" in the English Channel. In 2022, the UK attempted to find new ways to curtail this irregular route, most notably through an externalisation deal with Rwanda. (See Normalising the extreme on page 206 and Keeping Track page 17).

Section 4

Contemporary mixed migration challenges

Using essays, expert interviews and thematic snapshots, this section aims to examine key contemporary challenges facing human mobility in relation to important global trends and changes, Themes covered in this section include analysis of the relationship between migration and technology, human smuggling and trafficking in mixed migration, climate change and human movement and the emerging sector dealing with missing migrants. Following each essay, related and relevant data from the Mixed Migration Centre's 4Mi data during 2021 and 2022 is presented as evidence-based illustration of contemporary findings.

The emerging digital nervous system: Technology, mixed migration, and human mobility across borders

Digital technologies are re-shaping—and in some cases radically transforming—the management and control of human mobility and mixed migration across borders. This rapid evolution of automation and AI involves a wide range of actors with varying interests and motives. Alongside its promised benefits lie a myriad privacy and protection risks. As stakeholders work on building digital infrastructure and developing standards, rules, and laws, it is essential that issues of human rights and dignity are not overlooked.

By Jessica Bither[1]

Introduction: our current crossroads

From digital transformation processes at national migration agencies, automated immigration service chatbots like the Finnish Kamu,[2] through more complex machine-learning based models to predict migration flows, to algorithmic decision-making in visa processes, or refugees in Jordan buying groceries via iris scans, there is no area of our current migration and protection system left untouched by rapidly evolving technologies.[3] The Russian invasion of Ukraine and the resulting massive human displacement has shown some of these technologies being applied in real time: launched by the Ukrainian government in 2020, the Diia wallet app with 13 million registered users has helped with identifying and registering Ukrainian refugees in Europe, as well as sending aid to those internally displaced.[4] Institutions have gone digital, too: the European Union, for instance, for the first time developed a shared digital platform for EU member states to coordinate registrations as a response to the war.[5]

Thinking of tech and mixed migration brings to mind pictures of technologically enhanced walls or fences, namely those that are seen at physical land borders: the use of satellite imagery, unmanned drones, or infrared cameras meant to monitor the border or stop people from entering. But this is only part of the story.

A digital nervous system that manages human mobility across borders is emerging that is far more complex: it consists of different central processing centres (human and digital), as well as a peripheral nervous system. These sub-networks can be more or less directly tied to human mobility, but they give signals and information to the larger system. It is, accordingly, highly complex, involving decisions and actions from a variety of actors across different sectors, from government agencies to international organisations, to the private sector, tech companies, and civil society. It is also not fixed, but rather adaptable and highly sensitive to change. One area of the system may affect another instantaneously, or only when it is "activated" or triggered in a given migration context. Finally, its function is that of a digital filter, involving a highly calibrated sorting function[6] allowing for selective mobility. Due to the exponential increase in the volume and speed of data-processing capabilities, it can operate increasingly removed from time and space. It is still very fragmented and uncoordinated, which also means that it is still shape-able, for now.

1 Jessica Bither is a Senior Expert on Migration at Robert Bosch Stiftung.
2 Finnish Immigration Service (n.d.) Chatbot.
3 Ziebarth, A. & Bither, J. (2020) AI, Digital Identities, Biometrics, Blockchain: A Primer on the Use of Technology in Migration Management. German Marshall Fund of the United States; Horwood, C. (2019) Artificial intelligence and radical technical innovation, published in Mixed Migration Centre (2019) Mixed Migration Review 2019.
4 Cheesman, M. (2022) Digital Wallets and Migration Policy: A Critical Intersection. Dialogue on Tech and Migration (DoT.Mig). Bertelsmann Stiftung, German Marshall Fund of the United States, Robert Bosch Stiftung.
5 European Commission (2022) Solidarity with Ukraine: Commission launches an EU platform for registration of people enjoying temporary protection or adequate protection under national law.
6 Mau, S. (2021) Sortiermaschinen. Die Neuerfindung der Grenze im 21. Jahrhundert. C.H. Beck.

Three key nodes of this emerging system are central: **ports of entry**, where the border is "activated" and where data on individuals is verified, collected, and shared between actors; the **rules that govern the rights of passage and access** to and across countries, for example through algorithmic decision-making or predictive analytics as part of visa and screening processes; and **digital IDs,** or digital wallet-based applications that link individuals to this unevenly networked system.

There are new risks, potential harms, and human rights concerns that are already apparent, such as the potential for discrimination and bias (including according to race, ethnicity, or sexual orientation) or issues related to individual privacy or data protection, to name just a few.[7] These risks could also exacerbate global mobility inequality, while the proliferation of certain technologies left unchecked, such as facial recognition or massive biometric databases, could undermine democratic norms and feed into growing digital authoritarianism.[8] At the same time, digital technologies have the potential to empower individuals or communities across borders, have already given people access to identification and access to services where they previously had none (for example through biometrically-linked registration systems such as UNHCR's PRIMES) and, as Covid vaccination apps rolled out in the EU during the pandemic have shown, can allow human mobility to resume more easily in emergency contexts.

Perhaps most importantly, the design of this digital nervous system is entirely dependent on human choice, with all the ethical complexities this entails in the migration space. In order to shape it, stakeholders concerned with managing mixed migration in a digital world will need to move away from asking only *whether* to use to use digital technologies to govern human mobility, towards asking *which* technologies we choose to use *how*, and according to *which rules*, and *who* gets to make them.[9]

Checking our mindset: understanding the socio-technological context

The increasing use of technology is often presented or justified to make the management of human mobility more efficient or secure. Algorithms can speed up processes and procedures, and technically could make them more standardised. Biometrics, in turn, can make systems more secure and less susceptible to fraud or abuse. But employing digital technologies in the context of people moving across borders is neither neutral, nor predetermined. To understand this socio-technological context is to understand that migration and protection spaces are highly political and the implications deeply contextual.[10] Only then can we begin to distinguish between beneficial and innovative ways of using technology to manage human mobility from those areas where potential harms should ring alarm bells. This is the mindset which we need to bring to the emerging digital nervous system.

Boons and banes

Accordingly, the technology in and of itself in most cases cannot tell us whether we should use it, because this depends entirely on the purpose. Take satellite imagery: it can be used by coast guards or border agencies to save lives of migrants at sea, but also to intercept boats and ban access to territory, sometimes with deadly consequences.[11] Remote video interviews, as adopted by many migration and asylum agencies during the pandemic, could be used for people to apply for asylum without having to go on a life-threatening journey, but they could also lay the infrastructure to allow governments to offshore their asylum processing more easily. Forecasting tools to better anticipate future displacement crises or migratory movements, in turn, could help international organisations or governments better prepare adequate humanitarian responses, or to increase border controls (or both).[12] The mindset guiding the use of these technologies therefore must consider the specifics of the migration context as well as the technological backbone (the specifics of data sets or models) that was used to develop them.

Regarding the context of migration and human mobility, decisions made in this space will very often have a fundamental impact on individuals' lives. Legally speaking, access to territory and the international protection system is still the prerogative of states. In part due to this fact, decision-making in this area often lacks transparency and is often tied to national security concerns. It is characterised by a power imbalance between the authority granting access (most often, but not only, government authorities) and the migrant, refugee, traveller, or any other individual seeking to cross a border. Given this opaqueness and power imbalances, the migration and refugee space has also served

7 McAuliffe, M., Blower, J. & Beduschi, A. (2021) Digitalization and Artificial Intelligence in Migration and Mobility: Transnational Implications of the COVID-19 Pandemic. Societies & MDPI.
8 Głowacka, D., Youngs, R., Pintea, A. & Wołosik, E. (2021) Digital technologies as means of repression and social control. European Parliament.
9 See Crawford, K. (2021) Atlas of AI. Yale University Press. On AI systems in general, Crawford notes that in order to "understand how AI is fundamentally political, we need to go beyond neural nets and statistical pattern recognition to instead ask what is being optimized, and for whom, and who gets to decide."
10 See also Chiusi, F. (2020) Automating Society Report 2020. Algorithm Watch.
11 Hearst, K. (2022) No rescue from above: Europe's surveillance in the Mediterranean leaves migrants to their fate. Middle East Eye.
12 Ziebarth, A. & Bither, J. (2020) op. cit.

as a technological testing ground for certain digital technologies and tools.[13]

Technological considerations, in turn, will depend on issues such as which data is collected for which purposes, potential data bias, or which type of machine-learning system is used (for example black box models).[14] It matters whether systems like digital IDs operate on a centralised or decentralised digital infrastructure. Decentralised digital architectures and federated systems, for instance, could, in fact, rebalance power away from authorities and towards individuals, even in the migration and protection space.[15] Only combining context with such technical inquiry will provide the necessary granularity to decide which technical standards, rules, and regulations can best support a human rights and civil liberties approach to managing human mobility on a global scale.

Ports of entry: points of activation, data exchange, and interoperability

Digital fortification

One area that has been receiving increased scrutiny is technology and AI-based systems used at physical borders, as a digital fortification of border walls. Examples of this include the increased use of satellite imagery, autonomous surveillance towers, heartbeat detectors, unmanned drones, and infrared cameras for observation purposes or monitoring of actual borders.[16] More dystopian examples of late include the testing of robotic dogs at the US-Mexico border.[17] Digital fortification also happens in other physical infrastructure near the border, such as the newly digitally-fortified "controlled access centres" on the Greek islands.[18] In this sense, these technological tools are an extension of long-standing government or border agency practices aimed to bar or deter (irregular) entry. Critical scholar and civil society organisations point to the fact that such tools are being used by governments to undermine the right to territorial asylum, are part and parcel of a growing surveillance apparatus at border, and, by extension, of state-sanctioned use of surveillance technologies more broadly. In addition, rather than deterring people from crossing, they could lead people to take more dangerous journeys, increasing the risk of more migrant deaths.[19]

Activation infrastructure

Beyond land borders, technology is increasingly employed at airports, not only by governments but also for commercial reasons by airlines and airport logistics companies. Automated border control gates (ABC gates) match a travel document to the passenger and activate according to entry rules set elsewhere (see below). At the point of entry, the border "knows" you already (albeit a digitally imperfect copy of you). [20]

These automated controls are closely linked with the exponential collection and use of biometrics, most prominently facial recognition technology, which is employed for verification (for example by matching passengers to machine-readable documents), to board airplanes, or as live facial recognition technology, say to screen against criminal watchlists. The pandemic has "Covid-accelerated" the deployment of these systems, in the words of a managing director of a biometrics and ID company.[21] Pilot programs by airlines and airport providers now allow for facial recognition-only passage from baggage drop to boarding.[22] Another more controversial application at ports of entry was the EU-funded research project iBorderCtrl. One part of the project tested an automated deception detection tool

13 Molnar, P. (2020) Technological Testing Grounds: Migration Management Experiments and Reflections from the Ground Up. EDRi & the Refugee Law Lab.

14 See for example: Rudin, C. (2019) Stop explaining black box machine learning models for high stakes decisions and use interpretable models instead. Nature Machine Intelligence.

15 Under a centralised digital ID system, there is a "single provider" of the system, which from the digital backend often means that this entity also maintains the "authoritative source" register—for example a government digital ID system. In some cases, the government/provider could also have access to the entire digital source registry, but not necessarily so. For example, different types of more decentralised systems can be linked to different types of access or original sources of the data points stored in the system. Different cases (such as self sovereign identity (SSI) "light" approaches) promise individual data sovereignty in a decentralised system. The digital infrastructure behind it is based on distributive ledger technology (of which blockchain is one example) and consists of separate nodes on which different types of data is stored. In this case, an individual could share parts of the information of their digital ID (for example stored in a digital wallet on a smartphone) with certain providers, while providers (banks, hotels, but also international organisations or government entities), can verify this information via the system which they know they can trust because it is based on a "secure trust mechanism" which validates individual relationships between the parties. They promise individual end users privacy protection, choice in matters of consent, and security of data exchange, though individual use cases in human mobility across borders are still nascent. ID4d Initiative (n.d.) Types of ID systems. World Bank; Bundesdruckerei Innovation Hub (n.d.) Self-sovereign identity: Data sovereignty in the digital world. Bundesdruckerei.

16 RAND Europe (n.d.) How AI can support the European Border and Coast Guard. RAND Corporation; Frontex (2019) Framework Contract for the Supply of Heart Beat Detectors (HBD) for Border Checks, Supplement to the Official Journal of the EU; Engstrom, D. F., Ho, D. E., Sharkey, C. M. & Cuéllar, M.-F. (2020) Government by Algorithm: Artificial Intelligence in Federal Administrative Agencies. Administrative Conference of the United States.

17 Shoichet, C. E. (2022) Robot dogs could patrol the US-Mexico border. CNN.

18 Molnar, P. (2021), Inside new refugee camp like a 'prison': Greece and other countries prioritize surveillance over human rights. The Conversation.

19 Chambers, S. N., Boyce, G. A. & Launius, S. & Dinsmore, A. Mortality, Surveillance and the Tertiary "Funnel Effect" on the U.S.-Mexico Border: A Geospatial Modeling of the Geography of Deterrence. Journal of Borderlands Studies.

20 Mau, S. (2021) op. cit.

21 Glusac, E. (2021) Your Face Is, or Will Be, Your Boarding Pass. The New York Times.

22 Ibid.

as part of a broader decision support system. Funded with €4.5 million, the project ran from 2016 to 2019 at border points in Hungary, Greece, and Latvia, but it never progressed beyond the testing stage, and serious doubts exist in the scientific community about the reliability of AI-based emotion-recognition technology in general.[23]

Biometrics

Biometrics refer to measurable physiological or behavioural traits like voice recognition, fingerprints, retinal recognition or facial thermograms that can verify the identity of a person through the translation into unique data points. It can be used in automated access controls, criminal forensics, immigration procedures, social security, and surveillance, but can also be embedded in hardware, such as notebooks or cell phones. One important distinction is the difference of one-to-one (verification) vs. one-to-many (identification) systems.[24]

A further example of this growing activation infrastructure development is the US Trusted Traveller Program that includes the Global Entry Program which individuals can join as pre-approved travellers. It also includes the many programmes put in place after 9/11 as part of the US Smart Borders Initiative, such as the Electronic System for Travel Authorization (ESTA), which facilitates visa-free travel to the US, and an Entry Exit System (EES) including biometric registration.[25] On the EU level, the similar European Travel Information and Authorization System (ETIAS), an electronic pre-screening system of passengers from states eligible for visa-free travel to the Schengen area, as well as an Entry Exit System (EES) for third country nationals, are both set to enter into force in 2022/23.

Data collection, sharing, and interoperability

More than just right-of-passage infrastructure, these systems are large data-collection generators that in turn are used to automate onward passage. Travel through these border technologies further relies on data conduits, data collection, and data sharing between different entities: governments, security agencies, airlines, airport logistics companies, and private technology companies. Among these data are notably the Advance Passenger Information (API) and Passenger Name Record (PNR) data collected by airlines. Information about which rules apply at which airport or crossing and according to which laws is not publicly available—aside from notices such as those at Amsterdam's Schiphol airport indicating that photos created at ABC kiosks will only be stored for 24 hours.

Advance Passenger Information (API) and Passenger Name Recognition data (PNR)

Advance Passenger Information (API) is verified biographic information about travellers that corresponds with their official travel documents as well as travel route information. API data are collected and compiled by air carriers and transmitted to border control agencies of the destination country. While the passenger is in-flight, border control authorities carry out a pre-border identity check and screen the passenger for migration management and law enforcement purposes.

Passenger Name Record (PNR) data are unverified passenger information collected by air carriers for reservations and check-in. Depending on which data passengers share with air carriers, the PNR information can include dates and itinerary of travel, ticket information, contact details, travel agent, payment information, dietary preferences, seat number, and baggage information. PNR data might be shared with police authorities according to the respective regulations.[26]

Accordingly, the ease, speed, and reliable screening of this infrastructure depend upon interoperability between data sets, databases, and entities. This can happen via interfaces between private and public entities, and between countries. The eu-LISA agency[27] is creating an interoperable system of eight EU-based migration- and security-related systems to be completed in 2022 or 2023. In February 2022, the US Department of Homeland Security reportedly notified some EU member states of a clause in its Enhanced Border Security Partnership that, starting in 2027, makes eligibility for the US visa waiver programme dependent upon US access to biometric police databases of partner countries.[28] What makes this context unique—and thus a source of concern additional to those related to growing digital state surveillance by governments over their own citizens—is that the border is a place where states can legally collect data on non-citizens. Negotiations about sharing of data for migration purposes also build upon existing

23 Dumbrava, C. (2021) Artificial intelligence at EU borders: Overview of applications and key issues. Think Tank – European Parliament.
24 Ziebarth, A. & Bither, J. (2020) op. cit.
25 Engstrom, D. F., Ho, D. E., Sharkey, C. M. & Cuéllar, M.-F. (2020) op. cit.
26 European Commision (2020) Border and law enforcement - advance passenger information (API) - revised rules; European Commission (n.d.) Passenger Name Record (PNR).
27 Full title: The European Union Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice.
28 Monroy M. (2022) EU-Staaten erwägen historisch einmaliges Biometrie-Abkommen mit den USA. Netzpolitik.Org; Statewatch (2022) USA offers foreign states access to 1.1 billion biometric "encounters" in return for reciprocal database access.

state practices of embedding political negotiations on migration management to other areas, such as visa liberalisation.

Protection risks

The use of such technologies can provide for easier and seamless travel to some and allow more governments and airlines to deal with an ever-growing number of international people moving across borders worldwide. But risks regarding the protection of civil liberties and human rights are becoming more apparent. Civil society and digital rights groups have made public some of these risks, such as the proliferation—not only at borders—of facial recognition technology[29] and the potential for indiscriminate surveillance and racial discrimination.[30] Other risks include issues of data privacy, or a *de facto* lack of informed consent. In the case of interoperability, the dangers include that of mission creep (where data collected in one instance is used for something else), or the potential for harm to certain communities.[31] The collection and sharing of data can also inadvertently cause danger to individuals. For example, PNR data can reveal information about sexual orientation (if two people always travel together), health issues (if they require special assistance), or religion (dietary preferences).[32]

There are also technical aspects to consider as this infrastructure is built further. Using facial recognition as a verification tool may not be as security-enhancing as promised: for example, morphing techniques (where two images are superimposed, allowing someone to enter via another's identity) or adversarial attacks (where a hacker uses data inputs to trick a facial recognition system to create a match with a no-fly list).[33] But any benefits or risks will depend on how such data is stored or shared for how long, and how securely. Technically speaking, different app-based systems tied to individuals' phones that contain biometric and cryptographic information could maintain privacy while allowing anyone crossing a border to more selectively choose which information to provide to which entity (see below). Sharing a single health data point—such as proof of vaccination via digital Covid passes—is one such example.

Automating the rules of passage: algorithmic decision making and risk screening

While the emerging digital nervous system of human mobility is activated at ports of entry, the rules that govern it are increasingly automated via varyingly complex algorithmic or machine-learning-based systems as well. Two key areas in this regard are **visa processing** and **risk screening**.

To be clear, visa processes themselves have never been neutral. Even before the digital era, risk assessments have been part of managing human mobility of groups and individuals. Ministries operate with white-list countries deemed safe for visa-free travel. Such assessments entail a high degree of discretion and secrecy by governments, consulates, and even individual case officers.[34] Moreover, decisions are often based on multiple migration-related considerations that may be linked to political negotiations (for example, where visa rules are eased in return for cooperation on returns or migration management), economic factors (such as labour migration), or other issues (including family reunification). Automating parts of these processes, then, is to digitally codify a complex set of underlying normative and political assumptions and policies.

Immigration, Refugees and Citizenship Canada has been piloting an automated decision system since 2018 with temporary resident visa applications from China and India. The machine-learning-based algorithm automatically triages these applications into three categories based on their complexity. The system then automatically approves the eligibility portion for "the most straightforward" ones.[35] Algorithms are also used in many countries to sort through online visa applications and to flag certain ones for review.[36] The UK's Home Office reportedly altered its "visa application streaming algorithm" after a case brought to court by civil society organisations for discrimination and bias, because nationality was one of the factors used to sort applications for student visas or visits into three separate "risk" categories.[37]

29 See work notably by: Privacy International, Statewatch, EDRi, Picum, TechMonitor.
30 Najibi., A. (2020) Racial Discrimination in Face Recognition Technology. Harvard University Science Policy Blog.
31 Stavinoha, L., Fotiadis, A. & Zandonini, G. (2022) EU's Frontex Tripped in Its Plan for 'Intrusive' Surveillance of Migrants. Balkan Insight. A recent example involved FRONTEX sharing data with the Processing of Personal Data for Risk Analysis (PeDRA) programme. According to this article, "Nayra Perez, Frontex's own Data Protection Officer, DPO, warned repeatedly that the PeDRA expansion 'cannot be achieved by breaching compliance with EU legislation' and that the programme posed "a serious risk of function creep in relation to the Agency's mandate." See also: Picum (2020) How do the new EU regulations on interoperability lead to discriminatory policing?
32 Ziebarth, A. & Bither, J. (2020) op. cit. p. 15.
33 Engstrom, D. F., Ho, D. E., Sharkey, C. M. & Cuéllar, M.-F. (2020) op. cit.
34 Ziebarth, A. & Bither, J. (2021) Automating Decision-Making in Migration Policy: A Navigation Guide. Dialogue on Tech and Migration (DoT.Mig). Bertelsmann Stiftung, German Marshall Fund of the United States, Robert Bosch Stiftung.
35 Ibid.
36 European Migration Network (2022) The use of digitalisation and artificial intelligence in migration management: Joint EMN-OECD Inform.
37 Lomas, N. (2020) UK commits to redesign visa streaming algorithm after challenge to 'racist' tool. Tech Crunch.

Beyond visas

This brings us to automation and data analytics used in risk-screening tools and indicators that play a role in visa-granting processes, among others. A very basic form of screening would be running visa applications against a criminal watchlist or another database that indicates an individual's eligibility to enter a given country. But the machine-learning-based models in development aim to do more. For example, ETIAS foresees the inclusion of "risk indicators" in its automated screening process. A report by Deloitte and the European Commission states that "AI could support in selecting these indicators and possibly adapting them over time depending on the applicant."[38] The risks screened for are mainly irregular migration, security, and public health.[39]

The US Customs and Border Protection agency flags passengers for additional screening as part of its Automated Targeting System and has a related Risk Prediction Program which uses internal data from government agencies and passenger data supplied by airlines (though how exactly the prediction operates, and which criteria or indicator data it uses has not been made public).[40] The UN Office of Counter Terrorism has its own proprietary software available to member states—called goTravel—for the collection and analysis of API and PNR data.

The central questions in all these systems, one that is key to assessing any human rights implications or potential discrimination and bias, are: which proxies or data points do AI-powered automated programmes use to arrive at their assessment? And what type of action or consequence follows from that assessment?

Digital technologies and algorithmic-based systems can help immigration agencies and consulates speed up the processing of visa applications and in theory could allow many more people worldwide to travel and move with less bureaucracy and waiting times. If employed correctly, they could also make labour migration and recruitment far less arduous than currently is the case. However, there are a number of new important socio-technical questions to address.

Bias in, bias out

A more obvious risk is that of bias in training data in algorithmic and machine-based learning models.[41] If developed unchecked, such models could simply reproduce biases of previous visa case officers. There are more indirect risks of discrimination against certain groups, such as those flagged by EU's Fundamental Rights Agency with regard to ETIAS, such as when security risks are linked to criminal convictions in one country for crimes related to a person's LGBTQ+ status that are not offences in EU states, or when certain ethnic groups are flagged for "high in-migration risk."[42] There are, moreover, currently no clear rules that address options for appealing decisions or providing information to individuals who are flagged by these automated systems. Finally, one criticism of using advanced analytics and models in this area is that governments can obscure discriminatory or racist practices or a predisposition toward certain foreigners, migrants, or refugees behind seemingly "neutral" technological applications.

But again, technical nuances do matter when it comes to answering the question of how to regulate the development and use of these sorting, scoring, and screening tools as part of a human mobility system. For example, it makes a difference whether an AI model uses triaging or scores. As the European Commission has noted: "a classifier is probably the most sensible approach, as training a regression model to predict some kind of score [...] instead might be seen as attempting to directly predict a risk level."[43] Case officers may make different decisions on whether they sees a risk score of, say, 45 percent or simply sees that an application is in Category 2. Yet another issue, is whether the models would draw information from other sources, such as social media, or other countries' assessments.

Other important nuances relate to whether systems automate only positive decisions, as in the Canadian pilot, or whether they are used to automatically deny visas. Canada thus far does not use "black box" algorithms (where decisions cannot be knowable or explainable). The level of automation matters, too (automatic decision-making systems are rarely *fully* automated).

The biggest risk of these systems is that they can scale existing socio-political inequalities and discriminatory practices related to human mobility. For instance, while citizens of South Korea or Germany enjoy visa-free entry to 190 countries worldwide, those holding passports from African states need visas to travel to all but about 20-25 percent of countries in the world, with the later mostly being states neighbouring their own.[44] Uncertainty continues to surround the impact on people "rejected" by these automated systems, those simply fearing they will be rejected, and those (such as political dissidents active on social media) worried that the digital processing of

38 European Commission (2020) Opportunities and challenges for the use of artificial intelligence in border control, migration and security . Volume 1, Main report .
39 Dumbrava, C. (2021) op. cit.
40 Engstrom, D. F., Ho, D. E., Sharkey, C. M. & Cuéllar, M.-F. (2020) op. cit.
41 Training data is the initial dataset used to teach a machine learning application to recognise patterns or perform to specified criteria.
42 Ziebarth, A. & Bither, J. (2021) op. cit.
43 European Commission (2020) op. cit.
44 Henley & Partners (2022) The Henley Passport Index Q1 2022 Global Ranking; see also Angenendt, S. & Steinacker, K. (2022) The Future of Global Mobility. SWP.

their biodata could lead to surveillance by other entities. But different models could also be designed to mitigate these risks, for example by exposing biases in past decisions and current models on visas or risk screening.

Designing the keys: Digital ID systems and wallet applications

Connecting us as individuals to the digital nervous system of human mobility are digital identities (digital IDs), the keys that determine our physical and virtual movement across the different nodes of the system. The type of digital ID will differ depending on the human mobility or mixed migration context, as well as in terms of technical design or how directly it relates to the actual movement across borders.

Digital IDs

At a very basic level, a digital ID is a digital collection of data tied to an individual that is used for verification and authorisation that then gives access to certain types of tools and services, in some cases serving as a foundational or legal ID. It increasingly is combined with biometric identifiers. It can be helpful to distinguish between *foundational* IDs, which serve as a direct proof of legal identity, and *functional* IDs, which are used only in certain sectors or limited-use cases, such as financial transactions. It is also the way we present ourselves or are presented by others in the digital space. A person is never the same as their digital identity.[45]

Closely related to digital IDs are digital wallets, applications that allow users to share their verified identity credentials. A digital wallet can be narrowly defined as: "an electronic method of storing, managing, and exchanging money and/or identity credentials, often through the use of mobile phones".[46] In the context of migration and protection, digital wallets are most relevant for financial inclusion, and for cross-border recognition of some sort of credentials.[47]

Digital IDs have been promoted as a primary tool to reach Target 9 of Sustainable Development Goal 16: "By 2030, provide legal identity for all, including birth registration." They are also hailed as effective tools for the delivery of public services while strengthening the transparency and targeting of resources and programmes. Accordingly, they can be tools for inclusion and recognition, although more critical voices point to the dangers of an increasing surveillance net when tied to large biometric databases.

In the humanitarian sector, the World Food Program's beneficiary and transfer management platform, SCOPE, and UNHCR's Population Registration and Identity Management EcoSystem (PRIMES), are the two largest biometric databases in what are, in essence, digital ID management systems with over 10 million entries between them. Apple has piloted verified driver's licences and state IDs in the US that can be used at certain Transport Security Administration pre-check screening points.[48] (Apple also filed a patent in 2021 for digital passports).[49] The Known Traveler Digital ID System is a World Economic Forum and Accenture-led initiative for flight travellers currently being piloted in Canada and the Netherlands. It is based on blockchain technology to "cryptographically issue, revoke, and verify credential identifiers without the need of a centralised intermediary (like a certification authority)" and will run on mobile phones.[50]

In addition, many countries are establishing national digital ID systems that can impact mixed migration settings in different ways. For instance, digital IDs are being developed to preserve the culture of diasporas across borders, like in the Rohingya Project, while wallets can preserve documents in digital lockers for those forced to flee, as illustrated by the Ukrainian Diia app that also holds passports or driver's licences.[51]

Big data, big risks

Recent examples show some real dangers inherent in the creation of large biometric databases that often go hand in hand with digital ID systems. In the autumn of 2021, for example, the Taliban gained access to some of the digital ID and payroll systems created by Western governments and international organisations—including biometric data, occupations, home addresses and names of relatives—which could be used to target opposition figures or Afghans who supported Western forces.[52] In January 2022, a cyber-attack on the International Committee of the Red Cross hacked the personal data of over 515,000 people.[53] In 2021, UNHCR was widely criticised for sharing the biometric data of Rohingya

45 ID4d Initiative (n.d.) op. cit.
46 Cheesman, M. (2022) op. cit.
47 Ibid.
48 Orr, A. (2022) Which airports support digital ID cards in Apple Wallet in June 2022. Apple Insider.
49 Banias, MJ. (2021) The Digital Passport Is The Future. And Apple is Leading the Charge. The Debrief.
50 The Known Traveller Digital Identity (Project Website).
51 The Rohingya Project includes a financial and social inclusion platform and R-ID, a digital identity key that is issued to stateless Rohingya and marginalised people who choose to enter the platform. The project follows self-sovereign principles that each individual user should be allowed to control their own data and decide which data should be shared with third parties.
52 Human Rights Watch (2022) New Evidence that Biometric Data Systems Imperil Afghans.
53 International Committee of the Red Cross (2022) Cyber-attack on ICRC: What we know.

refugees with the government of Bangladesh.[54]

Given how varied the usages and digital backends of these applications are, it is not possible to definitively argue for or against their use in the management of human mobility going forward. There is a need for a more granular, context-specific, and nuanced approach that looks at the potential risks related to security or data-access controls (as in the cases above), or the type of technology, for example blockchain, including privacy preserving features by design. If designed correctly, decentralised digital architectures and federated systems could move identity management and control away from public and private intermediaries back to the users and individuals, also as it relates to the migration and protection space.

Charting a path forward: Human mobility across borders in a digital world

Digital technologies that are the building blocks of the new digital nervous system of human mobility are often still developed in silos, with little regard for their potential risk and harms to individuals and societies. And even in cases where potential harms *could* be apparent, the lack of public transparency that often surrounds their development means that there is a real risk that government agencies or other actors hide behind the veneer of seemingly technocratic processes without any accountability. Choices regarding technology and governance are needed to better support an emerging system that upholds human dignity, civil liberties, and fundamental human rights. Too often, actors do not yet include looking at technology deliberately in a way that enhances the prospect of greater and more equal mobility opportunities across countries and regions, and that increases fairer and faster access to international protection. There is a window to shape this emerging system, and migration and protection stakeholders can work on multiple points now in order to do so.

Digital governance

It will first be important to include migration and human mobility aspects in emerging standards, rules, and legislation in different technologies or AI-based applications. The current draft of the EU's Artificial Intelligence Act, for example, sets AI-based technologies in the migration and border management context in the highest risk category, which requires certain safeguards and governance tools to accompany their development and deployment.[55] It will also be highly important to address the aspects of cross-border mobility in data-sharing agreements between countries or sets of countries. The G7 ministers' meeting in June 2022 called for states to work towards a "trusted free flow of data." The EU and the US agreed on a transatlantic Data-Privacy-Framework, while the United States has established a separate Global Cross-Border Privacy Rules Forum, both in early 2022.[56] It is important to holistically address the issue of migration and human mobility as an emerging system within these frameworks.

Relatedly, policy tools emerging for the governance of technologies overall should be adapted to the migration space. This would include algorithmic impact assessments, rules on transparency, and regulatory or independent oversight bodies. The ETIAS regulation has already included an oversight body that will be involved in the selection and creation of risk indicators, though its ultimate role is still being determined. It would also involve a more deliberate choice in what type of technological design should be used in a given migration setting and where. Examples are decentralised digital ID systems, moratoria on certain uses (such as black box models in visa decisions), and questions related to information or access to recourse for individuals.

Many players, many motives

A crucial step will be figuring out how to best collaborate across sectors and to create formats and spaces to do so. The complex web of actors from the private sector, tech companies, government agencies, international organisations, and civil society all have their own interests and rationales, which are often inconsistent within sectors. Take the private sector: there are clear business interest at stake in the introduction of many of these technologies. The border security industry alone is set to grow to a total of $65-68 billion by 2025 at an annual growth rate between 7.2 - 8.6 percent.[57] Meanwhile, biometrics and AI markets are accelerating, with the biometrics market alone to reach $65.3 billion by 2024.[58] That being said, involving private companies in the management of human mobility across borders in and of itself is not new and predates the digital era and follows the trend of, for example, co-opting airlines and other transport providers through carrier sanctions. Newer actors include those providing offshored visa processing. These firms are in essence "digital data brokers": it is often not clear under which jurisdiction they fall.[59] The design and operation of this new digital nervous system will need to include these and other actors (such as tech companies, banks, etcetera) in some shape or form.

54 Rahman, Z. (2021) The UN's refugee data shame. The New Humanitarian.
55 Molnar, P. (2022) The EU's AI Act and its Human Rights Impacts on People Crossing Borders. Dialogue on Tech and Migration (DoT.Mig). Bertelsmann Stiftung, German Marshall Fund of the United States, Robert Bosch Stiftung.
56 Hennemann, M. & Specht, L. (2022) Datenrealpolitik ist gefragt. Tagesspiegel.de.
57 Akkerman, M. (2021) Lucrative barriers, deadly consequences. Mixed Migration Centre.
58 Akkerman, M. (2021) Financing Border Wars. Transnational Institute.
59 Angenendt, S. & Steinacker, K. (2022) op. cit.

Civil society organisations have played an essential role in monitoring developments in a field that is often shrouded in secrecy. They have also highlighted the potentially grave implications of migration-related technologies in terms of broader proliferation of (state) surveillance and human rights violations.[60] Notably, certain groups are also using digital technologies themselves to better monitor and cover these issues.[61] With a few exceptions, they have not yet been present in the debate of how to actually set the standards and rules in the choices and governance, and of which technologies to employ in the human mobility and how.

Governments and migration agencies, in turn, will have differing motivations and also knowledge bases when it comes to employing technologies in the various areas of migration policy. Moreover, as the central guardians in the current international system of managing human mobility across borders, the way in which governments or groups of governments choose to cooperate and build a digital infrastructure for human mobility is entwined with geopolitical competition. Relevant here are questions of growing digital authoritarianism and democratic backsliding, such as when practices employed in the area of migration end up eroding core rule-of-law principles. The way in which governments choose to work with technology in the migration space is not separable from the issue of trust of their citizens and trust and cooperation between like-minded governments and countries.

Ideally, these steps could create an international alliance on digital tech in human mobility across borders, a space for negotiations on which standards, rules, and guidelines will operate in this tech architecture, and where a political strategy guides the use of technology deliberately to advance a system of human mobility based on fairness and dignity.

Unlike its human counterpart, the digital nervous system discussed in this essay is neither natural nor naturally predetermined. But like the nervous system of the human body, it will be intricately interlinked in a complex web of signals, communication circuits, and processing centres, (both human and digital). It will thus also include feedback loops, meaning that any decisions inscribed into the technological infrastructure—including rules, accountability features, and policy decisions—will set up a certain self-reinforcing trajectory. Making sure that new opportunities in the way we think about managing human mobility are realised in this emerging system, and that the feedback loops are based on human rights and dignity, is a matter that could not be more urgent.

60 See notably Privacy International, Statewatch or Transnational Institute
61 See for instance work by Bellingcat, Lighthouse Reports, and Border Forensics.

Photo credit: Zapp2Photo

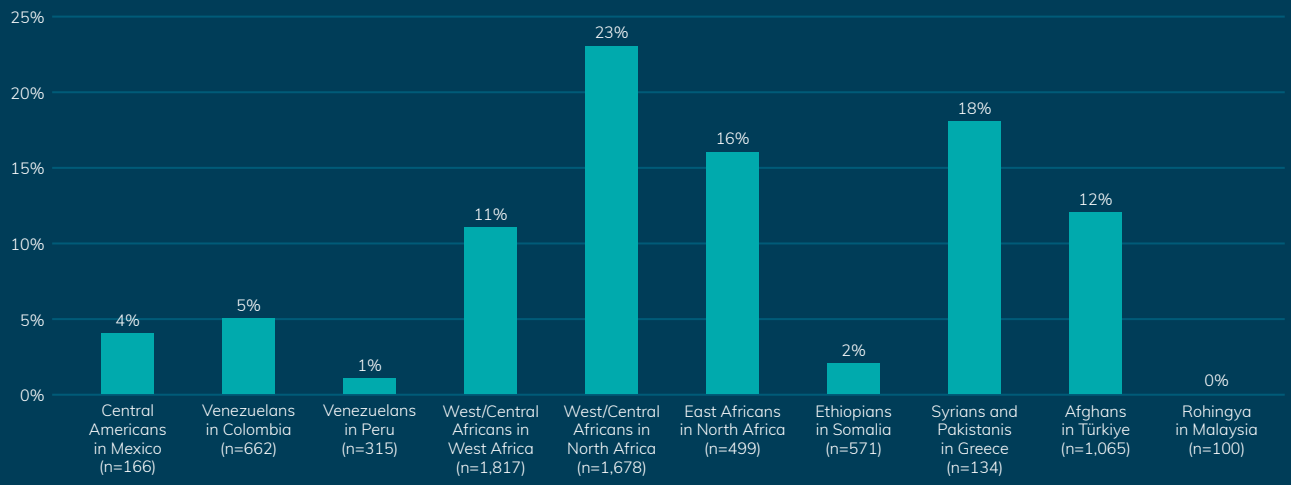
Digital technologies are reshaping—and in some cases radically transforming—the way we think about human mobility and mixed migration across borders. Governments and migration agencies, in turn, will have differing motivations when it comes to employing these technologies. (See the Essay "The emerging digital nervous system: technology, mixed migration, and human mobility across borders", page 126, the Thematic Snapshot "Digital ethics: AI, migration, deontology, and utilitarianism", page 138, and the interview with Petra Molnar, page 139.).

refugees' and migrants' use of social media and technology

Social media's influence on migration

Not everyone reports an influence on their decision to migrate. Among those who do, the main influences tend to be friends and family. Social media plays a lesser role. Africans in North Africa, and Syrians and Pakistanis in Greece, more often report social media as an influence on the decision to migrate. These respondents are on transcontinental routes, which demand more resources. Perhaps respondents on these routes are more connected to social media in the first place, or need more external sources of information given the distance and challenges of the journey.

Figure 1. Social media was an influence on the decision to migrate
(among those who reported an influence on the decision to migrate)

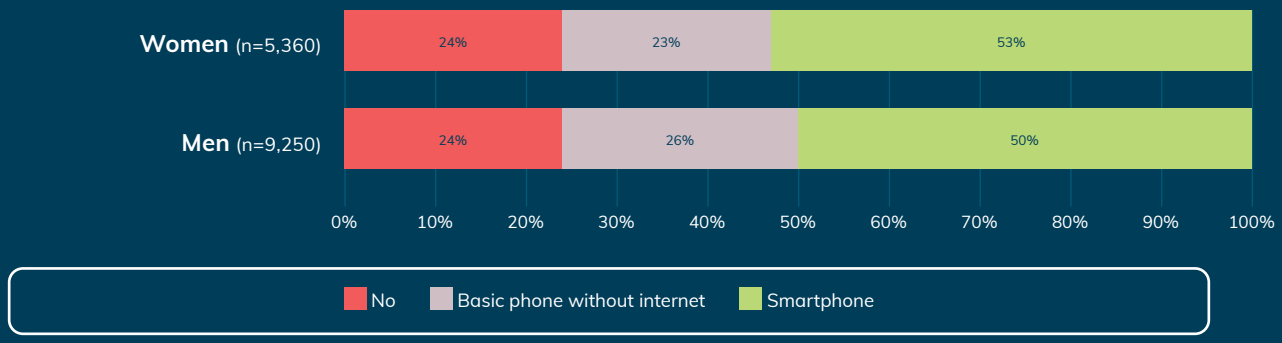


Note on the data: Only groups with more than 100 responses are shown here. This question is contingent upon the respondent reporting that something/someone influenced their decision to move, hence the smaller sample size. Respondents can report more than one means of accessing information. Other answer options are: spouse, parents, children, friends/family, in country of departure, friends/family in another country, returnees, smugglers, mainstream media, other, don't know and refused. Figures have been rounded.

Phone and internet access on the journey

Internet access on the journey is not universal among the refugees and migrants we interview. Around half of 4Mi respondents have access to a smartphone—slightly more women than men. Almost a quarter do not have access to a phone at all, and around the same proportion have access to a phone without internet.

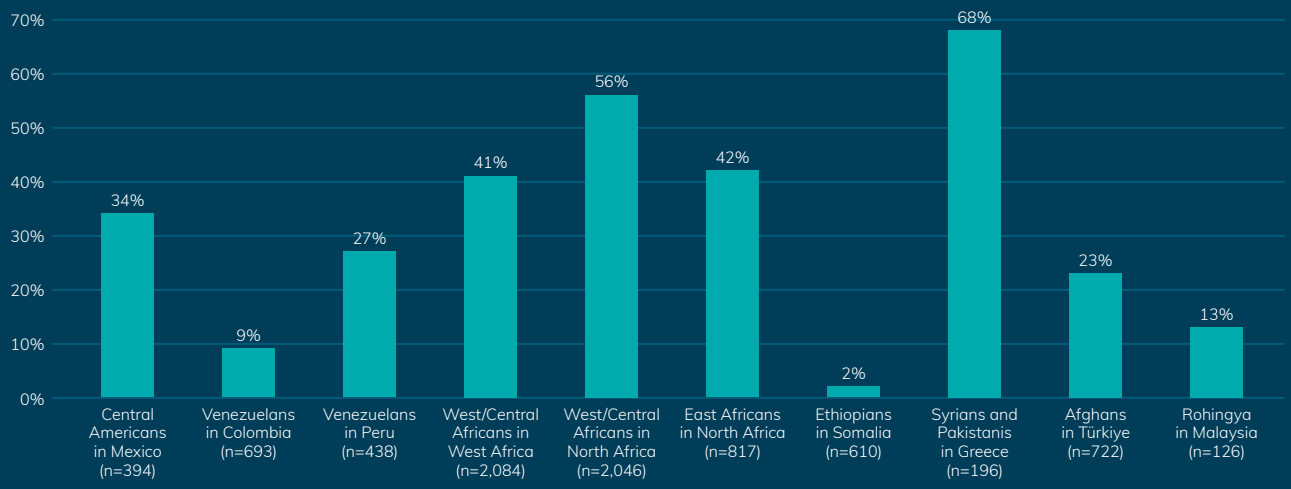
Figure 2. Do you have access to a phone?



Social media as a means of information on the journey

Once people are on the move, the use of social media and messaging apps is most often among the top three means of information, always coming after in-person contact, and often after phone calls. Its use varies considerably by population group, with the most frequent users of social media and messaging being Syrian and Pakistani respondents in Greece, and West and Central Africans in North Africa. This is similar to the groups most often reporting social media as an influence on the decision to migrate in the first place, and suggests that its use relates to the profile of the individual, or the specific demands of the journey.

Figure 3. Social media as a means of information on the journey
(among those who reported accessing information on the journey)



Note on the data: Only groups with more than 100 responses are shown here. This question is contingent upon the respondent reporting that they accessed information during the journey, hence the smaller sample size. Respondents can report more than one means of accessing information. Other answers options are: in-person, phone call, websites, traditional media, street advertising, other, refused. Figures have been rounded.

Digital ethics: AI, migration, deontology, and utilitarianism

As the essay titled *The Emerging Digital Nervous System* and the interview in this MMR with Petra Molnar illustrate, (pages 126 & 139) the use of high-tech in the field of immigration (and asylum determination) is rapidly advancing without clear settlement around key ethical issues raised in the ongoing debate. In special reference to the use of AI, the debate takes place in the space between a technocratic and principled approach where protagonists are positioned along a continuum between utilitarian (serving state interests) and rules-based ethical (protecting rights) polarities.

Some argue that to discuss the ethical aspects of technology and AI is akin to closing the stable doors after the horses have bolted. Other disagree, saying that the discussion is essential and relevant now as we are only at the foothill of the expected mountain of advances and implications of the Fourth Industrial Revolution—the fusion of, and blurring of boundaries between, the physical, digital, and biological worlds.

Utilitarians focus on the greatest good for the greatest number of people. They accept that while AI enables fast, accurate, and data-backed decision-making there may be some biases and errors, but believe that overall the gains are maximised. A main gain here refers to a state's ability to make quicker, fairer, safer, and more objective decisions that result in a defence of national security interests.

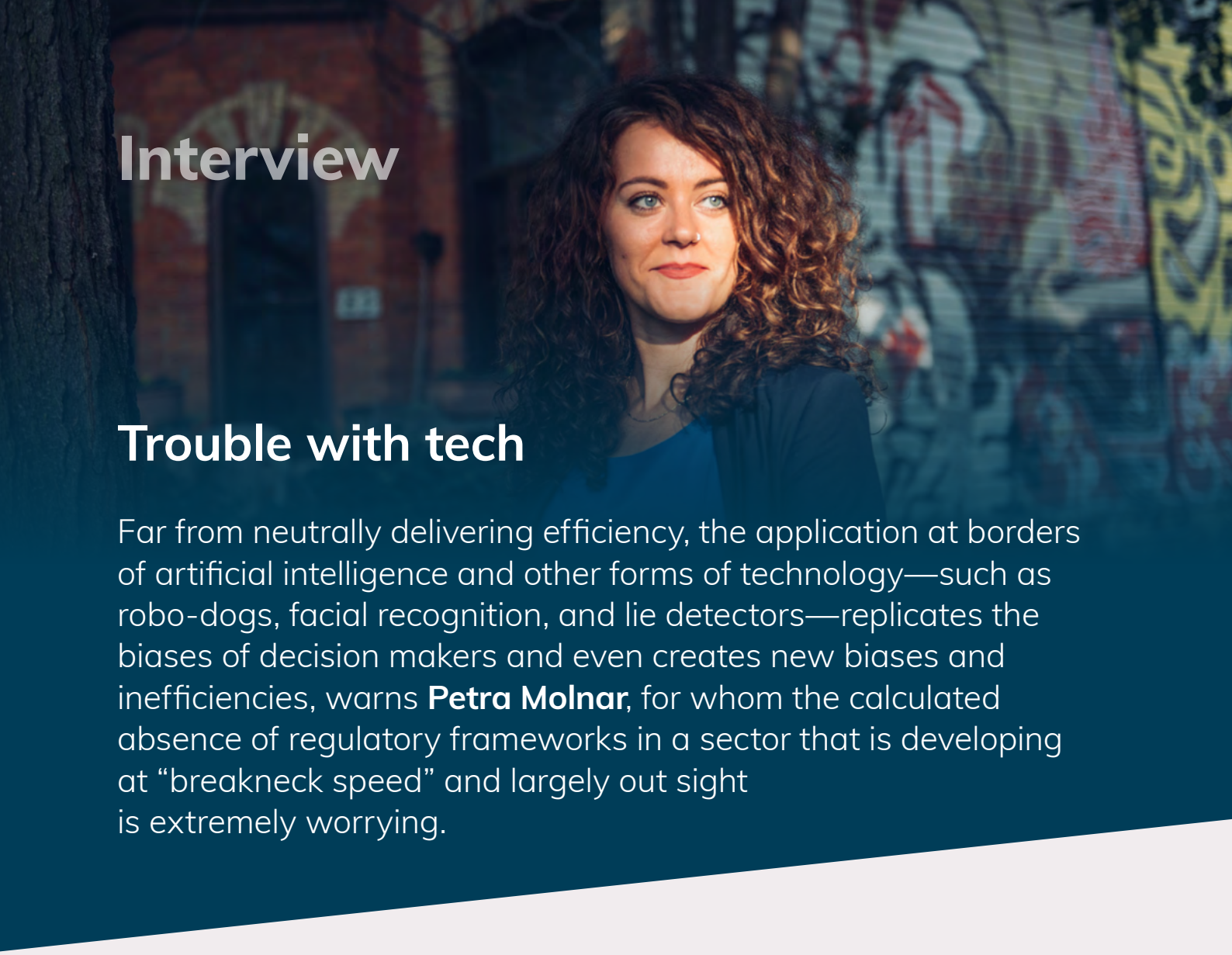
Rule-based ethicists or *deontologists* argue that with regard to immigration and asylum application, reliance on unregulated AI is unacceptable because it involves processes where human contact and valuation is essential in understanding the migratory context and appreciating the impacts of outcomes on the migrants' or asylum seekers' lives.[1]

The fear is that discrimination and biases may be baked into AI systems—as they have been shown to be in research on current and past use of AI biometrics in immigration, border control, as well as policing.[2] There is fear too that AI can become an instrument of surveillance and oppression, leading to discriminatory practices, and violating the rights to privacy, mobility, and association. There are claims that with facial recognition in particular, AI risks becoming a modern version of phrenology, a 19th century pseudoscience that associated the shapes of a person's head with character traits including criminality. In several US cities, including Boston and San Francisco, police, along with other local agencies, have been banned from using facial recognition in recent years.[3]

According to Petra Molnar, where these technologies are used in immigration and border control, the absence of international regulation is deliberate and is advancing "largely unregulated, developed, and deployed in opaque spaces with little oversight and accountability."[4] Analysts are warning that systems are being piloted and implemented with little regard to ethical considerations.[5]

The ethical considerations of AI are concentrating many minds: in late 2021 all 193 member states of UNESCO adopted a historic agreement that "defines the common values and principles needed to ensure the healthy development of AI".[6] Also, in a world-first, in 2021 the European Commission unveiled a new proposal for an EU regulatory framework on artificial intelligence specifically focusing on associated risks of AI and attempting to become the world's leading "super-regulator" for AI.[7] But critics fear the proposed regulations don't sufficiently protect the fundamental rights of the most vulnerable at Europe's borders and are ill-equipped to benefit migrants and refugees.[8] Furthermore, there is scepticism of the sincerity of those behind the EU's proposed AI Act when it is being debated at the same time as the rollout of the EUMigraTool, a package of technology designed to "predict migration flows" and detect related "risks".[9]

1 Barbosa, L. & Macedo, G. (2022) Ethics & Artificial Intelligence: Migration. Carnegie Council for Ethics in International Affairs.
2 Najibi, A. (2020) Racial Discrimination in Face Recognition Technology. Science in the News, Harvard Graduate School of Arts and Sciences; Furl, N. Phillips, P.J., & O'Toole, A.J. (2002) Face recognition algorithms and the other-race effect: computational mechanisms for a developmental contact hypothesis. Cognitive Science.
3 Najibi, A. (2020) op cit.
4 Molnar, P. (2019) Technology on the margins: AI and global migration management from a human rights perspective. Cambridge International Law Journal.
5 Molnar, P., (2020) Technological Testing Grounds: Migration Management Experiments and Reflections from the Ground Up. EDRi/Refugee Law Lab.
6 UNESCO (2021) Intergovernmental Meeting of Experts (Category II) related to a Draft Recommendation on the Ethics of Artificial Intelligence.
7 The Economist (2022) The EU wants to become the world's super-regulator in AI; European Parliament (2022) Artificial Intelligence Act.
8 Molnar, P. & Vavoula N. (2021) Open letter to European Parliament by multiple migration experts; Molnar, P. & Chander, S. (2021) The AI Act: EU's chance to regulate harmful border technologies. Thomson Reuters Foundation.
9 AccessNow (2022) Stop the EUMigraTool rollout: predictive AI systems have no place in EU migration policies.



Interview

Trouble with tech

Far from neutrally delivering efficiency, the application at borders of artificial intelligence and other forms of technology—such as robo-dogs, facial recognition, and lie detectors—replicates the biases of decision makers and even creates new biases and inefficiencies, warns **Petra Molnar**, for whom the calculated absence of regulatory frameworks in a sector that is developing at "breakneck speed" and largely out sight is extremely worrying.

Petra Molnar is a lawyer and anthropologist specialising in migration, technology, and human rights. She is the Associate Director of the Refugee Law Lab at York University and co-runs the Migration and Technology Monitor.[1] *Molnar splits her time between Toronto, Canada, and Greece, and is currently working on her first book, entitled 'Artificial Borders'.*

You work in both Greece and Canada. How would you compare and contrast how these countries deal with mixed migration, including irregular migration?

I try and take a global approach to migration issues because comparison is such an important way of trying to tease out really complex stories when it comes to the phenomenon of mixed migration or migration generally. Canada has for a long time been considered a receiving country, and a lot of our policies here are structured as such. We are very proud of our resettlement policies, sometimes to a fault because there's a lot of talk and not as much action on the ground when it comes to the way that they're actually implemented. But a place like Greece is much more on the forefront of dealing with population movement, and often times it really rubs up against the very daily difficult reality of people who live here, whether they are Greeks, Europeans, or folks from other places.

And unfortunately, these days in Greece, we really are seeing a confluence of the economics of Covid's impacts as well as its environmental ramifications, and it's creating this really difficult context in which people are still coming to the shores of Europe to seek safety, but there are a fewer and fewer resources. Also, the space for solidarity has thinned out as well, unfortunately, over the last few years. So, we really are comparing across two different contexts when we look at Canada and Greece, but there are definitely similarities, because

1 The Migration and Technology Monitor is an initiative run by a collective of journalists, filmmakers, academics, and communities that monitors "the use of surveillance technologies, automation, and the use of Artificial Intelligence to screen, track, and make decisions about people crossing borders, highlighting the far reaching impacts on people's rights and lives."

globally speaking, we're talking about a world that is increasingly becoming sharper when it comes to the management of migration.

Would you say that multiculturalism is both accepted and working better in Canada than elsewhere, perhaps compared to Scandinavia, or Greece? And if so, why do you think this is?

Not to go all academic, but I think we really need to query the term "multiculturalism" and what we mean by that. Because I think at first blush, in a place like Canada, it can work. There is this idea that we are mosaic, that everyone is allowed to retain their identity in addition to "becoming Canadian". But in practice, there are problems of course also. Some of them are resource issues, some of them are political issues in a modern-day settler-colonial state with Indigenous genocide in its history. Some of them are also just about being geographically removed from the rest of the world. Canada is a bit of a bubble when it comes to the way that policies are enacted and the way that communities are brought together.

But I think in a way, to be fair, it does perhaps work in a more harmonious way [in Canada] than in other places, like in the European Union, where multiculturalism is perhaps used as a veil to paper over some really deep systemic inequalities that societies are unwilling or unable to really get at. I mean, there are definitely conversations around racial justice that are much further along in North America and Canada than they are in the European space. We're moving there absolutely. There's some really great work being done by groups like Equinox, a racial justice collective in Brussels, and others. But I think those kinds of foundational conversations around systemic racism, around imperialism, around the knock-on effects of colonialism, are still pushed to the wayside in the European space. That to me is a big difference.

> **"When you spend time in the 'hotspots' you realise that the policy is to make them permanent and a deterrent, to make them as unliveable and difficult as possible."**

The Greek and Italian "hotspots" were created as an emergency and temporary measure almost seven years ago in response to the so-called migration crisis. Why are they still operating?

This is the question that's close to my heart because I spent quite a lot of time in these so-called hotspots in Greece along the Aegean Islands that are between [mainland] Greece and Türkiye. And as you noted, it was presented as the temporary solution to what was happening in 2015, 2016. But they are definitely anything but temporary. Or in a way, some people call it a forced temporariness: people are sequestered in camps that are essentially very prison-like now. These are temporary structures that have been made permanent through years and years of policies and funds that are diverted from Brussels to places like Greece or Italy. And spending time in these spaces, you really realise that actually the policy is to make them permanent, and it's also to make them a deterrent, to make them as unliveable and difficult as possible to then show others who might be thinking of coming to seek safety and exercise their internationally protected right to asylum, to try and get them to not come.

So there is a kind of tension there, this cognitive dissonance that you feel where it is still very much a "crisis-management mentality," camps with tents or containers and things like that, and then they don't even have running water. They have AI and surveillance, but they don't have running water.

Haven't the problems of overcrowding and processing delays improved a lot over the last couple of years?

Yes, the processing and the numbers of people, that has gone down, partly perhaps due to Covid as well. And what is also interesting though is at least three new camps have been opened in Greece, on Kos, Samos, and Leros. Huge, sprawling, very prison-like type complexes, very concrete-heavy, lots of barbed wire and they're massive. I mean, they have capacity for thousands of people and sometimes they only house a couple of hundred. And it begs the question why that is. And what helps me is to think more broadly. It's not just a Greek issue or an Italian issue or a Spanish issue, but really this is a decision that is made in Brussels that then percolates down to the countries that do a lot of the dirty work for the EU. There's a lot of money to be made when it comes to being able to host these high-tech camps. I think Brussels is the place that sets the stage on migration issues, and it's really kind of strengthening the messaging around securitising Europe, strengthening border control and the kind of containment measures that we've been seeing in a variety of contexts.

> **"If you boil it down, we're talking about horrific violence at the border against people who have a protected right to seek asylum, but yet somehow we've gotten away from that and just normalised practices like push."**

To what extent do you think the failure of EU member states to share the Greek refugee burden has led to the Greek authorities using increasingly desperate

pushback methods which are now becoming normalised?

This all starts at the top in Brussels and when you have countries which are economically more disadvantaged like Greece having to do the work of the EU you will then have this increasing turn towards more draconian and violent policies like pushbacks. I'm not trying to make light of it or make any allowances for what the Greek government is doing; of course they are engaged in criminal acts which have been widely corroborated. Literally just today, a new investigation by Lighthouse Reports came out showing that the Greek government is forcing refugees and migrants themselves to act as the agents of pushbacks.[2] And that's where a lot of the bureaucratic violence and the normalisation of it comes in. That's the most depressing part for a lot of us who work in these spaces and who've sat with survivors of pushbacks. It's been so normalised so that people say, "oh well, Frontex is implicated again", or "oh, the Hellenic Coast Guard is at it again. Oh now they're throwing people in the sea, okay?" And then, of course, the governments retaliate against those who call them out by saying, "Oh, it's just a bunch of special-interest advocates or journalists who are out to attack us through these investigations." So, I think there is a fatigue on the part of the media and the public on these issues, and yet if you just boil it down, we're talking about horrific violence at the border against people who have a protected right to seek asylum, but yet somehow we've gotten away from that and just normalised practices like pushbacks, which is quite horrifying for me to witness, and I have directly witnessed them too.

Do you think policy makers and leaders are watching what happens in Greece as a kind of test case?

Yes, definitely I think Greece is a really important kind of petri dish for a lot of European policy making where these kinds of containment models are tested out, the high-tech stuff is tested out. And [this is] also making European responses to migration a Greek problem; that is something that is currently one of the strongest pieces of messaging. And not even just now, but that's been the case for years: really pushing people to stay as far away from mainland Europe as possible, which we now are of course seeing also with externalisation policies. For example, the UK government forcibly removing people seeking asylum to Rwanda. I mean, this is all part of this broader global trend.

Also linked to Greece, as a lawyer, do you think there are some serious legal questions about the EU-Türkiye Statement?

Well, law is always a political project. And I think the EU-Türkiye deal really shows that at the end of the day it is about politics, it's about give-and-take, it's about questionable bilateral relations. And it also shows the malleability of fundamental human rights, right? We like to talk about certain things as being inalienable or non-derogable. You know that you can't, for example, do away with a certain set of rights, and yet we can legislate around it or make these grand statements about it. So for me the EU-Türkiye Statement is a case that highlights how law is selectively applied against particular groups of people.

When we look at the EU and US immigration policies, we see a lot of contradictions. On the one hand, they purport to take a rules- and rights-based approach, but at the same time they operate in direct contradiction of their own values and laws. For example, the mass deportation of Haitian refugees, or in Europe the support for Libya in preventing irregular migration...

> **"The EU-Türkiye Statement is a case that highlights how law is selectively applied against particular groups of people."**

So I'm a reluctant lawyer at best, right? I see the law and the human rights project as a toolkit, or a scaffolding that we can use to pin rights and responsibilities to. But I think it also blinds us to the current political reality that is inherent in the making of law, like we were just discussing in relation to the EU-Türkiye deal. And it's such a political project, particularly in migration and asylum decision-making, because the way that the law at the border and in migration is structured is so opaque and discretionary anyways. It's a grey zone and a grey area, when you have decision makers making decisions at border points, or when you have policy makers normalising all sorts of things like pushbacks, like facial recognition, like externalisation, there's so much space there where you can shove really problematic policies into and then call it a law. So for me, actually, we need to have a really critical approach to immigration law and asylum law, because it's not an objective tool, it's a tool that replicates power relations in our world and it protects certain people who have freedom of movement, while others clearly do not.

You're releasing a new book this year called *Artificial Borders* about hi-tech and borders. Can you explain the title, because for those on the move these borders are anything but artificial.

I was playing with language because I'm really pushing for the idea of artificial borders because not only does it speak to the kind of AI and techno-solutionism that we're seeing in migration, but also to the idea that

2 Christides, G. et al (2022) "We were slaves". Lighthouse Reports.

borders are inherently artificial and arbitrary, in terms of who they apply to and who they don't apply to. For example, there have been a lot of conversations about the artificiality of borders in the kind of postcolonial discourse on the African continent. It's a bit of a play on words when it comes to the tech and then also some of the power relations.

You've said AI has a record of discriminating on the grounds of race and gender. Can you explain how this happens exactly?

This is an idea that has been proven across many studies, not just in border tech that I look at. Again, I think the idea is that—just like with law—we sometimes think of tech, AI, and automated decision-making as something very neutral, as a tool that is used for particular decision-making. But nothing could be further from the truth because again, it's a tool that is socially created and it either replicates the biases that decision makers already hold or it actually creates new ones, in the ways that decisions get rendered through the different systems. And there's been many, many studies showing for example that facial recognition is very highly biased against non-white faces, black and brown faces, female faces, and we are seeing these ramifications and manifestations at the border too, with for example, this appetite for creating AI lie detectors in European airports and also at the US-Canada border, there was a testing project there. But there have been so many studies by authors like Safiya Noble, she wrote a whole book called *Algorithms of Oppression*.[3] Also, Ruha Benjamin at Princeton, she has a book called *Race After Technology* and it really talks about how racially-motivated so much of the decision-making actually is and how this is in fact, not neutral.[4]

> **"Tech replicates power hierarchies and differentials in society, and it is predicated on some extremely discriminatory ideas about who belongs and who doesn't."**

Even something as seemingly "objective" as algorithmic decision-making can have really, really discriminatory impacts. For example, at the US-Mexico border, in the height of the Trump administration, an investigation revealed that the Immigration and Customs Enforcement agency, ICE, was using an algorithm which they tinkered with to basically justify detention of people at the US-Mexico border in every single case. Tech also replicates power hierarchies and differentials in society, and it is really predicated on some extremely discriminatory ideas about who belongs and who doesn't.

> **"Papering over the issues in the system and creating a band-aid solution through tech doesn't solve inefficiency problems; it actually creates new ones."**

Isn't the use of technology also proving to be very efficient in immigration processes?

You have some really, really draconian uses of tech, like robo-dogs or the drones with facial recognition and all of that. In my work I tend to look at the sharpest edges of technological development at and around the border, and of course, it is a really complex area. And as someone who used to litigate and represent people in immigration proceedings, I know very well how inefficient immigration systems are. The last thing we need is to stay in the status quo. But my concern is that papering over the issues that we have currently in the system and creating a band-aid solution through techno-solutionism doesn't solve inefficiency problems anyways, it actually creates new ones, right? Even if you are using something seemingly as low-risk as a visa-triaging algorithm, you will start having people litigating and challenging the decisions if, for example, they find out that this is even happening. A lot of people don't know. For example, there were 7,000 students who were wrongfully deported out of the UK because an algorithm made a mistake and accused them of cheating on [an English language] test.[5] If you were one of the students and you wanted to challenge that, not only does that then create more cases in the judicial system, it actually shows that there's so many knock-on effects that I think we haven't thought about. I'm not saying that there aren't spaces in which automation might be useful, but my concern is that we are moving at such a breakneck speed without the appropriate governance and regulatory mechanisms in place that it will actually create a whole host of other problems that governments are not foreseeing or choosing not to see.

Perhaps the higher objective of keeping migrants out means that human rights laws and the suggested regulation you are promoting only act as obstacles?

Exactly. There's no incentive to lean on international human rights law in this space really. It provides a scaffolding for those of us trying to pin rights and responsibilities to something when it comes to this kind of brand-new world of automated decision-

3 Noble, S. (2018) Algorithms of Oppression - How Search Engines Reinforce Racism. NYU Press.
4 Benjamin, R. (2019) Race after Technology. Polity.
5 Extensive media coverage of this 2014 scandal includes the recent Gentleman, A. (2022) English test scandal: Home Office accused of 'shocking miscarriage of justice'. The Guardian.

making, AI surveillance and all of that, but we do need more tech-specific or border tech-specific regulation, governance mechanisms in place. I think there definitely are technologies that should be abolished, or at the very least, there should be a moratorium against them. Violent military-grade technology like robo-dogs, AI lie detectors at the border, which we can all imagine how discriminatory and harmful those will be. But regulation isn't attractive because there is big money to be made in the border industrial complex, and states benefit too.

Yes, and for governments there must be another attractive aspect to AI and high-tech in so far as that it offers reduced accountability. While you are saying accountability is a problem, perhaps they're thinking, actually, it's an opportunity.

Absolutely. And we're really seeing that play out in this political economy that has grown up around the border-tech industry because it incentivises keeping it as opaque and discretionary as possible. And so that's why states partner with private sector companies to develop and deploy a lot of this tech far away in border spaces where it is difficult to monitor for human rights workers or lawyers or journalists. But it also then obfuscates responsibility from a legal perspective too, because then you can play hot potato, or responsibility laundering, so to speak. Because then states can say, "well, it's not our responsibility. We didn't develop it." The private sector says, "well, it's not our responsibility either. We just developed it for this client." And then the person or community that is harmed just falls through the cracks. But that's the incentive, it's to keep the space as free of regulation as possible so that a lot of this experimentation can happen, because what better place to experiment than at the border where human rights are already weak, people don't have enough resources? I think states in particular prey upon this idea that this is the perfect space in which to test out technology.

In an Al Jazeera interview you used the term *panopticon* in relation to technology and migration. Please explain your use of that word. And do you see any alternative now that the tech genie is out of the bottle?

Scholars have used the term *panopticon* in prison and criminal justice studies to talk about practices of control and discipline that are omnipresent.[6] Border technologies are definitely also a panopticon if you look at it from a global perspective, because we're seeing this normalisation of pervasive tech in the migration sector as a given, as something inevitable. Now that the train has left the station, it's already happening, there's a sense that people want to create this omnipresent ever-watching system that's highly unregulated, highly discretionary, and tested out on people on the move who already don't have access to lawyers, resources, and support services that other people might. If all of a sudden drones started flying around in your local living spaces people would be up in arms. But when that happens at a refugee camp, well, we're somehow okay with it. Again, it's about power hierarchies and power differentials in this space. And for me, having a systemic analysis of it really helps, because again, there's a reason why this is so normalised. It's lucrative, there's big money to be made in big tech at the border, and it then creates this kind of panopticon, this space of normalised tech incursions that control and harm people that just would not be normalised in other spaces.

> **"If all of a sudden drones started flying around in your local living spaces, people would be up in arms. But when that happens at a refugee camp, we're somehow okay with it."**

If you had the freedom to institute and implement your top three policy suggestions to address mixed migration, what would they be?

Firstly, I would move away from rigid legal and policy categories and instead recognise the complexity of the human experience and human movement and give space to lived experience. Second, instead of rushing to adopt technological solutions, I would make sure we interrogate the systemic reasons why people are forced to migrate in the first place. Lastly, I would want to see a push for red lines and greater governance and regulatory mechanisms, like the EU's upcoming proposed act to regulate artificial intelligence, for border technology experiments which have real impacts on people's human rights and lives.[7]

6 The panopticon prison concept, with its central observation tower, was first introduced by the 18th century English philosopher Jeremy Bentham. See, for example: The Ethics Explainer (2017) The Panopticon.

7 For an official explanation of this proposed EU legislation, see: European Commission (2021) Proposal for a regulation of the European Parliament and of the Council laying down harmonised rules on artificial intelligence (Artificial Intelligence Act) and amending certain Union legislative acts. See also: Future of Life Institute (n.d.) The Artificial Intelligence Act.

The war of words in the politicisation of human smuggling

Declaring war on human smuggling continues to be a tool used by politicians and policy makers as a way to implement otherwise unpalatable and possibly undefendable migration decisions. This essay looks at both sides of the argument, compares findings with widescale migrant surveys and suggests better approaches.

By Chris Horwood[1]

Introduction

Of all the words used in mixed migration discourse, the most misused and politicised may be those used in the realm of people smuggling. Here, the newly coined terms "self-smuggling" and "state-sponsored smuggling" have recently been added, expanding the lexicon and illustrating the prevalence of deliberately using terminology with political intent. This essay will review the use and abuse of contemporary smuggling conceptualisations and compare polemicised perceptions of smuggling with the findings of over 85,000 surveys of refugees and migrants conducted between 2014 and 2021 by 4Mi, MMC's data-collection initiative.[2] First, the main contrasting narratives will be summarised before a deeper discussion and review of research findings are presented. Finally, a brief discussion on solutions to the issue of irregular migration and an alternative approach to anti-smuggling is offered.

The smokescreen: smugglers as criminals

To those who want to redirect attention away from the causes of human mobility along with the needs and rights of those on the move, the fact that smugglers are ubiquitous in the phenomenon of mixed migration is both convenient and useful. Smugglers conveniently become the target of policies and usefully become the causation explanation for irregular movement itself. Even better when those smugglers can, with a seemingly innocent interchange of terminology, also be framed as human traffickers and thereby perpetrators of a more serious crime against people, as opposed to smuggling which can be characterised as a crime against the state.

The media's frequent elision of smuggling and trafficking may be the result of ignorance more than intent, although after years of reporting on irregular migration they really should know better. However, governments' and state officials' reframing of smuggling as trafficking or conflating their activities should be assumed to be deliberate, designed to focus on the crime itself and support deterrence policies rather than focus on those wanting to move and their needs, rights, and aspirations. The emphasis is on smugglers as unscrupulous and organised predators of people who would otherwise not dare to venture on dangerous and irregular journeys. The term *smuggler* is conferred upon anyone involved in facilitating irregular movement, including those making humanitarian attempts to assist migrants and refugees along their way for whom additional criminal censure has been developed.[3]

Demonisation and felonisation or criminalisation of smugglers is commonplace in national and regional policy briefs.[4] States regularly issue rallying calls for united robust action against what are often portrayed as "international criminals". The accompanying claim that to protect migrants or refugees from violation and exploitation smugglers must be suppressed, is often a crude and cynical ruse to distract from the greater objective, which is of course to stop irregular movement. It is a claim extensively used in North America, Europe, Asia, and Oceania, most notably by Australia.

The Australian government is well known for pulling no punches on immigration issues and commonly uses the combined smokescreen of migrant safety and lawfulness, stressing it is "committed to protecting Australia's borders, combating people smuggling in our region, and preventing people from risking their lives

1 Chris Horwood is a migration specialist and co-director of Ravenstone Consult.
2 Litzkow, J., Frouws, B. & Forin, R. (2021) Smuggling and mixed migration. Insights and key messages drawn from a decade of MMC research and 4Mi data collection. Mixed Migration Centre.
3 Ferstman, C. (2020) Using Criminal Law to Restrict the Work of NGOs Supporting Refugees and Other Migrants in Council of Europe Member States. Expert Council on NGO Law of the Conference of INGOs of the Council of Europe.
4 A clear example, discussed in more detail below, is the EU Action Plan against migrant smuggling 2021-2025. Also, for the ASEAN region, the Bali Declaration on People Smuggling, Trafficking in Persons and Related Transnational Crime.

at sea".[5] It has implemented its approach effectively through the military-led Operation Sovereign Borders since 2013, although allegedly its "creative" tactics have also included paying maritime smugglers to turn back with their human cargo.[6]

In April 2022, influenced by the Australian model, the UK announced it had reached a deal with Rwanda that asylum seekers rejected by the UK would be relocated to Rwanda for potential asylum application as an alternative—an arrangement that for some has questionable legality.[7] That same month, Denmark revealed it was holding discussions with Rwanda with similar intentions. Introducing the new policy, the British prime minister justified it as the way to stop "vile people smugglers" turning the sea into a "watery graveyard", when clearly it was an act by an exasperated government unable to stem arrivals of cross-Channel migrants in small boats as part of its pledge to "take back control of illegal immigration".[8] In 2021, over 28,000 irregular migrants made the short journey across the English Channel—mostly in small rubber boats without the offending smugglers on board—and at least 44 people died or went missing in the attempt.[9]

In Europe, criminalisation of smuggling is exemplified in the Renewed EU Action Plan against migrant smuggling 2021-2025. [10] Adopting combative language in its whole-of-route approach—with terms such as *eradication*, *dismantling*, *fighting against smugglers*, and the *disruption of criminal businesses*—the action plan is more unequivocal than its 2015-2020 precursor. Now, "migrant smuggling is a cross-border criminal activity that puts the lives of migrants at risk, showing disrespect for human life and dignity in the pursuit of profit, and undermines the migration management objectives of the EU and the fundamental rights of the people concerned." When seen alongside the EU's New Pact on Migration and Asylum and as a reinforcement of the EU's security strategies and anticrime drives, this action plan leaves little doubt that the EU's intent is to prioritise the *securitisation* and *weaponisation* of all smuggling aspects in mixed migration.[11] This is evidenced in the most recent mandate of Operation EUNAVFOR MED IRINI, with its omission of life-saving search and rescue in the Mediterranean and emphasis on "the disruption of the business model of human smuggling and trafficking networks".[12]

The sanitised: Smugglers as service-provider saviours

The biases of those attempting to restrict and contain mixed migration are countered by others who prioritise the rights and needs of those on the move. In their contrary narrative, the documented exploitation and violations caused by smugglers is downplayed or overlooked and smugglers are framed as a disparate group distinct from organised crime who merely facilitate the travel needs of those already committed and/or compelled to move. Here, smugglers may even be performing an elevated, revered function in a "moral economy" by providing services that "save" their relatives and fellow community members.[13] One researcher following Syrian refugees found "the relationship between the smugglers and the migrants appeared to be rich in solidarity and reciprocity and grounded in local notions of morality".[14] They are part-saviour, part-hero, or at worst a necessary and sometimes tricky vector needed to take the refugee or migrant out of harm's way. As explained in greater detail below, for the most part they do not instigate, persuade, or coerce people to take dangerous journeys; instead, they respond to people's demands to be assisted in mobility. It is a consensual agreement. In this view of the world, it is the state, with its policies, borders, obstacles, and security apparatus, that forces people to move irregularly with smugglers and that thus causes the dangerous and exposed situations where refugees and migrants suffer and perish.[15]

Recent conceptualisations

In a more recent extension of conceptualisations of smuggling, the terms *self-smuggling* and *state-sponsored smuggling* deserve comment. Tunisians simply organising their own irregular migratory journeys have been described as practising self-smuggling in what appears

5 Australian Government (n.d.) Operation Sovereign Borders.
6 BBC (2015) Australia 'paid migrant smugglers to turn back'; Amnesty International (2015) Australia: Damning evidence of officials' involvement in transnational crime uncovered.
7 UK Home Office (2022) Memorandum of Understanding between the government of the United Kingdom of Great Britain and Northern Ireland and the government of the Republic of Rwanda for the provision of an asylum partnership arrangement. For a legal analysis, see: Grundler, M., & Guild, E. (2022) The UK-Rwanda deal and its Incompatibility with International Law. EU Immigration and Asylum Law and Policy.
8 Sparrow, A. (2022) UK plans to send thousands of asylum seekers to Rwanda, says Boris Johnson – as it happened. The Guardian.
9 MacGregor, M. (2022) Record number of migrant Channel crossings in 2021. InfoMigrants.
10 European Commission (2021) A renewed EU action plan against migrant smuggling (2021-2025) - COM(2021) 591.
11 i.e. policies designed to operate in "full synergy" with the EU Security Union Strategy, the EU Strategies to tackle Organised Crime 2021-2025 and on Combating Trafficking in Human Beings 2021-2025
12 Operation EUNAVFOR MED IRINI (n.d.) Mission at a Glance.
13 Achilli, L. (2018) The "Good" Smuggler: The Ethics and Morals of Human Smuggling among Syrians. The Annals of the American Academy of Political and Social Science.
14 Ibid.
15 A claim made in various reports, such as: Human Rights Watch (2019) No Escape from Hell - EU Policies Contribute to Abuse of Migrants in Libya. See also this 2021 interview with former UN special rapporteur on the human rights of migrants, François Crépeau.

to be a reluctance by some to delink migration from more criminalised and securitised terminology.[16]

State-sponsored smuggling emerged into public discourse in late 2021, when Belarusian authorities encouraged and assisted thousands of migrants and refugees to transit their territory in order to enter the EU.[17] The action was part of Belarus' efforts to get attention from the EU through deliberate irritation in what can also be categorised as a belligerent form of migration diplomacy.[18] It was essentially a political crisis played out on the migration chessboard with refugees and migrants as the pawns. Additionally, the bellicose language around the issue is illustrated by NATO accusing Belarus of conducting a "hybrid attack" against the EU.[19] In this case the term *state-sponsored smuggling* is more accurate in describing the deliberate conduct of Belarusian authorities. But commentators and governments describing what happened as state-sponsored *trafficking* would likely be over-stretching or mis-using the term, although arguably, it also involved deception, manipulation and endangerment—also hallmarks of trafficking.[20]

The need for nuance and distinction

Both arguments above may be distorted and exaggerated by the underlying ideology or policy positions of their proponents. The reality is more complex.[21] The heterogeneity of the characteristics of irregular mobility in terms of motivation, means of movement, routes taken, and risks experienced has been illustrated through extensive research and monitoring in the last decade, as detailed below.

The fact that so many of those moving irregularly use smugglers should not negate the importance of distinction and nuance in our understanding and characterisation of migration and smuggling. There is a risk that simplistic narratives lead to inadequate responses.[22] The wide variety of migration experiences—and by extension the speciousness of simplistic narratives—comes into to focus when we compare refugees and migrants who:

- cover huge distances, such as crossing the Sahara, travelling from Pakistan to Europe, or crossing most of South and Central America to enter the US, with those who move short distances, such as into South Africa from neighbouring countries, or Venezuelans migrating and fleeing to Colombia and Peru;
- spend just a few hours crossing the English Channel, or the Bab-el Mandeb Strait from the Horn of Africa to Yemen, with those who endure weeks at sea travelling from Bangladesh to Malaysia or East Timor and Australia;
- take two years or more to reach their destination, such as many Nigerians heading to Italy, with the mere 20 minutes Syrian refugees in Türkiye need to across the Aegean to Greece;[23]
- take relatively few personal risks, such as those who fly from various Asian countries to North America, or from Afghanistan to Malaysia, with people who are driven or led on foot across land borders, for example from Eritrea into Sudan and Egypt, into the US from Mexico, or out of Cambodia, Myanmar, or Thailand;
- can purchase fraudulent documents (passports, visas etc.) from smugglers with those who cannot and so travel undocumented;
- travel through war zones such as Yemen or Libya with those who do not; and
- move through lawless lands where corruption is endemic, or where violations by state officials and criminals is commonplace, with others who transit countries where the rule of law and protection is better applied.

Equally heterogeneous are people's interactions with their smugglers. Some use a single smuggler for their whole journey or a specific leg of their journey, such as crossing obstacles or border points where smugglers have deals with state officials or know routes to circumvent officialdom. If they fly with smuggler-organised documentation, or take to the seas with a smuggler-organised boat, they may have almost no direct contact with their smugglers at all, while those on long multiple-country land routes have prolonged interaction with different groups of smugglers. Researchers generally agree that using multiple smuggling groups as people move further from their point of origin and their initial smuggler often leads to greater neglect and abuse.[24] Along some routes, the agency and freedom of

16 DW News (2021) To get to Europe, Tunisian migrants turn to 'self-smuggling'.
17 Rankin, J. (2021) EU threatens to blacklist airlines linked to border influx. BBC
18 This Review explores migration diplomacy on page 248 with essay, *Migration diplomacy gets messy and tough: Is mixed mobility being 'weaponised' for geopolitical aims?*
19 NATO (2021) Doorstep statement by NATO Secretary General Jens Stoltenberg at the Meeting of NATO Ministers of Foreign Affairs, Riga.
20 ITV News (2021) Belarus accused of 'state-run smuggling and trafficking' over migrant crisis at Polish border.
21 Sanchez G. (2017) Beyond the matrix of oppression: Reframing human smuggling through intersectionality- informed approaches. Theoretical Criminology.
22 Litzkow, J., Frouws, B. & Forin, R. (2021) op. cit.
23 Mixed Migration Centre (2021) 4Mi Snapshot - The journey towards Italy for Nigerians: drivers, routes and use of smugglers.
24 Open Democracy (2016) Human smugglers roundtable: are smugglers parasites or service providers?

choice of those on the move is high, while on others they are dominated and almost captive to their smuggler's decisions and treatment.

Smugglers themselves are a heterogenous group, spanning the whole gamut from responsible guides with close community or ethnic ties to their charges, to outright criminal opportunists who predate on those they smuggle. At one extreme, smugglers may perceive and carry out their work with a moral and pious fastidiousness while others may be unscrupulous exploiters, heedless of their clients' lives and wellbeing in their pursuit of money and other personal "benefits" (sexual, labour, power, etc.).[25] Characterising smugglers as either angels or demons is simplistic and not useful in this discussion.[26] Nevertheless, the fact that smugglers are often negligent and responsible for violations towards their clients gives further ammunition to those demonising and sanctioning smuggling in order to restrict movement.

Given that smuggling is made up of a wide range of functions and activities, the question of who exactly is and who is not a smuggler becomes relevant. Drivers, food and drink providers, safe house proprietors, boat captains, guides, look-out people, recruiters of clients, informal bankers, false documentation suppliers and corrupt state officials etc. are all part of the smuggling ecosystem.[27] But are they all *smugglers*? In some cases, whole sections of a town's or village's economy are linked to human smuggling, facilitating tens or hundreds of thousands of people in transit annually.[28] Obock in Djibouti, Agadez in Niger, Izmir in Türkiye, Tijuana in Mexico, and Tripoli in Libya are obvious examples.

A wealth of survey data

Since 2014, MMC's 4Mi data-collection programme has surveyed tens of thousands of refugees and migrants on different migratory routes around the world through a network of field enumerators. Where possible, smugglers have also been surveyed. The vast majority of 4Mi respondents use smugglers for part or most of their journey.[29] Along certain routes, smugglers' frequent perpetration of heinous crimes, including rape, trafficking, murder, and brutal extortion, is commonly reported.[30] Some egregious smuggling/trafficking cases in the recent past, such as the plight of Eritreans in Sudan and in Egypt's Sinai, have ended or shifted to other locations, but too often smugglers are closely associated with violations of people on the move. They are not alone: state officials and criminal gangs are also common perpetrators of violations and deaths, and in some cases more guilty than smugglers, but there is considerable variation across different locations.[31]

For example, 26 percent of Venezuelan 4Mi respondents migrating and fleeing to Colombia and Peru, and 14 percent of refugees and migrants surveyed in Mexico, identified smugglers as perpetrators of abuse.[32] Meanwhile, almost a half of the Afghans arriving in Italy who were surveyed said smugglers were the most common perpetrators of a range of violations, and 77 percent of Rohingya women and children who reported protection risks on the journey to Malaysia said smugglers were the main perpetrators.[33] In various other reports, Ethiopians who cross to Yemen and Saudi Arabia, and those who finally escape the migration trap that is Libya, speak of repeated and brutal abuse by smugglers and others in situations where the separation between smuggling and trafficking is tenuous.[34]

A high proportion of 4Mi respondents report that their smugglers intentionally misled them about their journey (in relation to cost, route, length, risks, violations, hardships, etc.) Survey data from Italy shows only a small minority of respondents who had used smugglers reporting the opposite, that they were *not* misled.[35] At the same time, a high proportion of those smuggled agree that their smugglers actually facilitated them getting to where they wanted to go, although again, the findings vary by location, route, nationality, and available financial resources. There is a strong suggestion of a link between those with insufficient funding and increased abuse at the hands of smugglers.[36]

The acceptance or resignation by people on the move that risk and even lethal misadventure may occur when

25 Achilli, L. (2018). Op. cit.
26 Frouws, B. & Horwood, C. (2018) Both angels and demons? The role and nature of migrant smugglers. Mixed Migration Centre.
27 MMC uses a broad interpretation of the terms "smuggler" and "smuggling", one that encompasses various activities paid for or otherwise compensated by refugees and migrants that facilitate irregular migration.
28 Bird, L. & Reitano, T. (2021) Smugglers' paradise – cities as hubs of the illicit migration business. Mixed Migration Centre.
29 By early 2022 over 100,000 surveys with individual people on the move had been conducted by 4Mi.
30 Van Reisen, M., Estefanos, M. & Rijken, C. (2014) Human Trafficking in the Sinai: Refugees between Life and Death. Wolf Legal Publishers.
31 IOM (n.d.) The Determinants Of Migrant Vulnerability.
32 Mixed Migration Centre (2022) 4Mi Snapshot - The role of smuggling in Venezuelans' journey to Colombia and Peru; Mixed Migration Centre (2022) 4Mi Snapshot - Safety risks and dangerous locations reported by refugees and migrants in Mexico.
33 Mixed Migration Centre (2021) 4Mi Snapshot - Afghans en route to Turkey: routes, protection risks, and access to assistance; Mixed Migration Centre (2022) 4Mi Snapshot - Protection risks for Rohingya women and children: from departure country to arrival in Malaysia.
34 Wille, B. (2014) Yemen's Torture Camps Abuse of Migrants by Human Traffickers in a Climate of Impunity. Human Rights Watch; OHCHR (2022) Report of the Independent Fact-Finding Mission on Libya.
35 Thirteen percent of Nigerian women, nine percent of Sudanese and 26 percent of Pakistani respondents disagreed with the statement that their smugglers had intentionally misled them. Ref: three 4Mi snapshot reports from April 2022 referring to Nigerians, Sudanese and Pakistanis in Italy.
36 Mixed Migration Centre (2021) 4Mi Snapshot: Smuggling, risks, and abuses (2 of 3) characteristics of respondents and the perception of smugglers as perpetrators.

using smugglers and embarking on migratory journeys has been documented for years.[37] Some suggest that "...exploitation is, at times, consciously and willingly endorsed by its 'victims' as a means to enhance their own mobility" in a context where, "smugglers often constitute the only available option for those migrants who flee a situation of immediate danger and distress".[38] While not suggesting smugglers' violations are in any way justifiable, the evidence points to a complex mixed migration phenomenon full of contradictions and heterogeneity. There is also an evident irony that more stringent border policies and practices are doomed to fail because they bolster the very phenomenon that they claim to counter.[39]

Responding to migrants' agency and demand

In today's migratory context, smugglers are in high demand and are thus less likely to actively drum up custom than be sought out for their services. As such, far from being the calculating seducers of passive populations in precarious circumstances, evidence suggests they have limited influence in migration decision-making. The real agency comes from migrants and refugees themselves. 4Mi surveys repeatedly indicate that decisions to migrate are primarily influenced by family and friends, returnee migrants, and those who successfully made it abroad; moreover, a significant proportion take the decision alone.[40] Generally, but not everywhere, only a small percentage of surveyed migrants suggest their smugglers were the main influences on their decision to migrate. Indeed, analysis of almost a decade of 4Mi data concluded that "the role of smugglers as those who encourage, and fuel irregular migration is overestimated in public and policy discourse".[41] There are exceptions: Nigerian women surveyed in Niger, Libya, and Italy, for example, reported that smugglers were in fact the biggest influence on their decision to migrate.[42]

Smuggling dynamics do not occur in a vacuum. Three important factors are that, first, they often occur in and exacerbate contexts of endemic corruption. There are numerous reports and statistics showing engagement and collusion of state officials with smugglers (and traffickers).[43] Second, the immigration policy environment in many countries with limited asylum space and very restricted regular entry pathways means people are forced into irregularity by various means. Third, the central drivers for migration and refugee secondary movement remain entrenched and are evidently increasing due to the socioeconomic impact of the Covid-19 pandemic, climate change, and unequal global development and opportunities.[44] In other words, the compulsion to be mobile is as high as ever.

Going to war or finding solutions

There are clear parallels between the long-standing international war on drugs and the "war" on smugglers, which is in fact an indirect or proxy war on irregular migration.[45] Arguably both wars are unwinnable, especially for democratic open societies. Countries such as Israel and Australia could argue their zero-tolerance policies have worked, but others would point out they merely illustrate the *balloon effect* of displacing migrants to other destinations without reducing the overall number of those on the move globally.

Even so, many current policies (*de facto* and *de jure*) dealing with irregular and smuggled migration breach international agreements and conventions and have little basis in international law or, in some cases, national laws. The Mixed Migration Review's regular feature, "Normalising the extreme", offers numerous examples.[46]

The war of words and the politicisation of human smuggling accelerate in tandem with more restrictive policies to curtail irregular migration. Emphasising the so-called root causes of migration is a close cousin to deploying the scapegoating terms around smugglers found in this war's political armoury. Such emphasis seeks to simplify migration and negate the important influences of globalisation, inequality, and climate change. If the intended goal is the suppression of smuggling networks and thereby irregular migration, security measures can be effective only if accompanied by other solutions.

37 Carling, J. & Hernández-Carretero, M. (2012) Beyond "Kamikaze Migrants": Risk Taking in West African Boat Migration to Europe. Human Organization; Psychological piece on risk taking behaviour in mixed migration essay in this publication, page 89
38 Allegra Lab (2017) Roundtable II: Responses by Luigi Achilli. Also see interview with Luigi Achilli in this publication on page 151.
39 Achilli, L. & Sanchez, G. (2017) What Does It Mean to Disrupt the Business Models of People Smugglers? European University Institute & Migration Policy Centre.
40 Mixed Migration Centre (2021) 4Mi Snapshot - to migrate north: factors behind Central American refugees' and migrants' decisions in Mexico; Mixed Migration Centre (2021) 4Mi Snapshot - Access to information among Afghans on the move towards Greece.
41 Mixed Migration Centre (2021) Smuggling and mixed migration - Insights and key messages drawn from a decade of MMC research and 4Mi data collection.
42 Mixed Migration Centre (2021) 4Mi Snapshot - Nigerian Refugees' and Migrants' Use of Smugglers.
43 See, for example: Mixed Migration Centre (2021) 4Mi Snapshot - Corruption and the role of state officials in human smuggling.
44 Yayboke, E. (2020) Five Ways COVID-19 Is Changing Global Migration. Center for Strategic and International Studies.
45 Horwood, C. (2019) The new 'public enemy number one'- comparing and contrasting the war on drugs and the emerging war on migrant smugglers. Mixed Migration Centre.
46 See page 206.

Solutions will inevitably need to concentrate on reducing demand for smugglers more than criminalising and restricting supply. Alternative, or at least complimentary, approaches need to be considered and implemented not only from a pragmatic perspective but also, arguably, from a moral and rights-based perspective. A huge effort to consider factors directly related to drivers of migration in the context of global development resulted more generally in the 2030 Agenda for Sustainable Development, and specifically in the 2018 Global Compact for Migration (and its sister compact on refugees).[47]

Of particular relevance here, signatories to the GCM committed to:

- minimise the adverse drivers and structural factors that compel people to leave their country of origin (Objective 2);
- enhance availability and flexibility of pathways for regular migration (Objective 5); and
- strengthen the transnational response to smuggling of migrants (Objective 9).

Since the end of 2018, when the GCM was adopted by 164 nations, there has been little evidence of progress made on the above three objectives, except that of strengthening responses to smuggling. In particular, almost nothing has been done to significantly enhance legal and regular pathways for those who wish to migrate.

Furthermore, since the onset of the pandemic in early 2020, various short-term initiatives and fast-track policies have been implemented, but these have the hallmarks of emergency reactions to Covid-19 rather than of longer-term approaches. They include a degree of regularisation of irregular migrants in some countries, the release of migrants from detention centres, and fast-tracking the residency rights of foreign health professionals to allow them to contribute to the fight against the disease.[48] Conversely, the wider range of obstacles and restrictions facing refugees and migrants during the pandemic were substantial, increasing hardship for those on the move globally while also causing extraordinary scenes of reverse migration involving millions of people.[49] Arguably, the pandemic will have long-term negative impacts on migrants and refugees, making achievement of the GMC objectives even more elusive in the medium term.[50] Since the GCM was agreed, there has been little evidence that international migration has become safer, more orderly, or more regular. On the contrary.

But the solution to the irregular migration/human smuggling nexus is found in the various clauses of the compact, which need no re-invention, only implementation. Inter alia, Objective 5 elaborates on how to enhance pathways for regular, non-smuggled migration through diverse means including through greater regional and cross-regional labour mobility. The objective details ideas for international and bilateral cooperation arrangements, such as free movement regimes, visa liberalisation or multiple-country visas, and labour mobility cooperation frameworks as well as skills-matching programmes and fast-tracked visa options for employers. The provision of humanitarian visas, private sponsorships, access to education for children, and temporary work permits are some of the mechanisms mentioned, along with bilateral and multilateral agreements that facilitate academic exchanges, such as scholarships for students and academic professionals.

These and other considered ideas guide signatory states towards enhancing regular migration and offer alternatives to smuggling-dominated irregular migration. But with domestic political trends in several countries tending towards right-of-centre, populist, and even more authoritarian leadership, few politicians there will be seen promoting pro-migrant and pro-refugee agendas too vocally. At the metropolitan level, there is evidence of a rise in mayors' engagement with immigration and an appetite to offer refugees and migrants solidarity. However, at the national or federal level, more hardline positions are often taken, forcing some cities to declare themselves rebellious "sanctuary" cities.

While the solution to increased irregular migration may be a widespread implementation of the GCM, the reality is that in the short and medium term, rhetoric against smugglers as a proxy for irregular migrants will be increasingly politicised while immigration policies become harsher. If global inequalities continue to increase, exacerbated by the impacts of Covid-19 and climate change, migratory pressures could grow. This in turn is likely to result in higher demand for smugglers, which may subsequently ratchet up restrictive policies that become more normalised and popular in destination countries. It is a vicious cycle where more restrictive policies again lead to more demand for (and more power of) smugglers, etc. in a dynamic where only smugglers are the winners.

Meanwhile, as the war of words continues, states are attempting to further restrict irregular migration and hopeful migrants and refugees are locked in endless opposition and collision. This intractable head-to-head, arguably, will only be resolved when the political will

47 Global Compact for Safe, Orderly and Regular Migration - Final Draft - 11 July 2018.
48 Horwood, C. (2021) Resisting the extreme. In Horwood, C. & Frouws, B. (eds) (2021) Mixed Migration Review 2021. Mixed Migration Centre.
49 World Health Organisation (2020) Migrants and refugees say COVID-19 has dramatically worsened their lives.
50 Gamlen, A. & Frouws, B. (2021) Post Pandemic paradigms: Covid-19 and the future of human migration. In Horwood, C. & Frouws, B. (eds) (2021) Mixed Migration Review 2021. Mixed Migration Centre.

and courage emerges to implement a comprehensive migration policy, one that includes significantly scaling up legal pathways for mobility, addressing global inequalities and trade imbalances, a functioning returns system, and addressing the real root causes of mobility. It's a tall order, but until then expect smugglers to continue conducting a brisk trade in a market of continuous demand.

4Mi on...

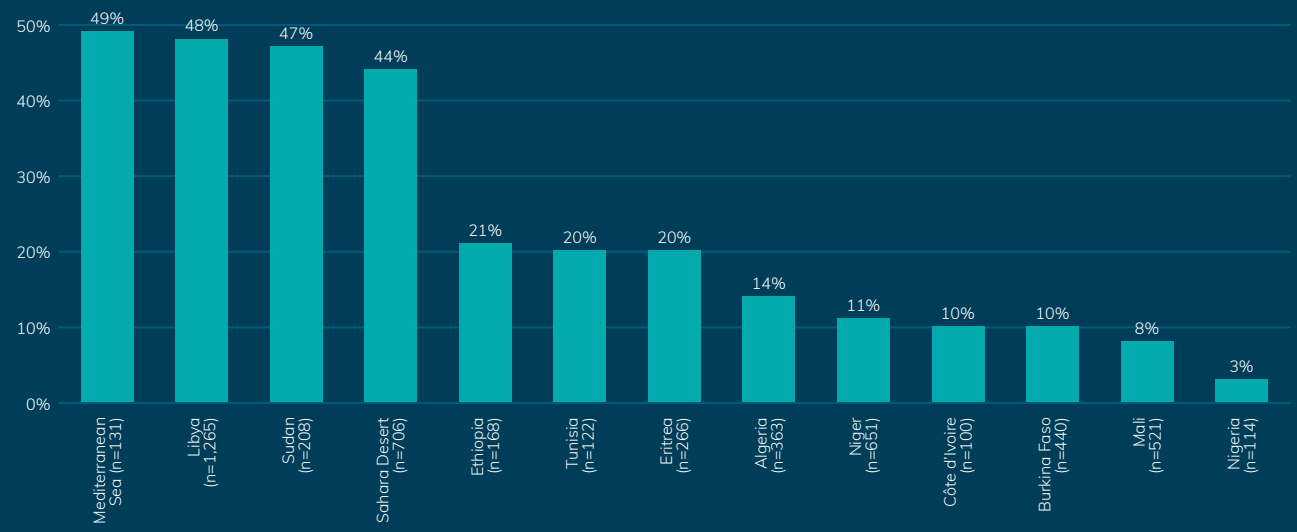
perceptions of smugglers and smuggling

Perceptions of smugglers are mixed, and complex. Here we concentrate on our 4Mi interviews in Africa, along the Central Mediterranean route, to explore what migrants and refugees think about smugglers.

There is little doubt that smugglers pose a protection risk to refugees and migrants, but they appear to be far more dangerous in some locations than others. Smugglers were considered to be among the main perpetrators of abuse among almost half of people identifying the Mediterranean Sea, Sahara Desert, Libya, or Sudan as dangerous. Smugglers seem to be less prevalent as perpetrators of abuse elsewhere along routes in Africa, but remain a threat, particularly in Ethiopia, Eritrea, and Tunisia.

Figure 1. Smugglers as perceived perpetrators of abuse

(among people who reported a location as dangerous)



Note on the data: Analysis shown here is all countries/locations which more than 100 respondents considered to be dangerous (this does not mean they are the most dangerous locations, due to sampling). Respondents can choose more than one dangerous location in a country, and they can name more than one perpetrator of abuse for each location. Other answer options for perpetrator are: armed groups/militia, criminal (gangs), border guards/immigration officials, family members, military/police, other migrants, people from local community, other, don't know, none. Figures have been rounded.

MMC's understanding of human smuggling: MMC uses a broad interpretation of the terms 'smuggler' and 'smuggling', one which encompasses various activities—paid for or otherwise compensated by refugees and migrants—that facilitate irregular migration. These include irregularly crossing international borders and internal checkpoints, as well as providing documents, transportation, and accommodation. This approach reflects refugees' and migrants' perceptions of smuggling and the facilitation of irregular movement. Our interpretation is deliberately broader than the UN Protocol against the Smuggling of Migrants' definition. However, this does not imply that MMC considers all activities it includes in its broad understanding of smuggling to be criminal offences. MMC prefers to use the term 'human smuggling' instead of 'migrant smuggling' as smuggling involves both refugees and migrants.

Figure 2. How far do you agree that the smuggler helped you achieve your goal of migration?

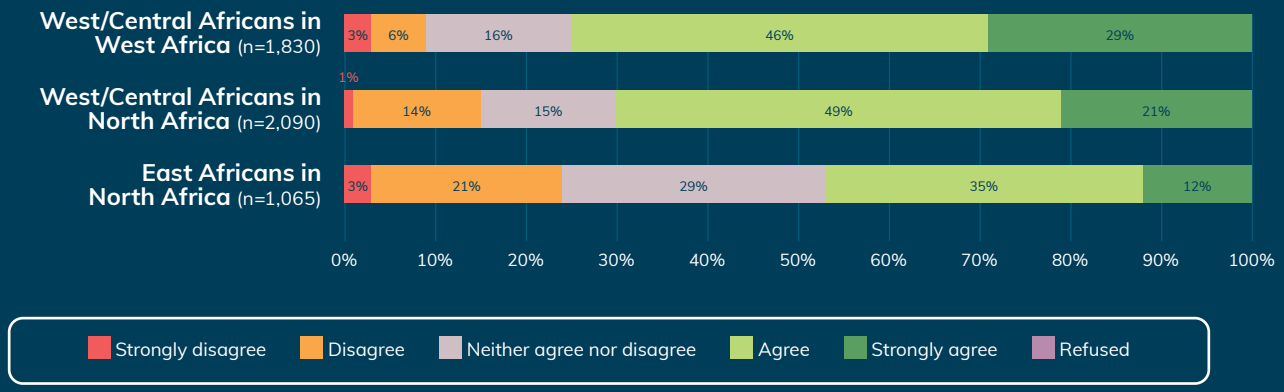
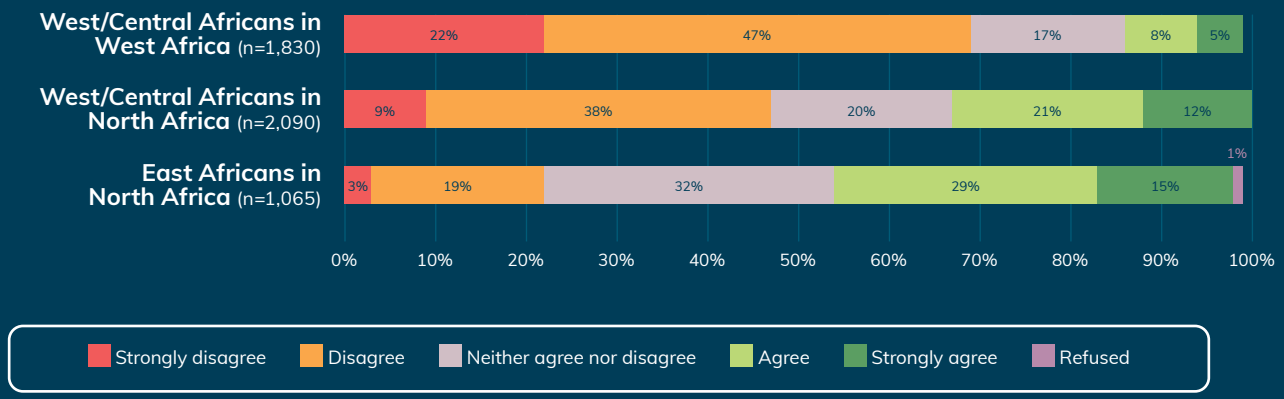


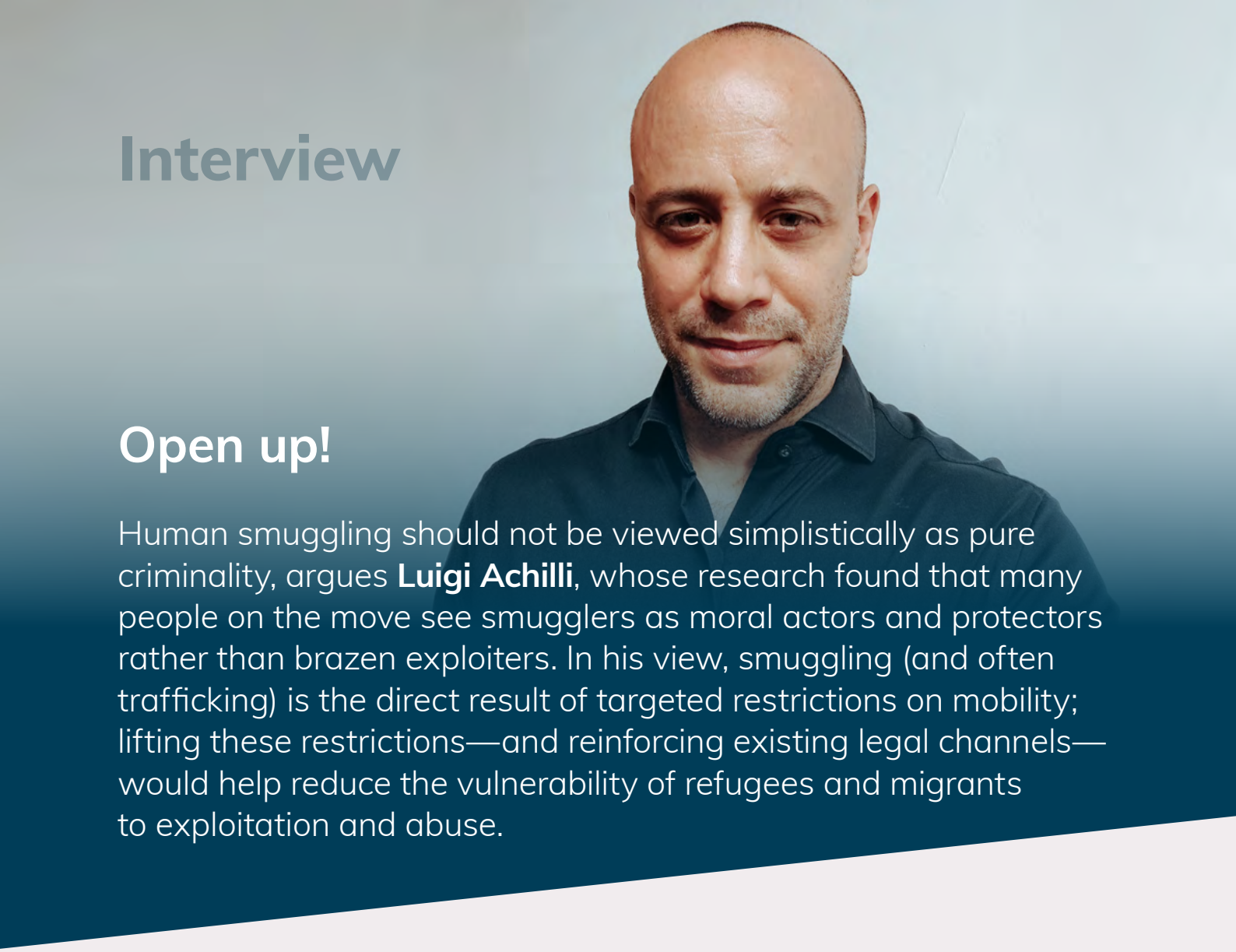
Figure 3. How far do you agree that the smuggler misled you?



Despite the risks that smugglers pose, a majority of 4Mi respondents agree that smugglers helped them achieve their goal of migration, particularly among West and Central Africans, both in West and North Africa.

People who had used smugglers for the most part did not feel they had been misled, although it is less the case among people interviewed in North Africa, having crossed the Sahara. Nonetheless, the proportion who believe they were misled remains below 50%. The results for East Africans in North Africa differ, Eritreans particularly believe that they were misled, and far less frequently disagree with the statement. The fact that smugglers are simultaneously among the main perpetrators of abuse in some places, but also seen as having helped people to achieve their goal, shows the need for nuance in how we portray and discuss the role of smugglers in mixed migration, as discussed in the essay on page 144.

Interview



Open up!

Human smuggling should not be viewed simplistically as pure criminality, argues **Luigi Achilli**, whose research found that many people on the move see smugglers as moral actors and protectors rather than brazen exploiters. In his view, smuggling (and often trafficking) is the direct result of targeted restrictions on mobility; lifting these restrictions—and reinforcing existing legal channels—would help reduce the vulnerability of refugees and migrants to exploitation and abuse.

Luigi Achilli is part-time assistant professor at the European University Institute and senior researcher at the Christian Michaelson Institute. He holds a Ph.D. in social anthropology from the School of Oriental and African Studies (SOAS). He taught at Cambridge, SOAS, and various universities in the Middle East. His work focuses on irregular migration, forced displacement, smuggling networks and transnational crime.

Migrants and those on the move are often caricaturised as desperate and only motivated by need, but is this always the case? Shouldn't receiving countries be allowed to restrict access if they choose?

It's a good question because the point is not categorising migrants as either passive victims or deceitful tricksters who want to capitalise on the protection supposedly offered by states' asylum apparatus. The decision to embark on irregular journeys is a complex one. In fact it's very difficult to disentangle who are economic migrants or asylum seekers. This is actually one of the reasons why we talk now about mixed migration: not only because migration flows these days include different categories of people on the move, but also because the same person might be a migrant escaping a situation of extreme danger and an individual seeking to improve their economic condition. As a matter of fact, most asylum seekers who I encountered during my research were both fleeing war or persecution and also looking for better economic prospects. They would try to reach their destination and, if these journeys are facilitated by smugglers, they would use them.

But for those who fail to meet the criteria, receiving countries are finding return is difficult. It's expensive, and many countries of origin do not accept return of irregular migrants or failed asylum seekers.

There have been plenty of studies that show it is not really cost effective trying to contain migration. In this sense, containment may not only be even more expensive than returning migrants, but it can also be altogether ineffective. The evolution of migration flows across the Mediterranean has demonstrated how effectively stemming migration flows across certain routes might redirect migrants on different paths. Most

importantly, returning migrants fuels human smuggling. Migrants' deportation is part and parcel of a security-based approach that has inspired migration policies in and outside Europe. This approach may be partly effective when we talk about stemming migration but, if its intended goal is fighting human smuggling (and protecting migrants), it is counterproductive by creating in most cases the basis for the demand of smuggling services since legal channels of mobility are precluded. We can call it a self-fulfilling prophecy: it creates the same phenomenon that it intends to fight.

> **"As long as we frame human smuggling as a criminal phenomenon, we will not be able to understand its complexity and the mechanisms of cooperation, trust, and protection engrained in it."**

You are a smuggling expert with the Global Initiative against Transnational Organised Crime. To what extent do you think human smuggling should be analysed from a criminal perspective as part of the illicit global economy?

I'm not against considering human smuggling also as a criminal business. Only, this has been the dominant approach to this phenomenon over the past decades. I think now the time is ripe for different perspectives, those that take into account also the social and moral dimension of human smuggling. If we frame it as a criminal phenomenon, we will not be able to understand its complexity and the mechanisms of cooperation, trust, and protection engrained in it. For example, I recently conducted research with unaccompanied minors across the Eastern Mediterranean route. Most of my research participants would avoid the official channels of protection put in place by the authorities and the international community because they found them detrimental to their own mobility goals and even protection. On the other hand, they would prefer to rely on human smuggling for protection and mobility. Of course, I do not want to argue that the smuggling, especially if it involves minors, cannot take forms that are appalling. However, rather than repeating a narrative already abundantly circulating in media and policy circles, I think we need to approach the issue from a different angle and recognise the capacity of migrants, including minors, to engage these groups in order to craft new spheres of possibility in an increasingly divided global order.

Aren't you too soft on smugglers?

I've been actually accused of glorifying human smuggling! But no, my goal is not to replace one simplistic narrative with an equally simplistic narrative. I'm not replacing the criminological perspective to human smuggling with, let's say, a humanitarian perspective, i.e. that smugglers are a community of righteous and good-intentioned people. Obviously, it's not the case: human smuggling, pretty much like any other human phenomenon, is a complex phenomenon. It entails deception, violence, and exploitation, along with trust and protection and other more positive things. What I wanted to do was to shift the attention away from the "dark side" of human smuggling—a dimension overwhelmingly documented—to its moral and social dimensions in order to show how human smuggling is a much more complex phenomenon that is usually portrayed.

Human smuggling has a deep moral and social significance for people, both smugglers and the migrants themselves. As a matter of fact, many smugglers that I encountered operated by helping the members of their immediate circles to reach destinations that were otherwise precluded for legal-channels mobility. They claimed to do that as part of what they saw as a moral economy, choosing ethics over profits. You may say that this is a hardly surprising: I mean, people tend to justify their actions with moral claims. But what was surprising is that many, if not most of the migrants I encountered, actually confirmed this perspective: they too saw smugglers as performing a moral act. They describe their own smugglers as good people, at times even heroes. Of course, this does not mean that violence and exploitation never occurred in the interactions between smugglers and migrants. The point is that what me and other researchers have found is that violence and exploitation are more the consequence of a protracted situation of vulnerability in which migrants find themselves rather than the precise intent of criminal-minded actors.

> **"Many—if not most—of the migrants I encountered saw smugglers as performing a moral act."**

The British government is not unusual in characterising the irregular migration question as a fight against criminals, against human traffickers. Is this just a diversion tactic, mainly to serve other political aims?

These characterisations are not necessarily wrong. The policies that accompany these characterisations, on the other hand, are narrow-minded. There have been instances of human smuggling turning into human trafficking. However, if the British government (or any other government) uses this characterisation to fuel moral panic and legitimise the adoption of more authoritarian and restrictive migration policies, this tactic will create just more vulnerability among migrants by generating the very conditions for smuggling to exist and exploitation to occur. We should never forget that

human smuggling is created exactly by states imposing restrictions to mobility on certain to groups of migrants. This has been well documented by now. However, policymakers seem to be privileging short-term political goals rather than long-terms solutions to the phenomenon of human smuggling. And not surprisingly so: heavy-handed and "muscular" approaches to human smuggling are much easier to sell to a frightened public opinion. But the best way to [counter] human smuggling is opening channels of mobility. The trouble is that if you support open channels of mobility you give the impression that you are opening your country to waves of migrants. That will make you highly unpopular.

> **"Heavy-handed and 'muscular' approaches to human smuggling are much easier to sell to a frightened public opinion. But the best way to counter human smuggling is opening channels of mobility."**

Do you think that in recent years as human smuggling has become very lucrative, it has displaced trafficking?

I think there is an overlapping of human smuggling and human trafficking. I don't think this has to do with the money as if human smuggling is in the hands of a few kingpins who would otherwise be engaged in trafficking. This is a myth. Smuggling is almost always made up of very small and loose groups or organisations that enter partnerships with one another for a short period of time. It's too difficult for a single organisation to single-handedly control journeys of people across several countries and even continents. But there is some evident overlapping between human smuggling and human trafficking. This overlapping happens in a situation of limited opportunities for mobility and severe vulnerability. For example, an interesting study by the International Centre for Migration Policy Development shows that much of the human trafficking going on in Syria among Syrian asylum seekers is not perpetrated by criminal organisations, big criminal organisations, but family members, acquaintances, and friends.[1] This is what I found out with my research too: exploiting or being exploited can be the only way forward for people that are left have no other viable alternative for survival. For example, I did research with minors that were working in the Bekaa Valley, which is an agricultural area in Lebanon near the border with Syria. There were many underage Syrians working there in a situation of severe exploitation. However, rather than being a ring of traffickers, in many cases, it was their own fathers, their own parents, who facilitated their hiring and mobility across borders. To these kids and their families, this was the only way to escape a situation of immediate danger in Syria.

In recent years there have been numerous media and human rights reports about a lot of children coming to Europe that seemingly disappeared once they arrived, and people feared they had been trafficked. Your thoughts on this?

Yes. This was a common, and widespread fear that kids could end up falling into the hands of traffickers. And to a certain extent, for sure that happened as well. But it is also very likely that many "disappeared" of their own volition. Studies have shown that over 20 percent of minors put in protective custody disappear within the 24 hours after their placement in protective custody. The media assume they have fallen victim to trafficking, but the reality seems to be quite different. These underage kids left of their own will, and they did that because being put in protective custody for them was a disregard of their own best interest: they didn't want to be stuck. They also feared that eventually they could be forced to return home. So they actually trusted much more smugglers than official processes and channels of protection.

If you were free to implement three key policy positions in relation to mixed migration, what would they be?

There are many but three that would go a long way to improving this would be: firstly, I would support the opening of new channels of legal entry and reinforce existing ones through granting humanitarian visas, creating humanitarian corridors between transit countries and Europe, and facilitating alternative legal routes, such as family reunification, university fellowships and scholarships, training programs. Second, I would want to address the reform of the Common European Asylum System. The first step for this to happen is a radical modification of the Dublin Regulation. However, the regulation of international and external refugee flows in the EU zone should be a shared responsibility among member states. Finally, return operations must not be used as a deterrent to irregular migration and human smuggling. Most importantly, return to countries other than the country of origin should only be carried out in compliance with the international protection regime and only when the person has a meaningful link with the country concerned.

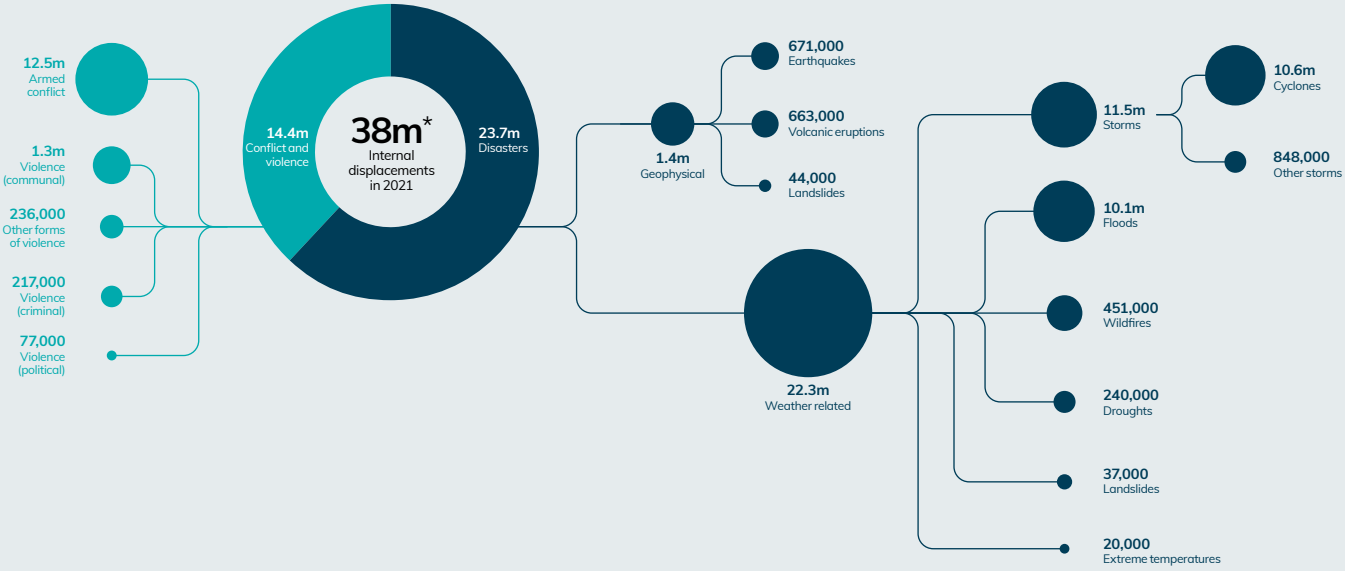
> **"Human smuggling and human trafficking overlap in situations of limited opportunities for mobility and severe vulnerability."**

1 Healy, C. (2016) Targeting Vulnerabilities - The Impact of the Syrian War and Refugee Situation on Trafficking in Persons - A Study of Syria, Turkey, Lebanon, Jordan and Iraq. International Centre for Migration Policy Development.

Climate-induced displacement: Persistent and undeniable

While numerous studies show that climate change is only indirectly linked to international migration, escalating internal and forced displacement within regions is clearly climate induced.[1] And it's on the rise. According to the Internal Displacement Monitoring Centre (IDMC) more than twice as many people are displaced within their own country compared to the number forced out of their country as refugees, and in 2020 climate disasters "caused more internal displacement than war".[2] In what IDMC describes as the highest annual figure in 10 years, more than 40 million new displacements were recorded in 2020 (up from 25 million in 2019) and of those 30 million were a result of floods, storms, and wildfires.[3]

Graphic 1. New displacements in 2021: Breakdown for conflict and disasters



Source: IDMC. *Due to rounding, some totals may not correspond with the sum of the separate figures..

Of weather-related disasters, flooding caused far more displacement than drought, but a 2021 World Bank report indicates that in terms of long-term migration, droughts are three times more likely to cause migration than water-related events.[4]

According to the UN's Office for Disaster Risk Reduction, anthropogenic global heating has triggered a near doubling of natural disasters in the past 20 years: at least 7,348 major disasters occurred between 2000 and 2019, claiming 1.23 million lives and affecting 4.2 billion people worldwide.[5]

The world's poorest are bearing the brunt of increasingly severe delayed rainfall (drought), heavy and destructive rainfall, unpredictable rainfall patterns, along with infertile soil, destroyed harvests, wildfires, and landslides. These are particularly bad years: La Niña is a global climate phenomenon that causes heavier rainfall in some locations and aggravates drought in others. The current phenomenon started in 2020, caused havoc through 2021, and continued into 2022. The ongoing drought in the Horn of Africa and southern South America bear the hallmarks of La Niña, as do the above-average rainfall in South-East Asia and Australasia and predictions for

1 Brown, O. (2008) Migration and Climate Change. International Organization for Migration; The White House (2021) Report On The Impact Of Climate Change On Migration.
2 Dehgha, S.K. (2021) Climate disasters 'caused more internal displacement than war' in 2020. The Guardian
3 IDMC (2022) Global Report on Internal Displacement 2021.
4 Zaveri, E. et al (2021) Ebb and Flow: Volume 1. Water, Migration, and Development. World Bank Group.
5 CRED/UNDRR (2020) The Human Cost of Disaster: An overview of the last 20 years 2000-2019.

an above-average Atlantic hurricane season.[6] Some foresee the current La Niña may stretch into 2023 in a "triple dip" scenario.[7]

The current extreme, widespread, and persistent multi-season drought affecting Somalia, the arid and semi-arid lands of Kenya, and Ethiopia's eastern and southern pastoral areas, is unprecedented, affecting almost 20 million people.[8] According to an aid agency overview published in July 2022, "four consecutive rainy seasons have failed in Somalia, a climatic event not seen in at least 40 years. The 2022 March-May rainy season was the driest on record, devastating livelihoods and driving sharp increases in food, water, and nutrition insecurity."[9] The rains due from October to December this year are also projected to fail.

Apart from an estimated 3.6 million livestock deaths the "unprecedented emergency is ravaging drought-affected communities" and by mid-year over a million people were displaced in Somalia and southern Ethiopia.[10] Millions of others were and are stuck in involuntary immobility despite dire conditions.

In 2022, families taking desperate measures to survive, leaving their homes in search of food, pasture, water, and alternative livelihoods due to the effects of a changing climate were again seen in every continent of the global South. Nine countries and regions in IDMC's list of "ten internal displacement situations to watch in 2022" are severely affected by natural disasters and climate change. Academics and policymakers may debate the linkages between climate change and international migration, but climate-induce displacement continues to be a widespread and inescapable reality.

6 World Meteorological Organization (2022) Stubborn La Niña persists.
7 Ibid.
8 OCHA (2022) Horn of Africa Drought: Regional Humanitarian Overview & Call to Action
9 Somalia Education Cluster (2022) Somalia Drought Crisis: Education Snapshot, July 2022.
10 World Meteorological Organisation (2022) Meteorological and humanitarian agencies sound alert on East Africa.

Relocating refugees and migrants as another form of 'warehousing'

As asylum space globally continues to shrink, governments invent new and increasingly radical "solutions" to address the challenges of irregular arrivals, increased demand for asylum, and hosting refugees.

For decades, and throughout the world, refugees and migrants have been detained, placed in camps, concentrated into segregated areas, and otherwise controlled and their movement restricted by national authorities. The millions of refugees who have been, and continue to be, "warehoused" in dozens of camps in every continent are subsequently as good as forgotten by the world as they live out their protracted displacement with minimum freedoms and opportunities and often totally dependent on aid.

Such warehousing has been particularly prevalent since the 2015-2016 refugee/migration "crisis" in Europe and since the onset of the Covid-19 pandemic.

As the numbers of those on the move irregularly have grown, governments have sought to find more technocratic and administrative responses through what some academics have termed the "logistification" of reception.[1] "Crucial to this process of 'logistification' is the warehousing of asylum seekers—an art of government that seeks to objectify asylum seekers through their depersonalisation, victimisation, and (im)mobilisation."

Exemplifying this trend, in May 2015 the European Commission launched the "hotspot approach" by which "'frontline' Member States have to address the logistical challenge of organising the first reception and identification of migrants with the operational assistance of EU agencies."[2] The dire, overcrowded conditions in the hotspot reception centres are widely regarded as a deliberate tool of deterrence.[3]

But warehousing doesn't just take place in camps. In 2021, Türkiye, which the EU pays billions of euros to hold back (mainly Syrian) refugees, warned it would not become the "refugee warehouse" for Afghan asylum seekers hoping to reach Europe.[4] Here the term is expanded to suggest a country can effectively hold and detain groups of people whose onward movement is not desired as part of the EU's externalisation policy. Similarly, the US has made deals with neighbouring Mexico to hold tens of thousands of asylum seekers who were deported before their status was determined in the US. Libya offers a more extreme example of externalisation: by financing the Libyan coastguard to re-detain refugees and migrants on the Mediterranean Sea, the EU stands accused of participating directly in the *de facto* warehousing of unwanted EU-bound mixed migration groups in "hellish conditions".[5]

Modern "warehousing" approaches, presented as effective migration management mechanisms, group irregular migrants and asylum seekers together as an undesirable logistical problem better dealt with far away before they arrive until their ultimate fate is decided. Australia, for example, has for 20 years adopted harsh and widely condemned offshoring policies to (successfully) deter maritime irregular arrivals by holding asylum seekers on its own Christmas Island and by paying Papua New Guinea and Nauru to host detention centres.

Since 2020, Bangladesh has planned to relocate 100,000 Rohingya refugees from mainland Cox's Bazar to the barely habitable silt island of Bhasan Char, some 120 km off the mainland. So far, 19,000 Rohingya have been forced to live there in prison-like conditions despite UNHCR condemnation, and a further 81,000 are being threatened with relocation by the end of 2022.

In 2022, the UK parliament passed the Nationality and Borders Act, known to its critics as the "Anti-Refugee Bill", since, among other draconian measures, it criminalises entering the UK without a visa.[6] The law laid the groundwork for a deal the UK government struck with Rwanda under which those arriving on British shores

1 Vianelli, L. (2021) Warehousing asylum seekers: The logistification of reception. Environment and Planning D: Society and Space. According to Vianelli, "In this process, organisational and logistical concerns prevail over the care for those who are assisted, and reception is turned into a logistical matter of moving and accommodating asylum seekers." See also: Mezzadra, S. (2017) Digital Mobility, Logistics, and the Politics of Migration. Spheres, Journal for Digital Cultures.
2 European Parliament (2015) Integration of Refugees in Greece, Hungary and Italy.
3 Papada, E, et al. (2020) Pop-up governance. Transforming the management of migrant populations through humanitarian and security practices in Lesbos, Greece, 2015-2017. Environment and Planning D: Society and Space.
4 MacGregor, M. (2021) Erdogan: Turkey will not become Europe's 'refugee warehouse'. Infomigrants.
5 Amnesty International (2022) Libya/EU: Conditions remain 'hellish' as EU marks 5 years of cooperation agreement.
6 Lock, H. (2022) The UK's 'Anti-Refugee Bill': What Everyone Should Know. Global Citizen.

via the English Channel—who numbered more than 40,000 in the first ten months of 2022[7]—are liable to be deported to the east African country to have their asylum claims processed. Successful applicants will be granted refugees status in Rwanda but for the most part not allowed to return to the UK. This extreme form of external warehousing has been challenged in the courts and to date no deportation has taken place.

In June 2021, Denmark's parliament passed Bill L 226, a legislative amendment allowing for the transfer of asylum seekers to a third country outside the EU for the purposes of both asylum processing and protection of refugees in the third country. Since then, Denmark has also signed a memorandum of understanding with Rwanda but to date no transfers have taken place and the initiative is likely to be contested in the courts by civil society.

Meanwhile, millions of refugees and others in mixed migration movements remain in camps and/or detention centres in every region of the world, held in limbo for protracted periods with an increasing number warehoused externally, deported, relocated, or otherwise involuntarily immobile.

7 Payne, S. and Abboud, L. (2022) UK and France set to unveil deal to tackle migrants crossing Channel. Financial Times.

Interview

Uneven playing field

Dissecting the notion and exploring current examples—both laudable and lamentable—of "migration diplomacy", **Fiona Adamson** argues that much contemporary analysis glosses over important global structural imbalances and overplays the idea that the global South has succeeded in using migration as leverage against a cowed global North. At the end of the day, it's the North that holds most of the keys and is keeping too many doors unnecessarily locked.

Fiona Adamson is Professor of International Relations at SOAS, University of London. Her research interests are in international relations theory, transnational identity politics, international peace and security, global governance, and migration and diaspora.

How are we to understand some countries' seemingly inconsistent immigration policies, for example where the US welcomes tens of thousands of Ukrainian refugees at the same time as deporting Haitian asylum seekers en masse without even processing their applications?

Many people have pointed to the racial dimensions, and I don't think that can be ignored: people in the past have compared US attitudes towards Cubans and Haitians. But I also don't think you can ignore the geopolitical dimensions. Anytime you have a migration policy, you're also signalling to other actors in the international system. And so clearly, there's a geopolitical interest in supporting Ukrainians. There's a domestic interest. There's more domestic support as well for that type of policy. So, I think race comes into it, but there are other factors as well.

Do you think people and states discriminate according to whether they expect refugees to be short-stay or long-term?

I think it is the case. You see all these opinion polls showing that people are very willing to accept what they perceive as "genuine refugees", whether that perception is accurate or not. And I think that that plays into it, in terms of public opinion. Whether those distinctions—between "genuine" refugees and economic migrants, for example—are always helpful or accurate is another thing.

Are we seeing more migration diplomacy these days? And what exactly does "migration diplomacy" mean?

I'm not sure if we are seeing more migration diplomacy. I think there's been a lot of migration diplomacy around, but there's much more media and academic attention.

If you look at, for example, Kelly Greenhill's work—you may be familiar with her book, *Weapons of Mass Migration*—she documents the history of the strategic use of migration.[1] So I don't think it's necessarily new.

I think there are two definitions. One is the strategic use of migration by states for diplomatic purposes or foreign policy interests, and that is a view of migration diplomacy that links migration issues to other state interests. But for me, just as important is the idea that states use diplomatic methods or use foreign policy as a way of managing migration flows. I think migration policy has often been studied as a domestic issue. Looking at migration diplomacy brings out the international, bilateral, and multilateral dimensions of migration policy formulation.

What are some notable contemporary examples of migration diplomacy?

There are some major recent examples involving Türkiye, Belarus, and Morocco but I won't repeat those because I think those have been discussed and analysed quite a bit. One worrisome migration diplomacy development is the UK's agreement with Rwanda to fly asylum seekers to Rwanda. The UK obviously is not the only one: Australia has been doing this, Denmark is doing this, but to actually be paying states to take asylum seekers, that is, I think, a problematic example of migration diplomacy. But you can also see all the EU readmission agreements: whether they're formal Memorandums of Understanding or agreements that are snuck into other types of bilateral diplomatic negotiations, they're also a form of migration diplomacy.

You've written that two key approaches to the bargaining that states use in their migration diplomacy are zero-sum and positive-sum strategies. Can you explain these ideas?

Basically, zero sum is much more conflictual and positive sum is much more win-win and cooperative. An example of zero-sum would be a case like Belarus, which was using migration as a way to bargain and to get leverage over the EU. I think something that is more cooperative, would be some of the labour migration agreements where presumably there's a need for labour [and] there's an interest in promoting emigration on the part of the sending state. And you have a much more positive sum situation where both states are gaining, both states have an interest in the agreement.

> **"The EU has lost a bit of its normative power and soft power in terms of its desire to be a beacon for human rights."**

So what about the EU Türkiye statement? Zero sum or positive sum?

So, with the EU Türkiye deal I think it's hard to argue that it's positive sum, because I think that the EU has lost a bit of its normative power and soft power in terms of its desire to be a beacon for human rights and so forth. It has been effective from the EU perspective in limiting migration, but I think there have been a lot of costs in terms of EU soft power. And, certainly, I think migrants themselves or potential migrants are not benefiting in the same way as with some of the labour migration agreements where rights can be built in. For example, the Philippines... it's a great example of a state that's been able to bargain and to really push for the rights of their emigrants, in some cases.

> **"I would like to see a more managed migration system where there is more bilateral negotiation on very nitty-gritty topics."**

Given how economically powerful countries have typically and consistently held sway in international affairs, is it perhaps a sweet irony that the issue of migration gives some of the less powerful nations a strong hand? Or is migration distorting international relations?

Well, you have to look historically, and also, a lot of the cases of migration diplomacy, the more sensational examples, like Belarus, like Morocco, do make it look like it's weaker states using migration to get leverage over stronger states. But that misses the structural power, in terms of the global migration regime, the disproportionate power that global North states have; the playing field is very much not a level one. So it's been a criticism of the migration diplomacy literature that it's focusing on individual actions rather than structural power. In a sense, that's what the migration diplomacy literature often focuses on: individual cases of a state using migration as a form of leverage. But we have to be careful that we don't use that to then say that global North states are being threatened by the use of migration diplomacy by global South states, because we're nowhere near an even playing field in terms of resources and structural power and shaping global migration management regimes.

You've also written that migration diplomacy is set to become an increasingly significant area of foreign policy and statecraft. Can you point to some future potential scenarios?

1 Greenhill, K. M. (2010). Weapons of Mass Migration: Forced Displacement, Coercion, and Foreign Policy (1st ed.). Cornell University Press.

> **"Unfortunately, as the UK-Rwanda deal shows, we're going to see more negative forms of migration diplomacy, especially by states in the global North using the tools they have to externalise migration control."**

Well, I'm the last one to want to predict the future. I'll tell you what I would like to see, but I don't want to say that we'll actually see it: I would like to see a more managed migration system where there is more bilateral negotiation on very nitty-gritty topics, such as migrants being able to take their pensions back to their state of origin, or recognising educational qualifications. I would like to see more multilateral and bilateral negotiations in ways that make mobility safer and make it easier to have circular migration and so forth. Do I think that's going to happen under current circumstances? Unfortunately, as the UK-Rwanda deal shows, regrettably, I think we're going to see more negative forms of migration diplomacy, especially by states in the global North using the tools that they have to externalise migration control.

But at the same time as you have these forms of externalisation, you have concerns about falling birth rates in Europe and elsewhere, in the US as well. So, one can't help but be cynical about this: on the one hand, having concern about falling birth rates, and on another hand having the heightened politicisation of immigration, and, as we discussed earlier with Haiti and Ukraine, the issue of race. And I think it is hard not to be cynical about these dual developments.

> **"Migration has become a symbol, or a distraction, from a general sense of a loss of political control at the national level."**

What about the contradiction between the OECD countries needing migrant labour and the strong tendency to fortify borders and restrict asylum and deport irregular migrants that we're seeing? How do we explain these kinds of contradictions?

Not to get too academic, but I think partly this is about the crisis of the nation state. We're living in a very different world from post 1945. If you look at the international order, if you look at the kind of global institutions, such as UNHCR, IOM, they all emerged in the post-1945 order. And that was a very different time in terms of communication and transportation technologies. I think migration has become a symbol, or a distraction from a general sense of a loss of political control at the national level. It's quite an easy target for national-level politicians. And you often see that policies around migration, or debates around migration, are much less extreme at the local level. Not that you don't have variation: if you look at the UK, a lot of the councils have quite robust refugee-reception policies, and they're not politicised to the same extent as they are at the national party level. So, I think some of what's happening is a form of symbolic politics around the nation and the state, and maybe some sort of ontological existential issues about the future of nation states.

What about the role of climate and the impact that climate change is going to have in relation to the future of migration diplomacy?

I often think that those who are interested in drawing attention—rightly—to climate change and environmental issues use alarmist scenarios about migration or securitised migration in ways that draw attention to climate change but that often have negative effects in terms of drawing on an anti-migration impulse in the public. In fact, in very few cases is there a direct line between climate change effects and migration. But I do think the combination with heightened competition over natural resources, [such as] water, or arable land [means] there's going to be displacement. Of course, there's going to be pressure on migration systems and for now we're not equipped for it. Again, it's going back to the post-1945 definition of a refugee. We don't have the appropriate categories and the legal systems to deal with the types of migration that we're going to be seeing in the future. We have to go beyond thinking about political persecution and war in terms of formally defined forms of conflict and look at what Alex Betts has referred to as "survival migration".[2]

But doesn't the very notion of that automatically imply larger numbers? Which would, following what you said earlier, if anything, increase the attitude of externalising migration policy and restricting mobility?

I don't want to see that kind of future, but the pessimistic side of me fears that that could be the case, unless there's concerted and coordinated action, which does not seem to be the direction of travel these days.

How will history judge the Global Compact for Migration (GCM)? Will it be effective?

It's too hard to tell at this point. I do think it is well intentioned but there is a disconnect between some of the international-level discussions around the GCM and the domestic politics around migration. And there's a

2 Betts. A. (2013) Survival Migration - Failed Governance and the Crisis of Displacement. Cornell University Press

huge distance between the type of discourse that you see in international venues and negotiations around the GCM. I also think that it's unfortunate that the global compacts on migration and on refugees are two parallel processes, because they rely on an artificial distinction between economic migrants and refugees. The mixed nature of migration is indeed the issue. I can't say that history will judge it [the GCM] poorly because at least it's a positive attempt, but it's outrageous that the level of global governance we have for migration is so much less than global finance and trade. This is something that really needs to be prioritised at the domestic level. And I think national-level politicians need to be doing a much better job, instead of riding the wave of populism or fuelling populism for their own political interests. They need to be doing a lot more, educating the public and putting the issue in a broader context. In that respect, but I think some members of this generation of politicians will—and frankly should—be judged harshly.

> **"It's outrageous that the level of global governance that we have for migration is so much less than global finance and trade."**

Last year, you wrote about the politics of how migration comes to be treated as a security issue.[3] Do you think securitising migration is ultimately a red herring or a distraction tactic?

I think it very much depends on which government, in which state, and in which context. In general, in most states—and I've written about this previously—migration is not a security issue. It can be a social issue [and] it can be an economic issue. It's not that there are never any security elements at all, but it's not a hard security issue. I think in some other contexts... for example, in Türkiye where you have the Syrian conflict next door and it's connected with Türkiye's own Kurdish conflict in the Southeast, there are cases where migration is a security issue in a very different way than the kind of securitisation discourse that you see in the US or northern Europe.

If you had a free hand, what would be your top three policy issues in the migration sector?

Well, firstly, and this is an obvious one, I think that more legal channels for migration are necessary, especially in Europe and North America. I think there's a capacity to take many more migrants. The asylum system is currently being burdened because of the very few options for legal migration and therefore some claimants for asylum feel they have no choice but to try to gain access to destination countries as a refugee.

There should be many more legal channels for work visas, for study visas. There's a lot of policy attention on smugglers and non-state actors, but they're only filling a gap in the market. The supply of legal migration channels is much smaller than the demand. Have more opportunities for circular migration so that people don't feel they have to make a choice of either staying or going. [For example,] it used to be that Tunisian fishermen could go back and forth between Tunisia and southern Italy. And suddenly when you have more restrictive migration, people have to make a choice, and it may actually create incentives for migration or for family reunification because people can't go back and forth.

Second, I would also say that I think it's a huge problem not to allow asylum seekers, or those who are waiting to hear their cases, to work. There should be more employment possibilities for those who are seeking asylum and waiting to hear the result of their applications.

Thirdly, I think there needs to be much more awareness amongst the general public of the level of South-South migration. Many scholars are trying to draw attention to this, but I think there needs to be greater effort in educating people about global realities beyond the local level, so that people can place current migration issues in a broader context, a broader historical context, and also a broader global economic context. People need to have the background to evaluate policies without just reacting to whatever current political discourse is being spun around.

> **"There's a lot of policy attention on smugglers and non-state actors, but they're only filling a gap in the market."**

3 Adamson, F. (2021) Migration and Security. Published in: Money, J. & Lockhart, S. (eds) (2021) Introduction to International Migration - Population Movements in the 21st Century. Routledge.

Raising the bar: New international instruments, scientific disciplines, and practice related to missing migrants

After decades of official indifference, is the "great untold tragedy" of missing migrants, a key characteristic of today's mixed migration phenomenon that continues to claim mostly unnamed lives on a daily basis, finally getting the attention it deserves?

By Chris Horwood[1]

Introduction

Several important texts to emerge in recent years have given unprecedented attention to the issue of missing migrants, highlighting states' obligations to address a long-neglected and large-scale calamity. Chief among them are:

- The (2018) Mytilini Declaration for the Dignified Treatment of all Missing and Deceased Persons and their Families as a Consequence of Migrant Journeys;[2]
- The (2019) Guiding Principles for the Search for Disappeared Persons which are based on the International Convention for the Protection of All Persons from Enforced Disappearance and other relevant international instruments;[3] and
- Various clauses of the (2018) Global Compact for Migration.[4]

The spirit of these new texts is rooted in the 1949 Geneva Conventions and subsequent human rights instruments that require, in times of conflict, the dead be searched for, collected, documented, identified, and disposed of in a dignified manner, ideally by returning remains to bereaved families. These principles are now being applied to humanitarian non-conflict scenarios. The high number of missing or dead resulting from migratory events has served as an impetus to galvanise new efforts.

The Mytilini Declaration was adopted by some 30 organisations and individuals in May 2018 on the Greek island of Lesvos after two days of discussions among experts from across the world. It lists the existing legal obligations states have towards migrants and asserts the rights of the missing and of the deceased and their bereaved families.

A year later, the United Nations' Office of the High Commissioner for Human Rights (UN Human Rights) released the Guiding Principles for the Search for Disappeared Persons. These were based on the International Convention for the Protection of All Persons from Enforced Disappearance and other relevant international instruments, and identify mechanisms, procedures, and methods for carrying out the legal duty to search for disappeared persons. In particular, they seek "to consolidate good practices in searching effectively for disappeared persons, arising from States' obligation to search."[5]

Under Objective 8 of the Global Compact for Migration (GCM) states undertook to "save lives and establish coordinated international efforts on missing migrants".[6] These efforts should include provisions for data collection of deceased migrants to ensure traceability after burial "in accordance with internationally accepted forensic standards." Signatories further agreed to "establish coordination channels at the transnational level to facilitate identification and the provision of information to families".[7]

As this essay will illustrate, this is easier said than done. Raising the bar in terms of setting new standards by which states can be judged has arguably been achieved, but attempting to implement compliance requires Herculean efforts, technical expertise in the field of compassionate science, and stamina, not to mention substantial

1 Chris Horwood is a migration specialist and co-director of Ravenstone Consult.
2 Last Rights (2018) The Mytilini Declaration. Last Rights is a project of Methoria, a UK charity.
3 Office of the United Nations Hight Commissioner for Human Rights (OHCHR) (2019) Guiding principles for the search for disappeared persons.
4 United Nations (2018) Global Compact for Safe, Orderly and Regular Migration.
5 OHCHR (2019) op. cit.
6 United Nations (2018) op. cit.
7 Ibid.

political and financial commitments and transnational coordination. These efforts are not currently championed by states but instead are led by international agencies, non-government organisations, and academic centres.

Measurements hindered

Understanding the scale of the missing migrant phenomenon is challenging because of the clandestine nature of irregular mobility and the absence of documents or records of identity amongst the remains of those who perish. Often there are no witnesses available; those who might have borne testimony may have died in the same incident or have long since moved on by the time any investigators arrive on the scene. In some cases, relatives are not even aware their loved ones have migrated or which route they took. In others, no human remains are found, or tragic events take place beyond national boundaries in international waters, for example, raising questions around jurisdiction and responsibility that cause delays or inaction.

According to the International Organization for Migration (IOM), at least 75,000 people have died globally since 1996 while migrating, more than 40,000 of them since 2014.[8] In the Mediterranean, almost 23,000 have gone missing since 2013.[9] These are conservative estimates: the real figures are presumed by most analysts to be considerably higher.[10] But more accurate figures are impossible to come by because many cases are not reported or documented given the "extraordinary difficulty in gathering accurate information and data."[11] Groups of migrants may disappear altogether, or, in situations where they are regarded as uninvited and undocumented foreigners, there may be little national interest in investing money and time in investigations.

Moreover, some states lack the capacity to launch basic police investigations—let alone forensic enquiries—into missing migrants. In some cases, state officials may be directly implicated in migrant disappearances and/or deaths and therefore unlikely to be reliable or motivated investigators.[12] All too often, embassies and consulates show little interest in pushing host governments to investigate their missing or dead citizens in transit or destination states. Although some governments have created departments dedicated to assisting the search for missing migrants and supporting their families, many others seem more preoccupied by the criminalisation of irregular movement.[13]

The magnitude of the problem

A sense of the magnitude of the difficulties facing forensic teams investigating migrants' deaths can be drawn from the notorious example of the fishing trawler that sank off the coast of Libya in April 2015.[14] Massively overloaded with refugees and migrants from a wide spectrum of African states, the vessel dragged almost all aboard to an underwater tomb, only to be discovered inside the hull once the wreck was raised from the seabed a year later.[15] Initially, the fatalities were thought to number 800, the most ever recorded in a single disaster involving a boat carrying refugees and migrants. But further investigations revealed the decomposed remains of an additional 300 bodies inside the trawler.[16]

When a boat packed with more than 360 refugees and migrants from different countries sank several miles off the coast of Borg Rasheed, a village in Egypt's northern Behera province, in September 2016, just 163 people were rescued.[17] Thirty-three were found dead inside the boat and 168 people drowned nearby. Scientists from the Egyptian Forensic Medicine Authority were called to the scene to identify the dead and establish their cause of death.[18] In Malaysia in 2015, migrant and refugee bodies, presumed to be nationals of Bangladesh and Myanmar, were exhumed from multiple mass grave sites in the jungle bordering Thailand. They were found months after being murdered or having died from neglect at the hands of their smugglers.[19] In the arid and remote savannas of the US-Mexican border there are hundreds of cases where human remains are still unidentified despite exhaustive multi-agency collaboration over many years.[20] In these kinds of context, where thousands of migrants die annually, and with respect to identification alone, the extent of the forensic challenges facing those working in line with the Mytilini Declaration and Objective 8 of the GCM becomes clear.

8 IOM (2021) Migrant deaths and disappearances. Migration Data Portal.
9 IOM (2021) Migration within the Mediterranean. Missing Migrants Project.
10 In 2018, an investigation by the Associated Press determined that IOM had vastly underestimated the number of missing migrants, which it calculated to be at least 56,800 since 2014. Hinnant, L. (2018) Missing migrants, lost and dead: AP methodology. AP.
11 Citroni, G. (2019) Clarifying the fate and whereabouts of missing migrants: Exchanging information along migratory routes . ICRC.
12 Recently reported examples include incidents in Libya, Sudan, Egypt, Yemen, Mexico and Thailand.
13 Governments that have taken action include those of Mexico, Greece, and Italy.
14 Nadeau, B. (2017) Giving Dead Migrants a Name. American Scientific.
15 Ibid.
16 Hinnant, L., Thomas, T. & Larson, K. (2018) 300 uncounted dead: 2015 migrant shipwreck yields new clues AP News.
See also: Tondo. L. (2021) 'A question of dignity': the pathologist identifying migrants drowned in the Med. The Guardian.
17 Haddon, H. (2017) Egypt boat disaster shines light on new migration trend. The New Humanitarian.
18 Ismail, A. (2016) Boat carrying 600 migrants sinks off Egypt, killing at least 43. Reuters.
19 BBC (2015) Asia migrant crisis: Malaysia exhumes mass graves.
20 Doyle, K. (2021) Unidentified Human Remains and Missing Persons: a Global Challenge in The ISHI Report, published by the International Symposium on Human Identification.

Incomplete puzzles

Many migrants and refugees in mixed migratory movements die as a result of misadventure, disease, climatic or geographical hardships, criminal neglect, and even murder. Countless others are trafficked and disappear into forced labour or sexual exploitation, with unknown outcomes.

Consider the nature of the problem facing investigators: migrants go missing or perish in a huge variety of situations, some in remote and inaccessible locations that greatly complicate searches and identification. Migrants commonly drown in the Mediterranean Sea, the Gulf of Aden, the Atlantic , the Indian Ocean, the English Channel, or the Bay of Bengal and elsewhere.[21] They perish in the jungles of the Darién Gap that straddles the border between Panama and Colombia, or Thailand, in the Sahara desert, in the mountains and forests of eastern Europe, in the Evros river along the land border between Türkiye and Greece, or the savanna of the US-Mexican border. Victims of shipwrecks that leave no survivors may go completely unrecorded, while deaths on land might only come to light months or even years later when someone reports finding human remains, or when families or reporters have looked and discovered clues, and pieces of the puzzle start to emerge. Groups of mothers of lost migrant children travel from Central America through Mexico each year.[22] Some find their children alive; others discover remains to bury, but most never get answers and the puzzle is rarely completed, leaving the mystery of their missing children unsolved. In most countries, families lack the resources, necessary information, and political voice needed to even start their search for missing loved ones.

In some cases, migrants themselves or others well-meaningly bury or dispose of the bodies of dead migrants when they come across them, thereby preventing eventual discovery and identification. The extent to which deaths are caused by criminals, state officials, or smugglers has never been fully exposed, although numerous reports indicate many migrants have disappeared or died directly as a result of severe violations or deliberate neglect.[23] The level of impunity enjoyed by perpetrators, and states' failure to take migrant deaths and violations seriously in terms of criminal prosecutions, remains an outrage that underscores the general discrimination against people on the move and the widespread disregard for their fate.

The complexity of identification

Identification of those that perish is the first step to giving the dead dignity and offering a degree of peace to their surviving family and friends—in the unlikely event they can be identified. Most dead migrants are found without documents, making them hard to identify, even when post-mortem data, such as personal effects and survivor testimony, is available. However, a major obstacle to identification is that relatives of the missing rarely contact relevant authorities. Doing so would allow ante-mortem data, such as DNA, dental records, and narrative recollections about the missing person, to be gathered and compared to post-mortem data from unidentified remains.[24] Outreach work to locate and collect ante-mortem data is time-consuming and meets with limited success in most cases. A single case of identity can take years of complicated and expensive detective work to solve.[25] Since 2016, the Colibrí Center for Human Rights has obtained almost 600 DNA samples from families searching for relatives who went missing while crossing the US-Mexico border in an effort to match them with samples from remains found in the Arizona desert. Over the course of several years, the facility only managed to establish matches for 45 families.[26] After 368 people died when the fishing boat on which they were travelling from Libya to Italy sank off the coast of Lampedusa in October 2013, 80 bereaved families came forward looking for their relatives. Although only around 40 of dead were finally identified by forensic teams, the episode illustrates the positive role relatives can play in such efforts.[27] It should be noted that the shipwrecks mentioned in this essay were high-profile incidents that led to an unprecedented mobilisation of forensic resources. According to a 2019 IOM report, "for the vast majority of unidentified migrant bodies examination is often cursory, with tissue samples collected but an autopsy rarely made, [...] for most deaths no attempt to collect ante-mortem data is made."[28]

A compassionate movement

Various agencies and individuals have been responding to the need, motivated by the scientific challenge, and a sense of indignation that missing and dead migrants and their families have been so poorly served to date. In some cases, local citizens, such as Tunisian fishermen and Yemeni coastal communities, have responded

21 See, for example: Euro-Mediterranean Human Rights Monitor (2022) Renewed Tragedy - The Rise of Drowned & Missing Migrants & Asylum Seekers Toll in 2021.
22 Semine Kökdil, E. & Mackey, D. (2021) The Mothers of the Disappeared Search Mexico's Migrant Trail for Answers. The New Yorker.
23 Mixed Migration Centre (2021) Smuggling, risks, and abuses: dangerous locations and perpetrators (part 1 of 3). See also: Horwood, C. & Forin, R. (2019) Everyone's prey: Kidnapping and extortionate detention in mixed migration. Mixed Migration Centre.
24 Robins, S. (2019) Analysis of Best Practices on the Identification of Missing Migrants: Implications for the Central Mediterranean. IOM.
25 Doyle, K. (2021) op cit.
26 King, A. (2019) 'No Olvidado': These Americans find and bury missing migrants. CNN.
27 Tondo, L. (2021) 'A question of dignity': the pathologist identifying migrants drowned in the Med. The Guardian.
28 Robins, S. (2019) Analysis of Best Practices on the Identification of Missing Migrants: Implications for the Central Mediterranean. Central Mediterranean Route Thematic Report Series. IOM.

spontaneously by giving unidentified migrants burials.[29] Already in 2004, the International Committee of the Red Cross (ICRC) developed the concept of "humanitarian forensic action" to ensure that those who die in war, disasters, and other complex emergencies are treated with respect and dignity and don't become missing persons. [30] One of the results of this initiative was the creation of the first International Centre for Humanitarian Forensics, in India. Conceptualisation of the wider problem of missing persons now increasingly includes missing migrants, as evidenced by the work of long-established organisations such as the International Commission on Missing Persons and the International Symposium on Human Identification. The ICRC established a Missing Persons Project in 2018 with growing resources and focus on missing migrants, sometimes in collaboration with IOM, which set up its own Missing Migrants Project in 2014 to document deaths and disappearances of international migrants.

On the technical front, by 2013, the Italian authorities and the ICRC were receiving many calls from families of missing migrants, and they realised the issue of identification in the Mediterranean was necessary and urgent. Since the 2013 Lampedusa tragedy, activist-pathologist Dr Cristina Catteneo, a pioneer in "extreme forensics", has led Milan University's Laboratory of Forensic Anthropology and Odontology in body identification. In the Americas, Operation Identification at Texas State University's Forensic Anthropology Center does similar work, using the missing persons database developed by the Colibrí Center for Human Rights. Also, in 2013, Mexico created a Forensic Commission tasked with investigating crimes against migrants and identifying remains.[31] The Argentine Forensic Anthropology Team (EAAF) has been active since 1986 identifying bodies in mass graves and the results of atrocities all over the world; it is now also closely involved in identifying dead migrants and refugees. At a regional level, The Border Project (Proyecto Frontera), led by the EAAF, is an example of efforts to create a multi-country mechanism for the exchange of forensic information about missing migrants and unidentified remains. These are some of the prominent agencies involved in identification that are part of a growing movement of many actors, drawn mainly from the academic and non-profit sectors, but also including UN agencies and some national governmental departments.

This movement is fundamentally rights-based—the right in question being that to be identified at death—and constitutes a compassionate technical response that, due to the extreme conditions where migrant remains are generally found, pushes the frontiers of forensic science to its outer limits. Institutions are finding it important to collaborate internationally in their efforts to solve identification, leading to an intersection of forensic science, and humanitarian action and forensic anthropology.[32]

The 'ambiguous loss' of affected families

There is now a growing recognition of the previously overlooked impact of missing and dead migrants on families. A recent study of affected families from Ethiopia details the "multidimensional emotional and psychological challenges that families experience due to the loss of their loved ones", including grief and social, legal, and economic hardships.[33] The study's findings echo similar research in Central America and elsewhere where loss and uncertainty associated with unresolved cases causes deep suffering that sees no closure and affects family members for years.[34] So-called "unresolved loss" or "ambiguous loss" has profoundly negative impacts on the families of missing persons with the traumatising effect of unanswered questions resulting in long-term "complicated grief".[35]

Ambiguous loss can be regarded as the most stressful type of loss because there is no proof of finality, leading to long-term "embodied grief".[36] Affected families also often experience a sense of disenfranchisement in so far that, as a recent study explained, "in the eyes of the law, religious institutions and the larger community, the family's loss is often not considered 'real' as it would be with a verifiable death".[37] This may result in families and spouses (normally wives) being unable to legally access inheritance or rights to property, in contexts where traditions and customs privilege men. Analysis of the gendered impacts of loss suggests that where debts—such as those related to smuggler fees and ransom demands—have built up prior to and during migration, repayment obligations fall disproportionately

29 Bertoluzzi, G. (2017) The Tunisian fishermen who bury nameless migrants. Open Migration.
30 Cordner, S. & Tidball-Binz, M. (2017) Humanitarian forensic action — Its origins and future. Forensic Science International.
31 Citroni, G. (2017) The first attempts in Mexico and Central America to address the phenomenon of missing and disappeared migrants. International Review of the Red Cross.
32 ICRC (2017) Forensic science and humanitarian action. See also: Solar, A & Beatrice, J. (2017) Expanding the Role of Forensic Anthropology in a Humanitarian Crisis: An Example from the USA-Mexico Border. In Latham, K. & O'Daniel, A. (eds) (2017) Sociopolitics of Migrant Death and Repatriation – Perspectives from Forensic Science.
33 Mengiste, T. (2021) Families of Missing Migrants in Ethiopia: Their Search for Answers, the Impacts of Loss and Recommendations for Improved Support. IOM.
34 García Borja, A. & Viales Mora, E. (2021) Searching for Missing Migrants in Central and North America: Five Good Practices of Civil Society Organizations. IOM.
35 Boss, P. (2017) Families of the missing: Psychosocial effects and therapeutic approaches. International Review of the Red Cross.
36 Crocker, R., Reineke, R., & Ramos Tovar, M. (2021) Ambiguous Loss and Embodied Grief Related to Mexican Migrant Disappearances. Medical Anthropology.
37 Ibid.

on women, who are often the impoverished widows of missing or dead migrants.[38] Further costs accumulate where families expend effort to search for missing family members and/or attempt to repatriate remains, if they are ever found. Few countries have established systems to assist families, showing that little heed has been paid to GCM Objective 8, in which states also undertake to facilitate "communication with affected families" and to "establish transnational coordination channels … and designate contact points for families looking for missing migrants".[39]

Bridging the gap

Stepping into the gap, some international agencies and national civil society organisations are working to respond to the needs of families as well as to improve search capacity and information exchange. Taking the lead, in 2021, the ICRC's global Missing Persons Project produced three new tools related to missing migrants.[40] Apart from working on tools, on the ground ICRC has decades of expertise with missing people that now include missing migrants. In particular, its Family Links initiative responds to requests from family members and is composed of the ICRC's Central Tracing Agency and the tracing services of ICRC delegations and the 190 national Red Cross and Red Crescent Societies.

IOM's Missing Migrants project is increasing its research and advocacy platform on families of missing migrants, while the Last Rights project, which was the driving force behind the 2018 Mytilini Declaration, is joining others to push for a new framework of respect for the rights of missing and dead refugees and migrants as well as bereaved family members.

These initiatives inhabit a comparatively new area of enquiry and practice, one that responds to the practical and moral imperative the issue of missing migrants demands. But they and others are also increasingly highlighting the legal and normative responsibilities of states, which, to date, have been poorly met. As asserted by a UN special rapporteur, the continued and unlawful death of refugees and migrants "represents one of the great untold tragedies of this catastrophe, one that triggers the responsibility of States to provide dignity and accountability in death."[41]

What's next?

Specifically on states' commitments relating to the GCM's Objective 8 and the absence of activity to date, relevant agencies are now listing actions that need to be taken in three key areas. These are: 1) preventing migrants from dying or going missing; 2) searching for and identifying those who have died or gone missing; and 3) providing support and redress to the families.

Recommendations to policymakers about missing migrants published by the ICRC in 2017 are directly echoed in a March 2022 statement by UN Network on Migration.[42] Elsewhere, in 2021 the African Commission on Human and People's Rights passed a resolution concerning missing migrants and refugees in Africa and the impact on their families.[43] These texts illustrate a rising consciousness around the challenge of missing migrants and the need to develop more joined-up responses and lean into the moral imperative. To date, the evidence in self-reported progress towards implementing the GCM (by governments) offers little indication that many states have taken steps to save lives. Some suggest greater accountability should be required in the future.[44]

Last Rights calls for all states to include data and narrative information on the implementation of Objective 8 in their GCM review reports, and to be required to do so in their periodic reports to the UN in compliance with international human rights standards.[45] Indeed, during the International Migration Review Forum in May 2022 it was decided that specific indications would be required in future reporting protocols in relation to the GCM, including relating to Objective 8.

Concluding comments

Objective 8 of the GCM is evidently not a high priority for states. There is a harsh irony that, globally, many governments that fund and participate in identification of deceased migrants are the same governments that enforce restrictive migration policies, constrict regular channels for mobility, shrink space for asylum, limit search and rescue operations, and criminalise assistance to migrants. The paucity of state-led and collective search-and-rescue initiatives at sea illustrate

38 Mengiste, T. (2021) op. cit.
39 United Nations (2018) op. cit.
40 ICRC (2021) Guidelines on Coordination and Information-Exchange Mechanisms for the Search for Missing Migrants; Guiding Principles on Interaction with Families of Missing Migrants; and Core Dataset for the Search for Missing Migrants.
41 United Nations General Assembly (2017) Unlawful death of refugees and migrants.
42 ICRC (2017) Missing Migrants and their Families: The ICRC's Recommendations to Policy-makers; UN Network on Migration (2022) Act Now to Save Lives and Prevent Migrants From Going Missing.
43 ACHPR (2021) 486 Resolution on missing migrants and refugees in Africa and the impact on their families - ACHPR/Res. 486 (EXT.OS/XXXIII) 2021.
44 Frouws, B. (2021) Same old, same old? Are we seeing a resurfacing of the North–South divide in GCM implementation? Mixed Migration Centre.
45 Angeli, D. (2021) The dead, the missing and the bereaved: Is Objective 8 still a priority? Refugee Law Initiative.

the neglect; in the case of Europe and the Mediterranean, search-and-rescue has been removed in recent years and what private efforts exist are continually and deliberately hampered.[46]

Regular migration pathways remain out of reach for most people on the move as a direct result of migration policies. Objective 8 is also concerned with saving lives and preventing deaths in the first place. Many efforts purportedly designed to curb irregular migration, such as externalising borders and containment policies, are ineffective or, worse, they encourage people on the move to take ever more dangerous routes along which fatalities are common. Apart from some examples of regularisation of existing irregular migrants, few countries are making any effort to follow through on their GCM commitments to significantly expand the scope of regular channels for mobility. In March 2022, a joint statement issued by several major organisations involved in migration noted that:

> *In the context of the Covid-19 pandemic, many people seeking family reunification, decent work, dignity, better opportunities or who are compelled to leave owing to disasters and precarious situations have few options other than irregular migration along riskier routes and are often forced to rely on smugglers to facilitate the passage.*[47]

Precarious irregular travel and the prevalence of smugglers managing migrants directly contributes to deaths and disappearances.[48]

The increased awareness of and attention given to the issue of missing migrants and families as set out in the Mytilini Declaration, the Guiding Principles for the Search for Disappeared Persons, and the GCM can only be applauded, but this has yet to be translated into tangible action. The relative indifference towards and neglect of missing migrants by states all over the world to date is illustrative of a discriminatory approach to refugees and migrants that should be a source of shame. Many of the states that are practicing pushbacks, and who are reinforcing their borders with the latest surveillance technology and equipment to prevent undocumented access, are signatories to the GCM.

Of course, the more pressing problem to solve is that of reducing and ending migrant deaths. But the emergence of a scientific discipline and humanitarian response to the technical and moral problem of missing migrants is not only a compassionate attempt to respond to an urgent mixed migration problem, but also a moral and legal obligation that only increases as the scale of the problem rises. It is also a major area of the GCM that remains woefully unaddressed. Civil society, academia, and international agencies have taken the lead, but now it is time for states to step up if the high ambitions of the texts discussed in this essay are to be even partially met.

46 OHCHR (2021) "Lethal Disregard": Search and rescue and the protection of migrants in the central Mediterranean Sea.
47 ICRC (2022) Joint Statement by ICRC, IFRC, UN Migration Network and ICMP.
48 OHCHR (2021) op. cit.

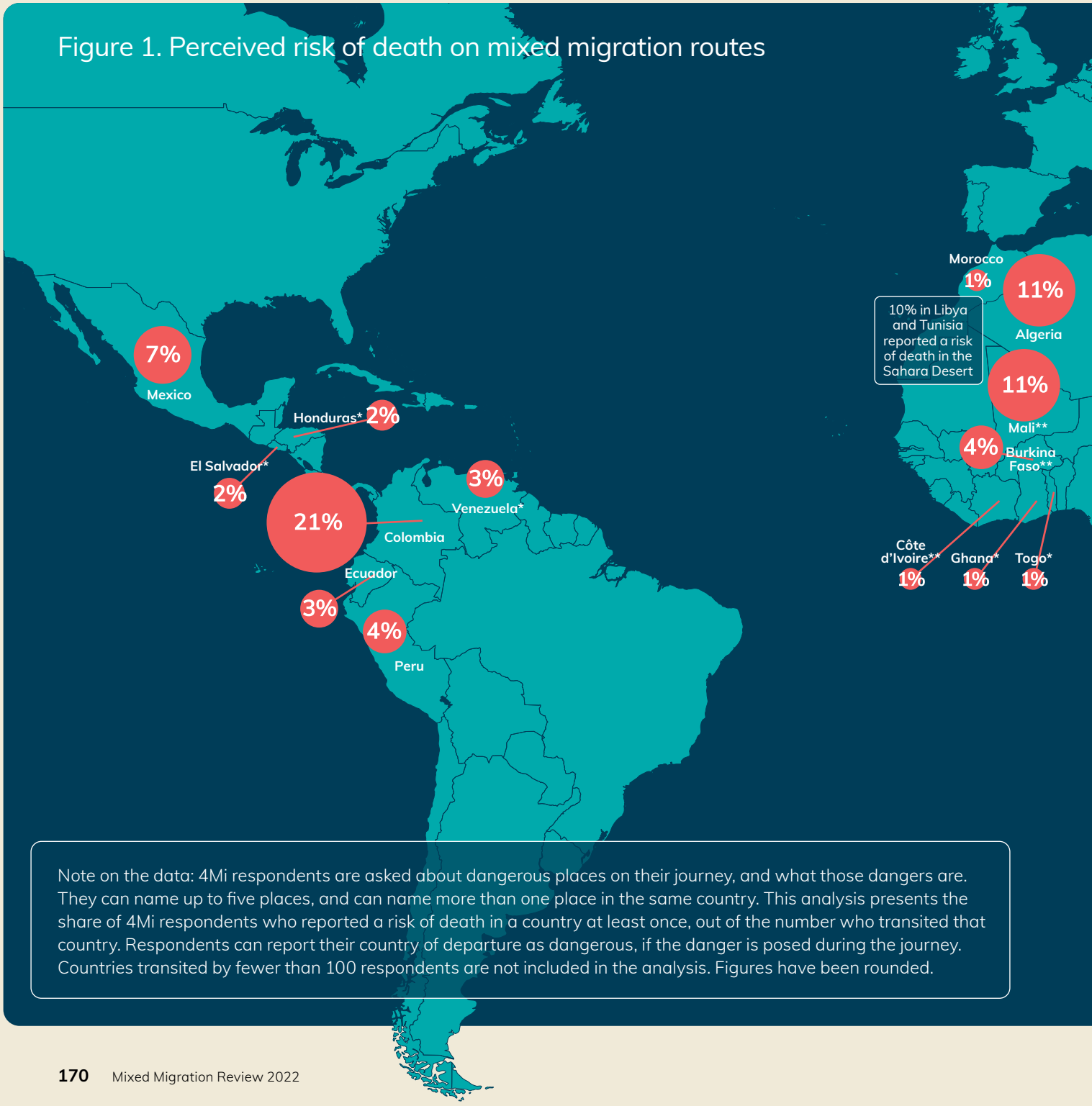
4Mi on...

missing migrants and migrant deaths

4Mi collects data on the risks perceived by refugees and migrants on the move, and the places considered to be particularly dangerous. Here we present results on the risk of death on the journey, as perceived by our respondents, according to the countries they travelled through.

Of 43 countries transited by more than 100 respondents in our sample, in only 9 countries did none of the respondents mention the risk of death (Bangladesh, Benin, Cameroon, Gambia, Guatemala, Guinea, Italy, Senegal, Tunisia); in 18 countries, 1–5% of migrants reported a risk of death; in another 9, 6–15% considered death to be a risk on the journey; and 7 countries were considered to pose a risk of death by more than 15% of people who transited them: Indonesia, South Sudan, Libya, Iran, Colombia, Syria, and Türkiye. It is important to note that Syria and South Sudan were reported by Syrians and South Sudanese, who

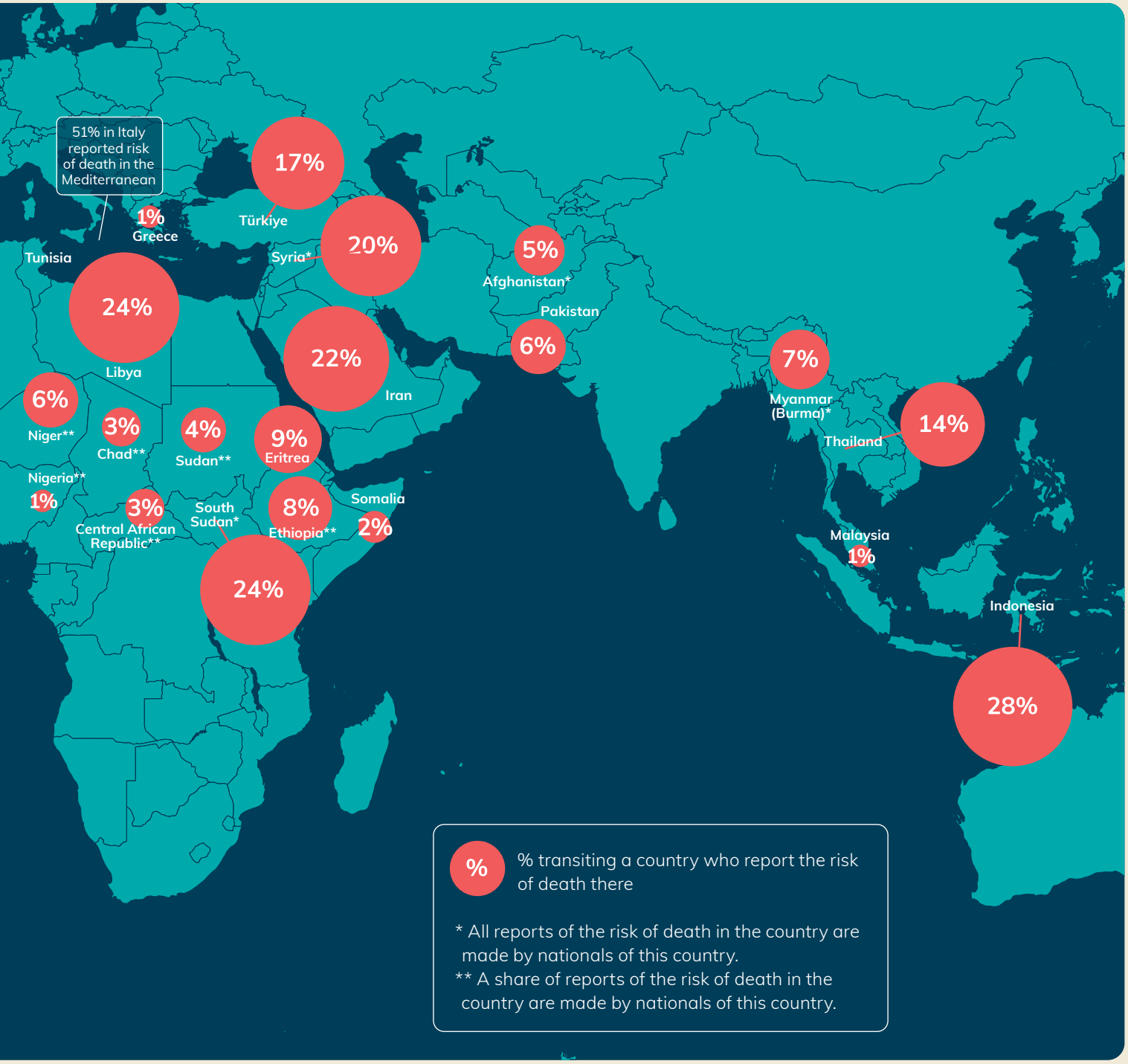
Figure 1. Perceived risk of death on mixed migration routes



Note on the data: 4Mi respondents are asked about dangerous places on their journey, and what those dangers are. They can name up to five places, and can name more than one place in the same country. This analysis presents the share of 4Mi respondents who reported a risk of death in a country at least once, out of the number who transited that country. Respondents can report their country of departure as dangerous, if the danger is posed during the journey. Countries transited by fewer than 100 respondents are not included in the analysis. Figures have been rounded.

were fleeing the country, rather than by people of other nationalities transiting the country, meaning that the risk of death on the journey may be more linked to the reasons for leaving the country (e.g. fleeing war), than the risks of the journey itself, as is the case in transit countries.

Two other key spaces where lives are at stake are the Sahara and the Mediterranean. Our methodology does not permit calculations of risk in the same way, but 51% of refugees and migrants interviewed in Italy said they risked death in the Mediterranean. 10% of refugees and migrants interviewed in Libya and Tunisia said they risked death in the Sahara. (Note that the Sahara is only used when the respondent cannot identify the country they are in, and find themselves in the desert between Sudan, Chad, and Libya or Niger, Chad, and Libya. A more accurate understanding of the perceived dangers of the Sahara would require in-depth analysis of specific locations).



Interview

Forensic dedication to missing migrants

It's hard to imagine a more emotionally challenging job than that of **Pavlos Pavlidis**, who has spent more than two decades identifying the remains of migrants who die in or near the Evros River. He says what keeps him going is the principle of respect: respect for the dead and for their relatives, who are desperate for news—even the worst kind of news—about their missing loved ones.

Pavlos Pavlidis is a professor of forensic medicine at Democritus University in Thrace, Greece. For the past 22 years he has worked on the identification of deceased migrants in and around the Evros River, which runs through the Balkan peninsula and forms most of Greece's border with Türkiye.

In 2019, you co-wrote a paper about the Greek land borders and migration fatalities.[1] Around that time, there had been about 400 deaths over the course of 19 years of your study. Has the number been rising since then?

Yes. Now we have about 550 bodies. All since 2000.

That's a big increase.

Only from the Greek side: these numbers are only from the Greek side. Half of river Evros is Greek, another half is Turkish. If we find some bodies in the Greek side, the bodies come here. If we find some bodies from the Turkish side, we don't know. The rule is very strict that if the body is on the Turkish side, we are not allowed to collect it; according to the Greek police and the military we are forbidden to touch it. We don't know what happened on the Turkish side, we cannot speak about this. We haven't contacted the Turkish authorities on this.

How wide is the river Evros?

First of all, concerning the Greek-Turkish border, it's 196 kilometres long. [The river] is about almost 10-15 metres in width. And the depth varies. Sometimes it's only one metre, sometimes it's three, four metres maybe. It is very difficult to walk across: it's too strong, it's very dangerous, it's not clear water. It's a very dangerous river.

Do you think there are other bodies that have not been found?

Yes, many, many bodies. I suppose the number from the Turkish side is the same [as the Greek side]. But the problem is bodies that can't be found. We have many

1 Pavlidis, P & Karakasi, M-V (2019) A retrospective statistical review of deaths owing to migration through the southeasternmost land borders of the European Union, Greece 2000–14. Forensic Science International.

bodies eaten by fish. Many bodies we can't find, and we have many, many people who want to find their relatives, but we have nothing. Perhaps the majority are not found in the river Evros. We think we have only found the top of the cases. The majority are still in the river or have decomposed now. The current is strong.

Did all those whose bodies you find drown in the river?

The first reason of death [in the cases I study] is drowning. After that we have many cases who died from hypothermia, or traffic accidents and train accidents: not all the bodies we examine are found in the river alone. People who come from Pakistan, from Bangladesh, or from Nepal are used to slower-moving trains, maybe travelling at 5-10 kilometres per hour. And they think the speed is the same here in Europe, and they try to jump on the train. They want to catch the train and they are hit while on the tracks.

The bodies that you are working with, are most of them are migrants?

Yes. But many of those we examine we cannot identify where they are from. Of those we can identify, the first place is people from Pakistan and Afghanistan. The second place is people from Syria, after that we have cases from Bangladesh, and cases from Nepal, but we also have some cases from North Africa because it's easier for them to fly from Morocco to Istanbul and move on from there. They don't need a visa for Istanbul. And after that they try to cross the river, to enter Greece and therefore Europe.

What about the division between males and females, are most of the bodies male?

Yes, most of them, around 95 percent are male. But, in 2012, during the Syrian war, we were seeing more families. There were women and children, but less now. They are almost all men. Typically, they are young men, 20-25 years old, who want to go somewhere in Europe.

> **"If someone has died from drowning, the situation of the body is very, very difficult; they are too decomposed. Sometimes we don't know if it's a male or a female even."**

What kind of condition are the bodies in when they come to you?

It depends on the cause of death. If someone has died from drowning, the situation of the body is very, very difficult. Because the river Evros is very organic water, it's not like a sea with salt. The body may remain at some depth in the river for around 20 days, maybe one month, maybe three months, it depends. There are post-mortem injuries after death, especially in respect to the faces. We can't take a photo of the face to show the Pakistan embassy, or the Afghanistan embassy, for identification purposes; it's impossible, they are too decomposed. Sometimes we don't know if it's a male or a female even. But if someone dies from hypothermia and is found outside of the water, it's easier. In those cases I can take the photo from a fresh body, the face is good.

> **"The difficulty is not to find the cause of death. But it's difficult to make an identification. Because we want to give the body to the relatives."**

Are you collaborating with other forensic experts working on similar migrant caseloads?

Yes, for some years, and with the International Red Cross we've had meetings with forensic experts from Greece, Italy, Spain, Portugal, and Tunisia. But we are only discussing the forensic aspects together because we are facing the same kind of cases. The main issue is that of identification. For all of us identification is extremely complicated. The difficulty is not to find the cause of death, but to make identification. We want to give the body to the relatives, but when I am handed a body without clothes, without documents, without anything, it is a very, very, difficult situation. The face is not clear so I can't take a photo, I have only DNA, nothing else. It can help if there are personal belongings, this can help identification.

Of the 550 bodies that you have examined in 22 years, how many have you been able to identify?

It's almost 60 percent of the cases, of the bodies we recover, but remember there are many cases where we do not find the bodies and the relatives make contact with us asking us to find the body. There are many, many people who come to me asking. If I find something like a personal document or something else and can make a DNA record, then I give this information to the Greek police and the International Red Cross. If I know it's someone from Pakistan, I make contact with the Pakistan embassy. It depends case by case, but what is important for us is the DNA identification, because the database is in Athens, in the police criminal laboratory. We keep the bodies here about six months, or even 10 months, refrigerated in a specialised container. What we need to make a positive ID is some DNA from the parents or siblings. Any further than the immediate family and the match becomes less certain. A cousin, for example is not so certain.

What level of support do you get?

Generally I work alone. Here in my laboratory I'm alone. All these years I have been alone, but I have close contact with the police. I have close contact with embassies from the countries, and I have close contact with the International Red Cross. Why? Because some relatives from Afghanistan, from Pakistan, from Bangladesh, they don't know who I am or where I am, of course, but they do know where the International Red Cross is. The Greek police give information to the International Red Cross. I give information to the International Red Cross, and we have contact with the relatives. If I have contact, I take DNA and I give identification. And after that, I give the body to the relatives. Sometimes the relatives come here to my laboratory. In most of the cases where there is positive ID, the relatives come here to Alexandrople.

> **“It’s difficult work, but for me, it’s about giving respect to a person who has died. And after that the respect for the relatives.”**

Do you find your work very distressing?

It's difficult work, it's not easy work. But for me, first of all, it's about giving respect to a person who has died. And after that, respect for the relatives. For me it's about giving answers to the relatives. Because the mother, the father from Afghanistan, Pakistan, they want to know what happened to their son. They wait for my telephone call because they have no answers, they know nothing. I give the answer. It's not a good answer, it's bad answer, a sad answer, but we have to give them answers. And then according to what the relatives want, there needs to be a decision what to do with the body, the remains. Sometimes they bury the body here in Greece. Sometimes they take the body to their country, it depends on what they can afford. I suppose it is very expensive to take a body back to Pakistan or elsewhere and for this reason, the majority are buried here in the Muslim cemetery in Greece.

> **“Three changes? I’ll tell you only one. To change the political situation that causes this kind of hardship and death. Nothing else.”**

What kind of changes would you like to see in migration policy? Can you name three changes you would like to see?

Three changes? I'll tell you only one. To change the political situation that causes this kind of hardship and death, nothing else. For me, everything depends on the political situation. I'm just a human being. I want to see an end to the Syrian war.

Who wants to see people to go from one country to another country, to see people die in the river, or in the sea or anywhere else? Why? For me it's only one word, respect. We must have respect for those that die, and we must also to have respect for their relatives. Because for me, it's a human story, not a political story, not a religious story or anything else. We must respect human life.

Interview

First principles

Identifying the remains of people who die while on the move and notifying their families is extremely important—and logistically very difficult—work for a whole host of reasons, explains **Marie Astrid Blondiaux**. But what is even more important is doing everything possible to save lives in the first place.

Marie Astrid Blondiaux is a protection coordinator with over 17 years of experience in management and specialised fields at the International Committee of the Red Cross (ICRC). At the time of this interview she was the protection coordinator at the ICRC's regional delegation for Southern Africa in Pretoria, where she implemented the ICRC's Missing and Deceased Migrants and their Families (MDMP) programme activities

Do you think governments are more interested in preventing arrivals than preventing deaths?

Unfortunately, what we see happening concretely in the field is that indeed there're a lot of means implemented to try and prevent people crossing borders in an irregular manner, which can put the life of migrants in danger because people are desperate and they will try to migrate whatever it takes. And they will risk their own life, the life of their family, to go to their country of destination. Destination countries will try to push them to return to their country of origin and we see more and more pressure on would-be migrants or on migrants with terrible consequences physically, mentally, for those migrants and their families.

What's being done about missing migrants?

When it comes to preventing migrants going missing, at this stage there is very little done. I think that the issue of missing migrants still needs to be better known. More and more people are aware about it, but it's still limited. And then some authorities do not know what to do to prevent migrants from going missing—not only authorities, but also various stakeholders. My impression is that it's still a new field and there are initiatives that need to be supported, but it needs to be reinforced. But always what we say is that, even when we talk about management of the deaths, etcetera, it's first care for the living. So this is what we should do, save people and then we will deal with, if possible, with dead bodies and identifying them so that families can have closure. But obviously saving the ones who are still alive comes first. With the interest I have for forensics and all the programs we've developed, we should get the first basic principle, which is care for the living and then, if possible, we will care for the deaths.

In some cases, governments are implementing strict exclusionary policies to deter migrants but don't some also have departments doing forensic work to support families of those who die or go missing? Italy for example?

Yes, they might try to identify migrants, which is terribly difficult and requires cooperation with countries of origin and transit, and they will try to divvy up the forensic responsibilities. Even here, in Southern Africa, we've been working a lot, for example, with mortuaries and other stakeholders and they've a very advanced forensic system by the way, technically, legally, and in the forensic aspects, etcetera. But I don't think they match yet the efforts to deter migrants from crossing borders.

> **"Trying to prevent people crossing borders in an irregular manner can put the life of migrants in danger because people are desperate, and they will try to migrate whatever it takes."**

You were previously working in Central America. How does the situation compare there?

Yes, I was involved a lot in the Americas when I was based in Mexico. So there we experienced big influxes of migrants, which is still happening, coming from Mexico itself or from Central America or South America, traveling to the US. And there, you have lots of migrants going missing, crossing rivers, crossing deserts, taking trains, becoming victims of traffickers or the cartels, so yes, people go missing every day, every day. And it's the same here in Southern Africa. But it's very different from the Mediterranean, because first of all that concerns European countries, so there are more and more reports about it, and you've also specific incidents where a ship may sink and multiple bodies may be washed up.

Here in Southern Africa, people go missing every day, but it's invisible. We already know that the issue of missing migrants tends to be invisible, but here in South Africa it's even more invisible, and rarely even reported in the media. These are individuals transiting, or, once they've arrived in South Africa, will go missing. The families, they have no news, they don't know what to do, where to go to hear about their fate or their whereabouts, and that's really a tragedy. When we talk about South Africa, the estimate from the authorities is that annually between 4,000 and 7,000 unidentified dead bodies are found and remain unknown in the mortuaries. We suspect that the majority of them are migrants.

> **"In South Africa, authorities estimate that annually between 4,000 and 7,000 unidentified dead bodies are found and remain unknown in the mortuaries. We suspect most are migrants."**

But an important issue is that there is no exchange of data between South Africa and the rest of the region, or even the world about missing migrants. There is no mechanism, and that's what we've been trying to put in place over the past year between Zimbabwe and South Africa, so that families in Zimbabwe can go and report a missing migrant and that they know their cases are exchanged with the authorities here in South Africa so that they can be traced alive or dead. Until recently, there was no conduit for information coming from families about missing migrants to be shared with the authorities and matched with lists of dead bodies or other databases.

We hear the International Organization for Migration and other organisations talking about large numbers of people on the move who go missing or die, and they always say that available figures are conservative. Is this ICRC's view also?

Oh, yes. It's largely under-reported. It's only the tip of the iceberg, and this is clearly our feeling, and even this is what we've seen when we are in the field. We go to communities, for example in Zimbabwe, and then we typically get a long list from the community members who approach us asking for assistance to trace the missing migrants, but none of those families has reported their loved one as missing. In Zimbabwe you have tens of thousands of migrants who went missing, but you wouldn't have a single one, until recently, officially reported and no information ever shared with the South African authorities to try and elucidate their whereabouts. So it's very much under-reported. And again, for us a big difference also is that, when we talk about missing migrants, we don't automatically consider them as dead. Of course they can be alive, alive or dead. They are missing, they are not necessarily dead. In fact, when we did our field research in Bulawayo and Harare and other rural areas—such as Zaka and Gwanda—and we found 36.6 percent of missing migrants were actually alive. Some were very complex cases where people had gone missing for years; we even found one after 44 years without news.

> **"It's a myth that migrants disappear voluntarily."**

And it's a myth that migrants disappear voluntarily. From all the cases we collected—135—those we found alive, they all readily accepted to be put back in touch with their family, every single one of them. None of them disappeared voluntarily, and this is something I want to highlight because I understand some people may say, "Oh he found a better wife or he doesn't want to send money back to his family", and again, we don't exclude those cases, we understand it can happen, but in the sample caseload, it was not the case. They all disappeared for reasons that are independent from their will. It can simply be lack of means to communicate, or they come from rural areas, where there is no network.

Many of the families of missing migrants, if we want to communicate with them, it's impossible to just pick up our phone and call them or send them an email. So imagine, immigrants who cannot easily re-cross borders will have real challenges to communicate with their family. Others can be injured, some obviously do die too, and others are trafficked, or detained.

Can you briefly list the different activities of your missing migrant programme?

The key activities are working on preventing disappearances, restoring and maintaining family links, and we work on clarifying the fate of missing persons, and support missing migrant families. In terms of increasing the identification rate of dead missing migrants, we are involved in donating equipment, organising training, putting in place a network of stakeholders to be more efficient, to ensure that forensic specialists and partners plan disaster management together. This is the kind of work we do.

People on the move are often seen as belonging in one of two categories: those fleeing persecution or war and those who voluntarily choose to migrate and who therefore have presumably considered the risks before they start. What do you think?

First of all I would say that yes, some might decide to migrate, although sometimes even if you're an economic migrant it's not completely voluntary. The circumstances can push you to migrate. But when you say that they consider the risk, no. Our experience shows us that migrants and their families are not aware and do not consider the risk of being separated. They're not prepared and normally don't have a plan, or, if they are children, don't even know their own or their family's full names, home address, or telephone numbers.

To what extent can you really classify yours as humanitarian work? Surely it's just a compassionate response to a human need in society?

For me it's purely humanitarian. If you look for example at the forensic aspect, we're not there to find the cause of the death or to try to put those who might be responsible for it behind bars. That's not what we do. We are just there to bring answers to the families. Families are really at the centre of what we are doing. We want to restore their dignity and respond to their needs. And again, when we talk about their needs, it's not only psychosocial. Those people have legal, administrative, economical needs and more. And that's why we do family (of missing migrants) needs assessments, to see what those needs are.

Another important aspect is that when a migrant goes missing it obviously affects the family, the close relatives, but it also affects the whole community. This is often overlooked. It has a much broader impact than we think. And you can find entire villages emptied of the men: often just the women, the mothers, the wives, are left behind. They have to struggle to raise children, to make a living, to try to get papers and documents. Often also those women left behind are blamed for the disappearance of their sons, and especially husbands. [People say:] "They were not good enough and, you know, the husband had to migrate." So we see an impact that is much broader than just on the circle of close relatives.

"When a migrant goes missing it obviously affects the family, the close relatives, but it also affects the whole community. This is often overlooked."

Tell us something of the impact of "unresolved loss" and "ambiguous loss" in relation to missing migrants.

If someone goes missing the relative will never stop looking for them, they will be in limbo until they get an answer. And that's why they prefer to get news, even if it's bad news that the person has died, than to remain in limbo, not knowing what has happened. When I started dealing with the missing, I was in the Balkans, so it was a war context, not missing migrants, but I still remember visiting families who more than 10 years after the end of the war were still every evening putting a plate on the table for dinner for the missing person. And it's also a generational trauma. They were not told that their father, for example, had died. Or the kids, they were told, "Oh yes, he might have gone working in Germany." They were still expecting the return. They cannot say, "Okay turn the page because the person has died" because for them it can be like killing them themselves unless they know for sure.

"If someone goes missing the relative will never stop looking for them, they will be in limbo until they get an answer."

In many cases the women cannot remarry until they have closure, until they know for sure. It's very difficult for relatives to inherit if death is not known. Even if you were to tell them that their relative has died, they are grateful because at least then they can stop searching. And some of them spend a lot of money, put themselves at risk looking for their missing loved ones, who might have died a long time ago.

In 2018, several individuals and organisations adopted the Mytilini Declaration.[1] How important do you think this document is? Has it changed things in the missing migrants sector?

At least it started raising awareness about this issue. Here in Southern Africa, we don't really refer to it, but we are obviously looking at the legal framework when we do missing projects. And we have launched, for example, a legal survey in Zimbabwe, and we're doing one in South Africa too. We look at international agreements, human rights law, and humanitarian law when it applies, and this already contains grounds to show that [national] authorities are responsible to look for missing persons and maintain the unity of the family. We look also at national legal frameworks, at agreements between countries, and we have found that it's not the legal framework that prevents the search and processing of missing or dead migrants. It's not a deficit of laws or agreements, but of political will, resources, and awareness. It's the implementation side. I have to say that I'm impressed by how authorities are picking up the issues and they've got an interest. My experience has been actually very positive: I think that they recognise that there's a clear humanitarian aspect to this issue. Usually my experience is that when you start with countries of origin, it's easier and faster to get buy-in than the countries of destination. But there is a lot of potential. You have to start somewhere. And that's why also we... the ICRC is not there to substitute, but we always remind the authorities that it is their responsibility. Sensitisation, raising awareness, training in the field, can already go a long way if there is communication across borders, and this is what we've demonstrated through our field work already.

If you had complete freedom, what would be three big policy changes you'd like to see either in relation to mixed migration?

The first one would be to facilitate the regular migration of migrants so that they don't put their life at risk and we reduce their vulnerabilities when they travel. And I can see that here in the region, people even struggle to get a visa or even just a national passport. It's not that they want to cross the border illegally, it's because doing it legally has proven extremely difficult.

The second one would be to work on cross-border cooperation on the issue of missing migrants, which again doesn't necessarily require many [resources]. But already agreeing on exchanging in a systematic way information on missing migrants collected in the countries of origin or transit and sharing with the destination country is extremely important.

And the third one would be to ensure that families are at the centre of all those efforts and are supported not only in their right to know what has happened to their loved one, but that their specific needs and the needs of their communities affected by this humanitarian question of missing migrants are taken care of. And again, many times there are resources out there for those families, but there is an information gap. They don't know where to go. They don't know where to report a missing loved one, or how to do it. They don't know where to get legal or administrative support. So already starting with information sharing with families would be extremely important.

> **"It's not the legal framework that prevents the search and processing of missing or dead migrants, it's not a deficit of laws or agreements, but of political will, resources, and awareness."**

1 The Mytilini Declaration for the Dignified Treatment of all Missing and Deceased Persons and their Families as a Consequence of Migrant Journeys. This document is discussed in the essay "Raising the bar: New international instruments, scientific disciplines, and practice related to missing migrants" on page 164 of this review.

Questions of intent: Where mixed migration and human trafficking overlap

Mixed migration and human trafficking are closely intertwined. While the causal relationships between the two phenomena vary in line with the intent of the parties concerned and the precise role of any traffickers or smugglers involved at a given point in time, two broad—and overlapping—dynamics can be postulated: migration-led human trafficking, and trafficking-led migration.

By Thi Hoang[1]

Introduction

There are many inter-related threads to the connections between mixed migration and human trafficking. These include: geography, because the two often occur in the same location or along the same routes; power disparities, because refugees and migrants, being far from home and often dependent on smugglers, frequently find themselves in situations of vulnerability to exploitation; money, especially in cases where this runs out en route or when those on the move chose a travel-now-pay-later arrangement with smugglers; and knowledge, in the sense that people travelling generally know much less about their surroundings and border formalities than those they pay to facilitate their journeys.

To help untangle all this complexity and shed light on its inherent causal relationships, this essay proposes the concepts of *migration-led human trafficking*, and *trafficking-led migration*.

Before exploring these two concepts in detail, it is worth briefly revisiting the distinctions between trafficking and smuggling,[2] which although set out in international law,[3] are often lost in media coverage or deliberately conflated in political rhetoric designed to fuel anti-migration sentiment or distract voters from more factful (if unpopular) discussions of mixed migration issues. As a result of this conflation, many victims of trafficking are not identified as such by state authorities and are thus denied the protection they deserve, or even treated as criminals for having migrated irregularly.

What emerges from these distinctions is the overriding importance of *intent*, or, more specifically, whether an *intention to exploit* through the use of threats, violence, deception or other forms of coercion, was at any point a factor in the facilitation of a migrant or refugee's journey.

Migration-led human trafficking

This form of trafficking occurs during or after a migration journey. It may result from smugglers initially hired as service providers morphing into outright exploiters or, as in the case of Eritreans fleeing their country to neighbouring Sudan, being sold by smugglers and even Sudanese state officials to traffickers who then take

1 Thi Hoang is an analyst at the Global Initiative Against Transnational Organized Crime (GI-TOC) and the managing editor of the Journal of Illicit Economies and Development (JIED). The author thanks Nicole Kalczynski for her great support in conducting the literature review for this essay.

2 For ease of reading, throughout this essay, "trafficking" and "smuggling" are often used as a shorthand for trafficking in persons and migrant smuggling. For a discussion of the conflation between the two, see: MMC (2021) Smuggling and mixed migration - Insights and key messages drawn from a decade of MMC research and 4Mi data collection.

3 The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime aka the Palermo Protocol established the first common international definition of "trafficking in persons". According to the protocol, this crime entails: "The recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude, or the removal of organs." The Protocol against the Smuggling of Migrants by Land, Sea and Air, Supplementing the United Nations Convention Against Transnational Organized Crime offers quite a narrow definition of smuggling: "the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident". MMC takes a broader view of smuggling, as explored in: Golovko, E. (2019) Players of many parts: The evolving role of smugglers in West Africa's migration economy. Mixed Migration Centre.

them into the Sinai in Egypt to be handed over to other trafficking and extortionist groups.[4]

Human trafficking vs. migrant smuggling: what the law says

	Trafficking	Smuggling
Crossing an international border	Unnecessary: not all victims cross borders	Defining characteristic
Purpose	Exploitation	Financial or material benefit
Consent	Deception and coercion are defining characteristics, so informed consent is generally absent.	Not a factor. (Relations between smugglers and their clients are generally consensual.)
Exploitation	Defining characteristic	Generally irrelevant but may contribute to the more serious offence of "aggravated smuggling" or even trafficking.[5]
Victims	Recognised and protected, at least in theory	Smuggled migrants are not recognised as victims under the relevant protocol. In many countries, they are even criminalised (the state is seen as the victim)
Offender	Traffickers	Smugglers and irregular migrants

Source: Adapted from United Nations Office on Drugs and Crime.

Migration-led trafficking is more common in relatively low-cost smuggling arrangements in which those on the move either pay as they go at different points on their journey, or "travel now, pay later." While these models obviate large up-front payments, they are not without risk, and are among the factors that contribute to migration journeys degenerating into situations of trafficking. These include:

- **aggravations along the routes**, such as the Covid-19 pandemic and the resulting closures of—or increased security at—borders which left many refugees and migrants stranded mid-journey, facing increased costs for smuggler services (accommodation, food, drink, personal hygiene, etc) and thus more indebted to their smugglers and obliged to offer their labour and/or sexual services to settle their dues;

- **smugglers changing roles**, from providing a range of services to refugees and migrants on a willing-buyer-willing-seller (or even *pro bono*) basis, to more abusive or exploitative activities, as a result of greed, financial hardship, sexual gratification, or threats from other criminal actors;

- **stringent migration policy and border security measures** that increase the costs of smuggling operations, sometimes prompting those involved to turn to more nefarious activities such as kidnap-for-ransom, as reported in Libya;[6]

- **onerous debts** resulting from payment modalities such as "travel now, pay later", or "pay-as-you-go" which may oblige smugglers' clients to engage in exploitative labour and/or sex work; and

- **challenges in destination countries**, including unemployment or lack of employment opportunities; discrimination; linguistic barriers; lack of understanding of local laws, customs, and labour rights; lack of social safety net protection and welfare support; and pandemic-related economic downturns and lockdowns that especially impacted low-skilled and/or informal sectors such as hospitality, construction, and agriculture in which migrant workers make up much of the labour force (e.g. Vietnamese nationals working in restaurants and nail salons in France and Germany and Ukrainian and Romanian agricultural labourers in Italy.). Lockdowns deprived many

4 Van Reisen, M. & Rijken, C. (2015) Sinai Trafficking: Origin and Definition of a New Form of Human Trafficking. Tilburg University.
5 "Aggravated smuggling" is defined by article 6 (3) of the Protocol against the Smuggling of Migrants as acts "(a) That endanger, or are likely to endanger, the lives or safety of the migrants concerned; or (b) That entail inhuman or degrading treatment, including for exploitation, of such migrants."
6 Macgregor, M. (2019) No choice: Migrants kidnapped for ransom. InfoMigrants.

migrant workers—who often still owed money to their smugglers—of a regular income, pushing them to turn to trading in criminally-controlled sectors such as counterfeit goods, black market tobacco, and illegal drugs, while exposing them to sexual and/or labour exploitation by their creditors.[7]

Migration-led trafficking on the Ethiopia-Yemen route

For the last two decades the number of Ethiopians who have sought to work in Saudi Arabia has been rising and involves hundreds of thousands of people. Some go through government-registered employment agencies and fly there, while others take the irregular and dangerous journey overland and by sea. Every year, more than 100,000 people on average attempt the irregular Ethiopia-Yemen-Saudi Arabia route, pushed by poverty in Ethiopia and hopes of higher salary in Saudi Arabia. Apart from the much-reported abuses and harsh deportations that Ethiopians experience when working regularly or irregularly inside Saudi Arabia, many of those who travel irregularly fall victim to highly abusive smuggling and trafficking practices in Ethiopia itself, as well as in Djibouti and parts of Somalia (such as Puntland) and, especially, in Yemen. This is an extreme and consistently brutal example of migration-led human trafficking where Ethiopian men, women, and children face robbery, kidnapping, sexual violence, exploitation and, very frequently, extortion from gangs demanding ransom at every step of the way, thereby becoming *de facto* victims of trafficking soon after their migration journeys start. Often, they face repeated detention along the route, and for women and girls the level of sexual abuse is extremely high. In lawless and war-torn Yemen, Ethiopians face the greatest risks: deaths are not uncommon from malicious smugglers and traffickers who often sell migrants on to other gangs along the route. The full extent of forced detention, abduction and trafficking in Yemen remains unexplored.

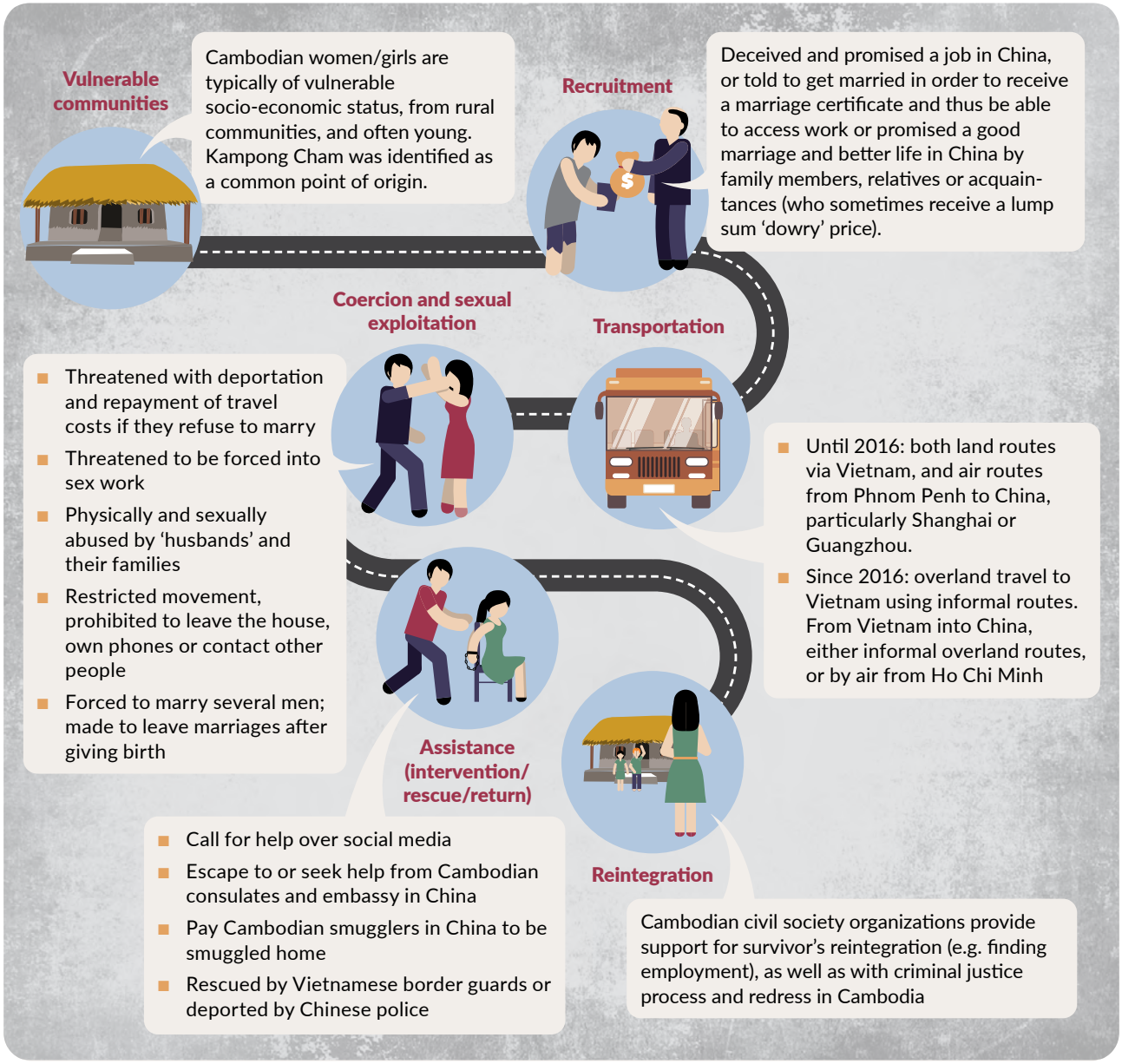
Human trafficking-led migration

Migration results from trafficking activities when victims are transported across national borders for purposes such as labour exploitation, sexual exploitation, slavery, servitude, or the removal of organs, as defined in the Palermo Protocol.[8]

Globalisation has transformed the movement of not only goods and materials, but also people worldwide. Criminal actors engaged in human trafficking have been capitalising on this development, transporting people from regions with lower labour costs or from vulnerable communities to places with high demand for cheap labour. In some cases, victims of such actors may be aware from the outset—because of the use of violence, coercion, threats, or close surveillance, etc—that they are being trafficked and even that they will be taken across borders for the purposes of exploitation, such as sex work, unpaid or poorly paid labour, or forced marriage. In other situations, victims might only find out that they are being trafficked en route or after they have reached the destination country. This is what often happens to Vietnamese, Cambodian, and Burmese women and girls lured to China under the false promises of a well-paid job or a consensually arranged marriage to a wealthy man.[9] These women and girls usually enter China on a one-month tourist visa, with their travel expenses often paid upfront by traffickers. Marriage may—again falsely—be presented as a necessary condition for employment in China. If victims then refuse to proceed with the marriage they may face threats of violence, or of their irregular status been denounced to authorities, or be ordered to immediately pay back travel expenses and dowry fees in return for their freedom.[10]

7 Author's interviews with UK and Vietnamese experts, law enforcement and victims' relatives, August-September 2022.
8 See footnote 3.
9 Chhun, V., Bird, L. & Hoang, T. (2022) Cambodia's trafficked brides: The escalating phenomenon of forced marriage in China. Global Initiative Against Transnational Organized Crime.
10 Ibid.

Forced marriage recruitment strategies targeting Cambodian women and girls



Gratefully reproduced from Chhun, V. et al Cambodia's trafficked brides: The escalating phenomenon of forced marriage in China.[11]

One group that is particularly affected by trafficking-led migration is Myanmar's Rohingya, who are frequently trafficked from refugee camps in Bangladesh and from Myanmar's Rakhine state. Lured under false pretenses by traffickers touting promises of steady employment, or falling victim to exploitation when seeking to escape the deteriorating conditions of refugee camps, Rohingya, including refugees, are trafficked into countries such as Malaysia. Southern Thailand is a main transit point from Myanmar to Malaysia and Indonesia, and functions as a shelter for traffickers engaged in transporting Rohingya to neighboring destinations.[12] The traffickers are part of organised syndicates whose profits wield influence over local officials throughout the region.[13] Reports have indicated that a number of Rohingya refugees have been killed, subjected to sexual assault, raped, and tortured by traffickers, while many others have drowned at sea.[14] Meanwhile, in Rakhine state, women are recruited into (forced) marriage to Rohingya men in Malaysia, and *en route* risked being stranded at sea

11 Chhun, V., Bird, L. & Hoang, T. (2022) op cit.
12 Sanjeewani, N. (2020) Trafficking in Rohingya women: The ASEAN perspective. Kaldor Centre.
13 Routray, B. P. (2019) Onwards Malaysia: Rohingya Focused Human Trafficking Networks.
14 Ahmed, K. (2020) Deaths of 16 Rohingya at sea raises fears trafficking ring has been revived. The Guardian; BBC. (2018). The Rohingya children trafficked for sex. BBC News; Belford, A. (2015). Rohingya refugees say traffickers in Malaysia abuse and kill. Reuters; Shishir, N. N. (2021) Human traffickers prey on Rohingya refugees. The Third Pole.

or held in jungle camps on the Thai-Malaysian border, where traffickers would demand a US$1200-2000 fee to let them continue their journey. If they were unable to pay the required amount, armed traffickers held them in captivity on board vessels or in the jungle camps, without providing basic necessities like water and food. In this setting, women were at a higher risk of sexual- and gender-based violence, and many ultimately ended up in forced marriages or at sex markets where they were sold for higher prices.[15]

Labour exportation schemes

Trafficking-led migration may entail "labour exportation" programmes in which traffickers pose as legitimate recruitment agents (or similar kind of intermediaries) offering job opportunities abroad in low-skilled sectors such as domestic service, agriculture, or construction to people in communities that are rural, marginalised, and poor. Again, victims of such practices only discover they are in a situation of trafficking upon or after arrival, when, for example, their documentation is confiscated; or their salary is not paid in time or is much lower than promised; or they are forced to work much longer hours than stipulated in their contracts, often with unpaid overtime; or their working and living conditions are much worse than expected; or they are prevented from leaving.[16]

Such exploitative practices are not the exclusive domain of criminal organisations: sometimes legitimate companies and state-connected actors have been complicit. Examples include: the forced labour of Vietnamese migrant workers recruited through labour exportation programmes to work in a Chinese-run tyre factory in Serbia[17] and US government contractors allegedly abusing tens of thousands of low-skilled migrants, mostly from India, Nepal, the Philippines, and Uganda, providing construction, security, catering, and food services to US military and diplomatic missions in Iraq and Afghanistan.[18] Members of this "army behind the army" were paid as little as $150–275 per month (far less than the promised $1,000), forbidden to leave or return home, and housed in dangerous, unsanitary, and degrading conditions. Moreover, many were charged recruitment fees ranging between $1,000 and $5,000, which led them to resort to loan sharks (with annual interest rates as high as 50 percent), placing them in a situation of debt bondage.[19] In many cases, the abused and exploited workers had also been told they were heading to Dubai, Kuwait, or other Gulf States, only to find out too late that they would be working in a conflict-ridden Afghanistan and Iraq. Some were even reportedly kidnapped and executed by insurgents while travelling to their workplace.[20]

Other examples of trafficking-led migration include cross-border organ trafficking;[21] cross-border surrogacy (e.g. Cambodian women travelling to Vietnam to give birth and deliver babies to Chinese nationals);[22] foreign prisoners in situations of forced labour; children taken across borders and obliged to beg (e.g. Roma children in Central and Eastern European countries);[23] and the forced recruitment of child soldiers for combat overseas (e.g. Afghan children coerced into fighting alongside the Shia militias in Syria by both the Iranian government and the Islamic Revolutionary Guards Corps).[24]

Birds of a feather

The smugglers and traffickers involved in both migration-led trafficking and trafficking-led migration operate along similar migration routes, and sometimes even collaborate in transporting people on different legs of the journey.[25] Many smugglers and traffickers have social and economic backgrounds similar to each other's and those of their clients/victims: most come from rural, poor, and marginalised communities or villages.[26] Smugglers and traffickers also share modus operandi, in that both groups take advantage of vulnerable communities and their desperate—or even life-threatening—situations and of the power and knowledge imbalances between them and their clients/victims. Some organised criminal groups reportedly engage in both smuggling and trafficking.[27] Other smuggling and trafficking groups

15 Sanjeewani, N. (2020) op cit.
16 ILO (2012) ILO Indicators of Forced Labour. Some red flags may be evident prior to departure. These include obligatory recruitment fees and contracts drafted in a language those recruited do not understand. However, given that some of these (e.g. recruitment fee) are common practices for contract-based migration in many countries (e.g. in Southeast Asia and South Asia), especially when there is the involvement of an intermediary/recruitment agency, the migrants might not be aware that there are risks inherent in such contracts and offers. [See also essay by Duyen Lee: Keeping Vietnamese Migrants Safe Through Technology page 114 in this MMR]
17 Dragojlo, S. (2021) Documents Reveal Extent of Exploitation at Chinese Tire Site in Serbia. Balkan Insight.
18 American Civil Liberties Union (2012) Victims of complacency: The ongoing trafficking and abuse of third country nationals by U.S. government contractors; Black, S. (2014) After 12 years of war, labor abuses rampant on US bases in Afghanistan. Aljazeera America.
19 American Civil Liberties Union (2012) op cit.; Black, S. (2014) op cit..
20 American Civil Liberties Union (2012) op cit.
21 Ambagtsheer, F. (2021) Understanding the challenges to investigating and prosecuting organ trafficking: A comparative analysis of two cases. Trends in Organized Crime.
22 Cheang, S. (2019) Cambodian women face surrogacy charges after Vietnam births. AP News.
23 Wagner, L, et al. (2021) Exploited in plain sight: An assessment of commercial sexual exploitation of children and child protection responses in the Western Balkans. Global Initiative Against Transnational Organized Crime.
24 United States Department of State (2021) 2021 Trafficking in persons report: Afghanistan. Office of the Under Secretary for Global Affairs.
25 Author's interviews with Vietnamese experts, law enforcement and victims' relatives, August-September 2022.
26 Anti-trafficking Review (2022) Special Issue – Traffickers.
27 Author's interviews with Vietnamese experts, law enforcement and victims' relatives, August-September 2022.

were found to converge at locations such as tourist hotspots in the Western Balkans[28] and Sihanoukville in Cambodia, where thousands of Vietnamese, Laotian, Thai, Chinese, Indian, and Ukrainian young people have been imprisoned and forced to operate sophisticated cyber scams in Chinese-run casinos, to where they were taken with false promises of high-paying jobs in online trading.[29]

Case study: Afghanistan

Afghanistan offers examples of both migration-led trafficking and trafficking-led migration, as well as of overlaps between the two.

In 2021, more than 2.7 million people from Afghanistan were refugees, a number only surpassed by those from Syria (6.8 million).[30] The scale of internal and cross-border displacement of Afghans has been steadily rising since 2016.[31] In 2021, about 15 percent of Afghanistan's population, some 6 million people, were displaced internally and across borders.[32]

Having lost their homes, livelihoods, and social contacts such people are particularly susceptible to negative forms of survival, subsequently putting themselves at risk of trafficking.[33] These risky strategies may include embarking on unsafe journeys, selling their organs, offering sexual services, agreeing to exploitative labour conditions, or in some cases, forcing their daughters or sons into marriage and/or being sexual partners of wealthy and powerful individuals as a means to acquire the financial means for the family's survival, and/or to offset the migration costs.[34]

Given their dire situations—encompassing the effects of several years of extreme drought, an economic crisis worsened by the Covid-19 pandemic, and the insecurities and uncertainties brought about by a Taliban-led government—an increasing number of Afghans have tried to seek a new life and job opportunities overseas, mainly in Iran, Pakistan, Türkiye, the Gulf States, and Europe. Capitalising on this need, many traffickers, disguised as labour intermediaries and recruiting agents, have offered them false employment in low-skilled sectors such as domestic work, construction, and agriculture. Once they arrive, many Afghan migrants and refugees are then threatened and forced into trafficking situations of labour and sexual exploitation.[35] Specifically, Afghan women and girls are exploited in sexual and domestic servitude in Iran, India, and Pakistan, whereas the men and boys have been trapped in forced and bonded labour in the construction and agricultural sectors in Greece, Türkiye, the Gulf States, Iran, and Pakistan.[36] Afghan children have also been exploited in criminal activities such as smuggling drugs, fuel, and tobacco, and as street beggars and vendors, in Iran and by Iranian criminal groups. When apprehended, these children risk being detained, tortured, and extorted by the Iranian police. Furthermore, Afghan children have also been coerced into fighting alongside the Shia militias in Syria by both the Iranian government and the Islamic Revolutionary Guards Corps.[37]

Afghan migrants and refugees residing in Iran have also been trafficked into Europe by criminal groups for bonded labour (e.g. working in restaurants) and forced sex work, to pay off their smuggling debts.[38] Media and grey literature reports have also documented cases of Afghan boys being forced to become *bacha bazi* [39] in Germany, Austria, Sweden, Finland, Hungary, Macedonia, and Serbia.[40]

In addition to Afghan migrants and refugees being specifically targeted by traffickers overseas, criminal groups have reportedly preyed on Afghan returnees or those deported from Iran, Pakistan,

28 Wagner, L., et al. (2021) op cit.
29 Kennedy, L., & Southern, N. (2022) Modern slavery in the Mekong's casinos. Global Initiative Against Transnational Organized Crime; Ratcliffe, R. Sold to gangs, forced to run online scams: inside Cambodia's cybercrime crisis. The Guardian.
30 UNHCR (n.d.) Data Finder. (Accessed October 2022).
31 United Nations High Commissioner for Refugees (2022) UNHCR operational data portal. Afghanistan Situation.
32 Worldometer. (n.d.) Afghanistan population.
33 Amnesty International (2020) Afghanistan's four million internally displaced people – a glance into their lives of poverty and displacement during the pandemic; Inter-Agency Coordination Group against Trafficking in Persons (2017) Trafficking in persons in humanitarian crises (Issue Brief No. 2).
34 Ibid.
35 United States Department of State (2021) 2021 Trafficking in persons report. Office of the Under Secretary for Global Affairs.
36 Ibid.
37 Ibid.
38 Ibid.
39 "Bacha bazi", literally translated as "boy play" or "dancing boy", is a practice pursued by wealthy and powerful Afghan warlords and businessmen who exploit young boys as young as 11 or 12 as "tea boys", entertainers, dancers, and sexual partners. Sometimes also known as "bacha bereesh" (beardless boys), the young boys are often asked to dress up as girls and dance at celebrations or tea parties for their "patrons". Somade, J. E. (2017) Bacha bazi: Afghanistan's darkest secret. Human Rights and Discrimination; Reuters (2007) Afghan boy dancers sexually abused by former warlords.
40 Forin, R. & Healy, C. (2018) Trafficking Along Migration Routes to Europe: Bridging the Gap between Migration, Asylum and Anti-Trafficking. ICMPD; United States Department of Labor (2019) 2019 Findings on the worst forms of child labor: Afghanistan.

Türkiye, and European countries over the last five years.[41] Many Afghan returnees have been trafficked into labour exploitation in agriculture, brickmaking, and carpet weaving.[42] Within this essay's conceptual framework, this phenomenon could be termed "return migration-led trafficking". Against this backdrop, many NGOs and civil society actors, such as Amnesty International, issued public statements calling on European countries to stop deporting Afghan refugees and migrants back to the dire and life-threatening situations in Afghanistan.[43]

Which way forward?

One of the first steps moving forward is to change the current framing and narratives of the migration-trafficking discourse. By changing the narratives, or exploring the issue from multiple lenses and perspectives, stakeholders, and the general public will better understand the nuances of the issue and the overlaps and interconnections between mixed migration, smuggling, and trafficking.

More nuanced narratives will also help counter the common conflation of smuggling and trafficking. A failure to do this will only reinforce the agendas of certain political and economic actors, increase the vulnerability to trafficking of many refugees and migrants, prevent many trafficking victims from being identified and adequately supported, and allow law enforcement agencies to continue focussing on smugglers rather than the more harmful traffickers, who will continue to benefit from the extensive impunity they enjoy in most regions in collusion with state actors. Not only do states fail to adequately censure and interdict human trafficking within their own borders, but they often put minimal or negligible effort into protecting their own citizens abroad who systematically become victims of trafficking.

Fulfilling one of the central ambitions of both the Global Compact for Migration and the EU's New Pact on Migration and Asylum, namely, to increase the scale and scope of legal migration globally, could well reduce the prevalence of migration-led trafficking, but would probably have less impact on trafficking-led migration.
Another step forward would be to further explore why smugglers become traffickers or practice "aggravated smuggling". Is it simply because at some point they realise there is more money to be made out of exploiting refugees and migrants, instead of only transporting them for a fee? Or is there something else that pushes smugglers along certain routes and in certain countries to start engaging in such violent and exploitative behaviour? Additionally, the sector needs to research why some migration routes are more susceptible to trafficking and abuse than others. What determines vulnerability to trafficking?[44]

This essay has highlighted the interconnections between mixed migration, migrant smuggling, and human trafficking. Given their intersections and overlaps, the root causes of mixed migration, migrant smuggling, and human trafficking (or vulnerability to trafficking) also interweave: many migrants and trafficking victims migrate, or become subject to being trafficked and exploited, because of poverty, armed conflict, financial hardship, and statelessness, or because they come from marginalised and/or persecuted communities. Therefore, only by addressing these root causes and prioritising them over approaches which merely address symptoms, such as increasing border security measures, enhancing policing, and criminalising smugglers or low-level traffickers, and by raising public awareness, will we be able to get to grips with the connections and overlaps between mixed migration, migrant smuggling, and human trafficking, and mitigate their attendant human sufferings and injustices.

41 Ferrie, J. (2018) Human trafficking on the rise in Afghanistan despite new laws. Reuters.
42 United States Department of State (2021) op cit.
43 Amnesty International (2018) European states should stop forcing people to danger in Afghanistan.
44 IOM has conducted some research in this area. See: David, F. Bryant, K. & Judo Larsen, J. (2019) Migrants and their vulnerability to human trafficking, modern slavery, and forced labour. IOM. Trafficking was also among the abuses covered in two statistical studies carried out by MMC: Jucker, J-L. & Garver-Affeldt, J. (2020) A Sharper Lens on Vulnerability (West Africa). Mixed Migration Centre; and Nissling, S. & Murphy-Teixidor, A-M. (2020) A Sharper Lens on Vulnerability (North Africa). Mixed Migration Centre.

4Mi on...

vulnerability to trafficking

Human trafficking is the recruitment, transportation, transfer, harbouring, or receipt of people through force, fraud or deception, with the aim of exploiting them for profit. The crime of human trafficking consists of three core elements: the act, the means, the purpose.

4Mi's current standard survey is not designed to identify victims of trafficking among refugee and migrant populations, but it does capture data that may suggest a vulnerability to trafficking, especially when those data are taken together.

For example, how many refugees and migrants are using one smuggler, who is organising and directing their journey from departure to destination (or place of interview), rather than no smuggler, or multiple smugglers? Using only one smuggler for the entire length of a journey might indicate a high level of organisation as well as dependency on smugglers, potentially increasing people's vulnerability to trafficking and exploitation (although of course, such a high level of organisation could also suggest respondents were able to pay for more professional smuggling services that reduce their vulnerability). 4Mi data show that Afghans who have reached Türkiye and Greece (and to a slightly lesser extent, Syrians and Pakistanis in Greece), sub-Saharan Africans who have reached North Africa, and Rohingya in Malaysia, have to a large degree depended on one smuggler (see the case study on Afghans in the essay on trafficking on page 184).

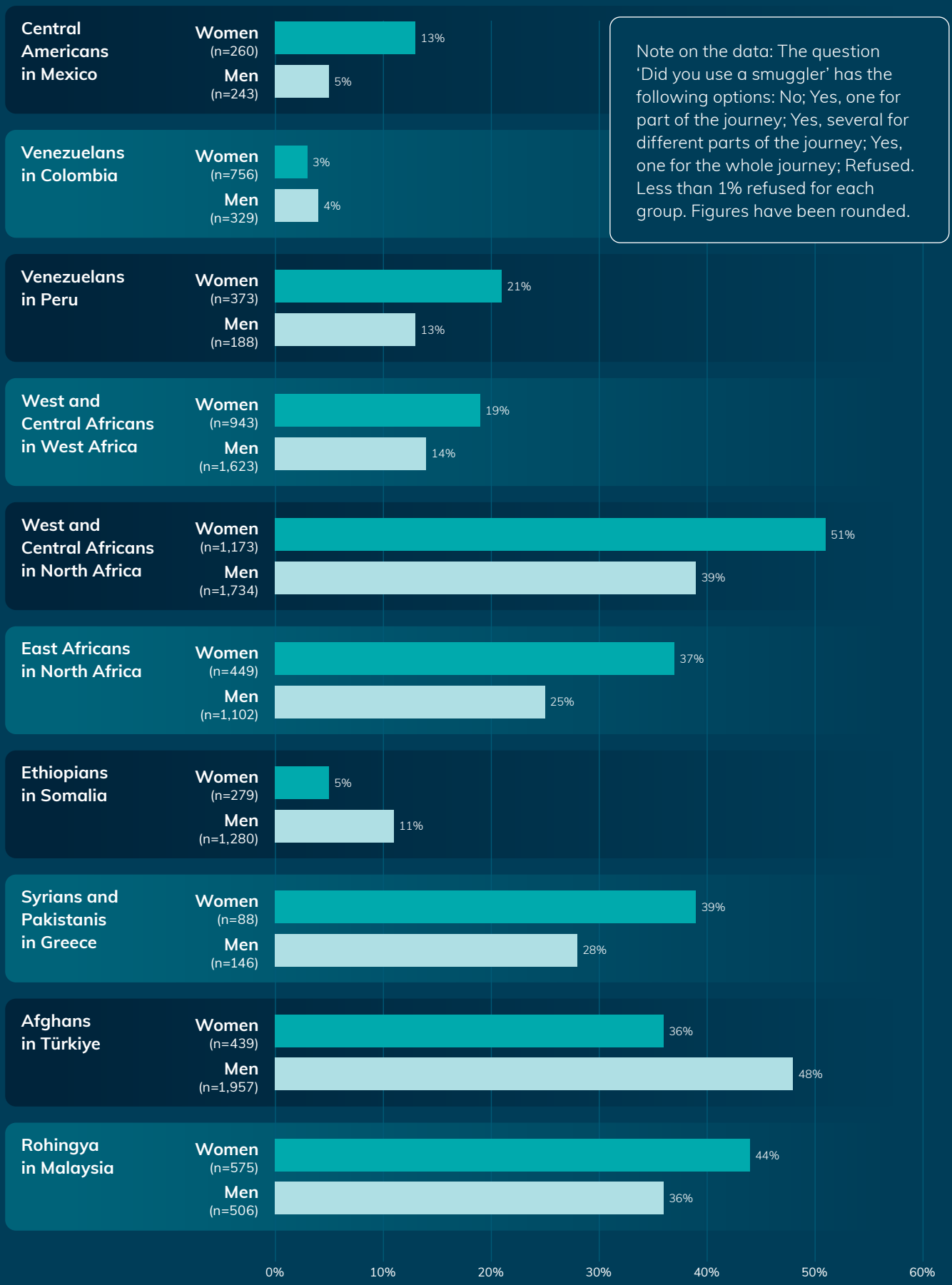
When we look at gender difference, then we find that women are far more often using one smuggler for the whole trip compared to men—this pattern is only inverted among Afghans in Türkiye. This is particularly the case among people interviewed in North Africa and Italy.

Smugglers can be paid in many different ways, and, again, none mean that the refugee or migrant is definitely a victim of trafficking. However, not having been able to pay, and paying through labour, can suggest exploitation or coercion, and more so in combination with dependence on one smuggler for the entire journey.

While a small minority of respondents say they have not paid at all, or that they paid through labour (generally ranging from 0% to 8% across the population groups and gender), **labour is a more frequent form of payment among female West and Central African refugees and migrants interviewed in North Africa** (23%, from a sample of 805 respondents) **and male sub-Saharan Africans interviewed in Italy** (16%, from a sample of 131 respondents). African women in Italy also were the group where more people said the smuggler had not been paid, although the sample was small (5 out of 22 respondents gave this answer).

Through 4Mi, MMC will be focusing more on vulnerability to trafficking and exploitation in 2023, and will develop a methodology to be able to collect more data on the topic.

Figure 1. Use of a smuggler for the entire journey



Note on the data: The question 'Did you use a smuggler' has the following options: No; Yes, one for part of the journey; Yes, several for different parts of the journey; Yes, one for the whole journey; Refused. Less than 1% refused for each group. Figures have been rounded.

Photo credit: Petra Molnar

A new camp—or "hotspot"—on the Greek island of Kos features prison-like, high technology controls to detain and "warehouse" asylum seekers. (See the essay on AI and 'Digital Nervous System' page 126. Also, in Normalising the extreme, page 206 and Thematic Snapshot, page138).

Section 5

Policy and politics

At a time of increasing global 'migration diplomacy', this section offers essays, thematic snapshots and interviews to highlight key policy and political issues relating to mixed migration. This year, after four years of being adopted, the impact of the Global Compact for Migration is examined through the outcomes of the first International Migration Review Forum. Meanwhile, the different forms and increasing use of migration diplomacy are explored, the argument that more regular channels for migration will reduce irregular migration is challenged, and the 'root causes' approach to migration that dominates decision-maker thinking is critiqued. Again, following each essay, 4Mi data provides further evidence on the essay's topic, based on thousands of interviews with refugees and migrants. The interviews included are with some of the leading academics and activists in the sector and finally, as always, Normalising the extreme and Resisting the extreme chart the negative and positive state-led interventions and policies that directly impact refugees and migrants on the move.

Unpicking the notion of 'safe and legal' routes

Not only refugees and migrants themselves, but also states and international organisations, stand to benefit from the expansion of regular migration pathways. Yet although the term "safe and legal routes" dominates current mobility discourse, the complexities of creating them and the viability of some of their assumed dividends merit close examination.

By Jeff Crisp[1]

Introduction

The last ten years have brought a growing recognition of the need to address the issue of mixed and irregular migratory movements through the introduction of pathways that enable people to move from one country and continent to another in a safe and legal manner. As well as averting the need for refugees and migrants to embark on dangerous and expensive journeys involving unscrupulous human smugglers, such routes promise to mitigate the negative perceptions of states with respect to the impact of such movements on their sovereignty, security, and social stability.

This essay examines the context in which the discourse on safe and legal routes has emerged and identifies the different types of organised pathway that have been proposed by states and other stakeholders. Focusing particularly on population movements from the global South to the global North, it discusses the opportunities, difficulties, and dilemmas associated with this approach to the governance of cross-border mobility. More specifically, it scrutinises the increasingly popular assumption that the introduction of such routes will lead to significant reductions in the scale of mixed and irregular migration.

The context

In the mid-1980s, the world's most prosperous states began to express concern about the growing number of foreign nationals arriving irregularly on their territory, many of whom subsequently submitted applications for refugee status. Regarding such movements as a threat to their sovereignty, and believing that many of those applications were unfounded, over the next two decades those countries introduced a range of restrictive measures designed to place new physical and administrative barriers in the way of unwanted new arrivals, especially those originating from the global South.[2]

The limitations of these measures were dramatically exposed in 2015-16, when up to a million people, initially from Syria but subsequently from several other countries, made their way in an unauthorised manner to the European Union, many of them travelling via Türkiye. Reacting to this apparent emergency, the EU adopted a strategy pioneered in earlier years by Australia and the United States, known as "externalisation". This involved the provision of financial and other incentives to low- and middle-income states on the understanding that they would obstruct the outward movement of irregular migrants and readmit those deported from wealthier states.[3]

At the same time, governments in the developed world were beginning to acknowledge that mixed and irregular movements of people could not be managed by exclusionary measures alone. This recognition was due in no small part to the efforts of human rights advocates, who were concerned about the negative implications of externalisation for refugee and migrant protection. They also wanted to highlight the contribution that foreign nationals could make to destination countries in the global North if they were able to move there in a regular and orderly manner.[4] The common outcome of these different discourses was a growing degree of support for the notion that the establishment of safe and legal routes could minimise the scale and mitigate the adverse consequences of mixed and irregular movements.

This was not an entirely new approach. As then UN secretary-general Kofi Annan had argued in the early 2000s, international migration, if governed in an appropriate manner, could have "win-win outcomes", bringing benefits to countries of origin, countries of

1 Jeff Crisp is affiliated to the Refugee Studies Centre in Oxford and Chatham House in London. He was previously Head of Policy Development and Evaluation at UNHCR.
2 Hatton, T. (2009) The rise and fall of asylum: what happened and why? The Economic Journal.
3 Tan, N. (2021) Conceptualizing externalization: still fit for purpose? Forced Migration Review.
4 Wood, T. (2020) The role of complementary pathways in refugee protection. Kaldor Centre.

destination, and migrants alike.[5] But to attain those outcomes, certain conditions had to be met. In the words of the Global Commission on International Migration (GCM), a body established by Mr. Annan:

> *It is in the interest of both states and migrants to create a context in which people migrate out of choice and in a safe and legal manner, rather than irregularly and because they feel they have no other option. Regular migration programmes could reinforce public confidence in the ability of states to admit migrants into their territory on the basis of labor market needs. Programmes of this kind would also help to create a more positive image of migrants and foster greater public acceptance of international migration.* [6]

Migration governance initiatives

In recent years, and especially since the so-called "European migration crisis" of 2015-16, this notion has been taken up by a number of different migration governance initiatives. Focusing primarily on labour migration, the 2018 Global Compact for Safe, Regular and Orderly Migration (GCM) cited "enhanced availability and flexibility of pathways for regular migration," as one of its key objectives. Endorsed by the majority of UN member states, the GCM extended this approach to the realm of forced migration, encouraging the international community to "develop or build on existing national and regional practices for admission and stay of appropriate duration based on compassionate, humanitarian or other considerations for migrants compelled to leave their countries of origin."[7]

At the same time, the Global Compact on Refugees (GCR), also adopted in 2018 and which was even more widely endorsed by the international community, underlined the necessity for people who were fleeing persecution and armed conflict to have access to safe and legal routes. "There is a need," it said, "to ensure that such pathways are made available on a more systematic, organised and sustainable basis, that they contain appropriate protection safeguards, and that the number of countries offering these opportunities is expanded overall." [8]

Similar approaches have emerged in the context of regional migration governance initiatives. The EU's 2011 Global Approach to Migration and Mobility, for example, acknowledged the importance of "preventing and reducing irregular migration and trafficking in human beings" by "organising and facilitating legal migration and mobility."[9] The more recent EU Pact on Migration and Asylum also "aims to reduce unsafe and irregular routes and promote sustainable and safe legal pathways for those in need of protection." "Developing legal pathways," it says, "should contribute to the reduction of irregular migration."[10]

In 2022, the Summit of the Americas, a meeting of states that focussed on the issue of human mobility in the western hemisphere, endorsed the Los Angeles Declaration on Migration and Protection. Using language similar to that of the EU Pact, it committed participating states to "a shared approach to reduce and manage irregular migration," and to "promoting regular pathways for migration and international protection." Signatories expressed their commitment "to strengthen fair labor migration opportunities in the region," and "to promote access to protection and complementary pathways for asylum seekers, refugees and stateless persons."[11]

As indicated by the declaration's reference to "labor migration opportunities", the recognition of the need for safe and legal pathways to be established is closely linked to another recent development: a growing and global shortage of workers. In many industrialised states, members of the existing labour force are aging, taking retirement, quitting, or changing their jobs. The Covid-19 pandemic prompted those countries to introduce new border controls and stricter limits on immigration. Taking advantage of these circumstances, employees have been able to demand better wages and working conditions, thereby pushing up the cost of producing goods and providing services. Confronted with these threats to their profitability, the private sector has been placing growing pressure on governments to remove such restrictions and to open the door to foreign labour.[12]

Safe and legal routes

As demonstrated by the migration governance initiatives described in the previous section, there is now a broad international consensus on the need to provide safe and legal routes for people who wish or feel obliged to leave their own country. There is also an agreement, supported by a growing volume of academic research, that the provision of such routes has a role to play in reducing the scale of mixed and irregular migration

5 United Nations (2003) Win-win outcomes possible if approach to migration is rational, compassionate.
6 Global Commission on International Migration (2005) Migration in an interconnected world: new directions for action.
7 United Nations (2018) Global Compact for Safe, Regular and Orderly Migration.
8 United Nations (2018) Global Compact on Refugees.
9 European Union (2011) The Global Approach to Migration and Mobility.
10 European Union (2020) New Pact on Migration and Asylum.
11 The White House (2022) Los Angeles Declaration on Migration and Protection.
12 Ellyat, H. (2022) There are millions of jobs but a global shortage of workers. CNBC.

and in boosting the economies of destination states.[13] But what specific forms might those safe and legal routes take? The next section of this essay answers that question by describing the principal proposals made and actions taken in that respect.

Labour migration programmes

One such proposal has been labour migration programmes established on a permanent, temporary, or seasonal bases. The rationale for such programmes is that they would allow people from poorer countries who are in need of employment to fill gaps in the labour markets of more prosperous states. As well as boosting the economies of destination countries, such programmes would allow the migrants concerned to enhance their skills and to support their countries of origin by means of remittances.[14]

Until recently, for example, there have been only limited legal opportunities for the citizens of Central and South American countries, especially those with lower levels of skill, to join the US workforce. At the 2022 Summit of the Americas, however, President Biden indicated that he would introduce a package of measures designed to manage northward migration more effectively, including the establishment of safe and legal routes for Latin Americans. According to one US spokesperson, "we will have announcements related to labor pathways as part of the Los Angeles Declaration, designed to ensure that those pathways meet the highest labor standards and are not used for abuse or for a race to the bottom."[15]

Mexico, another signatory to the declaration, has already taken steps in this direction, offering border worker visas to Guatemalans and Belizeans wishing to work in the country's southernmost states—an initiative intended to meet the labour needs of the area while reducing the number of people from those two countries arriving and working in an irregular manner.[16]

Turning next to Germany, in 2015-16, at a time when the country was receiving large numbers of new arrivals from the Western Balkan states, most of whom submitted unsuccessful asylum claims, a new employment regulation was introduced. This opened the labour market for nationals of those countries, on condition that they had a valid job offer from a German employer.[17]

Since that time, EU member states more generally have begun to acknowledge the need to recruit employees from outside the bloc. Thus in April 2022, the European Commission launched what it described as "an ambitious and sustainable legal migration policy," including "specific actions to facilitate the integration of those fleeing Russia's invasion of Ukraine into the EU's labour market." In the emphatic words of the commissioner for home affairs, "legal migration is essential to our economic recovery [...] while reducing irregular migration."[18]

A more preemptive approach to the issue has been taken by Australia, whose Pacific Labour Mobility Scheme allows businesses to recruit seasonal and temporary workers from ten Pacific island states. The purpose of the scheme is to meet Australia's domestic labour market needs, to promote regional cooperation and development, and, in doing so, to avert the kind of instability that might provoke unpredictable and irregular movements of people.[19]

Refugee-related programmes

When Russia invaded Ukraine in February 2022, large numbers of people displaced by the hostilities began to make their way to neighbouring and nearby member states of the European Union. While the EU has made vigorous and often inhumane efforts to exclude asylum seekers originating from other parts of the world, even if they had strong claims to refugee status, in the case of Ukraine steps were quickly taken to regularise the situation of the new arrivals. Refugees from Ukraine were allowed to enter the EU without a visa, to enjoy residence and work rights there for up to three years, and to move freely from one member state to another.[20]

This arrangement, known as "temporary protection", was based on a number of considerations: the geographical proximity of Ukraine to the EU, the great difficulty that the EU would have had in trying to obstruct the movement, a humanitarian concern for people who had been obliged to flee by the conflict, and a particular readiness to support the citizens of a friendly country that was suffering from the aggression committed by Russia, a state with a long history of enmity to the EU and NATO. While it remains to be seen how effectively the Ukrainians can be absorbed into the economies and societies of EU member states, in the short term at least, the temporary protection system provided a means of channeling a very large and rapid movement of people into routes that were safe and legal.

Looking beyond the specifics of the Ukrainian situation, UNHCR, the UN's agency for refugees, has in recent years made regular calls for governments—predominantly

13 Clemens, M., Dempster, H. & Gough, K. (2019) Promoting new kinds of legal labor migration pathways between Europe and Africa. Center for Global Development.
14 Costa, D. & Martin, P. (2018) Temporary labor migration programs. Economic Policy Institute.
15 Nelson, S. (2022) Biden teases migration plan at contested Summit of the Americas. New York Post.
16 Ramon, C. et al (2022) Temporary worker programs in Canada, Mexico, and Costa Rica. Migration Policy Institute.
17 Ziebarth, A. & Bither, J. (2018) Creating legal pathways to reduce irregular migration: what we can learn from Germany's Western Balkan Regulation. German Marshall Fund.
18 European Commission (2022) Legal migration: attracting skills and talent to the EU.
19 Government of Australia (2021) Pacific labour mobility.y
20 European Council (2022) Ukraine: Council unanimously introduces temporary protection for persons fleeing the war.

but not exclusively in the global North—to establish and expand the scale of state-sponsored refugee resettlement programmes. Such efforts enjoy limited success, however, partly because of the serious cuts made to the US resettlement quota by the Trump administration, and partly because of the restrictions on movement introduced by many other countries as a result of the Covid-19 pandemic.[21] In the aftermath of the 2015-16 "migrant crisis", moreover, European countries were reluctant to consider the admission of additional refugees, even if they were to arrive in an organised manner.

In a more positive development, the decade since the beginning of the Syrian refugee emergency in 2012 has delivered a new focus on the establishment of privately-sponsored resettlement programmes, enabling families as well as neighbourhood, community, and faith-based groups in the global North to sponsor the reception and initial integration of refugees from countries of asylum in the global South. Canada has taken a particular lead in this respect, establishing private sponsorship programmes for Afghan, Syrian, and Ukrainian refugees, with Australia, the US, and some European countries also experimenting with this particular form of safe and legal route.[22]

A similar approach can be seen with respect to the notion of "humanitarian corridors", an initiative taken by Italian church-affiliated groups. Self-funded but closely coordinated with the government in Rome, this programme has enabled religious communities in Italy to welcome hundreds of refugees from Ethiopia, Greece, and Lebanon. Discussions are currently underway with a view to expanding this model to other European states.[23]

Recent years have seen a growing interest in the notion of labour mobility for refugees, arrangements whereby refugees with specific skills and qualifications are allowed to leave their country of asylum in order to take up pre-arranged employment opportunities in another state. An approach first proposed more than a decade ago but largely unimplemented since that time, the potential of such initiatives has now been recognised by Australia, Canada, and the UK, all of which have recently established pilot programmes of this type.[24]

In similar vein, humanitarian organisations have promoted the notion that refugees in developing countries of asylum should be able to benefit from scholarship programmes in states that are better equipped to provide them with appropriate education at the secondary and tertiary levels. The implementation of this approach has been boosted considerably by the emergencies in Syria and Ukraine, both of which have prompted universities around the world to make special provisions for refugee students.

When people move from one country to another in the context of a refugee crisis, a common consequence is for family members to be separated, either because some have been left behind in the country of origin, or because they lose contact with each other during their journey to a safer place. In response to this humanitarian issue, the international community has for many years supported the notion of family reunification programmes, organised with the support of entities such as the International Organization for Migration, UNHCR, and the Red Cross movement. Most recently, there has been a recognition that such programmes also have a role to play in reducing the scale of irregular movements, given the frequency with which people engage in such journeys in an attempt to reunite with their relatives.[25]

Relocation and evacuation programmes

Other arrangements have been made to enable refugees and migrants to relocate in a safe and legal manner from countries that are not in a position to provide them with the support that they need. In the EU, efforts—albeit largely unsuccessful—have been made recently to establish redistribution programmes, relocating people from front-line states such as Greece and Italy, which have large refugee and migrant populations, to parts of Europe that are under less pressure in this respect.

In a more dramatic context, UNHCR has established an evacuation programme for refugees and migrants in Libya, where they are at serious risk of detention and human rights abuses, and where escape from the country by boat also presents them with enormous dangers. A safe and legal alternative has been found in an arrangement whereby the most vulnerable of these people are transferred to emergency transit centres in Niger and Rwanda, pending the time when other countries accept them as permanent residents.[26]

Finally, proposals have been made with respect to the establishment of arrangements that would allow people who are at risk in their country of origin to move elsewhere in a safe and legal manner. For individuals and families, this objective could be attained by means of humanitarian visas issued by the overseas embassies of states that wish to provide sanctuary to people who are threatened in their homeland.[27]

21 Grant, A. (2020) Coronavirus, refugees and government policy: the state of US refugee resettlement during the coronavirus pandemic. World Medical Health Policy.
22 Duken, C. & Rasche, L. (2021) Towards a European model for community sponsorship. Jacques Delors Centre, Hertie School.
23 Sant'Egidio Community (2016) Humanitarian corridors.
24 Crisp, J. (2021) Briefing: are labour mobility schemes for skilled refugees a good idea? Free Movement.
25 Council of Europe (2017) Family reunification of refugees and migrants in the Council of Europe member States.
26 Claes,J & Botti, D. A new normal: Evacuations from Libya to Niger and Rwanda. Mixed Migration Centre.
27 Gammeltoft-Hansen, T. & Noll, G. (2016) Humanitarian visas key to improving Europe's migration crisis. Lund University.

On a larger scale, orderly departure programmes might be established for designated categories of people who feel obliged to leave their own country and who might otherwise have no alternative but to move by irregular means. An important—but as yet unreplicated—precedent was set in this respect by a 1980s programme that allowed some 800,000 Vietnamese citizens to relocate to the US and other western countries with the authorisation of the Hanoi government, sparing them from the dangerous journeys that the "boat people" had undertaken in earlier years.[28]

The potential of regular pathways

It is not surprising that the notion of safe and legal routes has attracted so much attention in recent years. They are in the interest of refugees and migrants, who would otherwise have to embark on difficult and often dangerous journeys. They are in the interest of states, who have much to gain from the orderly and authorised movement of people. And they are in the interest of international organisations that are struggling to respond to large-scale and unpredicted movements of people, and which are trying to ensure that human mobility is governed in a more effective, human and equitable manner.[29]

At the same time, there is a need to scrutinise the popular assumption that such measures can substantially reduce the scale of mixed and irregular migratory movements, and to address the many difficulties and dilemmas associated with the establishment of such pathways.

Scaling up

Despite all of the rhetorical support given to the notion of regular pathways in recent years, the number of people who are able to access them is still very modest. And there are a number of reasons why they might not be scaled up to any great extent. First, the Covid-19 pandemic, which erupted unexpectedly not long after the GCM and GCR had been negotiated, caused many governments to act with a new degree of caution in relation to the cross-border movement of people. And while the pandemic has subsided, states may well prefer to retain some of the immigration restrictions they introduced in the context of the pandemic.

Second, and more recently, the need for states in Europe and beyond to admit large numbers of refugees from Afghanistan and Ukraine seems certain to limit their enthusiasm and capacity for the establishment of safe routes for people from other parts of the world. With many thousands of people from those two countries left without jobs and in temporary accommodation, the introduction or expansion of other pathways would simply exacerbate this problem.

While the admission of overseas workers appears to be a way of addressing the demographic deficits and labour market needs of the industrialised states, are the citizens and politicians of those countries ready to acknowledge the need to admit more foreign nationals, even if they arrive in a managed manner?[30] Immigration has become a toxic issue in many of the world's more prosperous states, and few governments or opposition parties are willing to run on electoral platforms that advocate an increase in the number of new arrivals from other parts of the world.

In the context described above, it should come as no surprise that most of the orderly pathway initiatives introduced in recent years (such as privately sponsored resettlement, humanitarian corridors, evacuation, and relocation programmes) have all operated on a modest scale and have often been established on a pilot basis, with no guarantee of them being expanded.

For example, when in 2021 the British home secretary introduced a new labour mobility programme for refugees, she boldly announced that "those displaced by conflict and violence will now be able to benefit from access to our global points-based immigration system, enabling them to come to the UK safely and legally through established routes". In fact, only 100 Syrian refugees from Jordan and Lebanon will benefit from the programme over the next two years.[31]

And the UK is not an isolated case. According to a recent study, in 2019 the OECD countries provided complementary pathways to fewer than 156,000 people from seven major refugee-producing countries. Two-thirds of them were admitted on the basis of family reunion, with the remaining third split equally between people granted visas for work and for educational purposes. That 156,000 constituted just 0.6 percent of the global refugee population.[32]

Reducing irregular migration

Even if safe and legal routes could be established and expanded, what impact would that have on the scale of irregular migration? That is a difficult question to answer, partly because the evidence on this issue is so limited, and partly because it is methodologically challenging to establish causal linkages between these two phenomena, as demonstrated by two recent studies.

With respect to the German labour programme in the Western Balkans, one analyst has suggested that

28 Kumin, J (2008) Orderly departure from Vietnam: Cold War anomaly or humanitarian innovation? Refugee Survey Quarterly.
29 Wood, T. op. cit.
30 Hainmueller, J. & Hopkins, D (2014) Public attitudes towards immigration Annual Review of Political Science.
31 Crisp, J. op. cit.
32 OECD & UNHCR (2021) Safe pathways for refugees.

although the number of asylum applications from that region did indeed drop after the new initiative was introduced, "one cannot credibly single out the exact effect the Western Balkan Regulation had on reducing irregular migration from the region to Germany". The author goes on to say that "the regulation was only one of many policy measures at the time, including many restrictive measures and faster processing times of asylum applications as well as the 'closure' of the Western Balkan route." Consequently, "it is not possible to isolate the exact causal role the Western Balkan Regulation may have played."[33]

A case study of Mexico and the US reaches a similar conclusion, suggesting "there is evidence that lawful channels for migration between Mexico and the US have suppressed unlawful migration, but only when combined with robust enforcement efforts," including the intensification of border controls that facilitated the apprehension and return of migrants crossing the frontier in an irregular manner.[34] This conclusion on the close relationship between safe pathways and enforcement, shared by both studies, is ironic, given that some of the strongest NGO advocates for the former are most vocal in their opposition to the latter!

A more general review of the evidence on this matter also casts doubt on the notion that an expansion of safe and legal routes will necessarily lead to a reduction in irregular movements. Looking specifically at labour migration programmes, the study says that they are often proposed "on the basis of an assumption of a rerouting effect, whereby migrants who would otherwise arrive and enter the asylum system or stay in a country without legal status will be incentivised to try and access a legal work permit from home rather than migrate illegally." But the validity of that assumption "will depend on the capacity of legal pathways to accommodate the number of low-skilled workers who want to migrate, but lack permission to enter their desired destination."[35]

That statement concerning the number of people who would like to or have been obliged to migrate but who have been unable to do so in a safe and legal manner is readily substantiated in numerical terms. Most estimates suggest that around 15 million irregular migrants are to be found in the US and Europe alone, with millions more in countries such as India, Libya, Malaysia, Mexico, Saudi Arabia, and South Africa.[36] According to UNHCR, there are some 30 million refugees worldwide and more than 4.5 million asylum seekers who are waiting for their applications to be processed. A worldwide survey undertaken in 2018 concluded that some 750 million people, 15 percent of all the world's adults, would move to another country if they had the opportunity to do so.[37]

Given the growing demand for migration opportunities in poorer regions of the world, coupled with the general reluctance of the industrialised states to facilitate the large-scale admission of people who want to move there, it is difficult to see how this square can be circled. The most likely scenario is that the supply of opportunities for regular migration will be unable to meet the demand, meaning that aspirant migrants who are not selected for regular entry will still have a strong incentive to move in an irregular manner.

Indeed, it can also be argued that the establishment of safe and legal routes intensifies the social networks linking countries of origin and destination, enabling those migrants who move in a regular manner to inform the compatriots they have left behind of the opportunities that exist in the countries to which they have moved and to send remittances to people at home that can be used to pay the costs of a clandestine journey to the same location. In this respect, instead of reducing levels of irregular migration, the establishment of safe and legal routes might actually contribute to their growth.

Selection criteria and processes

In addition to the scale of the routes that might be established and their potential impact on levels of irregular migration, a number of other issues must be considered in the context of this discourse.

First, the notion of safe and legal pathways is based on the idea that states should control the arrival of foreign nationals on their territory, determining how many should be admitted, what countries they should come from, why they wish or need to move to another country, what their demographic profile is, and what skills they should have. In other words, for safe and legal routes to work effectively, states and other stakeholders have to establish selection criteria and processes that allow the admission of some people who would like to move, while refusing entry to others. This is not a principle accepted by some refugee and migrant advocates, for whom the notion of safe and legal routes has become a disguised proxy for "open borders".

Almost inevitably, moreover, different constituencies within receiving states will be pushing for priority to be given to certain categories of people. Humanitarians will want the emphasis to be on refugees. Diaspora families and communities will favour family reunification programmes and community-sponsored resettlement. The private

33 Ziebarth, A. op. cit.
34 Cooper, R. (2019) Legal pathways' effects on irregular migration. K4D.
35 Clemens, M. & Gough, K (2018) Can regular migration channels reduce irregular migration? Lessons for Europe from the United States. Center for Global Development.
36 Migration Data Portal (2022) Irregular migration.
37 Esiposa, N. Pugliese. A & Ray. J. (2018) More than 750 million worldwide would migrate if they could. Gallup.

sector will argue the case for the admission of people with the skills and capacity to fill gaps in the labour market in a cost-effective manner. Universities will argue the case for visas to be granted to refugees and other foreign citizens with the necessary qualifications or academic aptitude. The selection process is therefore likely to be a contested and controversial one, potentially limiting governmental enthusiasm for the notion of safe and legal routes.

Status and rights

Second, as the attempt to regularise migratory movements proceeds, some important questions will have to be addressed in relation to the status and rights of the new arrivals and the organisation of such programmes. In the context of labour migration programmes, for example, would people be admitted on a temporary or permanent basis, and in the latter case would they eventually be able to acquire permanent resident rights or citizenship? Would they be tied to a single employer or allowed to move freely in the labour market? Would they enjoy the same pay, rights, and working conditions as citizens of the countries in which they are employed?[38]

A somewhat different set of issues arises in the context of labour mobility initiatives for refugees. Will they be allowed to leave their countries of asylum by the governments of those states and, more importantly, would they be able to return to it if employed abroad on a temporary basis? As some refugee lawyers have mooted, would they be at risk of being deported to their country of origin, and thereby be at risk of persecution, if their country of first asylum refused to readmit them? And if they were readmitted to their country of first asylum, would they have full access to the labour market there, or find themselves returning to a refugee camp or informal urban settlement where only informal and low-income livelihoods opportunities exist?[39]

With respect to privately sponsored resettlement, there is some evidence, especially from Canada, that refugees who arrive by this route fare better than those who are admitted by means of state-sponsored programmes.[40] But there are also risks involved, especially in emergency situations where the citizens of resettlement countries are, for good humanitarian reasons, eager to welcome refugees into their homes and neighbourhoods, and where the state is only too happy to devolve responsibility for refugees to members of the community.

A particular case in point is to be found in the UK's sponsorship scheme for Ukrainian refugees, in which some of the new arrivals have found themselves matched with inappropriate sponsors in isolated rural locations and with few affordable options available with respect to their long-term accommodation.[41]

State manipulation

Third, the establishment and expansion of safe and legal routes could have adverse consequences if misused by destination countries. With respect to resettlement, for example, UNHCR has always insisted that refugees should be selected on the basis of their vulnerability, and not in terms of what the organisation describes as their "integration potential".

That principle might prove more difficult to uphold in a context where alternative pathways are being discussed, specifically targeted at people on the basis of their skills, qualifications, language abilities, family connections and value to the labour market. Rather than expanding their refugee resettlement programmes, as UNHCR would like them to do, will destination countries prefer to make use of pathways that enable them to cherry-pick new arrivals on the basis of perceived value to the economy and society?

At the same time, there is a risk that states will use the establishment of organised pathways as a pretext for the exclusion of asylum seekers who arrive in an independent manner and by irregular means. That has long been the approach adopted by Australia, whose policy of interception at sea and relocation to remote offshore processing facilities is justified by the government on the grounds that the country has a substantial refugee resettlement programme. Rather than taking to boats and "jumping the queue", the authorities say, refugees should wait their turn to be resettled from their country of asylum, however difficult that might be in practice.

Taking its cue from Australia, the UK is in the process of establishing a formalised two-tier asylum system. On one hand, "bespoke" admissions programmes will be established for refugees from countries in which the UK has a particular geopolitical interest, most notably Afghanistan and Ukraine. On the other hand, the asylum claims of people arriving in the UK in an irregular manner, such as by boat across the English Channel (including those from Afghanistan and Ukraine) are now deemed inadmissible, and many of those arriving in this way are detained and liable to deportation to Rwanda without the possibility of returning to the UK, even if their refugee claim is recognised by the authorities in Kigali. At the time of writing, however, there is no evidence that this policy will have its intended effect of deterring irregular arrivals, nor indeed whether it will ever be

38 Ruhs, M. (2021) Guest workers: enduring questions and policy controversies. European University Institute.
39 Crisp, J. op. cit.
40 Van Haren, I. (2021) Canada's private sponsorship model represents a complementary pathway for refugee resettlement. Migration Policy Institute.
41 Tidman, Z (2022) Ukrainian refugees in UK facing homelessness due to renting red tape. The Independent.

implemented, given the legal challenges to which it is being subjected.[42]

Regularisation

Finally, while much of the recent discourse on irregular migration has focused on the extent to which its scale and impact can be minimised by the establishment of safe and legal pathways, it must not be forgotten that many destination countries already have substantial populations of people who are officially not authorised to be there: so-called "illegal immigrants", unsuccessful asylum seekers, and foreign nationals who have overstayed their visas, to give just three examples.[43]

No serious attempt to address the issue of irregular migration can avoid the situation and status of such people, although questions relating to their regularisation, whether by means of amnesties or by other measures. have not featured at all prominently in the recent discourse on international mobility.

Interestingly, the GCM avoids the issue completely, presumably because it is deemed to be a matter that lies within the jurisdiction of sovereign states. If an attempt had been made to include the question of regularisation in the compact, it would almost certainly have been endorsed by fewer states.[44] Nevertheless, any discussion of irregular migration must involve a consideration of those people who are living and working in countries where they do not have a legal status, as countries such as Spain, Ireland, and Italy have started to recognise.[45] It is an issue that warrants much more attention at the national and multilateral levels, irrespective of its controversial nature.

Conclusion

A strong case can be made for the introduction and expansion of safe and legal migratory routes, as has been recognised by a plethora of recent initiatives relating to the governance of international mobility. But expectations of them should be modest.

While such routes may have a limited role to play in reducing the scale and impact of mixed and irregular movements, they appear unlikely to have the transformative effect that some participants in the migration discourse have suggested they might have. Such routes are also likely to be a contentious matter, with some states using the notion of safe and legal routes as a pretext for the introduction of draconian approaches to the issue of irregular migration, and with migrant advocates employing the same concept as a means of avoiding the more controversial slogan of "open borders".

As indicated in the introduction, this essay has focused to a large extent on mixed and irregular migration from the global South to the global North, as it is those movements that have prompted much of the recent discourse on safe and legal routes. But it should not be forgotten that most migratory movements currently take place within the global South, and that some 85 percent of the world's refugees are to be found in low and middle-income countries.[46]

Looking at the migration and refugee scenario in the developing world, there are perhaps greater grounds for optimism than can be found by focusing on the industrialised states. With some exceptions (South Africa being a prime example), countries in the global South are less exercised by the issue of irregular migration.

Two regions—South America and West Africa—have established rather successful freedom-of-movement arrangements for their citizens.[47] And despite some restrictive tendencies, encouraged in many instances by the externalisation policies of the global North, developing countries have kept their borders relatively open to refugees, as demonstrated by the presence of so many Rohingya refugees from Myanmar in Bangladesh, South Sudanese in Uganda, Syrians in Jordan and Lebanon, and Venezuelans in a host of neighbouring and nearby states.

In an ideal world, the cross-border movement of people would indeed take place in an exclusively voluntary, safe, and orderly manner. But that scenario cannot be envisaged in an era that is characterised by failures of global governance, widespread armed conflict, growing regional inequalities, intensifying environmental disasters, and the climate crisis, not to mention the general unwillingness of politicians and the public to countenance large-scale immigration and refugee arrivals. Looking to the future, there is every reason to believe that large numbers of people will have to move out of necessity rather than choice, in an unpredictable and irregular manner.

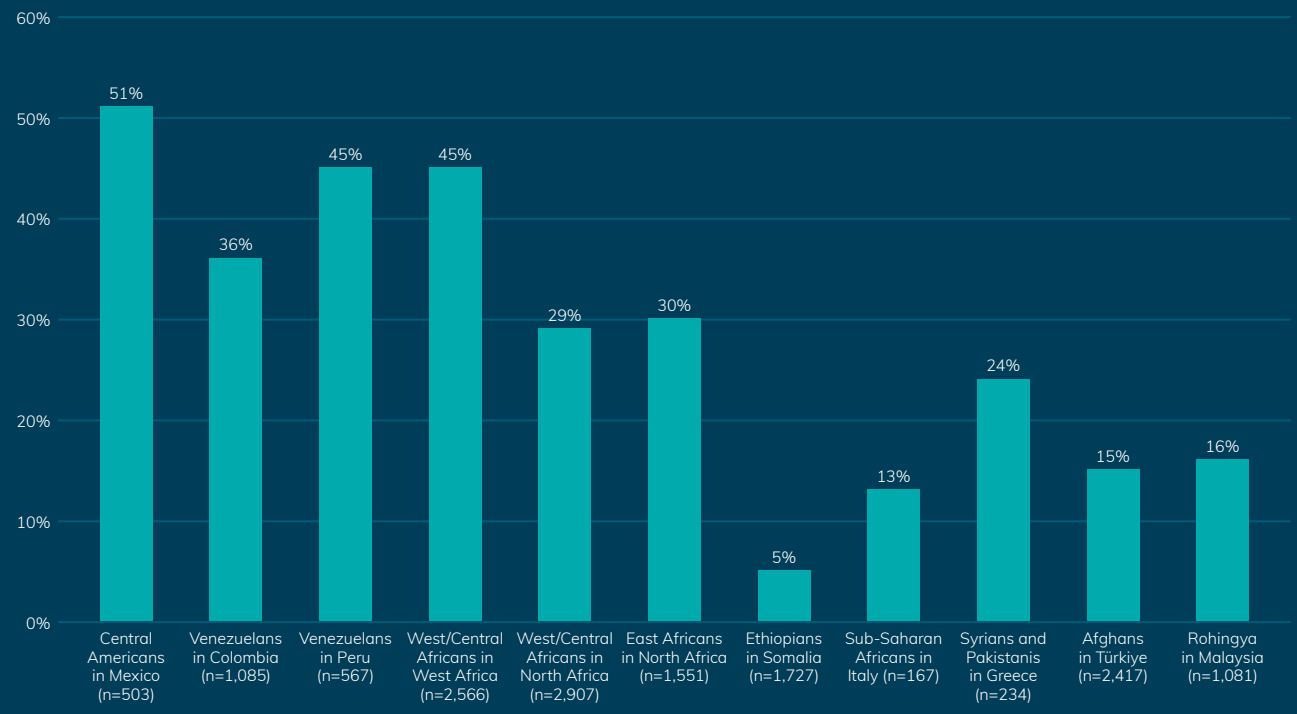
42 Syal, R (2022) Rwanda asylum plan: who does it target and is it going to happen? The Guardian; AFP (2022) MPs question deterrent effect of UK's Rwanda migrant policy.
43 McGovern, C. (2014) Regularization programs within the European Union: an effective tool to manage irregular migration? UN University.
44 Espinoza, M, Hadj-Abdou, L. & Brumat, L. (2018) The Global Compact on Migration: what is it and why are countries opposing it? The Conversation.
45 European Commission (2022) Ireland: regularisation scheme for undocumented migrants launched.
46 Adepoju, A. (2018) The Global South's new migration The Cairo Review.
47 Acosta, D. (2016) Free movement in South America: the emergence of an alternative model? Migration Policy Institute.

4Mi on...

regular migration as an alternative to mixed migration routes

Do refugees and migrants consider that there are alternatives to travelling—often irregularly—along mixed migration routes? A majority do not. Only in Peru, Mexico, and West Africa did somewhere close to a majority consider there to be alternatives.

Figure 1. Respondents who considered alternatives to their migration journey

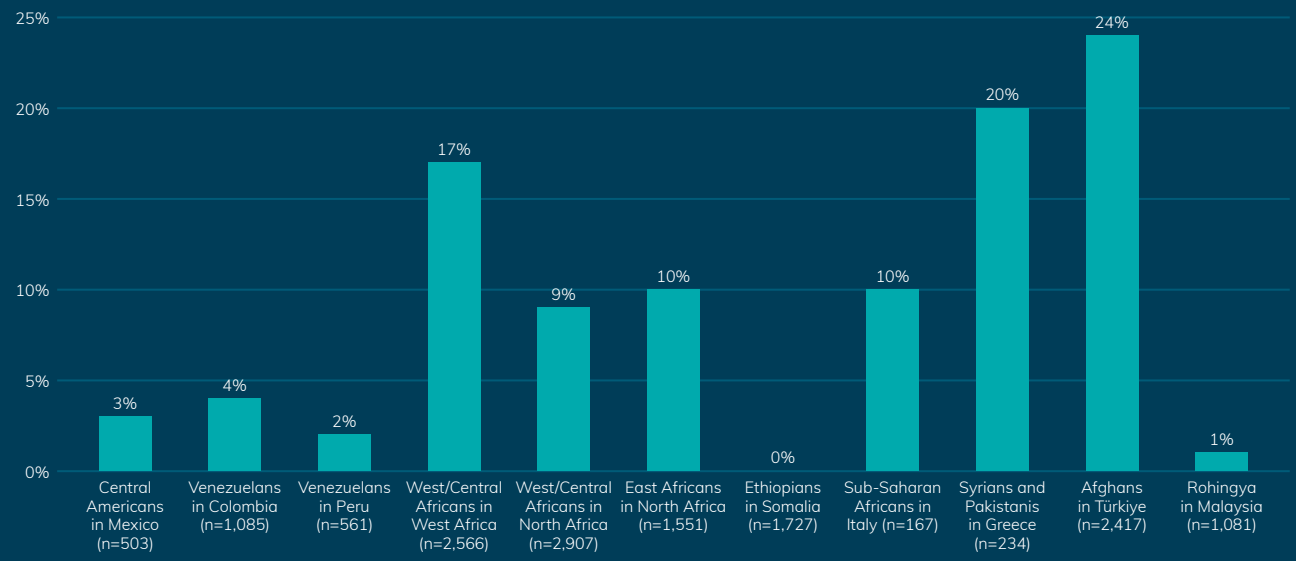


Note on the data: Respondents are asked 'Before you started your journey, did you think there were things that you could do in the country you left, which might address the reasons you gave for leaving?' Answer options include 'yes' (depicted here), no, don't know, and refused.

As discussed in the essay on page 190, can regular migration be an alternative? Is regular migration even attempted before resorting to arguably more risky irregular migration? Among the minority who considered alternatives, regular migration had rarely been attempted. Most respondents had tried something, but this was more often internal movement or displacement, or attempts to make more money. Among the groups featured here, regular migration came between 6th and 9th in terms of how frequently it had been tried, compared to other options. West and Central Africans, Afghans in Türkiye, and Syrians and Pakistanis in Greece more frequently tried regular migration, particularly Afghan women (42%). But for the most part, it is not considered an option. While it is beyond the scope of our data collection, it can be assumed that if accessible, many more would opt for regular migration, but regular channels are simply not available.

Figure 2. Respondents who had tried migrating regularly

(among those who considered there were alternatives to their mixed migration journey)



Note on the data: This analysis shows those people who had considered that there were alternatives to migrating in the way they did, and who had tried migrating regularly. Respondents can choose more than one option, and other answer options are: I didn't try anything, Borrowing money, Continuing education, Looking for another or better job, Selling land, livestock or other assets, Starting a business, Fleeing to a place of safety within my country, Moving in with family or friends, Moving to a new city to improve my circumstances, Other, Refused. Respondents may have a regular status at the time of interview, even though MMC targets populations on irregular pathways, and who are likely to have irregular status at some point on their journey.

Rethinking protection

In April 2021, the Migration Policy Institute (MPI) and the Robert Bosch Stiftung (RBS) launched a three-year initiative to imagine and explore new ways to facilitate access to protection for those on the move. The initiative, called Beyond Territorial Asylum: Making Protection Work in a Bordered World[1], is predicated on the recognition that the decades-old norms underpinning a refugee protection system forged in the aftermath of World War II are being eroded globally and are probably no longer fit for purpose; they are often breached and are unlikely to be sustainable in the longer term.

The fast-changing context is that asylum systems globally are under immense pressure dealing with forced displacement from locations of considerable violence and insecurity, such as Myanmar, Syria, Afghanistan, and Ukraine, as well as from numerous smaller conflicts causing people to flee. Added to these are those who flee natural disasters, the livelihood-eroding impact of climate change, and political and/or social persecution, not to mention the pressure for so-called economic migrants to register themselves as asylum seekers.

Registering for asylum or living under the radar are the only options for those who cannot find regular channels through which to travel, just as turning up at borders, or breaching them, is for many the only choice. Waiting in camps or urban settlements to be selected for third-country resettlement only works for a minute percentage of refugees and typically only after long waits. The phenomenon of rising numbers of mixed and irregular arrivals not only affects Europe and North America, but beyond in Africa, South America, Asia, and Oceania.

Little wonder then, that government and public responses are conflicted and strained, and that the concept of territorial asylum is under threat and already being rejected through offshoring and externalisation efforts. Despite often contradictory public rhetoric, many countries are leaning towards less accessible, fortified borders with increased surveillance and far fewer options for regular entry. It is this context and the assumption that the situation will probably get worse for protection through territorial asylum that led MPI and RBS, supported by the initiative's Advisory Board, to ask "how to make protection work in a bordered world".[2]

The ambitious intention is that "through research, consultations, and convenings, the initiative will advance creative, effective alternative approaches to providing access to protection that can be adapted to particular contexts around the globe. In the process, the initiative aims to preserve protection norms by shoring up public trust and political confidence in the asylum and refugee resettlement systems." The tasks the two research institutes have set themselves include exploring: how the 1951 Refugee Convention can be reinvigorated and new approaches developed to make humanitarian protection work in the 21st century; the difficulty of shifting public narratives about refugees and migrants; and what innovative flexible approaches and complementary pathways can be rolled out leveraging, inter alia, existing sponsorship schemes and the successful experience of countries giving refugee to millions from Venezuela and Ukraine.

1 For more information, visit the initiative's webpage here.
2 The Mixed Migration Centre represented by its director is also a member of the Advisory Board. See here, for more details. Another member of the Advisory Board, Leander Kandilige is interviewed for this review on page 80.

Interview

Rights and wrongs

The extent to which free movement is a human right, the role that labour markets play—or ought to play—in migration policy, the distinctions between "us" and "them", whether racism inevitably inhibits "belonging" and determines who is offered and who is denied legal pathways, and the definition and feasibility of open borders have all long been debated by those involved in migration. Here, two academic experts, **Bridget Anderson** and **David Miller**, go head-to-head on these issues.

Bridget Anderson is Professor of Migration, Mobilities and Citizenship at Bristol University's School of Sociology, Politics and International Studies. David Miller is Professor of Political Theory and Senior Research Fellow at Oxford University's Nuffield College.

Do you think migration is a basic human right?

Bridget Anderson: I think mobility is a basic human right, yes. If we accept that premise and deny it to migrants, we have to think about what kinds of mobilities become "migration", whose movement turns them into "migrants" and under what circumstances, institutions, and histories.

David Miller: Well, I don't think there's a basic human right to migrate just to wherever you want, which would effectively mean that all borders would have to be open. Of course, human rights are very important when thinking about migration, and there will be some people who have a human right to migrate to particular places, but a general unrestricted human right to migrate... no, I reject that.

What about the contradictions we are seeing at the moment, with OECD countries needing migrant labour and the strong contemporary tendency to fortify borders, to restrict asylum and deport irregular migrants? How do we explain these kinds of modern contradictions that we're facing? Should markets be allowed to settle the foreign labour question?

DM: The realistic fact is that states have an interest in receiving some migrants and less of an interest in receiving others, because their populations are likely to be resistant to very high levels of migration. They have to make choices and the way they do this is to identify groups of migrants who they think are going to be productive and contribute socially and integrate easily, and then try to deflect, in various ways, others who are going to be none of those things.

So they are selective against the background of having some rough notion of the total volume of migration that they think is compatible with maintaining popular

support. So it's not a contradiction exactly, even though you may find it bizarre when in a particular case, one migrant is welcomed with open arms and the other is turned away or deported. But I think it follows from taking that perspective.

I wouldn't hand over everything to the markets. To begin with, that only looks at one fairly narrow aspect of the whole migration situation. And it treats migrants just as economic assets; it doesn't consider all of the social consequences of migration. Also, it completely fails to consider the obligations that states owe to people who are in need and people who are refugees and so on. So the labour market and employers' need for labour is going to be one part of the equation, but the state needs a comprehensive migration policy that considers all of these factors, and it would be, in my view, quite irresponsible just to let the market decide who comes in. The policy needs to be decided by democratic debate, taking account of local circumstances. The same policy won't be right for every country.

> **"It would be quite irresponsible just to let the market decide who comes in. Policy needs to be decided by democratic debate."**
>
> David Miller

BA: This signals the contradictions of certain kinds of "migrants" being desirable and others not. I think we need to get beyond thinking about labour migration in this conventional way and recognise that immigration controls are not simply neutral taps that are turned on to admit certain numbers and kinds of people, but rather they make certain kinds of relations and possibilities. While it is often claimed that immigration controls protect low-waged labour markets, by illegalising people, or tying them to employers, they create a labour force that is subordinated in very particular ways that can make migrants more desirable workers than citizens.

In terms of the triple-win model where the benefits accrue to the sending country, the destination country, and to migrants themselves, we're going to have to do something about capitalism itself in order for it not to be a race to the bottom.

Bridget, you have written that, "As citizenship is nationalised in law, so it becomes racialised in practice." Do you, Bridget, still feel this is true and don't you, David, think this is to some extent inevitable?

BA: Yes, I think it is still true. "Who belongs" is presented as a matter of nationality, and nationality is ambivalent: it can mean citizenship, but it can also mean belonging to the nation through ancestry. We can acquire formal citizenship, but that doesn't mean that we are regarded as belonging to the nation. A very good example of that is the Windrush Affair that we saw play out in the eminently "multicultural"' UK.

DM: I don't see why that follows. Bridget offers one example of a group of immigrants who were racially Black, who were clearly treated in a completely unjustifiable way, and there have been other cases that have some of those same features. But equally, there are many millions of immigrants with black and brown skins who've moved forward to citizenship in the regular way and have prospered. So, the notion that there's something inherent in the granting of citizenship that makes it racialised seems to me quite an extraordinary thing to believe. Of course, we must always be alert to the possibility of direct or indirect racial discrimination when immigration decisions are being made. It's just the same as with cases of racial discrimination internally: what we need is to have proper procedures in place and then be vigilant. So no, I'm not at all sympathetic to that view.

How are we to understand current contradictory immigration policies such as the US welcoming Ukrainian refugees at the same time as deporting large numbers of Haitians, or the EU opening its doors to Ukrainians while deporting Afghans and allowing Poland to block asylum seekers at their borders? What's going on?

BA: Immigration policies are not standalone but are tied up with all sorts of other policies, most obviously, foreign and trade policies. But there is something else going on. In Europe the public is encouraged to see themselves in Ukrainians: they are presented "like us" in religion, in culture, and—barely concealed—in race. I think that that is one of the disturbing things that's revealed by the differential treatment of Ukrainians, and say Afghans, although in the UK Ukrainians are not being particularly brilliantly treated. The Home Office isn't geared up to "welcome" however it might try.

> **"Britain's Home Office isn't geared up to 'welcome', however it might try."**
>
> Bridget Anderson

DM: It is undoubtedly the case that Ukrainian refugees have been welcomed in a way that other groups haven't been. I think this is testament to the fact that people's thinking about refugees in general has this emotional element such that people react differently to different groups. In the case of Ukrainians, we are very exposed via the media to the terrible things that are happening to them. And people react in a way that is humanly understandable with a huge amount of sympathy. I think it's also part of the story that there's absolutely no question that Ukrainians in general are suffering.

All Ukrainians are potentially victims of the Russian invasion, whereas in other cases, people are asking the question, "who exactly is coming and on what grounds are they coming? What kind and level of persecution do they suffer from?" However, I think there's something a little worrying about the differential response. We should try to be more even-handed in the way that we respond to different refugee crises than we have been.

Borders have been controlled by states for centuries. Are the demands of campaigners for "no borders" revolutionary, utopian, or just naïve?

DM: I'm not even sure what "no borders" means. I sometimes think that people who adopt an open-borders view do so while fully recognising that what they are asking for is never going to be met. So it serves simply as a springboard from which to launch a critique of existing border policies. And that's fine in a way, but on the other hand, it can exempt people from having to grapple with the difficult question of what exactly you would put in place of existing policy. I don't know what people think would happen if there were literally no borders. I'm not sure I even understand what that would mean. Does it mean that states maintain jurisdictions and have exclusive rights over territories, but people can freely move in and out? I can imagine a world in which something like that was possible, but it would be a world in which different countries were very much on the same material level and were also all Scandinavian-style welfare democracies. If you imagine a world where everywhere is a bit like Sweden or Norway, then you probably could have freedom of movement, because presumably not many people would want to move in that situation. People on the whole are attached to their home countries. And so the people who for particular personal reasons wanted to move could do so. But in the kind of world we have, if borders were to be opened there would be massive population shifts. And these, I believe, would make it very difficult to maintain democratic systems and welfare states, which do rely upon a relative degree of stability in the population.

> **"What we decide is utopian and what is possible is fundamentally a political decision."**
>
> Bridget Anderson

BA: Isn't imagining we can tightly control our borders also utopian or naive? And is it possible to have just borders, particularly in such an unequal and interconnected world? What we decide is utopian and what we decide is possible is fundamentally a political decision. If we rule things out before we've even started, then of course they become impossible. We have to make other worlds imaginable, and academic spaces can play an important role in this.

And ideas have changed in the past 30 years. In the 90s, [the idea of] open or no borders was seen as very wacky, whereas now, although it's still on the margins, it's more widely regarded as a sustainable position. But importantly in a capitalist world, a world without borders is a race to the bottom, so no borders or open borders isn't simply about migration; rather it's starting from migration to think about other ways of relating to each other and to the planet that we inhabit. How can we live in a world where we relate to each other and to our environment and to non-human species in a way that is not driven by extraction and exploitation? For that, perhaps we can draw on ideas of the commons, and think forward to an idea of what Nandita Sharma has described as a "planetary commons".

> **"In the kind of world we have, if borders were to be opened there would be massive population shifts that would make it very difficult to maintain democratic systems and welfare states."**
>
> David Miller

Bridget, you have written that the challenges migration and migrants pose to liberal democracies arguably go to the heart of the liberal principles of equality, rights, autonomy, freedom, and membership. Would you agree, David? And if so, how have Western democracies fared defending these values while dealing with migration pressures?

DM: I think one thing we've discovered in the past decades is that liberal democracies can't directly export their principles. Attempts to do so in the form of democracy promotion haven't gone well and have sometimes made things a lot worse. So liberal democracies have to accept the fact that they exist in a world in which other places don't embody those principles. I think the key element to take from liberalism is human rights, which is the universal principle that should guide thinking about refugees and others. You can't treat everybody in the world exactly as you treat one of your own citizens. A citizen has special status within the society and the kind of claims that citizens can make, can't be universalised beyond a particular state. So, in that sense, liberal principles in general operate within a bounded sphere, but the specific human rights principles should apply globally.

BA: No, I don't think [liberal democracies] have done well defending these values and the contradictions that we see in the treatment of people who are on the move are becoming ever sharper. If we're going to hold true to these liberal principles we also need to recognise the legacies of history. I don't think the kinds of inequalities we see in the world have just magically appeared. Unequal life chances and access to basic

necessities are not because people in some countries are harder working, more inventive, more intelligent than other countries. It's because of our histories and how that continues to shape the world we live in. I think that appreciating that history, and its ongoing legacies, are important guides in striving for greater equality and justice. As Branco Milanovic has written, the crucial determinant in where you are on the income scale and your life expectancy is where you were born. That was quite different even 150 years ago.

Bridget, you published a critique of migration in your book *Us and Them* in 2018. But isn't this sense of us and them fundamental to social groups of all animals, including humans, at a psychological and social-identity level. Are there limits to multiculturalism?

BA: It depends what you mean by "us and them". Of course there are differences between people and there always have been. So if we think about human beings and how we spread across the world and developed different ideas and different cultures, we can see that linguistic communities really mattered. Language is critical to how we understand ourselves and our world. But borders between different linguistic communities are permeable; we can learn and teach each other our languages if we want. These differences don't have to be set in stone. And coming back to the contemporary world, the issue with "us and them" is not just difference, but the gross inequalities that are associated with that difference that can be one of the motivations to migrate. We need to think about inequalities within societies, as much as global inequalities. Many people in relatively wealthy countries are struggling to get by and have a sense that there are a lot of people in the world who are even worse off. So perhaps it isn't surprising that we are so easily gripped with fear that there isn't enough to go around. But I'm convinced that there is. The problem is that the world's wealth is grotesquely unevenly distributed.

> **"The issue with "us and them" is not just difference, but the gross inequalities that are associated with that difference that can be one of the motivations to migrate."**
> Bridget Anderson

DM: I think there's a natural tendency of humans to form identity groups and distinguish between those who belong and those who don't. But I also believe that the basis on which this happens can change. So what are the markers of identity that are going to count? I've worked quite a lot on changing notions of national identity. Researchers ask: what does it take to be a member of, say, Britain, France, or Sweden? What would a person have to be like to be British, to be French, to be Swedish? And then they present a list of things that might be important, including where were you born? Who were your ancestors? What's your religion? Do you speak the language? And it turns out that most people mingle together what you might call native or innate features with other features that are accessible to incomers. And, on the whole, the tendency over time has been to move away from the inbred features in favour of the more open features, allowing the identity of the nation to change. People have expectations about what those who arrive as immigrants should do. For example, they should learn the language. They should learn something about the culture of the country and show some respect for its institutions. But if they do those things, then they can be included in the identity group. So yes, the phenomenon is deep-seated and universal, but I certainly reject the idea that people will always have this negative view of immigrants as being outsiders or "others".

David, in your book *Strangers in Our Midst* you wrote about "community goals" and "preferences" in your defence of state's rights to exclude immigrants. It seems to be an unfashionable position to take these days...

DM: We have a political debate among the general public about immigration and then there's another somewhat narrower debate in academic circles. My perception is that within academia, people who work on migration are generally predisposed to support more open borders and are therefore hostile to state controls. The public, on the whole, takes a different view. They're not anti-immigration, but they do believe quite firmly that there should be controls on numbers. As someone who thinks this too, I've had some pushback from academics against my views. I've had occasionally to defend myself against various charges of racism, providing fuel for the far right, and so on.

BA: If you ask people, "Do you like migrants, like the local shopkeeper or the guy who lives upstairs?" they normally say, "Yes, no problem with them. The problem is, all the other people who are coming in." So who comprises the "community"? If you pin down who is the "them" and humanise it, then that's quite often different from the "them" that is imagined when you start talking about the nation. At that scale, the kind of language and the ideas associated are very much set by government or by media.

What would you say to those that may support human smuggling or break the law themselves to assist irregular migration across borders on the basis that the law may be unjust and they feel responsible to a "higher" morality?

BA: Laws aren't necessarily just. In fact, laws, as we know, from slavery through to gender laws, many are not a reflection of justice. When they're not a reflection of justice, then it's legitimate to challenge them. When

it comes to immigration laws, I would agree with John Torpey that borders or the control over the legitimate means of movement are necessary for contemporary nation states.[1] That doesn't mean that they necessarily work in the interests of all those recognised as members.

DM: There certainly could be cases where people are at very great risk and if a smuggler was then to help them escape from a situation of that kind, I think that would be justified. So I'm not going to say that every case is indefensible. What we mainly see in practice, however, are smugglers smuggling people who are not actually refugees but just people who want to move and who can afford to pay the smugglers. These practices may be exploitative of the people on the move, and they don't necessarily help the people who most deserve help.

Can you identify three policies that you would like to see or you think would make a big positive difference in the migration sector.

DM: First of all, an international agreement or at least a European-level agreement on the distribution of refugees—what sometimes is called a burden-sharing policy, but I think it is better described as a responsibility-sharing policy. So when confronted with large movements of refugees, we need an agreement among states about who is going to process their applications, and how many each state is going to take in. Because I can't see any other acceptable way of dealing with such refugee crises besides having a formal arrangement of that kind.

BA: Coming from a position of realistic policy ask for tomorrow, and in the UK context, I would start with legal aid. Migrants and asylum seekers should have easy access to free legal advice and legal aid. I wouldn't want to make migrants a special case though, so this would have to go alongside citizens also having proper access to legal aid and representation more generally. The court and judicial system is a mess, and it's not only migrants who are suffering.

DM: My second request concerns refugee integration. This is as a result of spending some time in Canada where I was very impressed by their proactive immigration policy, one part of which is that it allows civil society groups to sponsor refugees. This works well as an integration mechanism for refugees. The group is given some choice over the person or the family they want to sponsor. And then it takes responsibility for finding them accommodation, work, language classes, and so forth. This creates a welcoming environment which helps the refugees to adjust, and I'd like to see it replicated in other places, including the UK.

BA: My second idea is to start to address the ways that immigration controls and employment law produce a subordinated labour force. I propose a firewall between immigration status and employment rights. So migrants, wherever they live, should be able to join trade unions and shouldn't be scared of raising a complaint with their employer.

DM: My third proposal is to have a fairly strict anti-brain-drain policy for immigrants in general. I would require governments to identify countries from which they would undertake not to draw professionals of particular types, most obviously medical professionals. There's nothing wrong with recruiting nurses, doctors, and so on from other countries, but we shouldn't be taking them from places where they're desperately needed. I think it's indefensible to brain drain and should be stopped at once.

BA: My third proposal would be to have a straightforward path to settlement and citizenship through residence. If you're resident legally, or not, for a particular period of time, you should have a simple path to permanent residence. I think these are three reasonable and practical requests that would have a positive impact.

> **"You can't treat everybody in the world exactly as you treat one of your own citizens."**
>
> David Miller

1 See, for example: Torpey, J. (1988) Coming and Going: On the State Monopolization of the Legitimate "Means of Movement". Sociological Theory.

Normalising the extreme

Many policies, actions, and attitudes related to mixed migration—especially irregular migration—that were until recently considered unacceptable are fast becoming normalised. Equally, practices that would be unacceptable if implemented in a national domestic setting appear to be tolerated when implemented externally or at the outer limits of a nation's territory, particularly when non-citizens are at the receiving end.

By Chris Horwood[1]

Previous years' Mixed Migration Reviews have detailed these practices and they continue, so to avoid repetition only noteworthy new policies and activities will be detailed below, but some overlap with past situations is inevitable. The aim of this presentation of examples from late 2021 and 2022 is to provoke the reader to question whether such policies and practices should be normalised and tolerated. These examples are not exhaustive but highlight events and developments that received some coverage in official reports and the media in the last year.

Although extreme reactions to mixed migration are common and arguably becoming a general global norm, a companion presentation titled 'Resisting the extreme' follows this report in order to offer a counterbalance to what is otherwise a dismal record.

1. Rounding up, detaining, and criminalising migrants and refugees

In many countries, refugees and migrants continued to be segregated, isolated, and detained in 2022. Some more publicised examples are given below but globally, hundreds of thousands of migrants, including children, continue to be routinely detained in all continents. In Mexico, for example, over 115,000 migrants were detained in the first four months of the year.[2] Meanwhile, in the United States, as federal authorities made a record number of migration arrests along the border with Mexico this fiscal year (ending September)—a staggering 2.3 million—25,000 migrants were held in detention as of the end of September.[3]

Examples could be chosen from across the world. The Global Detention Project estimates that there have been at least 2,000 formal detention facilities used for immigration-related purposes in approximately 100 different countries over the last decade.[4] Their website offers country profiles and lists 150 specific centres recently in use, and the organisation launched its Global Immigration Detention Observatory during 2022.[5]

Sometimes migrants continue to be treated differently because of putative health fears related to Covid-19. In **Singapore**, an estimated 280,000 migrant workers continue to have strict restrictions on movement despite the easing of restrictions for Singapore nationals from June 2022. 25,000 of Singapore's estimated 280,000 migrant workers (or almost 9 percent) were permitted to leave their workplaces or designated recreation centres at any one time, with the quota rising to 50,000 on the weekends. Any excursions required approval by the authorities in advance and could not exceed eight hours.[6] Migrants are required to check in to their dormitory rooms twice a day and their whereabouts can be tracked by their employers through an app called DormWatch.[7]

In **Malaysia**, illegal entry and stay (including by asylum seekers) is criminalised and migrants can serve prison sentences before being transferred to "immigration depots" while awaiting deportation or processing. In April 2022, during a "riot" at one such depot, six asylum seekers including two children died as over 500 detained Rohingya asylum-seekers escaped from the depot, attracting condemnation from UNHCR.[8]

1 Chris Horwood is a migration specialist and co-director of Ravenstone Consult. Some of the text in this section has been drawn from Keeping Track, Section 1 of this Review.
2 Reuters (2022) Mexico detains almost 6,000 foreign migrants in four days.
3 TRAC Immigration (2022) Immigration Detention Quick Facts; Miroff, N. (2022) Arrests along U.S.-Mexico border top 2 million a year for the first time. The Texas Tribune.
4 Freedom for Immigrants (n.d.) Detention by the numbers.
5 Global Detention Project (2022) Global Detention Project Annual Report – Global Tools, Local Impact.
6 Telling, O. (2022) Migrant workers suffer in Singapore's hidden lockdown. Financial Times.
7 Ibid.
8 Anand, R. (2022) More than 500 Rohingya detainees escape from Penang detention centre, at least 6 died while fleeing. The Straits Times; UNHCR (2022) UNHCR shocked by reported deaths of asylum-seekers after riot at immigration depot in Malaysia.

Rohingya refugees also bear the brunt of harsh treatment and are criminalised, detained, pushed back, and deported (see sub-section below) elsewhere. **Thailand** has been repeatedly criticised for treating Rohingya as illegal immigrants and summarily transferring them on arrival into detention centres. On 4 June 2022, 59 Rohingya (including 23 women and five children) who were picked up by authorities on Koh Dong island after being abandoned by smugglers were detained and now face criminal charges of illegal entry.[9] Those arriving by boat in **Indonesia** have been initially refused disembarkation and then detained with certain limitations and restrictions on the ability of refugees to remain there in the long term.[10] In March 2022, 114 Rohingya were found on a beach in Aceh, in a weakened state after weeks at sea.[11] Renewed crackdowns in **India** have forced some of the estimated 40,000 Rohingya into hiding as the community have been targeted against a broader backdrop of rising Hindu nationalism and anti-Muslim policies implemented by the government, marginalising Muslim citizens and refugees alike.[12] In 2022, the increasing frequency of violent attacks and detentions prompted thousands of Rohingya to flee parts of India, with many attempting to cross into Bangladesh.[13]

Elsewhere, in the wake of a new cooperation agreement in relation to migration between **Spain** and **Morocco**, Moroccan authorities conducted sweeping mass detentions and forced relocations of sub-Saharan refugees, migrants and asylum seekers in towns and cities across the country, particularly in areas near the border with Ceuta and Melilla as well as Laayoune, a settlement within Western Sahara widely used as an embarkation point for the Canary Islands.[14] While many have been arrested and detained, others have reportedly been abandoned in the desert near the Algerian border—a practice reported and condemned by the UNHCR in previous years.[15] Besides pushing back many refugees, migrants, and asylum seekers to **Belarus** during 2021 and 2022, **Polish** authorities are also reportedly detaining close to 2,000 others in squalid and dehumanising conditions in detention centres.[16]

2. Deaths and violence at borders

Often, borders are in remote and geographically inaccessible areas where events that occur can be unclear, go unreported, or covered up. What we learn from media and witness accounts or official enquiries is likely just the tip of an iceberg characterised by callous and violent treatment of migrants and asylum seekers often leading to death. In 2022, the full scale of deaths at borders by misadventure, malice, heavy handedness, neglect, or deliberate intent is not known, but some examples illustrate the extent of the phenomenon as well as apparent subsequent international indifference.

Between October 2021 and September 2022 (FY2022), nearly 750 migrants were known to have died at the **US**'s southern border with **Mexico**. This was a record that surpasses 2021's total by more than 200 people, according to the Department of Homeland Security.[17] In a single case in Texas in June 2022, an abandoned truck was discovered to contain the bodies of 53 Mexican and Central American irregular migrants. [18]

In June 2022, at the **Spanish** enclave of Melilla bordering **Morocco**, approximately 2,000 migrants attempted to force entry by scaling the security fences en masse. The violent and reportedly excessive reaction of the Moroccan security forces and the crush of people involved left 37 refugees, migrants,, and asylum-seekers dead.[19] The Moroccan forces subsequently attempted to cover up the deaths and injuries while gruesome film of the casual handling of the dead and injured circulated on social media.[20]

In June 2022, the bodies of 18 people believed to be Chadian, and two Libyans, were reportedly recovered near the border area between **Chad** and **Libya**.[21] Libyan emergency services reported that they had all died of dehydration. Typically, a story of this kind barely makes headlines beyond a brief mention in UN News or another minor outlet.

9 Boonkong, C. & O'Connor, P. (2022) Rohingyas found on an Andaman Sea island to face illegal entry charges and return to Bangladesh. Thai Examiner.
10 UNHCR (2021) Press release: UNHCR applauds Indonesia for allowing safe disembarkation of boat with Rohingya refugees in Aceh; Al Jazeera (2021) Indonesia to accept dozens of Rohingya refugees stranded at sea.
11 VOA (2022) More than 100 Rohingya land on beach in Indonesia's Aceh; Missbach, A. et al (2018) Stalemate: Refugees in Indonesia — Presidential Regulation No 125 of 2016. CILIS.
12 Azizur Rahman, S. (2022) India won't give homes to Rohingya refugees, after Hindu right wing protests. VOA.
13 Rahman, S.A. (2022) India crackdown forces Rohingya refugees to go underground, flee to Bangladesh. VOA.
14 GADEM (2022) Arrestations massives de migrants subsahariens au Maroc; Mixed Migration Centre. (2022) Quarterly Mixed Migration Update: North Africa – Quarter 2 2022.
15 Carretero, L. (2022) "À Laayoune, le danger est partout" : au sud du Maroc, les autorités intensifient les arrestations de migrants. InfoMigrants; Infomigrants (2021) Algerian desert: The 'point zero' where migrants are abandoned.
16 Amnesty International (2022) Poland/Belarus: New evidence of abuses highlights 'hypocrisy' of unequal treatment of asylum-seekers.
17 Alvarez, P (2022) First on CNN: A record number of migrants have died crossing the US-Mexico border. CNN.
18 Helmore, E. (2022) Homeland security secretary warns against crossing US-Mexico border. The Guardian.
19 Middleton, J. (2022) Melilla border "stampede" death toll rises to 37 as police accused of "aggressive violence". The Independent; Kassam, A. (2022) "A bloodbath": refugees reel from deadly Melilla mass crossing. The Guardian.
20 Burgen, S. (2022) Moroccan authorities accused of trying to cover up Melilla deaths. The Guardian.
21 UN News (2022) Migrant deaths in Libyan desert 'wake-up call' for stronger protections

Travelling through the Darién Gap, connecting **Colombia** with **Panama**, is a hazardous route through deep jungle exposing travellers to a range of risks, from exhaustion and thirst to violent human rights abuses by armed gangs and attacks by wild animals.[22] Migrants and asylum seekers from around the world transit through the Gap on their way through Panama and Costa Rica towards Mexico, mostly to attempt entry into the US. Officially, at least 136 deaths were recorded there between March and July 2022 alone.[23] However, this is reckoned to be a conservative number given that many bodies are never found or recovered.[24]

As an outcome of cynical border politics and "migration diplomacy", at least 22 people died or went missing in 2021 at the **Belarus**-**EU** border,[25] the majority freezing to death in sub-zero temperatures without adequate clothing, shelter, or medical care. The initial death toll has climbed further in 2022 as more bodies have been found in the forests. The situation has been exacerbated by the restriction of humanitarian assistance to these areas and the targeting of activists seeking to help injured or vulnerable arrivals.[26] During 2022, amid continued violent pushbacks, other migrants and refugees died along the same border with EU member states (Poland, Lithuania, Latvia) acting with apparent impunity and without significant reprimand.[27]

Extraordinary scenes of police and soldiers directly shooting at **Afghan** migrants and asylum seekers at Afghanistan's borders with Iran and Türkiye were reported by Amnesty International,[28] which said nearly 100 Afghans had recently been shot dead by Iranian forces trying to cross into **Iran**. Amnesty claims they were able to verify 11 such killings that took place between April 2021 and January 2022 where the youngest identified case concerned a 16-year-old boy. They also reported Afghans being targeted by gunfire when crossing into **Türkiye**.[29]

Türkiye and Iran are not alone in attempting to prevent irregular migration with gunfire. For example, similar actions have been reported in previous years by **Egyptian** and **Saudi Arabian** security forces.[30] In May 2022, a "group of bodies" of **Yemeni** and **Ethiopian** migrants were reportedly found piled near an informal detention facility just inside the border in southern Saudi Arabia. Medical examination of seven of the Yemeni victims revealed that two of the bodies had gunshot wounds, and the remaining five bodies had marks of torture and are, along with a number of Ethiopians, presumed to have died from the violence perpetrated on them by border guards in the remote desert area.[31] The doctors' harrowing report said the bodies show signs of "extremely severe external violence using a hard tool or devices" and that "there were signs of vital and frequent injury with electric current. All are signs that are usually seen in cases of deaths resulting from exposure to torture." [32] This barbaric story was reported by a local NGO and is often typical of border deaths involving migrants that go barely noticed or commented on and which characteristically enjoy complete impunity from investigation or prosecution.

3. The absence of sea rescue and normalising migrant deaths at sea

Deaths and disappearances at sea are included as a sub section in this year's report because they cannot be viewed only as the result of accidents, misadventure, bad weather or smuggler neglect. People take to the seas as other options are denied them in their bid to seek refuge or better livelihoods. An increasingly restrictive mobility context resulting from governments' immigration policies and securitised responses to migration, compounded by a dearth of formal mechanisms to prevent death at sea or provide rescue, inevitably leads to more migrant deaths at sea. The normalisation of these lethal incidents, which often involve multiple fatalities and attract relatively low subsequent media coverage, needs to be challenged.

IOM's missing migrants project estimates that over 25,000 migrants and refugees have lost their lives or gone permanently missing in the **Mediterranean** since 2014.[33] According to UNHCR, one person died or went missing for every 265 refugees and migrants who crossed the Mediterranean in 2015; by 2021, that rate had grown sevenfold to one death for every 38 crossings.[34]

22 Mixed Migration Centre (2022) Quarterly Mixed Migration Update: Latin America and the Caribbean – Quarter 2 2022.
23 IOM (2022) DTM: Monitoreo de Flujos Migratorios en Panamá.
24 IOM (2022) Missing Migrants Project: Annual review – the Americas.
25 IOM (2022) Missing Migrants Project.
26 Human Rights Watch (2022) Violence and pushbacks at Poland-Belarus border.
27 Ibid.
28 Amnesty International (2022) Afghans fleeing Taliban shot at, detained and sent back at Iranian and Turkish borders - new report
29 Ibid.
30 BBC (2015) Egypt border guards shoot Sudanese migrants dead; Sofuoglu, M. (2020) Ethiopian migrants are stuck in hell between Saudi Arabia and Yemen. TRTWorld.
31 Mwatana for Human Rights (2020) A Group of Migrants' Bodies Found Near an Informal Detention Facility in Saudi Territory.
32 Ibid
33 IOM (2022) Missing Migrant Project.
34 UNHCR (2022) No end in sight.

A significant change between 2015 and 2022 is the curtailment of the EU's naval migrant rescue provision previously inherent in Operation Sophia, and now absent in its successor (Operation Irini). Alongside this change has been the continual harassment of NGO rescue interventions and personnel, and refusals or delays in allowing vessels with rescued migrants aboard to dock and disembark their passengers. **Malta** has systematically refused requests from private rescue organisations in the Mediterranean for a port of safety since 2020. In August 2022, Malta denied docking permission to the *Sea-Eye 4*, a vessel carrying 87 rescued migrants.[35] **Italy** has previously been very obstructive towards rescue ships and has also prevented them from disembarking rescued migrants. It looks set to resume past practice with the September 2022 election of the far-right Brothers of Italy party, which has repeatedly proposed a "naval blockade" to stop the departure of migrants towards Italy.[36] Up until mid-October, just over 1,300 refugees and migrants were reported missing and presumed dead, in the Mediterranean in 2022.[37]

Although the Mediterranean is the most lethal sea route for migrants, other routes regularly used by refugees and migrants cause deaths and disappearance in a context where very few governments deploy assets geared to rescue those at risk. Between October 2021 and May 2022, at least 175 **Haitians** were reported dead or missing to the US coastal guard.[38] Given that some shipwrecks are never officially identified, the true number is likely to be higher.[39] Seventeen Haitians were reported to have died in July when their boat capsized off the **Bahamas**.[40] In August, five Haitians died after they were abandoned by human smugglers with 68 others in waters near **Puerto Rico**.[41] Over the course of FY2021, around 3,200 people were apprehended trying to reach the US by sea, with 1,968 apprehensions on the Southern California coast, and the rest along the Florida coast.[42] Smugglers typically overload small vessels and do not provide life jackets to people making the perilous voyage across the Florida Straits from the Bahamas. A sole survivor was found clinging to an overturned vessel off Florida's Atlantic coast early January 2022. He reported 39 others, who had boarded the boat four days earlier when it left the Bahamas' Bimini islands, had died.[43] Again, at least 11 died and 31 were rescued after a boat carrying migrants and asylum capsized off **Puerto Rico** in May 2022, having set off from the **Dominican Republic**.[44] Most of those on board were from Haiti. Also in May, an abandoned boat with 842 Haitians on board was found drifting for some days before being rescued by **Cuban** authorities.[45]

Deaths at sea between the African mainland and the **Spanish Canary Islands** are also common. A reported 4,400 refugees, migrants, and asylum seekers died at sea on their way to Spain in 2021, with 90 percent (roughly 4,000) of these headed to the Canary Islands. This represents more than twice the number recorded in 2020 using the same route.[46] At least 978 migrants were estimated to have lost their lives on this route in the first half of 2022.[47]

Reports of deaths at sea of Rohingya refugees fleeing **Myanmar** (and **Bangladesh**) have much reduced from 2020 (when 218 reportedly died), but in May 2022, 17 Rohingya died after their boat capsized in rough weather after leaving from Rakhine State, Myanmar.[48]

4. Pushbacks on land and sea

Although mainly denied by relevant national authorities, in 2021 the UN's Human Rights Council wrote, "The practice of 'pushbacks' is widespread and exists along most migration routes. Pushbacks manifest an entrenched prejudice against migrants and demonstrate a denial of States' international obligations to protect the human rights of migrants at international borders." This practice continued around the world throughout 2022. It may be presumed that in many cases pushbacks are not observed, recorded, or reported so what is known is a fraction of the true scale of this extreme phenomenon that continues to be an everyday but unacceptable event. IOM survivor reports indicate that at least 252 people died during alleged pushbacks by European authorities between the start of 2021 and October 2022.[49]

35 McGregor, M. (2022) Rejected by Malta, rescue ship seeks safe port. Infomigrants.
36 Infomigrants (2022) Italy: Pushback against anti-migration 'naval blockade' proposal by far-right candidate.
37 UNHCR (2022) Operational Data Portal.
38 UNHCR (2022) UNHCR urges Caribbean governments to protect refugees amid surge in risky sea crossings.
39 CBS News (2022) Boat with two dozen U.S.-bound Haitian migrants disappears at sea: "People are going missing and no one is paying attention".
40 AP News (2022) Boat carrying Haitian migrants sinks off Bahamas, killing 17.
41 Coto, D. (2022) 5 dead, 68 Haitians rescued from waters near Puerto Rico. AP News.
42 UNHCR (2022) 28th January 2022 The Refugee Brief.
43 New York Times (2022) A Surge at Sea: Migrants Seek Entry to the U.S. Aboard Flimsy Boats; Tondo, L. (2022) US rescuers find one body in 'dire' search for 39 people missing off Florida. The Guardian.
44 AP News (2022) 11 dead, 31 rescued after boat capsizes near Puerto Rico. Politico.
45 Duran, M. & Rodriquez, M. (2022) 'No future for babies:' 842 US-bound Haitians end up in Cuba. AP News.
46 Reuters (2022) 4,400 migrants lost at sea bound for Spain in 2021, double previous year.
47 InfoMigrants (2022) Nearly 1,000 migrants died trying to reach Spain in first half of 2022, says NGO.
48 UNHCR (2022) UNHCR shocked at Rohingya deaths in boat tragedy off Myanmar coast.
49 IOM (2022) More than 5,000 Deaths Recorded on European Migration Routes since 2021: IOM.

In Europe, some of the persistent and most recorded push back incidents implicate **Greek** and **Turkish** authorities, as well as those in **Belarus**, **Poland**, **Lithuania**, and **Latvia.**[50] Additionally, along the so-called Balkan route, **Croatia** and **Hungary** have been implicated.[51] In late 2021, UNICEF reported its deep concern over the "instrumentalization and pushbacks of children on Europe's borders".[52] Also, last year an independent analysis by The Guardian estimated that EU countries had carried out almost 40,000 pushbacks, linked to 2,000 deaths, since the beginning of the Covid-19 pandemic, and that such the deaths continued into 2022.[53]

The previous Mixed Migration Review and commentary in this edition document the 2021 "migration diplomacy" crisis where irregular migrants were used by **Belarus** as an alleged political weapon to put pressure on the EU because of the bloc's sanctions on Minsk. As a result, the region saw multiple and often violent pushbacks from **Poland**, **Lithuania,** and **Latvia** during 2021 and into 2022.[54] In Lithuania, a law was introduced in July 2021 providing for the automatic detention of people who cross irregularly into the country and denying them the right to apply for asylum.[55] In June 2022, the law was found to be incompatible with EU law by the European Court of Justice, but throughout the year pushbacks of asylum seekers and migrants have characterised border activities.[56] Soon, pushbacks may not be necessary between Belarus and Poland and Belarus and Lithuania as this year both countries constructed metal walls along their borders to prevent irregular entry and, by extension, subsequent asylum applications. Poland's border barrier is more than 185 kilometres long, 5.5 metres high, topped with barbed wire, and equipped with motion detectors and thermal cameras.[57]

Concerning the **Greek-Türkiye** border, testimonies collected by human rights groups highlight a recurrent pattern of abuse, with those aboard intercepted boats beaten, stripped, and robbed of their possessions before being forced into the Evros River to wade back to Türkiye.[58] In mid-October 2022 Greece and Türkiye traded blame after 92 naked migrants were rescued at the border.[59] Alongside the violence and humiliation, the treatment can prove fatal. In February 2022, the bodies of 12 people who had been pushed back from Greece were found on the Turkish border; they had frozen to death after being stripped of their clothes and shoes.[60] Evidence also emerged of migrants themselves being forced to work with Greek authorities in effecting pushbacks, and in other cases those perpetrating violent pushbacks were masked.[61] Reportedly, one reason Greek authorities are increasingly adopting this tactic of using proxies is to avoid direct confrontations with Turkish security guards.[62] In one case, approximately 600 people in sailboats and dinghies were intercepted and prevented crossing the Aegean by Greek patrols.[63] Despite UNHCR calling for an immediate end to such "legally and morally unacceptable" practices, and criticising European countries for largely failing to investigate these reports despite mounting evidence, the practices continued throughout the year.[64]

In 2022, Frontex, the EU's Border and Coast Guard Agency, was directly implicated in pushbacks in various statements and testimonies as well as the highly incriminating findings of the EU anti-fraud agency, OLAF, that led to the Frontex director's resignation.[65] The OLAF report was kept strictly confidential for eight months until it was leaked to *FragDenStaat*, *Der Spiegel*, and Lighthouse Reports.[66] It revealed that Frontex was involved in systematic, unlawful pushbacks and in covering up illegal pushbacks of migrants from Greece to Türkiye in violation of their "fundamental rights."[67] Nevertheless, reports of continued pushbacks and implication of Frontex involvement by omission or commission continued during

50 Amnesty International (2021) Belarus/EU: New evidence of brutal violence from Belarusian forces against asylum-seekers and migrants facing pushbacks from the EU; Amnesty International (2022) Poland: Racist pushbacks at Belarus border are 'in stark contrast' to welcome for Ukrainian refugees - new evidence; Amnesty International (2022) Latvia: Return home or never leave the woods: Refugees and migrants arbitrarily detained, beaten and coerced into "voluntary" returns; Amnesty International (2022) Lithuania: Pushbacks, illegal detention, deception and abuses against refugees and migrants.
51 ECRE (2021) Balkan Route: Croatia and Romania deny systemic pushbacks despite overwhelming evidence.
52 UNICEF (2021) UNICEF deeply concerned about instrumentalization and pushbacks of children on Europe's borders.
53 Tondo, L. (5 May 2021). Revealed: 2,000 refugee deaths linked to illegal EU pushbacks. The Guardian.
54 Human Rights Watch (2022) Violence and Pushbacks at Poland-Belarus Border.
55 Peseckyte, G. (2022) EU Court slams Lithuania's Belarus migrant pushbacks. Euroactiv.
56 See Amnesty International reports previously cited.
57 Euronews (2022) Poland completes 186-kilometre border wall with Belarus after migration dispute.
58 Amnesty International (2021) Greece: Violence, lies, and pushbacks – Refugees and migrants still denied safety and asylum at Europe's borders.
59 Lock, S. (2022) Greece and Turkey trade blame after 92 naked migrants rescued at border. The Guardian.
60 Euro-Med Human Rights Monitor (2022) Greece: Illegal pushbacks are dooming migrants to freeze to death.
61 Human Rights Watch (2022) "Their Faces Were Covered" Greece's Use of Migrants as Police Auxiliaries in Pushbacks; Fallon, K. et al. (2022) Revealed: Greek police coerce asylum seekers into pushing fellow migrants back to Turkey. The Guardian; Lighthouse Reports (2022) "We Were Slaves"; Lighthouse Reports (2021) Unmasking Europe's Shadow Armies.
62 Fallon, K., et al (2022) Revealed: Greek police coerce asylum seekers into pushing fellow migrants back to Türkiye. The Guardian.
63 Al Jazeera (2022) Greece prevents about 600 migrants from crossing Aegean.
64 UNHCR (2022) News Comment: UNHCR warns of increasing violence and human rights violations at European borders.
65 Fallon, K. (2022) Revealed: EU border agency involved in hundreds of refugee pushbacks. The Guardian; Christides, G. & Lüdke, S. (2022) Frontex involved in illegal pushbacks of hundreds of refugees. Spiegel Abroad.
66 Luisa Izuzquiza, Vera Deleja-Hotko, Arne Semsrott (2022) Revealed: The OLAF report on Frontex FragDenStaat.
67 Brito, R. & Gatopoulos, D. (2022) EU Report: Frontex Covered up Migrant Pushbacks From Greece. Associated Press.

the year.[68] Frontex repeatedly deny any wrongdoing in relation to Greek pushbacks.[69]

According to the independent Aegean Boat Report Data Studio, between the start of 2017 and late October 2022, Turkish coast guard and police officers stopped 7,638 boats and 260,509 people from crossing the Aegean from Türkiye to Greece; over the same period, 1,710 boats carrying 45,850 people were pushed back from Greek islands into Turkish waters.[70]

Not dissimilar to these "pullbacks" conducted by Türkiye in the Aegean at the behest of the EU, the EU arguably conducts *de facto* pushbacks through the pullbacks conducted off the coast of **Libya** through its partnership with authorities there. The critical difference is that intercepted and pulled back migrants and asylum seekers face potentially severe rights violations and even death in Libya's formal and informal detention centres. Libya has been denounced through numerous human rights reports as well as previous Mixed Migration Reviews for its atrocious treatment of asylum seekers and migrants. Similarly, the EU has been widely criticised for its engagement and financing of Libyan authorities, especially the coast guard.[71] According to a damning 2022 report by Médecins Sans Frontières, "thousands of women, children and men are trafficked, exploited, arbitrarily detained, tortured and have money extorted from them in Libya simply because they are migrants." MSF said the agreement between the EU and Libya represents "five years of EU-sponsored abuse" and had led to the interception of 82,000 people over that period.[72] According to IOM, while 31,556 people arrived in Italy from Libya by sea in 2021, 32,425 were intercepted by Libyan coast guards with those aboard being detained again in violent and abusive conditions. From the start of January up to August 2022, almost 13,000 migrants were intercepted and put into detention.[73]

In what appears to be a vote of confidence in the EU's much maligned partnership with Libya on migration management, the bloc has entered an agreement with **Egypt** in response to a rise in migration from Egypt of Egyptians and non-Egyptians. As a result, the EU will provide €80 million in financial assistance to strengthen Egypt's maritime surveillance.[74] Given Egypt's poor human rights record, there are fears that the funding could enable similar pullback abuses by the Egyptian coast guard as have occurred in Libya.[75]

As mentioned above, Amnesty International and others have also reported that **Iranian** and **Turkish** security forces have unlawfully used firearms against **Afghan** refugees trying to cross the border irregularly as a deterrent and a pushback method, "sometimes resulting in deaths or injuries".[76]

Mexico has pushed back thousands of asylum seekers and migrants as they tried to move northwards from the southern border zone.[77] Pushbacks and heavy-handed dealings with migrants and asylum seekers accompany detentions and deportations as part of Mexico's substantial militarisation of its migration policy—a policy widely understood to be influenced by pressure from the US to prevent people transiting Mexico from crossing into the US.[78] Mexico's refugee system has been overwhelmed by the enormous growth in applicants in recent years. A record 130,863 people applied for refugee status in Mexico in 2021 while another 307,569 were apprehended for undocumented entry and faced detention and deportation or were forced to wait months in squalid conditions before being able to apply for asylum or move on.[79]

Further north, and concerning the Mexico/US border, the **US** Federal authorities conducted more than 2.3 million arrests during FY2022 (up to the end of September 2022), a significant increase over FY2021's 1.7 million arrests.[80] With detention facilities overwhelmed, most of those arrested are deported back to Mexico regardless of whether they are Mexican. In August 2022 alone, US Customs and Border Protection detained 203,598 migrants crossing from Mexico, many of whom are from countries outside of the traditional sources of migrants (i.e. Mexico and **Central America**).[81]

Australia conducts pushbacks through maritime intervention as well as returns and long-term detentions as part of a "stop the boats" policy that began in 2013 under the official title of Operation Sovereign Borders. According to the Refugee Council of Australia, between 2013 and mid-2021, 873 people seeking asylum (including 123 children) travelling on 38 vessels were returned to their countries of departure "either with a

68 Amnesty International (2022) EU: New evidence of systematic unlawful pushbacks and violence at borders.
69 Nielson, N. (2022) Frontex confirms chief read Olaf report, but still keeps Greek operations. EU Observer
70 Aegean Boat Report (n.d) Aegean Boat Report Data Studio. Accessed October 27, 2022.
71 Infomigrants (2022) Migrants accuse EU of facilitating abuse in Libya after interceptions at sea.
72 Médecins Sans Frontières (2022) Italy-Libya agreement: Five years of EU-sponsored abuse in Libya and the central Mediterranean.
73 Infomigrants (2022) op cit.
74 The New Arab (2022) EU set to provide Egyptian coast guard with €80 million.
75 Ibid.
76 Amnesty International (2022) Iran/Turkey: Fleeing Afghans unlawfully returned after coming under fire at borders.
77 Brewer, S., Tejada, L. & Meyer, M. (2022) Struggling to Survive: the Situation of Asylum Seekers in Tapachula, Mexico. WOLA; Isacson, A. (2022) Weekly U.S.-Mexico Border Update: Mexico Pushes Back Asylum Seekers Attempting to Leave, Remain in Mexico's 'awkward' restart. WOLA.
78 Latin American Reports (2022) Mexico has militarized its immigration policy: Report.
79 Human Rights Watch (2022) Mexico: Asylum Seekers Face Abuses at Southern Border.
80 Miroff, N. (2022) Arrests along U.S.-Mexico border top 2 million a year for the first time.
81 Ibid.

very rudimentary assessment process, or no refugee status assessment at all." [82] During 2022, government data shows that 12 people were intercepted in May, 125 in June, and 46 in August.

5. Deportations, expulsions, and refoulement

Deportations, expulsions, and refoulement often occur in the context of pushbacks. While such actions may not always qualify as being "extreme" insofar as they may comply with states' immigration policies, when they are carried out in the absence of internationally agreed procedures or status determinations of those in mixed migration flows they are more likely to lead to extreme rights violations. Across the world, the deportation, expulsion, and refoulement of refugees and migrants frequently occur in contexts of violence, coercion, and vulnerability.

Human Rights Watch reported in January 2022 that the Egyptian authorities had critically endangered the lives 24 Eritrean asylum seekers, including children, on Christmas Day 2021 by deporting them to Eritrea without assessing their asylum claims or allowing them to register with UNHCR.[83] Previously, in late 2021, the UN condemned the forced return of 15 Eritreans from Egypt, noting that Eritreans who fled their country were often detained after being returned and then "tortured, held in extremely punitive conditions and disappeared".[84]

An example of a nationality treated in an explicitly discriminatory manner and where rights were denied was the **US** government's treatment of **Haitians** during 2021 and the first half of 2022. From the start of 2021 up to the end of February 2022, 25,765 Haitians were forcibly returned home without having their asylum claim considered.[85] Given the oppressive and endemically violent situation in Haiti, this amounted to the refoulement of a national group to which no country appears willing to offer refuge.[86] Despite deteriorating conditions in their country of origin, US authorities continued to deport Haitians, with around 4,000 returned on flights in May 2022 alone.[87] These deportations are particularly egregious in the light of the US's and other nations' own assessments that the situation in Haiti is so bad that they are considering responding to the Haitian prime minister's request for a "specialized armed force" to tackle gangs and criminality.[88] In June 2022, however, these deportations came to a halt when the government announced that Haitians would be exempt from Title 42, the provision previously used to enforce their removal. [89]

The **Dominican Republic** (DR) also deported Haitians in 2022, reportedly expelling around 10,000 in February alone, continuing a decades-long trend.[90] This year saw the militarisation of the Haiti-DR border amid DR government vows to prevent Haitian asylum seekers from entering the country, in violation of international law.[91]

Periodically, **Saudi Arabia** implements mass expulsions of irregular migrants of various nationalities, the largest group normally being from Yemen, although hundreds of thousands of **Ethiopians** have also been expelled in recent years. In March 2022, an agreement was reached between Saudi Arabia and Ethiopia to return some 100,000 Ethiopian nationals, with over 50,000 repatriated by mid-July.[92] Ethiopians often face violent arrest and dire conditions while detained in formal and informal centres prior to their deportation,[93] in some cases for up to six years and frequently without access to their belongings or money or even reunification or contact with family members in Saudia Arabia itself. Additionally in 2022, due to the conflict in Tigray, there are reports that Tigrayan deportees from Saudi Arabia were detained in various parts of Ethiopia, beaten, and subjected to forced labour and "forcibly disappeared".[94]

The 2021 edition of the Mixed Migration Review reported that the **Malaysian** government defied its own courts and deported more than 1,000 asylum seekers back to Myanmar, where they faced possible arrest or worse. In October 2022, Malaysia again deported 150 people to Myanmar, despite Malaysia's condemnation of violence in Myanmar since the military ousted an elected government in 2021 and started to crack down on dissent.[95]

In 2022, **Thailand** forced refugees from Myanmar to return across a river separating the two countries and prevented UNHCR and NGO representatives from visiting those entering Thailand. Of 19,000 Myanmar

82 Refugee Council of Australia (2022) Statistics on boat arrivals and boat turnbacks.
83 Human Rights Watch (2022) Egypt: Forced Returns of Eritrean Asylum Seekers.
84 Ibid.
85 Human Rights Watch (2022) Haitians being returned to a country in chaos.
86 See Thematic Snapshot 'Haiti: No exits and no mercy' on page 79.
87 Ainsley, J. (2022) Number of Haitians deported plunged in June as more are allowed to seek asylum. NBC News.
88 Keleman, M. (2022) Nations consider sending troops to Haiti, despite troubled past foreign intervention. NPR.
89 Ainsley, J. (2022) Number of Haitians deported plunged in June as more are allowed to seek asylum. NBC News.
90 The Haitian Times (2022) Dominican Republic deported nearly 10,000 Haitians in past month.
91 Gustavo, D. (2022) Dominican Republic militarizes border with Haiti, cracks down on migrants. World Socialist Web Site.
92 Xinhua (2022) Ethiopia repatriates over 50,000 nationals from Saudi Arabia in last 45 days. CGTN Africa.
93 Jelan, B. & Zelalem, Z. (2022) Saudi authorities hide abuses in migrant centres amid wave of arrests. Middle East Eye.
94 McQue, K. (2022) Tigrayans deported by Saudis 'forcibly disappeared' in Ethiopia – rights group. The Guardian; Human Rights Watch (2022) Ethiopia: Returned Tigrayans Detained, Abused.
95 Latiff, R & Ananthalakshmi, A. (2022) Malaysia deports Myanmar asylum seekers despite dangers back home – sources. Reuters.

refugees that have sought safety in Thailand since the military takeover in February 2021, only 2,000 were reported to remain, the others having been forced to return, in contravention of international asylum and refugee norms.[96]

In February 2022, Human Rights Watch released a report that traces what happened to the estimated 80 to 90 **Cameroonians** (many asylum seekers) deported from the **United States** on two flights in October and November 2020, and others deported in 2019 and 2021. The report documents, through detailed interviews, that people returned to Cameroon faced "arbitrary arrest and detention; enforced disappearances; torture, rape, and other violence; extortion; unfair prosecutions; confiscation of their national IDs; harassment; and abuses against their relatives".[97] Although no further deportations of Cameroonians were reported in 2022, the US violated the principle of nonrefoulement, a cornerstone of international refugee and human rights law, and continued to practice refoulement in 2022 by deporting vulnerable Haitian asylum seekers mentioned previously.

Still in the **United States**, despite President Biden having declared the Covid-19 pandemic officially over on September 18, a section of public health legislation known as Title 42 continues to be invoked to allow border authorities to immediately expel irregular migrants and asylum seekers who enter the US without documentation. Approximately two million Title 42 expulsions have occurred since March 2020, affecting people who would have otherwise been admitted to the United States for an assessment of their asylum claims or eventually deported in a more formal and time-consuming manner.[98] Under Title 42, expulsions have reportedly been carried out over the land border with Mexico, and via deportation flights to Brazil, Colombia, El Salvador, Guatemala, Haiti, and Honduras. Expulsions were also carried out in conjunction with other border governance measures, such as the Migrant Protection Protocols (also known as the "Remain in Mexico" policy) and the practice of "metering" or limiting the number of asylum seekers processed at official border ports of entry regardless of their protection needs.[99] Many consider that Title 42 was and is being used as a tool to curb immigration, in violation of international law, rather than to stop the spread of Covid-19.

Rohingya refugees in **India**, estimated to number 40,000, face a heightened risk of forced return. In March 2022, India forced an ethnic Rohingya woman to return to **Myanmar**. That month, at least 240 Rohingya in India were reportedly being detained on charges of illegal entry with an additional 39 held in a shelter in Delhi and 235 others in a holding centre in Jammu.[100] International law prohibits the forced return of refugees to places where their lives or freedom would be threatened.

In September 2022, **Iran's** Ministry of Refugees and Repatriation reported that in the preceding months it had deported over 50,000 Afghans. Iran's response to Afghans fleeing their country reportedly involves "shooting on sight" along the border, beatings, and forced expulsions.[101] Iran deports almost two-thirds of newly arriving Afghan nationals seeking asylum, according to UNHCR—a flagrant breach of the nonrefoulement rule.[102] **Türkiye** also resumed deportation of Afghan asylum-seekers in 2022, sending some 18,000 back from its territory by mid-June.[103]

Libya and **Algeria** have been expelling people from mixed migration movements into **Niger** throughout 2022. The trend has been apparent for some years, with a peak in 2021 when an estimated 27,208 refugees, migrants, and asylum seekers were deported from Algeria into Niger. More than 14,000 were pushed back across the border into Niger from Algeria between January and May 2022 without any respect to their status.[104] While Nigerien citizens are transported back into Niger, nationals of other countries—mostly in sub-Saharan Africa—are typically abandoned at 'Point Zero', on the border between Algeria and Niger. Dozens of people have reportedly died or gone missing near and around the border zone and en route to nearby towns.[105]

96 Milko, V & Gilineau, K. (2022) Despite risk of death, Thailand sends Myanmar refugees back. AP News.
97 Human Rights Watch (2022) US: Deported Cameroonian Asylum Seekers Suffer Serious Harm.
98 Jordan, M. & Goodman, J.D. (2022) Judge Orders Government to Continue Migrant Expulsions on Border. The New York Times.
99 UN General Assembly (2022) Human rights violations at international borders: trends, prevention and accountability Report of the Special Rapporteur on the human rights of migrants, Felipe González Morales. Human Rights Council.
100 UNHCR (2022) India: Rohingya Deported to Myanmar Face Danger.
101 ANI (2022) Over 50,000 Afghan refugees deported from Iran in past months; Amnesty International (2022) Iran/Turkey: Fleeing Afghans unlawfully returned after coming under fire at borders.
102 UNHCR (2022) Afghanistan situation: Emergency preparedness and response in Iran.
103 Dawi, A. (2022) Türkiye deports thousands to Taliban-controlled Afghanistan. VOA.
104 Médecins Sans Frontières (2022) Niger: Thousands of migrants expelled from Algeria and Libya each month and stranded in Sahel desert.
105 Human Rights Watch (2022) Algeria: Events of 2021.

6. Discriminatory and inhumane treatment of migrants and refugees and state toleration and/or instigation of violations

A full account of the extent of discrimination and poor treatment of refugees and migrants in mixed migration movements is far beyond the scope of this report. The previous sections have presented examples of events, attitudes, and policies that could also be included under this heading. Furthermore, discrimination and violations occur along a continuum from mild to extreme and affect different groups of people in different ways at different times. This sub-section will flag some of the more glaring examples from 2022 that give a sense of the global extent of these trends.

Countries that have previously been commended as welcoming to refugees and migrants showed clear signs of changing attitudes in 2022 with some developing an increasingly hostile environment. It appears that as societies around the world face rising inflation and cost-of-living crises their generosity towards refugees is being tested. For example, **Türkiye** is reportedly becoming an increasingly hostile environment for the 3.6 million registered **Syrian** refugees there. There are reports of increasing hate crimes and violent attacks on Syrian refugees, including incidents of young Syrians killed by mobs.[106] In **Lebanon**, where almost 25 percent of the population consists of Syrian refugees and where anti-refugee sentiment has been rising in recent years, the UN urged 'everyone' to stop inciting xenophobia against Syrian refugees at a time in mid-2022 when the government announced plans to deport 15,000 refugees per month back into Syria.[107]

In **Chile**, anti-**Venezuelan** sentiment appears to be growing in the country, as illustrated by large-scale protests against Venezuelans at the beginning of 2022.[108] Chile's previously open policy towards foreign arrivals has steadily shifted in recent years towards a more restrictive and securitised approach.[109] In February 2022, Chilean authorities militarised the trench along the border with Venezuela to prevent their irregular entry.[110] **Brazil**, under President Jair Bolsonaro, has also seen a steady uptick in anti-migrant sentiment and hate speech which is, according to some, another aspect of longstanding anti-black racism that is part of Brazil's social structure.[111] Brazil had previously enjoyed a long reputation of welcoming and absorbing migrants and refugees.

Anti-migrant violence in **South Africa** has been escalating through periodic eruptions against African migrants and refugees over the years.[112] But in 2022, with a wave of xenophobic, or more precisely *Afrophobic* attacks, UN experts issued a joint statement warning that South Africa was "on the precipice of explosive violence".[113] There have been incidents of atrocities and social media posts and hashtags such as #OperationDudula (meaning "force out") have played a prominent role in instigating the violence.[114]

In stark contrast to the welcome and provisions with which people fleeing the war in Ukraine have been received in the EU, dozens of people from countries including **Cameroon**, the **Democratic Republic of Congo**, **Iraq**, **Nigeria**, **Syria**, and **Sri Lanka** were unlawfully detained at **Lithuania**'s borders. According to Amnesty International, "many people reported being beaten, insulted and subjected to racially-motivated intimidation and harassment by guards in the heavily securitised detention centres, where there is insufficient access to sanitary facilities and healthcare".[115]

At an even more extreme level, the 2022 report of the Special Rapporteur on the human rights of migrants, Felipe González Morales, (interviewed on page 99 of this Review) documented egregious abuses in **Libya**.[116] He found that since the inception of boat pullbacks in the Mediterranean, Libyan authorities had been involved in "widespread and systematic, reckless interceptions at sea and in abuses within migrant detention centres". [117] Quoting an October 2021 fact-finding mission on Libya mandated by the UN Human Rights Council, González Morales wrote that abuses against migrants were evidence of "a State policy encouraging the deterrence of sea crossings, the extortion of migrants in detention, and subjection to violence and discrimination". He also

106 Ecre (2022) Greece: Government States 150,000 People have been "Averted" but Denies Pushbacks, 'Safe Third Country' Inadmissibility Decisions Continue as Hate Crimes are On the Rise in Türkiye.
107 The New Arab (2022) UN urges 'everyone' in Lebanon to stop inciting hate against Syrian refugees.
108 BBC (2022) Chileans protest against Venezuelan migrants; Cambero, F. (2022) Chile anti-migrant protesters destroy camps in tense north, Reuters
109 Doña-Reveco, C. (2022) Chile's welcoming approach to immigrants cools as numbers rise. Migration Policy Institute.
110 France24 (2022) Trench proves ultimate barrier to Venezuelans arriving in Chile.
111 Guizardi, M. & Mardones, P. (2021) The Strategic Production of Hate: Anti-migrant Discourse and Xenophobic Practices in Foz de Iguazú, Brazil. In Guizardi, M. (ed) (2021) The Migration Crisis in the American Southern Cone. Springer.
112 Pithouse, R. (2022) South Africa is on a knife edge as xenophobia escalates. MROnline.
113 UN (2022) South Africa "on the precipice of explosive xenophobic violence", UN experts warn.
114 Amnesty International (2022) South Africa: Migrants living 'in constant fear' after deadly attacks.
115 Amnesty International (2022) Lithuania: Pushbacks, illegal detention, deception and abuses against refugees and migrants.
116 UN General Assembly (2022) Human rights violations at international borders: trends, prevention and accountability Report of the Special Rapporteur on the human rights of migrants, Felipe González Morales. Human Rights Council.
117 Ibid.

found that there were "reasonable grounds to believe that acts of murder, enslavement, torture, imprisonment, rape, persecution and other inhumane acts" were being committed against refugees and migrants.[118] His report concluded that the extent of these abuses could amount to crimes against humanity.[119] Another UN report in October 2022 detailed the "unconscionable" violations meted out to refugees and migrants in a "coercive" environment incompatible with free choice, one in which migrants are compelled to accept deportation and/or return as the only viable alternative to continued abuse and intercepted attempts to depart towards Europe. [120]

When refugees and migrants attempted to demonstrate against their treatment in Libya in January 2022, some 600 were arrested and moved to detention camps.[121] Protest leaders said police had used excessive force during the arrests and Médecins Sans Frontières said its teams had treated patients taken afterwards to Ain Zara detention centre for stab wounds, beatings, and trauma.[122]

In early October the UN and the Libyan Red Crescent reported on the "heinous killing" of 15 migrants near the Mediterranean coastal city of Sabratha.[123] Initial report suggest the dead were victims of clashes between rival smuggling/trafficking gangs. Most of the bodies were found burned inside a charred boat. Again, reports of such extreme and tragic event attract very little international interest and the perpetrators most commonly are not held to account, even if they are identified.

Not only at borders but also in transit, migrants are at risk from severe treatment including murder. In October 2022, for example, the bodies of at least 25 people believed to be migrants were found in a mass grave in Mzimba, **Malawi**.[124] Although their cause of death is unknown, an investigation is said to be underway.

After the extraordinary attacks—involving gross violations and murder—on camps hosting refugees from **Eritrea** in northern **Ethiopia** in 2021, such facilities continued to be unsafe in 2022. In February, thousands of Eritrean refugees fled an attack on Barahle camp and surrounding areas in Ethiopia's Afar region, in which at least five people were reported killed and a number of women kidnapped.[125] This followed air strikes on Mai Aini refugee camp in Ethiopia's northern Tigray region in January, where three Eritrean refugees, including two children, were killed and four other refugees injured.[126] In January, another airstrike by drones reportedly killed 59 people with up to 138 wounded in Dedebit, a centre for recently displaced people in north-western Tigray, near the Eritrean border.[127]

In the **Democratic Republic of Congo**, at least 50 people, including more than a dozen children, were killed in an attack on a site hosting internally displaced people in Plaine Savo, Ituri province by members of a non-state armed group using with guns and machetes.[128] Only three months earlier in late 2021, 44 people were killed in similar massacres at nearby displacement sites in Drodro and Tche, which subsequently led tens of thousands of people to flee the area.[129]

Refugees are vulnerable not only in war zones but also in peaceful host countries when authorities and the international community allow their welfare to deteriorate severely. Nine of out of 10 **Syrian** refugees in **Lebanon** live in extreme poverty and last winter the country's economic crisis greatly exacerbated the hardship that came with freezing temperatures, according to UNHCR.[130] More than 13 million displaced Syrians face deepening poverty and rising humanitarian needs, 11 years since the onset of what remains the world's biggest displacement crisis.[131]

In February, **Trinidad and Tobago** coast guard officers fired on a boat carrying people from Venezuela, wounding a mother and killing the baby in her arms.[132] The shooting occurred as the officers attempted to intercept the boat after it entered the Caribbean nation's territorial waters and prompted a multi-agency response of sorrow and condemnation.[133]

Expelled asylum seekers and migrants face particular risks and vulnerabilities in **Mexico**. Human Rights First, a local NGO, has in recent years tracked and recorded publicly available information in relation to almost 9,000 reports of kidnappings and other violent attacks against migrants and asylum seekers blocked from entering or

118 United Nations OHCHR (2021) Libya: UN human rights report details violations of migrants' rights amid 'assisted return' programmes.
119 Ibid.
120 United Nations OHCHR (2022) Nowhere but back: Assisted return, reintegration and the human rights protection of migrants in Libya.
121 Ricket, O. (2022) Libya: Hundreds of refugees attacked and detained by authorities in Tripoli. Middle East Eye.
122 MSF (2022) Libya: Over 600 migrants arrested after speaking out for their rights.
123 AFP (2022) UN Condemns 'Heinous Killing' of Migrants in Libya.
124 IOM (2022) IOM Shocked by Discovery of at Least 25 People Believed to be Migrants in Mass Grave in Malawi.
125 UNHCR (2022) Thousands of Eritrean refugees displaced in clashes in Ethiopia's Afar region.
126 Reuters (2022) UN: Air strike kills three in Eritrean refugee camp in Ethiopia.
127 AFP (2022) Ethiopia: 19 people killed in latest drone strikes in Tigray. The Guardian.
128 The New York Times (2022) At Least 60 Dead in Attack on Camp for Displaced People in Congo.
129 UNHCR (2021) UNHCR appalled by killings of dozens of displaced people by armed groups in eastern DRC.
130 UNHCR (2022) Crisis-hit families struggle as winter arrives in Lebanon.
131 UNHCR (2022) Eleven years on, mounting challenges push many displaced Syrians to the brink.
132 Unicef (2022) UNHCR, IOM, OHCHR and UNICEF deeply saddened at Venezuelan baby's death during interception at sea off Trinidad Tobago.
133 Ibid.

expelled to Mexico by the United States.[134] The ACAPS risk report of late October 2022 states that migrants and asylum seekers face recurrent abuses and violence across Mexico, especially in northern states. "Protection risks are of particular concern for women and children, especially those in transit, as they are at risk of sexual abuse and human trafficking during their journey".[135] Furthermore between January and August 2022, the US Customs and Border Protection registered more than 100,000 encounter events involving unaccompanied minors at the US southern border with Mexico, indicating the number of unprotected children making the journey.[136]

Finally, the Vital Signs project estimated that as many as 10,000 labour migrants from **South and Southeast Asia** die in the **Gulf** every year. More than half of these deaths are attributed vaguely to "natural causes" or "cardiac arrest", without any clear exploration of how living and working conditions may have contributed.[137] The absence of accountability and transparency around such high numbers of deaths suggests an extreme lack or regard or value of labour migrants in the region.

7. Extreme policy and politics

Normalising the extreme often occurs in clear violation of national or international laws, or as a result of situations that are permitted only under supposedly temporary emergency measures, or when governments turn a blind eye. This could be described as *de facto* state policy. When extreme measures become *de jure*, then state policy extreme reactions to mixed migration have truly become normalised.

To some extent, this is already evident in the perennially low level of resettlement of the world's refugee population. Just four percent of the 1.4 million refugees in need of resettlement were offered resettlement places in 2021.[138] **Denmark**, which previously received many resettlement refugees, has barely received any since 2016 and since 2019 has publicly stated it wanted "zero asylum seekers".[139] Currently, it has a policy in place to return certain Syrian refugees who have lived in Denmark for years. Meanwhile, countries like **India**, **China**, and **Russia** grant a tiny number of refugees international refugee status and **Malaysia** and **Indonesia** have not signed the refugee convention and never resettle refugees. Equally, **Gulf** states and **Japan** are examples of wealthy countries that rarely take any refugees for resettlement.[140] **Sweden** has famously been the most welcoming country for refugees in Europe, but now aims to pursue an anti-refugee and migration agenda with a new minority coalition government of three centre-right parties, with parliamentary support from the far-right Sweden Democrats.[141]

More generally, the contrast between how the international community has welcomed and made provisions for **Ukrainian** refugees in 2022 and how it makes policies—enforced by security forces—to deter asylum seekers from other conflicts has attracted harsh criticism during the year.[142] Even non-Ukrainians fleeing Ukraine were discriminated against.[143] Also, discrimination was in evidence as far afield as the US-Mexico border where some thousands of Ukrainian sought entry to the US. There, border officials bent their own rules to admit Ukrainians, while denying entry to many, **Mexicans, Central Americans**, **Haitians**, and other refugees of colour.[144] The blocking by a federal judge in May 2022 of moves to end the extraordinary migration-control powers exerted under Title 42 means that border authorities and security personnel can continue to expel undocumented migrants without due process indefinitely. Although the Department of Justice said it would challenge the ruling, the Biden administration has proceeded to implement other laws aimed at better managing new arrivals and speeding up processing of asylum claims. These include allowing US asylum officers to adjudicate claims directly instead of sending them to back-logged immigration courts.[145]

In the **UK** during 2022, there were fears that the new Nationality and Borders Act would dramatically weaken refugee protection by deterring people from seeking asylum in the country and relegating most refugees to a new, lesser status with few rights and the constant threat of removal. UNHCR expressed concern at the UK government's intention to externalise its obligation to protect refugees and asylum seekers after it announced plans to send some migrants to Rwanda for processing of their asylum claims.[146] However, encountering legal challenges led by rights organisations and following a ruling by the European Court of Human

134 Quoted in: General Assembly (2022) Human rights violations at international borders: trends, prevention and accountability Report of the Special Rapporteur on the human rights of migrants, Felipe González Morales.
135 ACAPS (2022) Mexico: Humanitarian situation of people on the move.
136 Ibid.
137 Vital Signs (2022) The Death of Migrants in the Gulf.
138 UNHCR (2022) Global Trends Forced Displacement In 2021.
139 Strzyżyńska, W. (2022) 'Zero asylum seekers': Denmark forces refugees to return to Syria. The Guardian.
140 Chrsitophersen, E. (2022) A few countries take responsibility for most of the world's refugees. Norwegian Refugee Council.
141 Ahlander, J. & Pollard, N. (2022) Swedish election puts anti-immigration Sweden Democrats centre stage. Reuters.
142 Bajaj, S. (2022) The Ukrainian refugee crisis and the pathology of racism. BMJ; Bayoumi, M. (2022) They are 'civilised' and 'look like us': the racist coverage of Ukraine. The Guardian.
143 UN News (2022) UNHCR chief condemns 'discrimination, violence and racism' against some fleeing Ukraine.
144 Morrissey, K. (2022) Ukrainians only: Racial disparities in U.S. border policies grow more obvious. The San Diego Union-Tribune.
145 Hessen, T. (2022) Explainer: A judge ruled the U.S. must keep expelling asylum seekers. What happens now? Reuters.
146 Grandi, F. (2022) News comment: UNHCR's Grandi fears UK legislation will dramatically weaken refugee protection. UNHCR.

Rights, the only flight with asylum seekers heading to Rwanda scheduled was cancelled in June. Although the UK was not able to implement any such flights in 2022, the law stands and the deal with Rwanda is maintained. The UK continues to struggle with how to address the rising number of channel crossings on small boats which the Rwanda policy was designed to deter. As of 26 October, 38,000 people had arrived in the UK on 936 boats since the start of the year, more than 90 percent of whom claimed asylum.[147] The number for the whole of 2021 was 28,500.

Spotlight: Normalising the extreme in *optima forma*? Celebrating a global football festival where thousands of migrant workers died and were abused

The FIFA World Cup, ongoing at the time of the release of this Mixed Migration Review takes place in Qatar, amidst plausible reports on the deaths and abuse of thousand of migrant workers from various Asian countries. In late October, some weeks ahead of the football World Cup, **Qatar** emptied apartment blocks housing thousands of foreign workers in central areas where football fans are expected to want to stay.[148] The forced evictions occurred at speed with some residents getting just two hours to leave and not being offered any alternative housing, resulting in some migrants sleeping on pavements. Furthermore, in an effort to reduce the number of foreign workers in Qatar, there are reports in September 2022 that thousands of workers have been sent back to their country of origin before the end of their contracts or without receiving their full salary or allowances—some will return to unemployment with significant debt to their recruiters.[149] Because of the World Cup, in 2022, Qatar has come under the spotlight for its harsh treatment of migrants including the extraordinary revelation that since Qatar won the bid to host the Cup, approximately 6,750 migrant workers, mostly young and from India, may have died in Qatar while working on World Cup related infrastructure projects since 2010.[150]

In many European countries, the prosecution of asylum seekers as smugglers as well as those assisting irregular arrivals is on the rise. A phenomenon that has been evident for some years continued into 2022 with thousands of migrants arrested, detained—often for lengthy periods—and prosecuted only to be eventually released when the cases against them collapse or convictions are overturned on appeal.[151] **Italy**, **Greece**, and the **UK** have been particularly active prosecuting migrants in this respect. Often, they are arrested on the grounds that they assisted in the navigation or steering of vessels they were on while the actual smugglers are elsewhere and not aboard.

In **South Africa**, the **Zimbabwean** Exemption Permit (ZEP) programme was originally set up as a positive measure to allow Zimbabweans who had migrated to South Africa before 2009 to escape the protracted crisis in their home country to regularise their status in South Africa.[152] In step with a rising anti-immigration and anti-migrant sentiment in the country, in late 2021 the ZEP was suspended with an intention that all permits would expire by the end of 2022. This announcement created uncertainty and insecurity for the country's 178,000 ZEP holders. The majority, having lived in South Africa for many years, are now confronted by the prospect of having to leave the lives they have established over more than a decade to return to Zimbabwe or live without documentation in their adopted home.[153]

Amid effort by states to keep asylum seekers and migrants away from their territory (and legal obligations) some ask in 2022 if pushbacks, off-shoring and externalising immigration policy is becoming a default response backed up by evolving legislation.[154] Often, state policy is bolstered by heavily protected and monitored borders such as in **Poland**, **Israel**, or **Mexico**.[155] Meanwhile, the rapid adoption of high-tech measures and AI in immigration and border control is raising concerns among rights organisations. In 2022, the **EU**-funded ITFlows research project faced calls to stop developing the EUMigraTool, which would use AI systems to forecast migration flows, and to "stop pursuing the use of any and all technologies that can be used to criminalise migration and target specific groups and individuals".[156]

147 Refugee Council (2022) Home Affairs Select Committee oral evidence on Channel Crossings – Refugee Council response.
148 Mills, A. (2022) Exclusive: Thousands of workers evicted in Qatar's capital ahead of World Cup. Reuters.
149 Pattisson, P.(2022) Migrant workers in Qatar left in debt after being ordered home before World Cup starts. The Guardian.
150 Pattisson, P. et al (2021) Revealed: 6,500 migrant workers have died in Qatar since World Cup awarded. The Guardian.
151 Spaggiari, O., Thomson, I. & Papangeli, I. (2022) How European courts are wrongfully prosecuting asylum seekers as smugglers. The New Humanitarian
152 Marawankyika, G. and Ndlovu, R. (2022) South Africa faces legal fight over Zimbabwean work permits. Bloomberg.
153 Ibid
154 Mavropoulou, E. (2022) Pushbacks and Offshoring Asylum: Is Externalisation Becoming the Default Response to Refugee Situations? Australian Institute of International Affairs
155 Under the Boot: Militarization of Migration Policy in Mexico (2022) By Fundación para la Justicia y el Estado Democrático de Derecho (FJEDD), Sin Fronteras IAP, Derechos Humanos Integrales en Acción (DHIA), Derechoscopio, Uno de Siete Migrando e Instituto para las Mujeres en la Migración (IMUMI)
156 Access Now (2022) Stop the EUMigraTool rollout: predictive AI systems have no place in EU migration policies.

In 2022, the average duration of migration detention in **Australia** rose to a record 689 days, much longer than comparable countries.[157] Several individuals have spent more than 10 years in detention for arriving undocumented and seeking asylum—at huge cost to the government and to those detained.

This report is far from exhaustive but rather aims to offer glimpses of the slippery slope of ever-more extreme rules and practices that would have been unimaginable some years ago but which are now fast-becoming an everyday global characteristic of immigration policies and the inhumane treatment of refugees, asylum seekers, and migrants.

157 Knaus, C. & Doherty, B. (2022) Australia holding people in immigration detention for record 689 days on average, report finds. The Guardian.

Resisting the extreme

By Chris Horwood[1]

This section offers a countervailing antidote, of sorts, to the Normalising the extreme report (page 206). While the Normalising the extreme is regrettably relatively easy to compile and increasing in size every year, completing this sister feature has proven to be more complicated. There are many policies and actions around the world that support and protect refugees and migrants, and which are embedded into laws and civic behaviour, and which cannot all be featured here because they are numerous and evident in most countries. Millions of migrants and refugees find refuge, hope, and success in their host countries and many find pathways to citizenship, but this section highlights more publicised events or policies that appear to directly counterbalance more negative approaches.

However, as will be seen, in some cases examples of *resisting* the extreme in 2022 have an ambiguity or fragility because they are associated or embedded in negative contexts which qualifies their positive nature.

This report cannot aim to be exhaustive but is indicative of the fact that not all approaches towards mixed migration are extreme or harmful. It is clear that asylum seekers, refugees and migrants still have many advocates across the world pushing for their protection, inclusion, integration, and well-being.

Public support for refugees increasing but mixed

Some 78 percent of respondents to an annual online survey of more than 20,500 people in 28 countries published ahead of this year's World Refugee Day (20 June) said those fleeing conflict or persecution should be able to take refuge in another country.[2] The increase from the 2021 survey's 70 percent is likely to have been a result of the galvanising international response and solidarity for Ukraine in 2022. Nearly two-thirds of those surveyed this year were positive about more refugees coming into their country if they were fleeing war or violent conflict, but support was lower for those fleeing persecution related to gender, sexuality, or political opinion, while 55 percent considered the impact of climate change and/or natural disasters as a valid reason to be given asylum. Views were divided on whether governments should be providing more support to refugees and asylum seekers. However, illustrating some of the ambiguity mentioned above, at the same time 54 percent agreed with the statement that "most foreigners who want to get into my country as a refugee really aren't refugees. They just want to come here for economic reasons, or to take advantage of our welfare services". Additionally, 36 percent felt borders of their countries should be closed and at the present time no more refugees should be accepted.

Global local action accelerates

Emblematic of the fact that across the world continuous positive action is being implemented to support refugees and migrants is the work of local leaders—sometimes acting in opposition to national policies and practices. Local leaders including municipalities, and often led by mayors, are increasingly being acknowledged as partners and global migration governance actors in their own right. In 2022, during the first International Migration Review Forum—convened to assess progress on the implementation of the Global Compact for Migration (GCM)—the Mayors Mechanism launched an inaugural report, *Localization of the Global Compacts*, that detailed activities carried out by 47 local and regional governments in 33 countries in support of refugees and migrants in line with the GCM and the Global Compact on Refugees.[3] Documented actions directly benefiting refugees and migrants include those that expand access to services; serve children and youth; expand employment and entrepreneurship opportunities; address the impact of the climate crisis on migration and displacement; offer humanitarian or financial assistance in times of crisis; and improve city governance, accountability, and responsiveness to migrant and refugee communities.

Regularisation of Venezuelans in South America

Despite evidence of the souring of previously welcoming attitudes and rise of anti-migrant/refugee rhetoric in parts of South America (such as in **Brazil** and **Chile**), increased regularisation of Venezuelans has been trending through 2021 and 2022. In his report to the United Nations in May 2022, the Special Rapporteur on the human rights of migrants, Felipe González Morales (interviewed in this Review page 99) cited the growing momentum of regularisation of Venezuelans following temporary measures adopted during the pandemic. His report mentions that following the examples of **Colombia** and the **Dominican Republic** in 2021, the president of **Ecuador**

1 Chris Horwood is a migration specialist and co-director of Ravenstone Consult.
2 Ipsos (2022) World Refugee Day 2022: 78% globally agree that people should be able to take refuge in other countries; UNHCR (2022) World Refugee Day 2022: New Ipsos survey shows greater compassion for forcibly displaced as war in Ukraine wears on.
3 Mayors Migration Council (2022) Localizing the Global Compacts: First Report on Local Action for Migrants and Refugees - 2022.

had announced plans to begin the regularisation process for Venezuelans, "which could provide a stable legal status for over 450,000 migrants residing in the country".[4] These policy developments offer benefits to millions of people and represent a clear and welcome example of resisting the more extreme approach of limiting access and even detaining or deporting refugees and migrants.

Summit of the Americas – the regional (formal) commitment to protection and migration

At the ninth Summit of the Americas, held in June 2022, 20 attending countries endorsed the Los Angeles Declaration on Migration and Protection, thereby pledging to strengthen national, regional, and hemispheric efforts to create the conditions for safe, orderly, humane, and regular migration and to strengthen frameworks for international protection and cooperation. In short, the **US** and Latin American countries committed to receiving more migrants. It also resulted in some new humanitarian and security assistance from the US Department of State to address "the immediate drivers and root causes of irregular migration, as well as assist those forced to flee".[5] As the essays, Thematic Snapshots, and the Normalising the extreme feature in this Review illustrate, countries of the Americas have a long way to go in their protection of migrants and asylum seekers. As the summit was taking place, activities and policies continued to be implemented in contradiction with the values and aspirations expressed in the adopted declaration. Nevertheless, the document was regarded as a significant landmark and was welcomed by the UNHCR and others, despite the fact that the leaders of **Mexico**, **El Salvador**, **Guatemala**, and **Honduras**—key countries of origin and transit for migrants and asylum-seekers—stayed away from the summit, raising questions about the significance of the joint declaration.[6]

Qualified good news from Australia

In April 2022, there was a qualified and bitter victory for 26 asylum seekers held in detention in **Australia**'s mainland after being medevaced from indefinite detention off-shore. They were finally released but told to return to Nauru, seek resettlement in **New Zealand** or the **United States**, or return to their home country, but would not be allowed to settle in Australia.[7] Although these 26 were the latest of groups of medevaced asylum seekers released since 2021, there is little flexibility from a government that punishes irregular maritime migration to Australia by preventing any short- or long-term path to residency. Others remain detained in centres in Australia having been medevaced from offshore detention—an approach which has itself attracted protracted and widespread condemnation.[8] Nevertheless, detention of migrants and asylum-seekers is on a downward trend. The current figure of almost 1,400 is a significant decrease from the peak of 10,201 in July 2013. However, it is high when compared to 375 in January 2009.[9]

Also in Australia, the national cap on permanent migration was raised for the first time in a decade to help fill massive workforce shortages as a result of the pandemic and Australia's tough border policies which have exacerbated staffing gaps in many sectors. The changes were implemented immediately in September and therefore Australia will take up to 195,000 people this financial year—an increase of 35,000 from the 2021 financial year.[10] However, selection will be carefully administered through an already strictly applied points-based system and a strict no-boats policy remains in place so the changes offer no relief for would-be irregular asylum seekers or migrants.

Rescues at sea despite hostile policy

Despite states' generally hostile approach to irregular maritime migration, coast guards and privately commissioned vessels have successfully rescued sea-borne migrants and asylum seekers all over the world. Even if such rescues are not motivated by solidarity, and even if the migrant journeys are then thwarted by detention and long-term processes (sometimes leading to deportation), those picked up at sea are taken to ports in safety and variously supported by government bodies, municipalities, and/or NGOs.

For example, in September 2022 the **Italian** coast guard brought 459 asylum seekers and migrants to harbour working in coordination with the private NGO vessel *Ocean Viking*.[11] Most of the 33,000 migrants and asylum seekers who crossed the English Channel in 2022 (up to mid-October) were rescued, shepherded, or otherwise chaperoned by the **UK**'s Royal Navy or the

4 UN General Assembly (2022) Human rights violations at international borders: trends, prevention and accountability - Report of the Special Rapporteur on the human rights of migrants, Felipe González Morales (A/HRC/50/31) [EN/AR/RU/ZH].
5 US Department of State (2022) Los Angeles Declaration on Migration and Protection Lima Ministerial Meeting.
6 UNHCR (2022) UNHCR welcomes Los Angeles Declaration on Migration and Protection in the Americas; Selee, A. (2022) The Los Angeles Declaration Could Represent a Big Step for Real Migration Cooperation across the Americas. MPI.
7 Asylum Seeker Resource Centre (2022) Park Hotel empty as 26 refugees are released. Morrison Government refuses to release remaining 6.
8 Doherty, B. (2020) Australia's offshore detention is unlawful, says international criminal court prosecutor. The Guardian.
9 Refugee Council of Australia (2022) Statistics on people in detention in Australia.
10 Turnball, T. (2022) Australia: Permanent migration cap raised for first time in decade. BBC.
11 Euronews (2022) Hundreds of migrants rescued in Mediterranean dock in Italy after uncertain days.

Royal National Lifeboat Institution, a charity staffed by volunteers. The **US** Coast Guard mobilised to save refugees and migrants on several occasions in 2022, including, in February, ten Cubans aboard a sinking vessel off the Florida coast;[12] in August, 19 migrants in a disabled boat floating off Los Angeles;[13] and, in October, almost 100 Haitian asylum seekers who had spent five days crammed on a boat off the Florida coast without provisions.[14] However, during the year the US Coast Guard was also involved in multiple repatriations of people at sea in heavily loaded passenger or fishing vessels from Cuba, Haiti, and elsewhere.[15]

On several occasions in 2022, the **Tunisian** coast guard said it had "rescued" migrants at sea, including more than 450 people (mainly from sub-Saharan states) in numerous operations related to 37 separate attempts to reach Europe by boat on a single night in July.[16] However, asylum seekers and migrants rarely welcome "rescues"—perhaps more accurately termed "interceptions"—that return them to their point of departure and in many cases lead to detention and prosecution. From the travellers' perspective, having paid smugglers to organise their journey, such "rescues" feel more like being "caught". As Tunisia has a long-standing migration cooperation agreement with the EU, the staggering 23,500 people picked up by the coast guard between January and September casts "rescue" in a different light and illustrates the ambiguity at the heart of intercepting migrants at sea in so-called rescue activities.[17]

Ukrainian refugee crisis response

The immediate and almost worldwide positive response to the **Ukrainian** refugee crisis following Russian invasion in February 2022 was remarkable.[18] Countries immediately opened their doors, non-government groups and communities offered all manner of facilities and provisions and even those countries averse to receiving any refugees, such as **Poland**, suddenly welcomed huge numbers of Ukrainians.[19] The US pledged to fast-track and take in up to 100,000.[20] Within days of Russia's aggression, the **European Union** for the first time triggered its Temporary Protection Directive to allow people fleeing Ukraine to live and work within the EU with multiple social protection and welfare provisions normally not offered to refugees.[21] By October 2022, not counting the 2.9 million who crossed into Russia, 4.75 million Ukrainian refugees were hosted outside the country, mostly in neighbouring states.[22]

Some commentators, including the UNHCR, were quick to celebrate this as proof of concept that the international community can manage sudden large-scale arrivals of refugees and their needs in a generous and responsibility-sharing manner.[23] They suggested it was hopeful evidence of resisting the extreme of refugee neglect and showed that where political will and public support coalesced great outcomes were possible.[24] However, others were equally quick to point out that the welcome offered to Ukrainian refugees only more deeply illustrated the discriminatory treatment of non-Caucasian, non-European refugees by comparison.[25] The response in the Americas and elsewhere to **Haitian** asylum seekers this year and historically offers a stark example.[26] UNHCR joined others in calling out what they described as racist discrimination, noting that while states were opening their doors to Ukrainians seeking refugee they were pushing back, detaining, deporting, and negotiating external border controls for those from sub-Saharan Africa, Afghanistan, Iran, Syria, and elsewhere.[27] After less than 10 months of hosting very large numbers of Ukrainian refugees and noting how attitudes can sour over time (see *Normalising the extreme* on page 206 for examples from South Africa, Chile and Lebanon), it may be judicious to refrain from early glowing assessments. Nevertheless, the initial response to Ukrainian refugees clearly resisted and bucked the negative trend of treatment of refugees and asylum seekers in 2022.

12 AP & Guardian staff (2022) Ten Cuban migrants in sinking vessel rescued off Florida coast.
13 United States Coast Guard (2022) Coast Guard rescues 19 migrants from a disabled vessel near Redondo Beach.
14 Golding, B. (2022) Coast Guard rescues nearly 100 migrants on boat off Florida coast with no food, water. New York Post.
15 Morgan, M. (2022) US Coast Guard repatriates 120 migrants to Cuba amid Hurricane Ian. Caribbean National Weekly.
16 AFP (2022) Tunisia Intercepts More Than 800 Migrants In One Night. Barrons.
17 Rouland, B. (2021) Redistributing EU 'burdens': the Tunisian perspective on the new Pact on Migration and Asylum. AISLE.
18 See the Thematic Snapshot, *Ukrainian refugee crisis: an extraordinary but selective response* on page 103.
19 UNHCR (2022) Poland welcomes more than two million refugees from Ukraine.
20 Lakhani, N. (2022) US on course to welcome 100,000 Ukrainians fleeing war this summer. The Guardian.
21 European Union (2022) EU invokes Temporary Protection Directive to help those fleeing Ukraine.
22 Karasapan, O. (2022) Ukrainian refugees: Challenges in a welcoming Europe. Brookings.
23 UNHCR (2022) News Comment: UNHCR's Grandi praises Europe's welcome for Refugees fleeing Ukraine; UNHCR (2022) People across Poland show solidarity with refugees from Ukraine; Lakhani, N. (2022) US on course to welcome 100,000 Ukrainians fleeing war this summer. The Guardian.
24 Sunderland, J. (2022) EU's Generous Response to Ukraine Refugees Shows Another Way is Possible. Human Rights Watch.
25 African Union (2022) Statement of the African Union on the reported ill treatment of Africans trying to leave Ukraine; Karageorgiou, E. & Noll, G. (2022) Receiving Ukrainian Refugees in the EU: A Case of Solidarity? Aisle; Frouws, B. (2022) When war hit Ukraine. Reflections on what it might mean for refugee, asylum and migration policies in Europe. Mixed Migration Centre.
26 See Thematic Snapshot, *Haiti: No exits and no mercy*. Page 79
27 UNHCR (2022) UNHCR chief condemns 'discrimination, violence and racism' against some fleeing Ukraine.

Court challenges in Cyprus, the Netherlands, and UK

In a case that "could set an important precedent for Cyprus' migration policy and have repercussions for Europe's border policies more generally" two Syrian cousins are suing the government of **Cyprus** before the European Court of Human Rights for denying them their right to lodge an asylum claim.[28] Cypriot coast guards reportedly intercepted with force the cousins' boat in September 2020 as they journeyed from Lebanon, causing their boat to sink in waters around Cyprus. They were allegedly verbally threatened and then forced onto another vessel returning to Lebanon without allowing them to claim asylum in Cyprus, in violation of international law. EuroMed Rights and its Cypriot and Lebanese members are directly involved in presenting the case with the two men and hope a ruling in their favour will end the continuing practice of pushbacks by Cypriot authorities on the high seas. Despite this, however, according to EuroMed Rights, on 6th of July, 49 people were in urgent distress close to Cyprus. The authorities first performed a rescue operation but then illegally pushed back the people to Lebanon.[29]

In the **Netherlands,** the Dutch Refugee Council won a case against the Dutch government over its treatment of asylum seekers.[30] In August 2022, hundreds of refugees were forced to sleep outside with little or no access to drinking water, sanitary facilities, or healthcare because there was no more room in government-run asylum centres. The court ruling requires the state to provide higher standard treatment in asylum centres, including an indoor sleeping space, food, water, and access to hygienic sanitation facilities. A by-product of the overcrowding that led to the case was that Amsterdam stated it would house at least 1,000 asylum seekers on a cruise liner to be moored in the city's industrial area.[31]

In the **UK**, the much-publicised and controversial plan (backed by new legislation) to remove asylum seekers to **Rwanda** was thwarted by a last-minute ruling by the European Court of Human Rights in mid-June 2022.[32] The Kigali-bound flight was initially scheduled to fly with 130 asylum seekers although as the flight date and time approached, more and more individuals were removed as human rights lawyers repeatedly sought stays by submitting lawsuits against the government. The measure was originally part of a somewhat desperate plan to deter and discourage channel crossings, which between January and late October 2022 numbered a record 38,000. Since June, no flights with asylum seekers have flown, airlines are withdrawing their services, and it is not clear if the policy will ever be implemented, even if the UK's new home secretary has described the scheme as her "dream and obsession."[33]

Kenya's progressive new refugee law

The newly minted **Kenyan** Refugee Act of 2021 came into effect in February 2022 and reinforces protection and management of refugees.[34] Critically, the new law grants over 500,000 refugees access to participation in economic and social development once they have received proper documentation and permits. They will have the right to engage in employment or start businesses or practice or trade in sectors where they hold a qualification. In a win-win situation for government and refugee, this means refugees can now be in gainful employment and shall be expected to pay taxes just like Kenyan citizens. In reality, this is a sharp move by the authorities as hundreds of thousands of refugees were already operating in the shadow economy without paying taxes. Furthermore, refugees from **Burundi**, **Rwanda**, **South Sudan**, **Tanzania**, and **Uganda** have an option to give up their refugee status and seek legal stay arrangements and enjoy benefits under the East African Community (EAC) Common Market Protocol.

Promising practices and legal developments concerning climate-induced displacement/ mobility

2022 saw a continuation of earlier "promising practices" aimed at expanding and facilitating pathways for safe and regular migration in the context of climate change. Regular migration pathways for people affected by environmental drivers are explicitly addressed under the Global Compact for Safe, Orderly and Regular Migration.[35] The July report of the Special Rapporteur on the human rights of migrants documents the development of legal provisions and case law from a range of countries where destruction of homes, displacement from areas, or

28 Talaat, N. & Christou, W. (2022) Pushing back against Cyprus pushbacks: From a dinghy in Lebanon to EU court. The New Arab.
29 EuroMed Rights (2022) Migrants and Refugees in Cyprus.
30 Reuters (2022) Dutch court orders government to bring asylum centers up to EU standard. Alarabiya News.
31 AFP (2022) Amsterdam to host 1,000 refugees on cruise ship after overcrowding in migrant centers. Alarabiya News.
32 McDonald, A. (2022) Flight grounded as European judges thwart plan to send UK asylum seekers to Rwanda. Politico.
33 Hymas, C. (2022) Airline hired to fly refugees to Rwanda pulls out after backlash. The Telegraph; Ndebele, N. (2022) New UK PM a strong believer in Rwanda deportation scheme. News24.
34 JulishaInfo (2022) Refugee Act 2021: How the new law will affect refugees, asylum seekers and Kenyans.
35 UN General Assembly (2022) Report of the Special Rapporteur on the human rights of migrants, Felipe González Morales (A/77/189) [EN/AR/RU/ZH].

inability to return to areas are increasingly regarded as grounds for admission or rights to remain in third party countries. In a world where an increasing number of people are displaced by natural disasters and slow-onset climate change impacts, these are important precedents and developments.

The Special Rapporteur's report cites examples from **Italy**, **Vanuatu**, **Switzerland**, and **Mexico** where legislation already has provisions or includes definitions that could facilitate regular migration where climate change exacerbates people's vulnerability and leads to a violation of core human rights or puts people at risk.[36] Understandably, states are hesitant to create precedents, but these developments are occurring in a context where:

> *the sharp increase in the number of climate change litigation cases at the international level suggests that this is a quiet beginning for an already growing phenomenon. This is true both in terms of public climate litigation, which is directed at States, governments and public bodies with the aim of influencing their environmental policies, and in terms of private climate litigation against companies for their greenhouse gas (GHG) emissions.*[37]

In 2018, the **German** Advisory Council on Global Change proposed to develop a "climate passport" that would offer those who are at risk of global warming the option to gain access to civil rights in safe countries, but this has not been implemented to date. However, **Ecuador, Argentina**, and **Brazil** all already provide humanitarian protection through special (but time-bound) visas to migrant applicants who can demonstrate the existence of exceptional reasons of a humanitarian nature as victims of natural or environmental disasters. In these cases, environmental factors are listed as just one of various reasons to offer these special and temporary visas.

New Zealand dropped an earlier idea to offer a humanitarian visa for victims of climate crisis and was ruled against at a landmark case heard at a UN tribunal when a citizen of Kiribati was denied asylum.[38] Nevertheless, now, under the New Zealand Pacific Access Category Resident Visa programme, there is "a quota for a total of 650 migrants from Fiji, Kiribati, Tonga and Tuvalu to apply for permanent residency in New Zealand every year, while a quota of 1,100 is allocated for Samoan migrants under the Samoan Quota Resident Visa".[39] The Special Rapporteur's report also cites Australia's Pacific Labour Mobility Scheme, launched in July 2018. This is a framework for accepting workers from nine countries including **Fiji**, **Kiribati**, and **Nauru** "targeted at citizens of Pacific Island States", suggesting the scheme is an effort to expand legal pathways in the context of the climate pressures Pacific Islanders are facing.[40]

Investigative reporting as part of the resistance

Recent years have seen an increase in in-depth investigative reporting related to migration and displacement with reporters not just covering topics that also feature in mainstream media because the subject is high on the political agenda, but also exposing under-reported and clandestine aspects. Some of these have been featured in previous Mixed Migration Review reports, such as the various studies by *Stop Wapenhandel* examining the increasing presence of arms dealers profiting from and fuelling border securitisation and the details of who their clients are.[41] Also the work of Border Violence Monitoring Network—that monitors pushback abuses in systematic detail along Europe's eastern edges.[42]

Of course, established media outlets such as *The Guardian* have repeatedly conducted in-depth research on issues relating to migration—for example revealing 6,500 migrant workers have died in Qatar since the World Cup organisation was awarded[43]—and there has be an strong uptick in the number of reports published by human right organisations such as Human Rights Watch and Amnesty International on migration issues directly challenging the normalisation of the extreme. Some newer outlets that have published useful research are more obviously media-based like *The Conversation* and *The New Humanitarian* while others like *Bellingcat*, *Vice*, *Politico*, and *Lighthouse Reports* represent the crossover between investigation, reportage, activism and advocacy—often developing their exposés in collaboration with other outlets with simultaneous release strategies. Also, these outlets are increasingly employing new technology to obtain evidence, such as using satellite imagery, open source data, hidden cameras, night vision capacity, and drones. Generally, there is a clear trend of journalists, researchers, and

36 UN General Assembly (2022) Report of the Special Rapporteur on the human rights of migrants, Felipe González Morales (A/77/189) [EN/AR/RU/ZH].
37 Biglieri, S. (2022) Litigating climate change in Italy. Dentons.
38 Amnesty International (2022) UN landmark case for people displaced by climate change; Dempster, H. & Ober, K. (2020) New Zealand's "climate refugee" visas: lessons for the rest of the world.
39 UN General Assembly (2022) op cit p19
40 Ibid.
41 Akkerman M. (2016) Border Wars. Stop Wapenhandel/TNI. Also; Akkerman, M. (2019) The Business of Building Walls. Stop Wapenhandel/TNI, and Akkerman, M. (2021) Financing Border Wars. Stop Wapenhandel/TNI.
42 Barker, H. & Zajović, M. (eds) (2020) The Black Book of Pushbacks. Border Violence Monitoring Network.
43 The Guardian (2021). Revealed: 6,500 migrant workers have died in Qatar since World Cup Awarded.

activists combining their skills to produce specialist reporting on migration issues that aim at exposing and resisting the extreme. Illustrating this, in May 2022, Lighthouse released a report showing how Frontex's internal database suggested it was involved in illegal pushbacks on a massive scale.[44] Earlier, in October 2021, Lighthouse led a joint investigation with others, spending eight months gathering testimony, tracing chains of command, tracking social media and satellite imagery, and following the money trails back to EU funds to offer a detailed picture of a campaign of illegal, violent pushbacks in Croatia, Greece, and Romania by masked men whose uniforms have been stripped of any identifying details.[45] In June 2022, Lighthouse's migration news desk released a report showing how the Greek police were using foreigners as "slaves" to forcibly return asylum seekers to Türkiye.[46]

The new European Union Agency for Asylum

As part of an ongoing thrust for asylum reform, in early 2022, the European Union Agency for Asylum replaced the European Asylum Support Office, which had been operating since 2011. UNHCR welcomed the change.[47] The new agency will have a Fundamental Rights Office to safeguard the rights of asylum seekers and a complaints mechanism. It aims to help EU member states agree on uniform practices and accelerate the slow progress towards a common European asylum system—current arrangements are considered "unfair" and slow, with too much variation between countries. It is not clear whether the new agency will be able to successfully tackle the current deficiencies in the bloc's asylum regime and practise.[48]

New EU Pact on Migration and Asylum and increasing regular pathways

In 2022, the EU sought to link efforts to increase legal pathways for migration in the bloc to its 2019-2024 strategy and its New Pact on Migration and Asylum.[49] The new pact includes a commitment to attracting skills and talent. In April 2022, the European Commission published a communication that highlighted the need for expanded avenues for legal labour migration, outlining "a pragmatic and gradual approach towards an ambitious and sustainable EU legal migration policy".[50] The EU also included this intention as part of its voluntary submission to the Global Compact for Migration progress-tracking mechanism. Among the key initiatives of this otherwise slim list of reforms is establishing an "enhanced legislative framework" for legal pathways to the EU by revising the Single Permit Directive and the Long-Term Residents Directive. This entails establishing a streamlined procedure for the single permit for combined work and residence which is intended to make the process quicker and easier for applicants and employers. Meanwhile, however, there are strong populist and anti-migrant agendas in many countries across the EU that are leading governments towards policies that appear to contradict this proposed policy direction of travel. Still, the EU is also responding to the growing need for migrant workers in Europe so forces that open doors to more regular migration may become inevitable and irresistible.

Responding to its own labour shortages and a rising trend of irregular migration from **Morocco**, in early 2022 **Portugal** announced a bilateral agreement to allow for the "recruitment, hiring and immigration of Moroccan workers, ensuring they have the same rights and duties as Portuguese workers."[51]

Progress documented by the International Migration Review Forum

In December 2021, the Biden administration in the **US** announced its "endorsement of the vision contained" in the GCM.[52] In May 2022, the inaugural International Migration Review Forum (IMRF) took stock of progress made towards and challenges encountered in meeting the compact's 23 objectives and to assess the extent to which the guiding principles have been adopted by governments, stakeholders, and the UN family. The forum was presaged by the biennial UN secretary general's report to the General Assembly, released in December 2021.[53]

The IMRF Progress Declaration, based on the submissions of GCM-signatory states, was adopted by the General Assembly in June 2022.[54] In it, all major themes and

44 Freudenthal, E. et al. (2022) Frontex, The Eu Pushback Agency. Lighthouse Reports.
45 Lighthouse Reports (2021). Unmasking Europe's Shadow Armies.
46 Christides,G et al (2022) "We were slaves". Lighthouse Reports.
47 Infomigrants (2022) New EU asylum agency to provide greater rights protection.
48 García, G. (2021) A new European Union Agency for Asylum, the solution for asylum deficiencies? European Student Think Tank.
49 European Commission (2022) New Pact on Migration and Asylum.
50 European Commission (2022) Legal Migration: Attracting skills and talent to the EU.
51 Infomigrants (2022) Portugal signs immigration deal with Morocco.
52 US State Department (2022) Revised National Statement of the United States of America on the Adoption of the Global Compact for Safe, Orderly and Regular Migration.
53 UNGA (2021) Global Compact for Safe, Orderly and Regular Migration. Report of the Secretary-General.
54 UNGA (2022) Progress Declaration of the International Migration Review Forum.

issues relating to GCM are raised and, in most cases, clear progress or limited progress is identified in most of the compact's thematic areas.[55] At the same time, the Declaration recognised that progress had been hampered in many cases and on many fronts due to the global impact of the pandemic.

The Declaration included a recommendation that a set of indicators, drawing on the global indicator framework for the Sustainable Development Goals and the targets of the 2030 Agenda be used by members states when reviewing their progress towards GCM implementation. It also called for the introduction of a "comprehensive strategy for improving disaggregated migration data at the local, national, regional and global levels".[56]

55 States Voluntary Reviews. UN.
56 UNGA (2022) Progress Declaration of the International Migration Review Forum. Paragraph 70. A more detailed assessment of the IMRF is found in the essay *An essential step forward down a long road: taking stock of the first IMRF* on page 257 of this review.

Interview

Drifts towards radical immigration policies

In what he sees as a somewhat widespread draconian drift, **Martin Lemberg-Pedersen** describes the crisis of the refugees regime, the legacy of colonialism on current approach to migration management (externalisation), the importance of history, and critiques his own Danish government's approach to refugees and irregular migrants.

Martin Lemberg-Pedersen is Honorary Associate Professor at the University of Warwick´s Department of Politics and International Studies and is also the Head of Policy and Documentation for Amnesty International, Denmark. Since 2019, he has been affiliated with the Advancing Alternative Migration Governance (AdMiGov) project, funded under the European Union's Horizon 2020 programme.

How would you characterise recent developments and the current state of affairs concerning asylum for refugees? Are things getting better or worse?

I think there are several developments that are making the protection available to displaced persons more precarious, more uncertain, and more temporary. We are seeing a record number of displaced in the world with most internally displaced, but there seems to be a downward spiral when it comes to the international will to receive and protect people. Of course, this takes various forms in different geographical contexts like East Africa, North Africa, Europe, Asia, or the Americas, but in general, I am concerned about the general political move away from granting protection and long-term solutions to displacement. Although welcome due to the massive need, the protection granted displaced Ukrainians stands in contrast to conditions offered other asylum seekers, but it is worth noting that even this is also temporary.

With legal channels for migration becoming harder in recent years and exacerbated by Covid, arguably the demand is also rising for migration. To what extent is this making people who do not necessarily have a valid case for asylum apply for it anyway as their only option?

Well, that is a difficult question. I think maybe we can turn it around a bit, because when it comes to, for instance, a geographical context like Europe, and many so-called Western countries, there are virtually no legal paths of migrating and a minuscule and decreasing amount of resettlement projects, even for those with protection claims. So the situation is rather that people in need of protection are forced into irregular channels along with everyone else. They are even being penalised for making that choice by states, even though arguably that is contrary to the spirit of the 1951 Refugee Convention. So, I think the development right now is one where the legal channels are being

minimised, closed down. And by making this choice states are actually feeding irregular migration channels and actors. These can take various forms, and while some offer flight and paths to protection, others are very dangerous and very exploitative.

> **“There seems to be a downward spiral when it comes to the international will to receive and protect people.”**

And is this affecting the integrity of the refugee regime in terms of increased cynicism around people who are claiming refugee asylum?

I think the perceived legitimacy of the system is affected in at least two distinct ways. One concerns states, obviously, where you have the rhetoric of the UK government portraying Channel crossings as threats to national identity and social cohesion. And the Danish government is dismissing the entire global refugee system as “having failed.” This kind of rhetoric is being used by such states to explicitly reject rights claims, paradoxically even claims deriving from the conventions that those same states have themselves ratified and implemented.

Another case in point is the recent rhetoric surrounding hybrid wars and instrumentalisation of migration, observable at the Belarus-Poland border during the fall of 2021. This border spectacle concerned a rather small number of people, maybe 20,000 all in all, although the numbers are difficult to verify as the Polish and Belarus governments didn't allow NGOs or doctors to access the forest and swamp area. But these people were portrayed as destabilising the entire EU by the Polish government, that, like the Baltic countries, used this kind of securitised rhetoric to implement states of emergencies so they could derogate from the EU and refugee law they are actually required to follow. So, actually, you can see that some states are at an unprecedented level, refusing or undermining the law mandating access to asylum procedures and protection for displaced persons.

But this links to a second dimension of how the perceived legitimacy of the protection system is being undermined, one that I think points to one possible future that is extremely worrying: I think there is an increasing awareness or fear among people displaced that many states´ protection systems are actually now being co-opted into deterrence and return systems. They're perceiving it as being turned into deterrence machines by states from the inside, rather than the protection systems they were intended as. So that would be the second dimension, and I think it points to a future where we risk intimidating people away from even wanting to access asylum systems in, say, Europe. However, since there is still a big need for mobility, and an increasing need to move away from dangerous circumstances, this co-optation means that people are being nudged into irregular and dangerous routes. But these are routes that states have far less control over than the asylum systems. So I think this dimension may also become a self-fulfilling prophecy where governments driven by fear and populism become so bent on maximising control over asylum seekers that they bring about the loss of it.

As the numbers involved rise isn’t this reaction by states inevitable?

I think that when states or national politicians talk about the 1951 Refugee Convention and asylum systems there are grave misunderstandings about what's actually at stake. The Refugee Convention is portrayed as open borders and naive humanism, but actually it is very much also a security tool for states. We should be clear that the Refugee Convention is a form of border control, that was grounded right after World War II, in a quite different political context where 30 million people were displaced just within Europe. So, it was a very practical-oriented instrument designed for European contexts and priorities, and then globalised with the '67 Protocol. But there is also a very interesting postcolonial hook here, because the Refugee Convention was also negotiated by global, powerful colonial empires like the UK or France. And during the decolonisation process it served to sidestep two other alternative refugee definitions, respectively the African Union definition from '69, and the Cartagena Declaration from '84. Both of these have wider definitions of refugeehood, including foreign occupation and generalised violence.

> **“The Danish government is dismissing the entire global refugee system as ‘having failed.’”**

So, it's quite interesting that in these two geographic regions which had experienced centuries of colonialism and occupation an understanding of refugehood emerged which is much wider, whereas the European one, which is the dominant one that has been globalised, and everyone is now referring to, has this quite narrow definition based on individual persecution. Now, after the '67 Protocol, the Western countries face a situation where many people from the former colonies are now escaping terrible situations—it could be abject poverty, internal conflict, or persecution—and that is somewhat different apparently in the political mindset of European politicians than the around 30 million white Europeans displaced after World War II. This non-European displacement was of course already there both before

and after World War II, but was not deemed as important as European states' [displacement].

What progress are you seeing as a result of the two global compacts adopted in 2018, and to what extent has Covid had an impact?

Covid has of course thrown everything backwards, but I'm also afraid that my answer is rather pessimistic, and that has to do with the fact that the compacts aren't legally binding. This led to paradoxical gesturing: for some states the mandate they were exploring and supporting in the compact negotiations were sometimes in outright opposition to the national policies they were actually implementing. At times states have even doubled down on such restrictive measures. Despite this, I think we should always explore avenues with the potential to create a momentum and shifts in political landscape towards increasing protection, and you could argue that the compacts represented this to some degree. But perhaps along the way, states emptied it of most of its content. And if we now look at the US-Mexico border, Italy-Libya, Afghanistan, or pushbacks at the EU's borders, I'd say we are arguably in a worse place than before the compacts. So it becomes a question of how to use momentum and its energy most efficiently.

> **"Governments driven by fear and populism become so bent on maximising control over asylum seekers that they bring about the loss of it."**

Denmark has taken a particularly strict position on migration and asylum. Is there a case for Danish exceptionalism in relation to multiculturalism in a small country with a small-country identity?

In the academic literature, there's a term called Scandinavian exceptionalism. But that refers to something else. It refers to a self-image of being a specific, a higher-level normative power, that there is something special typically, ethically, and legally about Scandinavian countries. But this self-aggrandising image is something else than the claim that it's justifiable for a small country like Denmark to be the exception to the otherwise global protection standards. My own view is that Denmark is part of the world and is part of the same global and regional dynamics as other countries. Denmark is not in a position to opt out of the world despite claims to the contrary by populist politicians. Displacement, arrivals, and societal challenges still happen, whether or not we close our eyes to them. But of course closing one's eyes to a challenge rarely makes for a good solution. And if we look at the consequences of the Danish policies, then right now we see horrible cases where teenage girls doing great in Danish high schools and who have lived six years in Denmark with their family after escaping from Syria or Afghanistan, or senior citizens in need of care, are being told they're no longer allowed to study, work, or even live with their families, but must instead move to a deportation centre, where they're broken down from threats of removal.

Now, because Denmark is not diplomatically recognising the Assad regime in Syria, people cannot be sent to Syria right now. Still, the authorities are actively withdrawing the residence permits of many hundreds of Syrians. And the idea that removing high school girls with good grades is something required for the survival of Danish culture is rather absurd. To me, this policy is creating rather than solving problems. I think it's a false dichotomy when nationalistic politicians define migration and asylum as something that is undermining Denmark, and it is disheartening to see how the same politicians refuse to acknowledge all the good stories and developments we know exist regarding integration. I think the Danish political direction is one where you're almost engineering the kinds of chaotic and loss-of-control dynamics that governments and their voter bases fear, because they're pursuing short-term restrictions over long-term sustainable policies to receive people and to make sure that they have a place and a part in the future society.

Unlike other countries, in Denmark opposition to migration and even reconsideration of existing refugees appears to be an agenda for both the right and the left. Can you explain this?

In the last election in Denmark, the current Social Democratic government won. But if you look at what the election campaign revolved around, it was, atypically for a Danish context, actually not refugee or asylum policy, but climate change. It was a "green election". But today, this has been forgotten by the leftist parties constituting the parliamentary support for the government. They recall the election as mandating all the kinds of return policies or externalisation policies and residence permit withdrawals we now witness. But that is actually not what voters cared about back then. For instance, the current policy on externalisation of asylum processes was barely mentioned at all in the election campaign, and didn't feature in the resulting common position paper after it, and now it's one of the focal points of the Danish government. So I don't think that it is accurate at all to say that that policy was given a strong mandate in the last election. But we have a situation in parliament, but not necessarily in the population, where a consensus has been reached where all except perhaps some of the most radical aspects of the extreme right political agenda have been adopted by the centre-left parties. The aim was to steal voters from the Danish People's Party, but the question now lingers whether that was actually possible without also taking over that party's policies.

Do you think there is a difference between Danish government policies and what the voters now think?

Yes, I do. For example, there was an opinion poll from February this year where people were asked if they thought it is okay to place law-abiding refugees in deportation centres, where they cannot work or access education. To that question, 31.3 percent answered yes, but 50.1 percent answered no. Yet, that's literally the policy being aggressively pursued right now. Another question was if people found it okay that families are separated when some members are to be deported from Denmark. Here 17.3 percent said yes, but 62.2 percent said no.

Now opinion polls are full of caveats, one of which is a knowledge environment plagued by falsehoods and exaggerations. But I do think these answers show that the political rhetoric about "harsh policies" often talks about restrictions very much in the abstract. But then, when people realise what the policies actually entail for concrete people, high-school students, senior citizens, fractured families, so many people strongly disagree with the policies.

Denmark is said to have an externalised refugee processing arrangement with Rwanda that is similar to that of the UK. If they try to implement it, will they face the same legal challenges as the UK?

In reality, Denmark is already facing those legal challenges because when the European Court of Human Rights prevented the first UK deportation flight to Rwanda, the reasons for doing that also apply to the Danish policy. So it's also a blow to the Danish policy. But it is important to clarify that there are both similarities and significant differences between the two countries´ policies here.

A similarity is of course Rwanda as the envisioned host country, but the Danish policy on so-called asylum reception centres outside Europe predates the British one. Because last February [2021], the Danish government tabled it as a legislative proposal [that] passed into law in June. So, already there is one difference from the UK, where the policy is based on a Memorandum of Understanding between UK and Rwanda. Also, unlike the British focus on Channel crossings, the Danish law concerns transferring all asylum seekers, except a few exceptions, to a country outside Europe.

Moreover, the Danish law doesn't actually refer to Rwanda, and that's a very important qualification. But then while the legislative proposal was still being discussed in parliament, two Danish ministers (of foreign affairs and immigration) suddenly travelled to Rwanda and signed two Memorandums of Understanding. When you look at these MoUs, they actually don't say anything about externalisation, but they have these very vague and broad formulations about collaboration on asylum policies. And you could argue Denmark has the same MoU provisions about collaboration with any number of countries.

So, the minister of immigration was asked in parliament whether there were actually concrete negotiations with Rwanda about Danish externalisation, and he was forced to answer "no". This was of course before the UK policy lent more urgency to such plans, but through more than a year, the spectre of a "Rwandan deal" has been quite the red herring in Danish immigration policy debates. Answers to issues about inhumane asylum policies or the undermining of integration efforts are now postponed by reference to a future where the "failed global refugee system" has been dismantled and replaced by this externalisation vision.

> **"If we look at the US-Mexico border, Italy-Libya, Afghanistan, or pushbacks at the EU's borders, I'd say we are arguably in a worse place than before the global compacts."**

The main problems is of course that it is a very hypothetical legislation, since there is no country to deport to. And then you can promise anything, for how can anyone monitor the implementation of a law when you don't know where or by who it'll be implemented? And so, bringing in a concrete country like Rwanda was a way to add some kind of realism to this hypothetical proposal. And it was to the point that most Danish media discussions during the passing of the law referred to it as the Rwanda Law, but actually it's not. It doesn't mention Rwanda still now today, which is almost one and a half year later. There is no official agreement between Denmark and Rwanda. There is only the same memorandums of understanding and a hypothetical law. But I think we should be extremely worried about the prospect that this law now lays ready for any incumbent government to pick up.

Because when you look closer at the law, it is in fact extremely radical. It means that all asylum seekers should not be processed in Denmark. And when processed in a third country, that's also the country responsible for deporting them if they don't get asylum. But notably, if asylum seekers [do get] asylum, it is also in the third country where their residence permits will be. So if the law is enacted as it is stated, it will literally mean the end of refugeehood in Denmark, and thus also the end of integration. So, it's actually a radically non-integrationist policy, which in that sense is more extreme than the UK version, which concerns only the Channel crossings.

Has the law been implemented in a single case in Denmark to date?

No, to date it has not.

Amnesty International has often monitored and written about migration-related abuses. On the scale of issues that Amnesty is concerned with, has migration become more and more important in recent years?

We care about human rights, and fight against their violations and so we don't want to rank any violations over others. And as it turns out, displacement is of course connected to a range of other human rights violations, such as torture, persecution, land-grabbing and extractive industries, repressive regimes, general war, and so on. The reasons why people escape are often fundamental rights violations. And so we tend to view them as in the same category requiring our attention. That being said, I think there are more and more asylum and refugee policies both globally speaking, in Western countries, but also some Southern countries, which require our attention. For instance, we've looked at externalisation before, we criticised Australian policies with Nauru and Papua New Guinea, we've criticised Italian-Libyan collaboration, but now it's moving closer to European soil with the UK and Denmark. Then there's also a dynamic concerning threats of deporting Syrian refugees, which is something we're focusing a lot on. Also, Afghanistan, the displacement from there and the lack of protection or even safe migration routes for people escaping the Taliban. Then there are the Poland-Belarus and US-Mexico borders. There are quite a few cases that require Amnesty's attention these years, unfortunately.

You have just finished a book on postcolonial trajectories and parallels to Western displacement politics. Could you unpack its main themes?

In the book, we are looking at a general tendency among politicians, international organisations as well as forced migration studies, to understand humanitarian crises as something almost void of history, requiring policy fixes and funding channels here and now.[1] But the here and now is also a poor measurement of local contexts and histories, and oftentimes therefore yields depoliticised states of affairs, which risk repeating entrenched North-South power asymmetries and hierarchies. So in the book we unpack the deeper trajectories of the still ongoing impacts of colonial encounters playing out across a variety of geographical contexts and thematic issues, such as encampment and deportation, military industrial interests in mobility policing, humanitarian actors and data extractivism, the nexus between energy and displacement politics, pandemics and disease transmissions, as well as the concepts of sanctuary and reparations. We trace these dynamics across geographies such as Mayotte, Morocco, Libya, Kenya, Tanzania, Colombia, India, the Caribbean, and West Africa in order to counter the dominant crisis-driven narrative and showing the potential of re-establishing the continuities, fractures, and parallels between the colonial era and today when it comes to displacement governance.

> **"Denmark is not in a position to opt out of the world despite claims to the contrary by populist politicians."**

If we look at externalisation, then some of the first instances of this can actually be said to be the British and American deportation of "slave trade refugees" freed from transatlantic slaving vessels to Sierra Leone and Liberia. Both the UK and the US were not interested in having freed slaves accorded equal rights on their territory, and they then used colonial annexation through nominally abolitionist organisations as a sort of vehicle to get rid of freed slaves, which the states at other times took humanitarian credit for having rescued. The conditions these people were sent back across the Atlantic to were abhorrent and many died. The deeper colonial legacy in externalisation policies is illustrated by many many other such transfers between imperial territories.

But today we're facing a largely decolonised world. There are exceptions: European Union [states] still have overseas territories in the Caribbean, which is the least decolonised region in the world, and indeed the launch site of the European Space Agency is in French Guiana [an overseas department of France] in South America. But still, it is a largely decolonised world where powerful Western empires can no longer simply move people around. And there you see part of the problem with finding a host country faced by countries like Denmark and the UK, both of which had sugar colonies in the Caribbean and slave forts in West Africa. But the logic is still there, and it is still colonial-imperial at the outset. It's just that the world has shifted around the feet of these former imperial giants, and they seem to be ill at odds finding their feet in this new world.

If you had a free hand to implement three major changes in the migration sector, what would they be?

First, I would hope for political initiatives to reverse the policy where asylum and protection systems are increasingly used by states to get rid of migrants. In recent years, we have seen an accelerated movement

1 Lemberg-Pedersen, M. et al (2022) Postcoloniality and Forced Migration. Mobility, Control, Agency. Bristol University Press.

that co-opts asylum systems into vehicles of deterrence and deportation. This must be countered politically, as it is fast chipping away at the very foundations of international solidarity towards displaced persons, but also between states. I grant that it is an ambitious wish, especially in today's world where instant hyper-communication and the constant presence of some national or local election campaign means that some politicians' demonisation and stigmatisation of migrants are transmitted across global media spaces. Nevertheless, the ability to counter this development is of utmost importance.

Second, I would also hope for a turn towards more solution-oriented policy discussions. Far too often, issues such as the arrival of asylum seekers or their attempt to build a future in new countries are discussed with an exclusive focus on the challenges this brings, and with a predetermined conclusion that such policies should simply be abandoned. One could hope that a development like the historic displacement from Ukraine has demonstrated for policymakers across the world that it is in fact possible to organise and arrange the arrival and care for of millions of people. Mind you, these efforts have not been perfect—which would also be an absurd expectation given the scale of the crisis—but this is exactly where we need politicians and the global community to assume responsibility for pragmatically learning from these experiences, rather than using any flaw as a pretext to abandon all ambitions to protect displaced populations.

Linked to this last point, my third hope is to see a reckoning with the discriminatory and racist character of much border control today. Here again, the case of Ukrainian displacement is helpful, because it really has brought this toxic political situation to the foreground, by revealing the stark double-standards of many states towards, respectively, white and non-white populations escaping from war. Hundreds of people of African, Asian, and Middle Eastern descent are allowed to drown in the Mediterranean on a monthly basis, and it has been like that for decades. Inaction is very much also a choice, and we need to grapple with states' history of racism and discrimination [towards] migrants. So my wish is that the swift and enormous help afforded to displaced Ukrainians will be used to take on this postcolonial Western taboo and ignite political and social movement towards a similarly decisive political will to protect the rights of all people experiencing displacement.

Labour shortages and migration: Contradictions

A number of stark contradictions or competing realities characterise global international migration contexts and labour markets. These include: an overall absolute and proportional rise in demand by workers to find jobs internationally; a selective tightening of labour migration opportunities in many countries; a critical labour shortage in most (but not only) high-income countries; and a rise in and mainstreaming of migration-intolerant politics at the national level. Although some of these trends have been evident for several years, the impact of Covid-19 has made the differences ever more acute in 2022.

Rising demand for international labour. In recent decades, there has been a sharp rise in the number of workers recruited to work outside of their home countries. Between 2017 and 2019, the number of people migrating for work internationally increased from 164 million to 169 million.[1] Migrants accounted for 47 percent of the increase in the workforce in the United States and 70 percent in Europe between 2004 and 2014.[2] Today, more than two-thirds of international migrant workers are concentrated in high-income countries, with 37.7 percent in Europe and Central Asia; 25.6 percent in the Americas, 28.5 percent in Arab states, Asia and the Pacific, while Africa hosts just 8.1 percent of the total. About 41 percent are women. Covid-19 travel and movement restrictions hugely frustrated labour migration in 2020/21, causing extraordinary disruption, forced immobility, mass reverse migration, and a fall of over a quarter of international labour migration.[3]

Selective tightening of labour migration opportunities. In many countries, particularly OECD high-income countries most desirable to international labour, restraining trends are evident, with legal entry channels mostly reserved for those who are considered eligible due to their economic resources or talent, such as high-skilled workers, investors, or rich entrepreneurs.[4] Visa quotas and points-based systems exclude most would-be migrant workers as countries become more selective.[5] Although there is industry and sector demand for low-skilled workers, especially in the social care, construction, agriculture, and hospitality sectors, the fight for international skilled labour is now long-standing and very competitive: one recent study found that globally 43 percent of surveyed companies said they have skills gaps now, while 87 percent said they either have them now or expect to have them in the coming years.[6]

The current critical labour shortage. As a direct impact of changes due to Covid-19 disruptions, and with the rapid post-pandemic economic recovery, most OECD countries, as well as China and India (amongst others), are facing severe labour shortages with other supply shortages as a repercussion of the pandemic, in what some are dubbing the global "shortage economy".[7] The compounding impact of "economic, political and environmental crises and shifting demographics, with ageing populations in some parts of the world and a "youth bulge" in others, contribute to rising labour migration."[8]

Mainstreaming of migration-intolerant politics. Amid the rise and fall of nationalist, populist, anti-migrant politics in different countries in recent years, in terms of immigration a clear trend towards restrictionism is evident.[9] Anti-migrant positions and policies have been mainstreamed and adopted by centrist, moderate, and even leftist parties, with a troubling rise in xenophobic sentiment and attacks seen globally.[10] The incendiary politics around irregular migration, refugees, and asylum seekers also affects labour migration, and the rise in more conservative, nativistic positions and reduced toleration for migrants and asylum-seekers has characterised the normalisation of extreme immigration policies.[11] For example, despite recent EU declarations of intentions to significantly expand labour opportunities for migrants

1 ILO (2021) ILO Global Estimates on International Migrant Workers.
2 OEDC (2014) Migration Policy Debates. Number 2.
3 McAuliffe, M. & Triandafyllidou, A. (eds.) (2021) World Migration Report 2022. International Organization for Migration.
4 Pannia, P. (2021) Tightening Asylum and Migration Law and Narrowing the Access to European Countries. In: Federico, V., Baglioni, S. (eds) Migrants, Refugees and Asylum Seekers' Integration in European Labour Markets. IMISCOE Research Series.
5 De Haas, H. Natter, K., & Vezzoli, S. (2018) Growing Restrictiveness or Changing Selection? The Nature and Evolution of Migration Policies. International Migration Review.
6 Fragomen (2022) 2022 Worldwide Immigration Trends Report.
7 OECD (2022) The post-COVID-19 rise in labour shortages.
8 Ozel, M.H.; Popova, N.; Lee, J.; Cholewinski, R. 2017. "Chapter 4: Work", in Global Migration Group: Handbook for improving the production and use of migration data for development (Washington, DC, Global Knowledge Partnership for Migration and Development), pp. 33–40.
9 Horwood, C. (2021) Just paper tigers? Mixed Migration Review 2021. MMC.
10 See, for example, Wikipedia (n.d.) List of incidents of xenophobia during the Venezuelan refugee crisis; UN News (2022) South Africa 'on the precipice of explosive xenophobic violence', UN experts warn.
11 See for example: Chatham House (2021) Denmark's immigrants forced out by government policies.

and asylum for refugees, the bloc's member countries often implement increasingly extreme practices and adopt increasingly restrictive policies at the national level.[12] Equally, despite its rejection of Trump-era anti-migrant legislation, the Biden administration in the US has failed to reduce certain draconian border restrictions (such as Title 42 measures) or to halt mass deportation of selected nationalities.

Launching a more effective framework for legal pathways to the EU through new initiatives, the EU commissioner for home affairs, Ylva Johansson, said: "Annually, 2 to 3 million nationals from non-EU countries come to the EU legally, in contrast to 125,000 to 200,000 irregular arrivals. Legal migration is essential to our economic recovery, the digital and green transition, and to creating safe channels to Europe, while reducing irregular migration."[13]

The logic of using willing migrant (and refugee) labour to meet labour shortages in critical sectors seems irrefutable and offers the win-win situation that some analysts have been promoting for years.[14] But the realpolitik of the labour and migration issue is that there are tensions and contradictions beyond economic considerations that will continue to create economic distortions and involuntary immobility, and ultimately maintain or exacerbate global inequality of opportunity and outcomes.

12 European Commission (2022) Legal migration: Attracting skills and talent to the EU.
13 Ibid.
14 Clemens, M. (2022) Migration on the Rise, a Paradigm in Decline: The Last Half-Century of Global Mobility, AEA Papers and Proceedings, American Economic Association; Clemens, M. (2011) Economics and Emigration: Trillion-Dollar Bills on the Sidewalk? Journal of Economic Perspectives.

Reshaping the root cause approach: Disentangling official development assistance and migration management

Destination states' fixation on discouraging people from emigrating irregularly has had an outsized influence on official development assistance, yet, despite costing billions, has so far failed to entice would-be migrants to stay in their origin countries. Moreover, this fixation, centred on addressing "root causes" of migration, has left a raft of pressing development issues unaddressed. It's time for a new kind of dialogue between governments at either end of the migration journey.

By Ariel G. Ruiz Soto[1] and Camille Le Coz[2]

Introduction

In the past decade, as migration management has climbed to the top of policymakers' agendas in the United States and Europe, official development assistance (ODA) has increasingly been shaped by the goal of curbing migrant arrivals at US and European borders. Foreign and economic policy objectives have always influenced ODA, with donor countries directing money where they have priorities in terms of trade, investments, and security cooperation.[3] What has changed is that ODA has become a fully integrated tool in Western policymakers' strategy to elicit cooperation with countries of origin to stem migration.[4]

The rationale in many destination (and donor) countries is that by tackling drivers of mixed migration—which range from poverty and conflict to gender-based violence, poor governance, natural disasters, and the negative effects of climate change—ODA can keep people at home. But despite the billions of euros and dollars spent on addressing the so-called root causes of irregular migration through programmes that are rarely designed to align with the national development strategies of origin countries, this approach has yet to deliver on its promise.

Migrants and refugees continue to leave their countries outside of regular channels and without adequate documentation, some of them are forced to move after a disaster or to escape violence and persecution. The dialogue between countries of destination and origin has been so fixated on curbing departures that some pressing issues related to development, security, gender equality, and climate change have been neglected. Moving forward, rethinking the effects of ODA on migration drivers and movements is necessary to reshape how Western governments approach the linkages between development assistance and migration. Indeed, a more realistic—and effective—approach to this nexus is to use ODA to better leverage migration for development, while also building the resilience of communities to prevent and respond to forced displacement.

1. The use of official development assistance to deter migration

Official development assistance and migration have long been connected. Since the 1970s, Western donors and development agencies have sought to maximise the benefits of migration for better development, by facilitating remittances and investments of diasporas in origin countries.[5] These same governments in destination countries have often sought to leverage ODA to press origin countries to cooperate on border management,

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2 Camille Le Coz is a senior policy analyst at MPI and MPI Europe, primarily working on EU migration issues. Her research areas include EU policies on development, legal pathways, protection, and climate change.

3 See, for instance, Meimon, J. (2007) Questions de recherche / Research in question 21. L'invention de l'aide française au développement: discours, instruments et pratiques d'une dynamique hégémonique. Centre d'études et de recherches internationales (CERI).

4 See, for instance, Clemens, M. (2016) Development Aid to Deter Migration Will Do Nothing of the Kind. The New Humanitarian.

5 See, for instance, French Ministry of Foreign Affairs (2013) Mobility, migration and development: French policy orientations.; European Centre for Development Policy (ECDPM) (n.d.) Country Chapters: France.

return, and readmission.[6] In the past decade or so,[7] a third approach has taken hold, with European and US governments hoping that development assistance could remedy the factors that drive people to leave their home and ultimately prevent irregular migration and forced displacement from happening.

In 2015, the sharp increase in spontaneous arrivals, even though they were primarily from the Middle East, motivated the European Union to establish an Emergency Trust Fund for Africa (EUTF).[8] At the time, the European Commission and European Union member states argued that this fund (totalling €5 billion as of 2022) would create stability and economic opportunities for youth in Africa and discourage departures. Despite the lack of conclusive evidence to demonstrate that the EUTF has indeed stemmed the arrivals of asylum seekers and migrants, European policymakers doubled their bet in 2022: they launched a new initiative, the Team Europe Initiative for the Central Mediterranean migration route, which will also rely on ODA to address the root causes of irregular migration and forced displacement.[9] Released in 2021, the US Strategy for Addressing the Root Causes of Migration in Central America follows a similar logic, as did the previous US Strategy for Engagement in Central America going back to 2014.[10]

These root causes approaches are built on the hypothesis that migration can be prevented, instead of managed. They postulate that irregular migration is the result of issues in origin countries alone and neglect the other factors that shape migrants' decisions and migration routes.[11] For instance, both European and US policymakers have advocated that by creating jobs in origin countries, young people (and vulnerable groups) will stop migrating northward irregularly. In Africa, the EUTF allocated nearly €1 billion to livelihoods and private sector development projects in top countries of origin.[12] Likewise, a central pillar of the US Agency for International Development (USAID) assistance in El Salvador, Honduras, and Guatemala has been seed funding for entrepreneurial projects and youth employment and technical training, with the objective of deterring economic pressures to emigrate irregularly to the United States.[13]

These strategies have repeatedly been produced in highly charged political contexts in destination countries. Governments' keenness to demonstrate that they are curbing arrivals may explain why policymakers have promptly banked on root cause strategies. For instance, the new US strategy was published shortly after the Biden administration took office to show it had a plan to respond to the significant increase in migrant arrivals at the US-Mexico border. Policymakers were under pressure to show their approach differed from the previous US government's policy of suspending aid to Central America. But while these strategies aim to respond to political concerns in Western capitals, they are unworkable—and rarely align with the interests of governments and CSOs in origin countries.

2. Pitfalls of the root causes approach

Policymakers in Europe and the United States may consider ODA as a go-to instrument to curb migration, but this approach has not significantly reduced irregular migration in either region. Arrivals of migrants and asylum seekers at the US-Mexico border recently reached a 22-year peak, while departures from sub-Saharan Africa towards Europe continue unabated.[14] The shortcomings of this policy approach are due to three main reasons: development spending alone cannot stop irregular migration in the short term; migration decisions and destinations are shaped by other factors beyond local development in origin countries; and, finally, the focus on curbing departures in the cooperation between countries

6 Since 2006, France has signed seven agreements (Accords de Gestion Concertée des Flux Migratoires) with countries of origin that sought to decrease irregular migration and included clauses on a wide range of policy areas, including ODA. Ministère de l'Intérieur (2020) Présentation Générale des accords bilatéraux. In the United States, Congress has long made ODA dependent on the cooperation of El Salvador, Guatemala, and Honduras on decreasing irregular migration. Sarah Rose, S., Resstack, R., Dempster, H., Cascardi, E., and Weinstein, J. (2021) Addressing the "Root Causes" of Irregular Migration from Central America: An Evidence Agenda for USAID. Center for Global Development and Immigration Policy Lab.

7 This approach is not new, but it has been more commonly used by Western policymakers in their efforts to curb irregular migration from the mid-2010s. Jørgen, C. and Talleraas, C. (2016) Root Causes and Drivers of Migration: Implications for Humanitarian Efforts and Development Cooperation. Peace Research Institute Oslo.

8 While most people reaching Europe in the autumn of 2015 were from the Middle East and Afghanistan, European leaders had still grown increasingly concerned about the increase in arrivals in the Western and Central Mediterranean routes. This situation was a decisive factor in the organisation of the Valleta Summit in November 2015, which led to the creation of the EUTF. Collett, E., and Le Coz, C. (2018) After the Storm: Learning from the EU Response to the Migration Crisis. Migration Policy Institute.

9 European Commission (n.d.) Central Mediterranean migration route.

10 Although the Biden administration proposed allocating $4 billion to Central America over four years, including $860.6 million in FY2022, the total funds disbursed so far is unclear given that the Consolidated Appropriations Act, 2022 (P.L. 117-103), does not designate an overall funding level for Central America. See, The White House (2021) US Strategy for Addressing the Root Causes of Migration in Central America.; Obama White House (n.d.) US Strategy for Engagement in Central America.

11 Frouws, B. (2020) Op-Ed: Mistaken metaphor: the 'root causes' approach to migration is both dishonest and ineffective. Mixed Migration Centre.

12 European Commission (n.d.) Greater economic and employment opportunities.

13 For example, with an estimated investment of $65 million from April 2018 through March 2023, USAID implements the Puentes Project in five Guatemalan departments with high migration rates. The project facilitates access to education, employment, and entrepreneurship opportunities, and basic life skills. See, USAID (2022) Puentes Project.

14 Barr, L. & Guerilus, S. (2022) Migrant arrivals at southern border soared to 22-year high in March.

of destination and origin has further delayed progress in areas such as good governance, climate adaptation, peace, and security—all critical elements to prevent forced displacement.

First, development spending can influence migration decisions, but evidence overwhelmingly indicates that it cannot alone stop irregular migration in the short term.[15] On the contrary, the EUTF and similar efforts in Central America may lead to more departures from the regions of origin over the short term.[16] Research shows, for example, that a country's emigration rate simultaneously increases as its GDP per capita increases—at least until the country reaches $10,000 in GDP per capita, when its emigration rate begins to fall.[17] For countries such as Guatemala, El Salvador, and Honduras, whose GDP per capita is at or below $5,000,[18] it would take several years of consistent economic development for emigration rates to fall significantly. In practice, as people have access to more resources and become more educated, they are more likely to seek better economic and livelihood opportunities abroad.[19] With added aspirations and ability, communities with rising incomes tend to see migration less as a need and more as a future investment to support their relatives and become more resilient to periods of economic instability.

Second, influencing migration decisions requires recognising that these depend on an intersecting set of diverse factors and that the economic and social situation in the origin country is just one of them. Access to information about migration routes and smugglers is in fact more decisive in shaping these choices.[20] This knowledge is often connected with a tradition of migration and relations with diaspora networks. Diaspora communities may help migrants fund their journey, or at least share information about migration routes.[21] People may also be more inclined to move to a country where networks of diasporas can help them find a job and access services and housing.[22] Additionally, sometimes migration decisions are shaped by the sense that leaving home is a rite of passage.[23]

In turn, the relative ease of finding a smuggler influences the decision-making process. In Central America and Mexico, for instance, smuggling activities are embedded in local economies, with communities in border regions relying on this business for lack of better opportunities.[24] Migrants can easily connect with a smuggler, making the journey relatively more accessible than regular channels despite its risks.[25] Finally, demographics contribute to chart the course for migration as countries with higher birth rates tend to have younger populations, and more of them are driven to migrate once in working age. This helps explain variations in migration trends between countries undergoing lower birth rates leading to relatively older populations, such as El Salvador, and those with relatively young and growing populations, like Guatemala and Honduras.[26]

Third, development programmes geared towards addressing the root causes of migration are often designed in a hurry and are liable to be counterproductive for three main reasons: i) they result in programming that does not always address local issues; ii) they risk increasing tensions between communities; and iii) they involve cooperation with controversial regimes that threaten long-term progress on governance issues. Thus, in 2015-2016, European policymakers were under so much pressure to show they were tackling migration

15 Although research evidence overwhelmingly supports that emigration rates increase in tandem to increases in economic development among poor countries, a working paper by the Kiel Institute for the World Economy presents than in some circumstances there is a negative relationship between income and emigration. See, Clemens, A. (2014) Does Development Reduce Migration? Forschungsinstitut zur Zukunft der Arbeit GmbH; De Haas, H. (2007) Turning the Tide? Why Development Will Not Stop Migration. Development and change; Benček, D., and Schneiderheinze, C. (2019) More Development, Less Emigration to OECD Countries – Identifying Inconsistencies Between Cross-sectional and Time-series Estimates of the Migration Hump. Kiel Institute for the World Economy.

16 This is shown by quantitative and qualitative research: Clemens, M. (2020) The Emigration Life Cycle: How Development Shapes Emigration from Poor Countries. Center for Global Development. ; Clemens, M., and Mendola, M. (2020) Migration from Developing Countries: Selection, Income Elasticity, and Simpson's Paradox. Center for Global Development. ; Skeldon, R. (2008) Migration and Development. ; Jørgen, C. and Talleraas, C. (2016) op.cit.; Dao, T., Docquier, F., Parsons, C., and Peri, G. (2016) Migration and Development: Dissecting the Anatomy of the Mobility Transition. Forschungsinstitut zur Zukunft der Arbeit GmbH.

17 Clemens, M. (2020) Emigration Rises Along with Economic Development. Aid Agencies Should Face This, but Not Fear It. Center for Global Development.

18 World Bank (n.d.) GDP per capita (current US$) - Guatemala, El Salvador, Honduras.

19 Clemens, M. (2016) Development Aid to Deter Migration Will Do Nothing of the Kind. The New Humanitarian. As documented in Senegal, these changes can also lead to shift in how migration flows are organised; with travels and duration of the migration being determined by the school calendar for instance Delaunay, V., Engeli, E., Franzetti, R., Golay, G., Moullet, A., and Sauvain-Dugerdil, C. (2016) La migration temporaire des jeunes au Sénégal Un facteur de résilience des sociétés rurales sahéliennes? Afrique contemporaine.

20 Fratzke, S. and Salant, B. (2018) Moving Beyond "Root Causes": The Complicated Relationship between Development and Migration. Migration Policy Institute.

21 Ibid.

22 Baizán, P. (2021) Nous avons demandé à des migrants sénégalais pourquoi ils quittent leur pays. Voici leurs réponses. The Conversation.

23 Monsutti, A. (2007) Migration as a Rite of Passage: Young Afghans Building Masculinity and Adulthood in Iran. Iranian Studies. ; Conrad Suso, C. (2019) Involuntary Immobility and the Unfulfilled Rite of Passage: Implications for Migration Management in the Gambia, West Africa. International Migration.

24 IOM (2021) Smuggling of migrants in Central America and Mexico in the context of COVID-19.

25 Even though it still means migrants and their relatives may need to contract debt to pay for the journey. Sieff, K. (2019) The migrant debt cycle. The Washington Post.

26 Capps, J., Meissner, D., Ruiz Soto, A., Bolter, J., and Pierce, S. (2019) From Control to Crisis: Changing Trends and Policies Reshaping US-Mexico Border Enforcement. Migration Policy Institute.

that many of the first EUTF projects were designed in European capitals, without meaningful engagements with recipient governments and CSOs. This meant that the local ownership of these initiatives was limited, threatening their impact from the start. Similarly, US engagements in Central America have been repeatedly criticised for being largely top-down and not reflecting the interests of communities and civil society.[27]

Besides, these programmes have rarely followed a consistent do-no-harm approach. As a result, they have sometimes produced adverse outcomes. Projects aiming to improve border management, for instance, have been found to hamper cross-border trade, a main source of revenues for communities living along border regions. In Niger, the European Union worked with the government to enforce tighter control and curb smuggling networks.[28] These efforts have contributed to limit departures from the northern city of Agadez towards Libya, but they also aggravated the region's economic situation by decreasing opportunities for local communities and increasing grievances about misbehaviour of security forces.[29]

Finally, the focus on curbing irregular migration has led donor countries to develop relationships and make compromises with some governments in a way that does not serve good governance (and development) in the long run. In Central America, for instance, the Biden Administration initially sought to establish close collaboration with the Guatemalan government, despite serious concerns about nepotism and political racketeering.[30] Soon after, however, setbacks in anti-corruption efforts debilitated governance in Guatemala and consequently deteriorated the US-Guatemala partnership, resulting in a USAID decision to pause some of its assistance programmes in the country.[31] The urge among US officials to keep working with the Guatemalan leadership on curbing departures complicated future collaboration and ultimately weakened the US government's credibility in advocating for good governance and other structural reforms.

3. Rethinking development goals and migration management

Given the failures of strategies that rely on ODA alone to target migration drivers, CSOs and researchers have urged policymakers to reconsider how to maximise development benefits resulting from migration, prevent forced displacement, and strengthen the resilience of communities of origin, transit, and destination. Consequently, some parts of European and US governments have started shifting their approach. The Team Europe Initiative on the Western Mediterranean Route, for example, does not refer to "addressing root causes" in its primary objectives, mentioning instead the need for "making migration more of a choice and building resilience".[32] And in contrast to previous attempts, the new US Strategy for Addressing the Root Causes of Migration acknowledges that long-term development is required to provide Central Americans hope that they can be successful at home without needing to emigrate.[33] However, these subtle shifts have not been socialised sufficiently at high levels of government and politics, nor have they been operationalised in country development guidelines. USAID Guatemala's Country Development Cooperation Strategy 2020-2025, for instance, continues to focus on stemming irregular migration in the short term.[34]

Instead, rethinking and expanding beyond traditional approaches to addressing root causes requires governments to commit and invest in three objectives. First, Western donors and policymakers need to establish more representative and equal partnerships with countries of origin, which is crucial for international assistance to work for communities of origin. At the heart of these partnerships is identifying and integrating the priorities of governments and CSOs in countries of origin into development strategies, even when these may be

27 Ernst, J., Josh, K., Olson, E., Sample, K., & Zúñiga, R. (2020) US Foreign Aid to the Northern Triangle 2014–2019: Promoting Success by Learning from the Past. Wilson Center.
28 Hamadou, A. (2018) La gestion des flux migratoires au Niger entre engagements et contraintes. Revue des Droits de L'homme.
29 Thiombiano, D. (2020) Contribution de la Société civile à la Coopération Union Européene-Afrique en Matière de Migration : Le Cas du Niger. European Council on Refugees and Exiles.
30 Jaffe, A. (2021) Do not come': Harris seeks 'hope at home' for GuatemalansDo not come': Harris seeks 'hope at home' for Guatemalans,. AP News.
31 By July 2021, however, USAID paused some programmatic cooperation with Guatemala's Public Ministry following the attorney general's decision to remove the head of the country's anti-corruption unit. Shortly thereafter, the US government added Guatemala's attorney general to its list of "undemocratic and corrupt officials". Because the State Department must certify that financial assistance recipients are actively working to improve the transparency and independence of their judiciary branches—among others listed conditions—before receiving the full allotted assistance, these anti-corruption and democratic concerns imply delays in the disbursement of funds and programme implementation. Reuters (2021) US Pauses Some cooperation with Guatemala over Ouster of Anti-graft Fighter ; Reuters (2021) US adds top Guatemalan, Salvadoran officials to corruption list; Meyer, P. (2019) US Strategy for Engagement in Central America: Policy Issues for Congress. Congressional Research Service.
32 Team Europe Initiative, "TEI Infographic – Western Mediterranean route," accessed July 3, 2022. Similarly, the European Investment Bank shifted its financial assistance objectives in 2020 from stopping migration to "making migration more of a choice and building resilience."
33 The US Strategy also emphasises that "US foreign assistance cannot substitute for political will in [Central America]," and prioritises regional cooperation, unlike previous US development strategies. See, the White House National Security Council (2021) US Strategy for Addressing the Root Causes of Migration in Central America.
34 USAID Guatemala (2021) Country Development Cooperation Strategy, 2020-2025.

at odds with donors' priorities.[35] Some development projects in Africa have already deployed efforts to consult these stakeholders about their migration policy agenda. For instance, the French Development Agency and its partner Expertise France have since 2020 supported regional dialogues and capacity building efforts to enhance the dialogue between governments and civil society actors in seven countries in North and West Africa.[36] Meanwhile, in Central America, there has been a growing donor interest in community-based approaches to development programming, especially with women, youth, and marginalised communities.[37] Matching assistance to observed conflict points and fragility in communities can also support groups at risk of forced displacement.

A second objective should be utilising ODA to strengthen regional cooperation and provide technical assistance and capacity for migration management within Africa and Central America. This entails improving existing mobility mechanisms, expanding their scale and accessibility, and investing in new pathways that together may provide valuable and lawful alternatives to irregular migration. In West Africa, most migration takes place between neighbouring countries and more development initiatives like Support to Free Movement of Persons and Migration in West Africa, which provided capacity-building support, are needed to support the full implementation of the Economic Community of Western African States' Free Movement Protocol.[38] In the case of Central America, regional cooperation is needed to expand and establish new labour mobility pathways to Mexico, especially for Honduran and Guatemalan workers seeking temporary or permanent employment there.[39] Funding to identify and harmonise shared policy interests and priorities among sending countries in both regions is another key component to strengthen migration coordination and management. Leveraging the combined influence of their shared interests—enhanced labour protections and reintegration assistance upon return, for instance—can be an important negotiating tool to facilitate regional labour agreements with the European Union or the United States.

The third objective of rethinking assistance models based on addressing root causes is taking advantage of migration as a catalyst of development by mobilising diaspora groups, decreasing remittances costs, and investing in innovative labour migration pathways.[40] Recognising migration as a fundamental component of low-income countries' development process allows migrants to be part of addressing the factors that force people to leave their home. In terms of development projects, this can involve initiatives that encourage entrepreneurship and knowledge transfers among migrant diasporas. There have also been repeated efforts over the years to decrease the costs of remittance transfers, as well as improve the financial inclusion of communities in origin countries. For example, Mission Guatemala USA, a Guatemalan migrant-led organisation in the United States, has designed a sustainable development initiative that seeks to establish a transnational partnership between migrants abroad and their origin communities to establish a migrant development bank that can amplify the investment of remittances in development projects, not just for consumption and services.[41]

Additionally, supporting mechanisms such as global skill partnerships in Africa and Central America through ODA could help maximise the development benefits of migration. These global skill partnerships benefit countries of origin and destination by training workers in origin countries, meeting labour market needs on both sides, and facilitating the mobility of workers in a way that is safe, fair, and ethical.[42] There have only been a few trials of such partnerships to date and, for instance, Australia, Germany, and Belgium have tested different approaches with partners in the Pacific Islands, Kosovo, Tunisia, Serbia, and Morocco.[43] Development actors

35 In Guatemala, for example, USAID has prioritised funding Indigenous groups to increase their capacity to organise and provide rights-based trainings, which the Guatemalan government has perceived as a threat that undermines governance and national values. Gonzalez, M., and Haydar, M. (2022) The Biden Administration Placates Latin American Foes While Pummeling American Friends. The Heritage Foundation.

36 Funded by the French Development Agency and implemented by Expertise France, the project "Coopération Régionale des Politiques Migratoires" is one example of close collaboration with governments and civil society organisations to define and implement a national work program. Expertise France, (2021) CRPM - Coopération régionale des politiques migratoires.

37 In practice, however, US assistance continues to rely primarily on the same, large US and international contractors while local civil society organisations report not being engaged as thought partners in developing priorities. According to USAID estimates, 12.5 percent of the $322 million funding disbursed in fiscal year 2021 went directly to local organisations. A network of faith-based and grassroots organisations from Northern Central America, Mexico and the United States suggests that the share of US assistance awarded to local organisations may be lower than 10 percent. See, Root Causes Initiative (2022) Year 1 Assessment of Bide-Harris Root Causes Strategy. Ruiz Soto, A. (2021) Stakeholder Perspectives on Addressing Migration Push Factors: Congressional Testimony before US House of Representatives Homeland Security Committee, Subcommittee on Oversight, Management, and Accountability.

38 ICMPD (n.d.) FMM West Africa (Support to Free Movement of Persons and Migration in West Africa); Le Coz, C., and Hooper, K. (2021) Deepening Labor Migration Governance at a Time of Immobility: Lessons from Ghana and Senegal. Migration Policy Institute.

39 Authors' analysis of Central American migrants' share among the total population issued a visitor or border worker visa, and asylum applications.

40 Horwood, C. (2021) Setting the Highest Standards for Global Europe Implementation: Policy Paper on EU ODA, Migration and Global Europe. CONCORD.

41 Mission Guatemala USA (2022) Plataforma Migrante.

42 See for a detailed description of Global Skill Partnership: Center for Global Development (n.d.) Global Skill Partnerships.

43 Hooper, K. (2018) Reimagining Skilled Migration Partnerships to Support Development. Migration Policy Institute.; Hooper, K. (2021) How Can Europe Deliver on the Potential of Talent Partnerships? Migration Policy Institute, ; Hooper, K. (2019) Exploring New Legal Migration Pathways: Lessons from Pilot Projects. Migration Policy Institute.

have drawn many lessons from these pilots and injected this knowledge to inform new projects.[44]

4. Conclusion

Despite the continued political interest relying on ODA to address the root causes of mixed migration in countries of origin, evidence from Europe and the United States has shown that it alone cannot reduce migrant flows over the short term. This does not mean that development assistance has no influence on migrants' decision-making process, but rather that destination and origin countries must reconsider how migration and development serve common interests, when to link development assistance to other policy areas, and how to promote local development and actors.

As a result of subtle shifts in traditional root cause models, a timely policy window appears to be opening in Europe and the United States to challenge how policymakers have used ODA as a blunt tool to curb migration. It is time to promote investment strategies that reflect local government and CSO priorities so they can cultivate more effective and balanced partnerships between destination and origin governments, and ultimately multiply the positive effects of development interventions. Supporting regional cooperation within Africa and Central America can further advance local development agendas, in parallel to expanding legal migration pathways to Europe and the United States. And equally important is leveraging migration as a catalyst of development and empowering migrants and diaspora groups to be meaningful actors of change in local issues in their host and origin societies.

In the coming years, reshaping how policymakers implement ODA in migration strategies will undoubtedly be a difficult task that involves calibrating expectations as to what can be achieved when supporting international development in countries with high emigration rates. Yet, global migration forums like the 2022 Summit of the Americas, where 21 Western Hemisphere governments signed onto the Los Angeles Declaration on Migration and Protection,[45] can chart a new route toward international engagements that envision addressing root causes as one element of a broader systematic response to migration cooperation and management, including expanding protection mechanisms and labour migration pathways. Meanwhile, European and US policymakers would benefit from carefully re-examining how their migration objectives are defined and operationalised within their development strategies to ensure these are realistic and can be successful.

44 Such as the upcoming Talent Partnerships with Morocco, Tunisia, and Egypt, and a new pilot initiative for entrepreneurial mobility between Belgium and Senegal. Hooper, K. (2021) op. cit.

45 The White House (2022) Los Angeles Declaration on Migration and Protection.

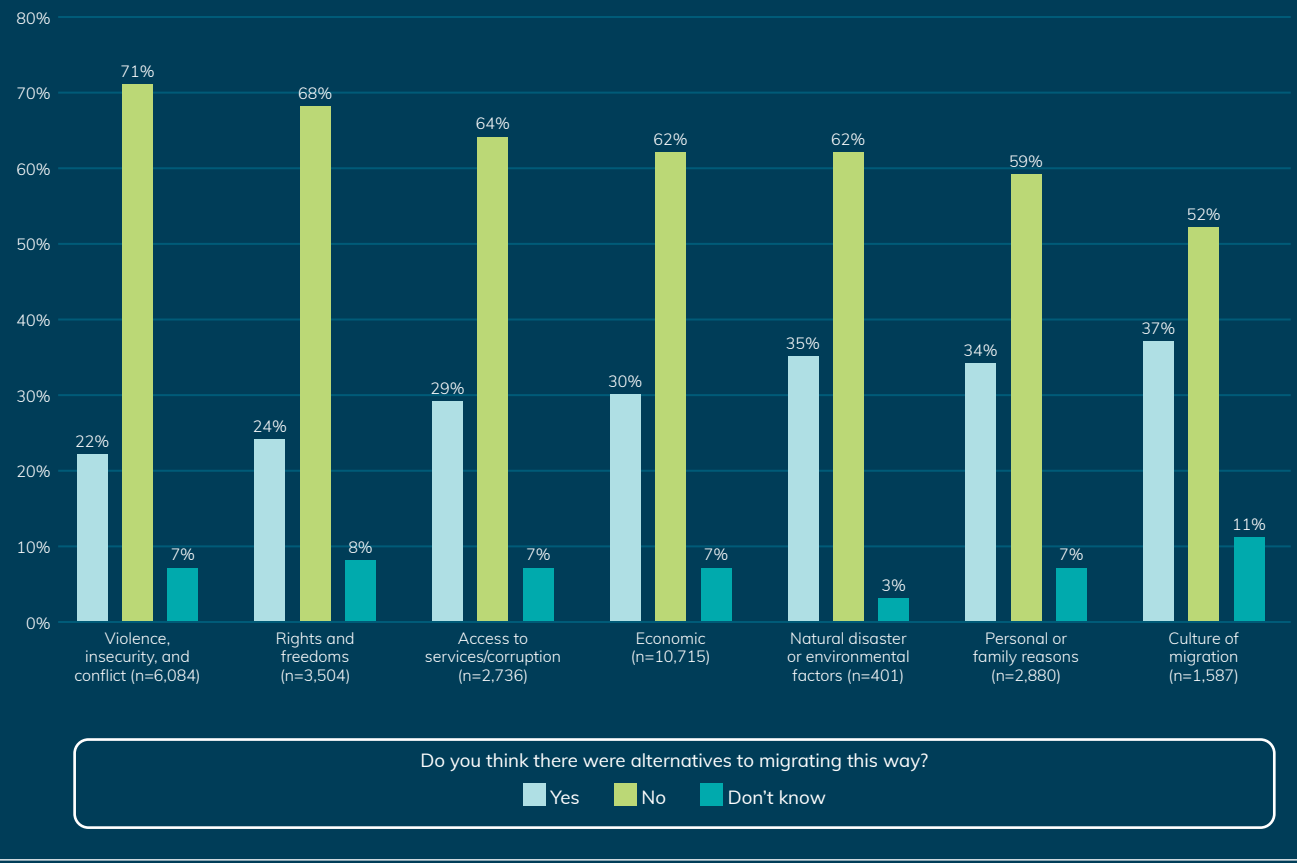
drivers of migration and the 'root causes' argument

Is there a link between the reason for leaving and alternatives to migration?

No matter their reasons for leaving, most people thought there was no alternative to migrating in the way they did. This already points to a limit of what policies to 'address the root causes of migration' can hope to achieve. Unsurprisingly, people fleeing violence and insecurity, and repressions of rights and freedoms, more frequently say there was no alternative.

People who said they were leaving because of a culture of migration, for personal reasons, or because of environmental factors, more often considered that there were alternatives. Overall, more women tended to consider that there were alternatives than men.

Figure 1. Reason for leaving and perception of alternatives to mixed migration journeys



Note on the data: The same respondent is likely to feature more than once as respondents can give multiple reasons for leaving. Refusals to answer the questions were all 1% or below. Figures have been rounded.

Among the minority who thought there were alternatives, people generally tried the same things, no matter the reason for leaving: mainly looking for another/better job or starting a business. This indicates that, despite the limitation mentioned above, 'root causes' policies focused on creating better economic opportunities at home to increase people's capability to stay have some viability.

The proportion trying to migrate regularly is strikingly low—not reaching 15% across the sample, pointing to the perceived lack of available regular channels (see also the essay on page 190, on regular channels).

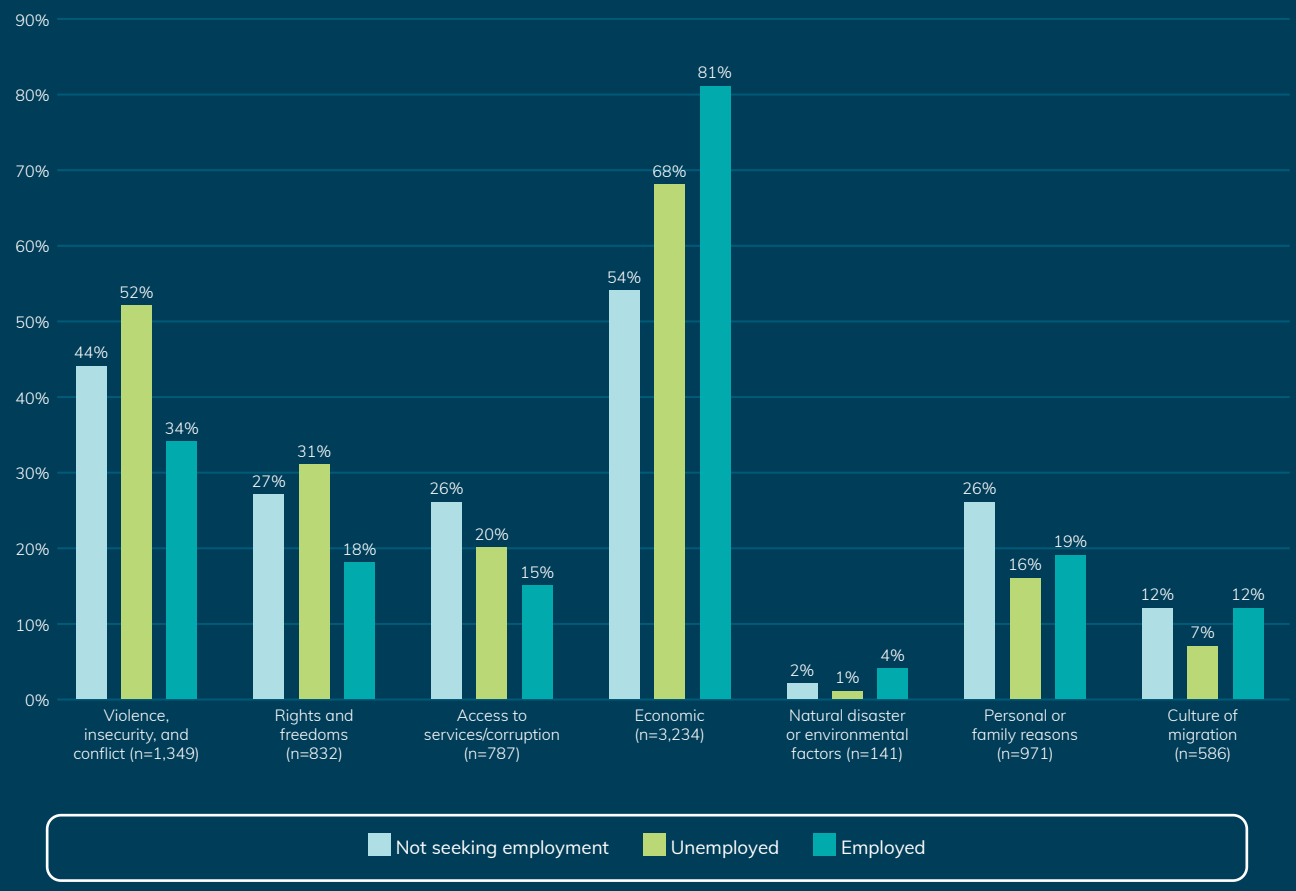
Figure 2. Attempts to try other options than mixed migration journeys, by reason for leaving

Reasons for leaving	Nothing	Migrating regularly	Fleeing to safety in my own country	Moving in with family or friends	Moving to a new city	Looking for another job	Borrowing money	Selling assets	Starting a business	Continuing education	Other	Refused
Violence, insecurity, and conflict (n=1,349)	3%	11%	35%	14%	20%	36%	8%	8%	22%	9%	2%	1%
Rights and freedoms (n=832)	3%	11%	27%	13%	20%	35%	9%	10%	35%	16%	2%	0%
Access to services/ corruption (n=787)	5%	9%	10%	10%	24%	47%	8%	9%	44%	15%	4%	0%
Economic (n=3,234)	4%	10%	13%	9%	25%	52%	7%	7%	29%	6%	1%	0%
Natural disaster or environmental factors (n=141)	3%	11%	27%	9%	28%	43%	10%	6%	40%	1%	0%	0%
Personal or family reasons (n=971)	8%	12%	14%	11%	25%	42%	9%	8%	30%	5%	4%	0%
Culture of migration (n=586)	11%	12%	5%	9%	33%	55%	9%	7%	28%	13%	2%	0%

Note on the data: This question is only asked of respondents who did see an alternative. The same respondent will feature in more than one row as they can give multiple reasons for leaving. Figures have been rounded.

Employment status and reason for leaving

Figure 3. Reason for leaving by employment status



Note on the data: 'Not working, not seeking employment' comprises people who said they were students, carers, at home because of sickness, and other reasons. Respondents can select multiple reasons for leaving. 'Other', 'Don't know', 'refused' were all 3% or below. Figures have been rounded. 30 people refused to indicate employment status and are not included.

What do we see if we compare reason for leaving against employment status? People who are employed more often say they are moving for economic reasons than people who are not. As such, job creation alone through root causes policies will not necessarily reduce people's aspiration to migrate; on the contrary, it might even increase people's aspirations as well as capabilities to migrate (in line with one of the main critiques on root causes policy, namely the notion that migration usually tends to increase along with economic development). People who are employed are also less often reporting other reasons for leaving.

Photo credit: Manunur Rashid

Rohingya refugees wait to board a Bangladesh navy vessel for transfer to the silt island of Bhasan Char in Chittagong. Such relocations from Cox's Bazar continued in the early months of 2022, and by late May when UNHCR visited the island, there were 28,000 refugees "warehoused" there. Bangladesh has said it intends to warehouse 100,000 refugees despite international criticism about conditions on Bhasan Char. (See Keeping Track page 17, Normalising the extreme page 206, and the Thematic Snapshot on page 158).

Interview

Missing the mark

Oversimplification and binary vision are preventing governments from getting to grips with the complexities of mixed migration and especially the wide array of reasons people chose to migrate, says **Susan Martin**. The result is failed policies.

Susan Martin is the Donald G. Herzberg Professor Emerita of International Migration at Georgetown University. She directed the US Commission on Immigration Reform from 1992 to 1997. Her books include Refugee Women (2004), A Nation of Immigrants (2010), and International Migration: Evolving Trends from the Early Twentieth Century to the Present (2014).

In the last year, the Haiti crisis, a crisis with thousands of irregular Haitians crossing or trying to cross into the US, seems to have parallels with the migrant caravans of a couple of years before that, and also parallels with migration into Europe in recent years. In your view, will we see these kinds of spontaneous irregular movements in the future more and more?

Well, in the absence of any major policy changes on the destination side or conditions in the source countries, I think it's inevitable that we'll see quite a lot of these movements. It's nothing new: if you go back 50 years you can talk about the movement of the boat people out of Vietnam heading into the other Southeast Asian countries as a type of spontaneous forced expulsions by the Vietnamese government. So, I don't think that this phenomenon is unique to the current circumstances. People are leaving for a variety of different reasons, and they do tend to move spontaneously when there's a trigger that either forces them to leave or allows them to enter another country.

How well do you think the international community is dealing with these irregular movements? In your view, what should they do if they're not dealing it properly?

I think the international community is dealing in an awful way with them. Although the concept of mixed migration as a part of the irregular migration stream has come to have a life of its own, I think policies haven't followed that route. When governments talk about mixed migration, they're generally talking about the fact that there may be asylum seekers in the same boat as people coming for economic reasons. They have a very binary view of the subject, and the policies tend to be around how to avert the movements altogether rather than how to see them as the complex movements that they are. They simplify it down to the point where they don't have the tools to be able to actually address it from both a migration security point of view, but also from a humanitarian point of view. And I think what they really miss in this process is understanding that the people themselves have mixed motives for coming.

In fact, what we're seeing is people who are leaving because of extremely difficult circumstances in their home countries, whether it's conflict, whether it's natural hazards that have affected their livelihoods and

their ability to remain in place, or whether it's domestic violence and this whole different variety of motivators from the source end. But they are also attracted to places which provide more opportunities just the same way that labour migrants are. If we don't have policies that recognise the duality of the decision-making process that most people go through in determining whether they're going to move and where they're going to, then our policies are going to fail because we're going to be using constructs that are just too simple or simplistic in order to deal with a very complex set of issues that we have to address.

> **"Mixed migration policies tend to be around how to avert the movements altogether rather than how to see them as the complex movements that they are."**

We're hearing a lot about labour shortages in OECD countries but migration seems more restrictive than ever. Analysts like Michael Clemens argue opening migration would be a win-win for the global economy. If this is so obvious, what are the barriers? Why is migration such a thorny issue?

Because it's not just an economic issue. I think that if economists had their way, we would have much more open borders, perhaps completely open borders because they're measuring it by economic output and employment and issues of that sort. But migrants are coming into a situation where there are a lot of concerns very often amongst the local populace as to the nature of their society and what they feel comfortable with in terms of who will be their neighbours. Sometimes it is for completely indefensible reasons of racism. But often it's very defensible reasons. I can very well understand someone who lives in Lebanon or Jordan who has been faced with having to deal with the movements in of Iraqi and then Syrian refugees. They've allowed many of them to come in, but this has had some profound impacts on things like education or health care, the cost of housing, and all of these things are also issues that affect people's lives.

> **"If economists had their way, we would have much more open borders, perhaps completely open borders."**

So, I don't think we should ever reduce concerns about immigration to "Oh, those are xenophobic feelings." Because that means that we're not putting in place ways to help the receiving communities to be able to adapt themselves to the presence of newcomers. Because there are legitimate concerns, and we should not ignore them because they're very important to the people who live in those countries.

So what about a country like Denmark that appears to be saying no to migrants and asylum seekers now, mainly for social and political reasons. Is that legitimate?

Well, on the one hand, it's legitimate if you're talking about admissions of people for employment or study or things of that sort, which are not lifesaving for those who are seeking admission. I think where you get into the real problems is when people are coming for more humanitarian reasons. Whether it's family reunification, which can be treated as an economic issue in terms of having more workers per family helping them to live. But it's also fundamentally a humanitarian issue: are you going to separate spouses and children from those who are already living in Denmark or wherever? Particularly where the alternative is the migrants in Denmark going back home, which may be fraught with all sorts of perils for their family. And it's particularly an issue when it's an asylum seeker, because there you're talking about people where there's not only a humanitarian reason to admit them, but there are reasons in international law, that countries like Denmark have signed. I personally think more countries should resettle more people, but I understand that is a sovereignty issue, but when we're talking about asylum seekers, the obligation of the country is to have a system in place that can make a determination as to whether someone has a well-founded fear of persecution.

You were working on the US Commission for Immigration Reform in the 1990s. Can you sum up the main issues you were addressing at the time? To what extent is the US immigration system better or worse today?

I've actually made those reflections in the book called *A Nation of Immigrants*, that is now in its second edition, updated through the Trump administration.[1] Our commission was originally called the Commission on Legal Immigration. Then it was amended about six months after the original legislation was passed to take out [the word] "legal". And that was because by that point, members of Congress had decided that the real issue was irregular migration.

We put out five reports over the course of a five-year period. The first one dealt with what we called illegal immigration at the time and came up with a rubric that people who should get in should get in quickly and effectively. People who don't have any reason to be entering under US law should be deterred from entering. And people who get in anyway should be subject to

1 Martin, S. (2021) A Nation of Immigrants. Second Edition. Cambridge University Press.

removal. It was a pretty tough policy stance, and it was largely based—and we got a consensus amongst all of the commissioners to this—on protecting the rule of law. Otherwise, none of your immigration policies mean anything because there are ways to circumvent them.

We then did reports on immigrant integration, because you can't really talk about having additional pathways unless there is a sense within the country that those who are being admitted are integrating into your society and that the society is prepared to adapt itself to helping those immigrants to become part of the country. We did another report on refugees and asylum, in which we actually recommended some changes, which were highly misunderstood. And I think probably [it was] largely our fault that we didn't explain it well enough. But it was to have a floor on refugee resettlement rather than a ceiling, so that we would never settle less than 50,000. But the number above that 50,000 could be as high as it needed to be through consultation between the President and Congress. And the floor was interpreted as a lower ceiling. So that was unfortunate. And it shows how difficult it can be to deal with the nuances in developing policies. And then we did another one on temporary admissions, and a fifth and final report that pulled it all together and made significant recommendations about how to change the structures in administrative processes for handling immigration in the country, which was divided amongst a lot of different agencies with a lot of duplication and redundancies.

Sounds like you could put today's date on it and release it again!

Exactly. It's all of the same issues [now], and partly because the issues weren't addressed as we recommended them. Congress went its own way. And I still get calls from congressional committees saying, "Tell me again what the commission recommends, because I think we should have gone in that direction." Makes me feel, on the one hand, good, but on the other hand, really frustrated. And then came the Trump administration, which threw out everything. And I feel for the Biden administration because they have had to face a complete destruction of any infrastructure for handling immigration issues in the country, and a set of rules that were put in place that they've been trying to reverse, but with quite a lot of difficulty because they keep getting sued by the Trump-supporting states in order to stop any changes, which is what the anti-Trump states did in suing the Trump administration.

How important will climate change be as a driver of international migration? Do you think it's been exaggerated or underplayed?

I think that the impact on international migration has been overstated. Because I think all of the experts in this area agree that the majority of movements will be internal, and those that aren't internal will be immediate cross-border. The concept that there are going to be hundreds of millions of people coming into Europe or North America or Australia, whatever, is just way, way overblown. Now, having said that, I think the fact that they're likely to come into neighbouring states means that there has to be a lot more attention to those movements, because many of those states are facing the same environmental problems as the source country is facing. And many of those states don't have the resources to deal with it. It will be more like dealing with refugee movements than it will be dealing with labour migration movements in that sense. And what's absent now is a full international commitment to handling this issue through burden-sharing, responsibility-sharing mechanisms. It's bad enough in addressing displacement from conflict; it's even worse in terms of there being a gap in the environmental migration movements.

"I think that the impact of climate change on international migration has been overstated. The concept that there are going to be hundreds of millions of people coming into Europe or North America or Australia, is just way, way overblown."

In 2018, you wrote that although the global compacts for migration did address environmental drivers, they failed to focus on internal movements, where most of climate change's initial impacts on migration are likely to be seen. Do you still feel this is the case, and are policymakers missing the mark in this regard?

I think they're definitely missing the mark. And right now there are two frameworks within which these issues are discussed. One is the Global Compact from the migration point of view. The other is the UN Framework Convention on Climate Change and they have a task force, but that task force is dealing primarily—or it was meant to be dealing primarily—with displacement. It doesn't deal as much with movements through labour channels within countries. And that is likely to be the major response for people in slow-onset situations. So, we're worrying about people who are affected by acute natural hazards, cyclones, and things of that sort, in helping developing countries be able to deal with those types of movements. But there's way less policy attention [paid] to how they're going to deal with the rural-to-urban movements that have already occurred in large numbers, will likely continue to occur, but will now be spurred on and increased because of climate change, and how some of the smaller cities might now be able to put in place mechanisms to help find shelter, find jobs, things of that sort for the increased number of people. The World Bank report, Groundswell, has given some push to that issue, because it now has some projections that are pretty solid with regard to how many people

will move and where they're going to be moving to, which are the hotspots for outward movement and the hotspots for inward movement.[2]

And then the knowledge platform for migration and development at the World Bank is following up with this now with some work on the impact on urban areas in developing countries. The Bank is really stepping up to the plate in a major way in terms of figuring out what it needs to do. And then the next step, of course, will just be doing it.

Do you think municipalities are now in a better position to answer the migration and asylum question of the nation states, and if so how and why?

Yes, but I think that's actually always been true. I don't think it's a new issue. If you looked at immigration into the US in the late 19th century, it was cities like New York, Boston, Philadelphia, and Chicago that were really doing the bulk of the work in terms of the integration of the people who arrived, and that's always done at the local level. But what we're seeing now is that municipalities see a role for themselves not only in influencing national policy, but also international policies on migration. Mayors are coming together and going to the discussions on the Global Compact [on Migration] and those in the Global forum on Migration and Development. They're involved in a way at all levels now, at the local, the state, the national, and now the global level and trying to share perspectives, but also feed into the discussions, the interest of cities. And what's great about it is that most of these mayors really feel that their cities have benefited from immigration. So they're not entering saying, we're coming here to try to get you to stop immigration. They're coming there saying, we're here to help you make the decisions better and easier for us to do what we want to do and that's to welcome immigrants. And there are exceptions, but by and large I think the municipal leaders are amongst the most pro-immigration people in the world.

If you could implement three big policies aimed at responding to needs raised by mixed migration, what would they be?

The first is we have to work much more on the safe, orderly and regular pathways for migration if we're going to deal with irregular migration and mixed movements of people. I think that by defining the concept in the global compact, it's starting to build consensus around the benefits of safe, orderly, and regular movements of people. And I think that the compact is becoming a mechanism through which we can begin to define what those policies are. That will allow for people to come in in an orderly enough way to convince the host populations that there is some control over the movements, that are safe for the people who are moving as well as safe for the destination country.

My second policy would be on mixed migration in particular. I think we need to come up with a better definition of it, or at least at the policy level to be thinking that there are multiple ways in which migration is mixed. And it's not, as I mentioned before, the one that policymakers tend to fall back on and that's the boat with "legitimate" and "illegitimate" people on it, in their terms. We've got to start thinking about the mixed motives for migration and ways in which policy can address those complex interplays amongst different motivations, so that we're not in a binary system of migration is voluntary or it's involuntary, and people are labour migrants or they're refugees, because they're both in many cases and yes, there is a continuum. Protection has to be a priority at the involuntary end of it where people really don't have an ability to go home.

But apart from that, I think we need to think about these mixes as being the way of life for migration, not the exception, which is sort of where it is now and something to be suppressed, on the policy side. That leads me to my third one which is, I think we need to really revisit the standards for returns. So, who can be deported, who can be removed. And I've been a proponent for quite a while that the issue shouldn't be why someone left; the issue really has to be why they can't return. We need to maintain certainly the refugee concept that if somebody would face persecution in their home country, or now on a more ad hoc basis face conflict situations that might pose a threat to their lives, they should not be returned. But there are other circumstances in which people aren't refugees, but they face life-threatening situations and can't return for that reason.

To avoid having too wide a catchment here there are thresholds that you can establish, which we do with, you know, [the notion that] persecution is different from discrimination. If you're discriminated against, sorry, you're not a refugee and you can be returned. If you're persecuted, you are a refugee and you can't be. And you can do it as a case-by-case determination. And then underneath that you have to have ways of dealing with the more mass movements, where there are very large numbers of people who are affected. This might then push the wealthier countries to maybe do something to deal with the situations in countries of origins that are largely related to the policies and actions of wealthy countries.

> **"We've got to start thinking about the mixed motives for migration and ways in which policy can address those complex interplays amongst different motivations."**

2 Rigaud, K. et al. (2018) Groundswell: Preparing for Internal Climate Migration. World Bank.

Migration diplomacy gets messy and tough: Is mixed mobility being 'weaponised' for geopolitical aims?

Migrants and refugees are increasingly used in global diplomacy as instruments within both political conflagrations and interstate coercion. In recent years, mixed mobility has become weaponised for domestic and geopolitical aims with important consequences for refugees and migrants.

By Gerasimos Tsourapas[1]

Introduction

Migrants and refugees are increasingly being used as bargaining chips in global diplomacy. This centres around both the exploitation of existing migration situations for foreign policy purposes and the creation of novel migration dynamics that serve states' (geo)political purposes. In fact, in the last two years, several mixed migration crises have been manufactured across the European periphery alone: in early 2021, Morocco allowed the cross-border movement of thousands of migrants seeking to enter Spain, as part of an ongoing bilateral diplomatic spat.[2] A similarly manufactured migration crisis occurred on the Greek-Turkish border a year earlier, in late February 2020, with Türkiye aiming to accrue distinct domestic and foreign policy goals.[3] By summer 2021, Brussels had to tackle another state's attempt to use migrants and refugees against the European Union (EU) and its member states: Belarus encouraged thousands of people to cross into European territory,[4] yet again turning migrants and would-be asylum seekers into bargaining chips.[5]

In other words, there is a particularly pressing need to analyse how mixed migration features in geopolitical disputes and coercive foreign policymaking, given the tremendous increase of use of mixed mobility across both Western states and the global South. All too frequently, governments seek to instrumentalise mobility as they make it easier or harder for migrants and refugees to cross their borders into a neighbouring country, while linking the control of such mobility to other issues on which they seek concessions.[6] Despite the increasing use of migrants and refugees in global diplomacy, it is only recently that policymakers and academics started to analyse the consequences of this complex phenomenon. In fact, for much of the twentieth century, migration was considered a "low-policy" issue that did not typically feature high on Western states' agendas. One recent attempt in understanding the weaponisation of mixed mobility has been via the broader scholarly focus on the interplay between foreign and migration policymaking, or migration diplomacy, which is gradually becoming normalised across world politics.[7]

This essay examines how migration diplomacy is employed in the use of mixed migration flows for geopolitical aims in two ways. First, the use of existing mixed migration situations for diplomatic goals by countries of both origin and destination. Here, while this phenomenon is not novel, states' migration diplomacy is becoming more coercive, as it draws from strategies employed within aid and development financing "conditionality" agreements, along with "securitisation" policies, as well as the logic of "externalisation" currently espoused by a range of Western countries. Second, we are witnessing governments' deliberate exacerbation of existing migration dynamics or, even, the creation of new mixed migration routes that did not previously exist. Here, again, the logic behind engineered crises is linked to migration diplomacy agendas, as states realise the

1 Gerasimos Tsourapas is a Senior Lecturer in International Relations at the University of Glasgow, and the author of Migration Diplomacy in the Middle East and North Africa: Power, Mobility, and the State (2021, Manchester University Press).
2 Torreblanca, J.I. (2021) This time is different: Spain, Morocco, and weaponised migration. European Council on Foreign Relations.
3 Tzimas, S. (2021) 'We fought man-to-man' to hold the Evros border. Kathimerini.
4 Tondo, L. (2021) Migrants face 'desperate situation' in Poland-Belarus border. The Guardian.
5 A number of voices have raised concerns about the effects of using such terminology to describe migrants and refugees, linking it to Kelly Greenhill's work on the topic. See Marder, L. (2018) Refugees Are Not Weapons: The "Weapons of Mass Migration" Metaphor and Its Implications. International Studies Review. See also Frouws, B. (2021) Heading into a wall: the EU response to the migration crisis at the Belarus border. Mixed Migration Centre.
6 İçduygu, A. & Aksel, D. (2014) Two-to-tango in migration diplomacy: Negotiating readmission agreement between the EU and Turkey. European Journal of Migration and Law.
7 Denmark's 2022 Foreign and Security Policy Strategy, for instance, includes migration diplomacy as one of its five pillars, in the hope of developing "a robust response to the pressure from migration and refugees".

leverage that their geographical position may offer them vis-à-vis target states.

Geopolitics and diplomacy across existing mixed migration dynamics

Traditionally, migration diplomacy features in a state's foreign policy based upon its bargaining position vis-à-vis other states as countries of origin, transit, or destination.[8] Frequently, host states across Europe and North America are increasingly relying on diplomatic agreements that outsource migration and refugee management to other countries to keep those migrants out of their own territory. The United Kingdom signed a widely-criticised agreement with Rwanda in April 2022 under which it will send people deemed have entered the UK illegally to seek asylum there and will invest some £120 million ($157 million) into the country's economic development and growth, as well as contributing to the costs of transporting, accommodating, and integrating those deported.[9] Denmark is seeking to sign a similar agreement with Rwanda. Both the EU as a bloc as well as individual EU member states have set up agreements with a range of countries across the global South that offer economic aid in exchange for stronger border controls against irregular migration. Direct attempts at interstate coercion are also not uncommon, as in the case of the United States under former President Trump: the US strategy of securitising the country's southern border involved the threat of trade sanctions towards Mexico and other Central American countries.[10]

Host states

The use of coercive migration diplomacy is also common in refugee-hosting states across the global South, oftentimes as part of a strategy aimed at extracting additional resources from the international community. A key country that has repeatedly sought to engage in coercive migration diplomacy is Kenya. In mid-2016, Kenyan officials revived a threat to close the Dadaab refugee camp complex in Garissa County, accusing the West of abusing Kenya's hospitality to avoid any kind of burden-sharing.[11] The Kenyan Ministry of Interior announced that "having taken into consideration its national security interests, the [Government of Kenya] has decided that hosting of refugees has to come to an end [...] the international community must collectively take responsibility on humanitarian needs." Karanja Kibicho, the principal secretary in Kenya's interior ministry at the time, argued that the West was underfunding the Somali refugee crisis and getting away with it "on the cheap".[12] The threat of camp closures has been repeated many times before and since and, although Kenya has yet to act on this, the prospect of deploying over half a million refugees residing there continues to carry leverage: in fact, Kenya's hosting of hundreds of thousands of refugees since the fall of Siad Barre, Somalia's dictator, in 1991, has featured in the deteriorating Kenya-Somalia relations.[13] Most recently, it has been linked to the maritime dispute between Somalia and Kenya over a 100,000 km^2 triangle in the Indian Ocean, which is thought to be rich in oil, gas, and fish.[14] In March 2021, Kenya again ordered the closure of the Dadaab and Kakuma refugee camps, only a week after a breakdown in bilateral negotiations over the maritime quarrel, although Kenyan officials deny any attempt to link the two issues.[15]

Transit states

Beyond host states, countries of transit have sought to instrumentalise mixed migration for geopolitical gains. In the context of the Mediterranean refugee crisis, Egypt saw its status as a key European ally enhanced. In May 2015, EU Commissioner for Migration and Home Affairs Dimitris Avramopoulos visited Cairo in order to strengthen cooperation on irregular migration, while a number of EU officials—including former EP President Martin Schulz—argued for a quid pro quo agreement between Brussels and Cairo similar to the 2016 EU-Türkiye Statement.[16] Egypt, for its part, has been keen to emphasise its role in helping to "help ease the burden several countries bear to accommodate the growing number of migrants." Arguably, as the 2017-2020 EU-Egypt Priorities Agreement suggests, discussions on human rights, rule of law, and democratisation are being pushed aside by the need for enhanced dialogue and cooperation on a range of security, migration, and "crisis-management" issues.

In the ongoing Ukrainian refugee crisis, Poland has also been able to flex its migration diplomacy muscles. Most Ukrainian refugees fled to Poland, from where they are likely to travel elsewhere within Europe as a result of the dispersed Ukrainian diaspora across the continent, visa-free travel arrangements, and the EU's Temporary Protection Directive. Not surprisingly, these latest developments have led Brussels to rethink the longstanding dispute with Warsaw over the

8 For a broader analysis on this, see Adamson, F.B. and G. Tsourapas (2019) Migration Diplomacy in World Politics. International Studies Perspectives.
9 UK Government (2022) World first partnership to tackle global migration crisis. On the ensuing controversy, see, for example: Krippahl, C. (2022) Rwandans weigh in on the UK's plan to deport asylum-seekers. Deutsche Welle.
10 Brice, M. (2019) Trump threatens more tariffs on Mexico over part of immigration deal. Reuters.
11 Mutiga, M. & Graham-Harrison, E. (2016) Kenya says it will shut world's biggest refugee camp at Dadaab. The Guardian.
12 Human Rights Watch (2016) Kenya: Involuntary Refugee Returns to Somalia.
13 Mwakideu, C. (2021) What is behind Kenya and Somalia's dicey relations? Deutsche Welle.
14 Elias, M (2021) UN Court Decision a Fresh Test for Kenya-Somalia Ties. International Crisis Group.
15 Ndewga, A. (2021) Kenya orders closure of Dadaab, Kakuma refugee camps. The Nation.
16 Fried, N. & P.A. Krüger (2016) EU fears mass exodus from Egypt [in German]. Süddeutsche Zeitung.

independence of Polish judiciary and media. As the country turned "from zero to hero," EU accusations of democratic backsliding have been replaced by praise, although Brussels has yet to unlock some €36 billion in grants and loans to Poland.[17] With European elites prioritising cooperation with Poland—as in the case of Egypt—there is little doubt that they will prove more careful in raising stinging critiques, although Brussels has not formally changed its position vis-à-vis Polish violations of the bloc's rule-of-law principles.

Sending states

Although it is traditionally more common for countries of transit and destination to attempt to leverage their position for geopolitical gains, sending states are also involved in migration diplomacy. In their case, these policies are often part and parcel of diaspora policymaking, given the considerable socio-economic and political potential of diasporic actors. Many states seek to diplomatically engage with countries of destination to strengthen their citizens' rights abroad: Indian migration diplomacy has centred on ensuring better working conditions for citizens across a range of Gulf Cooperation Council (GCC) states, for instance.[18] Other times, migration diplomacy functions as "the long arm" of the state: Turkish migration diplomacy, for instance, has involved close cooperation with European countries in order to monitor the activities of the Kurdish diaspora and to combat the operations of the Hunerkom branch of the Kurdistan Workers' Party abroad.[19]

Although rare, coercive migration diplomacy forms part of sending states' repertoire of policymaking. One example doing this is the Philippines—one of the major migrant-sending states of the global South, albeit in a sharply different manner than cases examined before—using its bargaining position to enhance protection for Filipino workers abroad. Between 2014 and 2022, the Philippines employed its migration diplomacy toward two more powerful migrant-host states, namely Kuwait and the United Arab Emirates, as it aimed to secure more rights for its migrant communities. Faced with instances of abuse against Filipino domestic workers in both countries, including numerous deaths, the Manila government did not hesitate to use its migrant population as an instrument of leverage, both by restricting the number of Filipino domestic workers that could be dispatched to the two countries and by, in the case of Kuwait, forcibly repatriating Filipino domestic workers. Taking advantage of the two host countries' heavy reliance on Filipino domestic workers and their inability to shift recruitment to domestic workers from other countries—or, put differently, the two countries' migration interdependence—the Philippines was able to ensure a range of new rights for Filipino workers, including not having to hand over their passport and mobile phone to Kuwaiti employers (as was the norm) and the ability to open Emirati bank accounts under their own name.[20]

Coercive migration diplomacy in novel mixed migration dynamics

Belarus

Beyond existing mixed migration flows, coercive migration diplomacy has also involved the creation—or at least the threatened creation—of novel mixed migration dynamics for geopolitical purposes. Among the most notorious examples of this strategy came in 2010 with Libyan leader Muammar Gaddafi's warning that Europe would "turn black" unless the EU paid him €5 billion to stem the flow of sub-Saharan migrants and asylum seekers.[21] A decade later, in mid-2021, thousands tried to cross the border from Belarus into Lithuania, encouraged by Belarusian President Alexander Grigoryevich Lukashenko, who has been in power since 1994. While approximately 70 people a year typically attempt entry into the EU via Belarus, Lithuanian authorities had apprehended over 4,000 persons by March 2021. Belarussian involvement in creating this situation was clear: most asylum seekers and irregular migrants were Iraqis who flew into Minsk via regular Iraqi Airways flights (suspended by summer 2021 following EU pressure on Iraq), although some others include people from Syria, Congo, and Cameroon. Stories abound of young Iraqis booking flights to Belarus and then paying human smugglers thousands of euros to move them into the EU.[22] Lukashenko started to allow asylum seekers—mainly Iraqis, but also Syrian and Afghan citizens—to fly to Belarus, while he had also been negotiating a visa-free agreement with Pakistan.[23]

In engineering this migrant crisis, Lukashenko sought to assert his position vis-à-vis Brussels. The Belarussian regime had a long list of grievances against the European Union, most recently vis-à-vis the sanctions levied against Belarus after the government forced a commercial airliner to land so that it could arrest a prominent critic of the regime; the EU had previously

17 Cienski, J. (2022) Poland goes from zero to hero in EU thanks to Ukraine effort. Politico. See also Frouws, B. (2022) When war hit Ukraine, Reflections on what it might mean for refugee, asylum and migration policies in Europe. Mixed Migration Centre.
18 Carvalho, S. (2015) PM Modi visits UAE labour camp, underscores concern over worker welfare. Reuters.
19 Freedom House (2021) Turkey: Transnational Repression Origin Country Case Study.
20 For a full discussion of this case, see Malit, F. & Tsourapas, G. (2021) Weapons of the Weak? South–South Migration and Power Politics in the Philippines–GCC Corridor. Global Studies Quarterly.
21 Gaddafi only received a fraction of this, namely €50 million over a three-year period, as per the October 2010 Migration Cooperation Agenda. A few months later, the outbreak of the Arab Spring put an end to Gaddafi's rule in Libya. See Noll, G. & Giuffré, M. (2011) EU migration control: made by Gaddafi? OpenDemocracy
22 NPR (2021) How A Dictator Engineered A Migration Crisis At The Belarus-Poland Border.
23 Frouws, B. (2021) Heading into A Wall. Mixed Migration Centre.

imposed sanctions after Lukashenko's government declared him the winner of the disputed presidential election in August 2020. Lukashenko was probably also unhappy with Lithuania's decision to issue more than 500 humanitarian visas to Belarusians since August 2020, including to numerous critics of the regime. Belarus is far less powerful than the EU and, as a result, the use of migration diplomacy appeared as an attractive option in political conflagrations. By late June 2021, Lukashenko declared to Brussels that Belarus would no longer prevent asylum seekers from crossing into Europe. As he put it, "You are waging a hybrid war against us and demand that we help you as we did before?" In this instance, the use of migration diplomacy involved the weaponisation of mobility for clear geopolitical aims, but that does not imply it may not also have an important internal politics dimension, with Lukashenko adopting a "strong" position against the West seen as politically profitable inside Belarus.

Morocco

Such a comparative weakness explains when the weaponisation of migration becomes a key to achieve economic, military, or political objectives against stronger states. Also in 2021, Morocco encouraged the movement of as many as 12,000 people into Spain's enclave of Ceuta in response to Madrid's decision to offer medical treatment to Brahim Ghali, who leads the Polisario Front that claims independence for Western Sahara, which is partly under Moroccan control.[24] Again, the use of migrants became a regime's tool of retaliation against a stronger neighbouring state, in a case of migration diplomacy in which the bilateral disagreement itself does not revolve around the management of mobility, but where mobility is used to exert pressure.[25]

Türkiye

A clearer demonstration of the importance of domestic politics in states' migration diplomacy strategies is found in Türkiye. As of March 2022 Türkiye was hosting over 3.7 million registered Syrian refugees. On 27 February 2021, Turkish authorities announced they were opening the country's borders to refugees bound for Europe, triggering the biggest refugee crisis in Europe since 2015–16. Over a period of two weeks, authorities granted free passage on the country's buses and trains to anyone travelling to the Greek border. Greek authorities stated they resisted more than 42,000 attempted entries at the land border and an unspecified number at sea. The clash quickly escalated, with refugees and migrants using Molotov cocktails and using tools to breach the border fence, while Greece stopped accepting asylum applications and ordered the use of water cannons and tear gas.[26] Turkish President Recep Tayyip Erdoğan sought to create a situation of panic in order to penalise European authorities for not holding their end of the bargain in the context of the 2016 EU-Türkiye Statement that, inter alia, promised to facilitate Turkish citizens' visa-free access into the EU.[27]

In terms of foreign policymaking, the manufactured 2020 crisis was a clear attempt by Erdoğan to demonstrate that Türkiye felt short-changed by the West and, potentially, to secure additional concessions: it sought to make clear how Türkiye was a poor country that opened its doors to millions of forcibly displaced persons while richer countries shut their borders and refused to help. At the same time, however, Turkish migration diplomacy also aimed for distinct domestic political gains. For one, the Turkish government sought to divert public attention from its destructive military operations in Idlib, in the context of the Syrian civil war: only a few days prior, at least 33 Turkish soldiers had been killed, an act that reverberated across Turkish society and added to growing anti-Syrian refugee sentiments.[28] By enabling refugees to leave Türkiye, Erdoğan sought to shift the dominant discourse, while also maintaining his political strongholds in Urfa and Gaziantep, which face significant difficulties with refugee integration. Like Belarus, Türkiye sought to use the brutal treatment of refugees on the Greek-Turkish border as evidence of Greek and European "duplicity" vis-à-vis the Syrian refugee crisis. Finally, there was a pressing need for Erdoğan to present himself as a strong, resolute leader in the aftermath of the disastrous electoral results of 2019, in which the Justice and Development Party, which he had founded and is currently in power, had lost the mayorship of Istanbul to regime opponent Ekrem İmamoğlu.[29]

Europe

European states have also sought to use coercive migration diplomacy via novel mixed migration dynamics, as in the case of Greece. In 2015–16, as the Greek government was negotiating its Third Economic Adjustment Programme with international creditors, the country found its geopolitical position strategically enhanced. Greece served as the initial point of the Balkan corridor for mixed migration populations aiming to reach Western Europe, while transfers of asylum seekers to Greece under the Dublin Regulation had been suspended, which further strengthened the

24 Casey, N. and J. Bautista. 2021. 'Come On In, Boys': A Wave of the Hand Sets Off Spain-Morocco Migrant Fight. New York Times.

25 This is not uncommon in migration diplomacy or, indeed, in North African politics: only a few years back, in 2013, Libyan authorities initiated a targeted deportation of Egyptian migrant workers to coerce the Egyptian state into complying with the extradition of Gaddafi-era Libyan elites who had sought shelter there. Egypt complied very soon thereafter. For a full discussion, see Tsourapas, G. (2018) Labor Migrants as Political Leverage: Migration Interdependence and Coercion in the Mediterranean. International Studies Quarterly.

26 Enria, N. & Gerwens, S. (2020) Greek-Turkish border crisis: Refugees are paying the price for the EU's failure to reform its asylum system. LSE Europblog.

27 See Forin, R. & Frouws, B. (2020) Op-Ed: The wrong side of history? A missed opportunity to lead on a human-rights-led response to mixed migration between Turkey and Greece Mixed Migration Centre.

28 BBC (2020) Syria war: Alarm after 33 Turkish soldiers killed in attack in Idlib.

29 Jégo, M. (2022) Ekrem Imamoglu, the man who could put an end to the Recep Tayyip Erdogan era. Le Monde.

country's position as a "transit" rather than a "host" state. The Greek government did not hesitate to adopt an issue-linkage strategy that tied the management of mixed migration to securing increased economic aid. Greek attempts at coercive migration diplomacy were, ultimately, unsuccessful: the EU took steps to seal off the Balkan corridor while the EU-Türkiye Statement and the country's return to the Dublin Regulation system in mid-2016 effectively stripped the Greek government of its leverage.[30]

Looking ahead: The normalisation of coercive migration diplomacy?

The rise of migration diplomacy practices that involve direct interstate negotiations regarding states' management of mixed migration stock and flows can be linked to Western states' "externalisation" practices that seek to hold refugees away from their territories. In this sense, the use of migrants and refugees as bargaining chips in interstate diplomacy is an old tale linked to the rise of developmental conditionality mechanisms and issue-linkage strategies embedded in Western economic and foreign policies that approach migration from a security lens. In November 2020, the European Parliament voted to make development aid conditional on cooperation with the EU on migration management, a move applauded by the European People's Party Group, the assembly's largest political grouping.[31] In this sense, destination states are keen to employ migration diplomacy as part of their foreign policy strategies vis-à-vis third states. As the EU "institutionalises conditionality" in managing cross-border mobility,[32] the "weaponisation" of mixed migration can be seen as a result of the growing interconnectedness between aid, security, and migration.

At the same time, a more global view would seek to shift focus to the rationale of host states of first asylum, mostly located across the global South. It would stress those countries' desperate need for economic aid to tackle the rising number of migrant and refugee crises, which disproportionately affect non-Western, weaker states that already face significant socio-economic and political challenges.[33] It would also shed light on the structural inequalities between the West and the non-West, while identifying the limited options that refugee-hosting countries like Kenya, Jordan, Afghanistan, and others have in pressing for Western economic aid. In the context of international negotiations on the Global Compact for Migration in 2018, for instance, Objective 23—"Strengthen international cooperation and global partnerships for safe, orderly and regular migration"—was added following an initiative by African states. It explicitly seeks to underscore "the specific challenges faced in particular by African countries, least developed countries, landlocked developing countries, small island developing States, and middle-income countries" and stresses the importance of international cooperation and assistance.[34] In this sense, if we approach the use of threats or coercion as a potent tool in the hands of the global South, coercive migration diplomacy becomes an attempt at correcting asymmetrical power distributions between richer and poorer states.

Regardless of how we choose to approach this phenomenon, the fact that migration diplomacy fits into the strategies of both stronger countries of the global North and weaker countries of the global South suggests that it is being normalised within repertoires of states' foreign policy agendas. In this sense, it should come as no surprise that, only a decade after the Arab uprisings, North–South cooperation on refugee protection, in particular, has shifted away from questions of burden-sharing and human rights protection as, gradually, an economistic lexicon of "bargains," "deals," and "compacts" have come to dominate the workings of the global refugee regime.[35] This ongoing commodification of migrant and refugee populations embeds an element of political cynicism and zero-sum mentalities into the management of mixed migration that further dehumanises vulnerable groups.

While migration diplomacy appears to have become part and parcel of the international system, there are still a number of ways to prevent the human suffering of affected migrant and refugee groups. For one, in 2021, the EU broadened the scope for sanctions against Belarus to include, for the first time, the regime's instrumentalisation of migrants. European recognition that the creation of migrant and refugee crises deliberately put people's lives and wellbeing in danger is an important first step towards tackling such "weaponisation". Yet, this appears to address the symptom, rather than the cause, of coercion in migration diplomacy: as long as Western governments view migrants or refugees as inherent "threats", the potential to use them as leverage against such governments will persist.[36] The rise of populism and anti-migrant politics globally, the continuing effects

30 A full analysis of Greek migration diplomacy at the time is available in Tsourapas, G. & Zartaloudis, S. (2021) Leveraging the European Refugee Crisis: Forced Displacement and Bargaining in Greece's Bailout Negotiations. Journal of Common Market Studies.
31 EPP Group (2020) Development aid must come with conditions.
32 Concord (2021) Setting the highest standards for Global Europe implementation.
33 See Freier, F., Micinski, N. & Tsourapas, G. (2021) Refugee commodification: the diffusion of refugee rent-seeking in the Global South. Third World Quarterly.
34 Oelgemoller, C. & Maple, N. (2018) GCM Commentary: Objective 23. Refugee Law Initiative.
35 Tsourapas, G. (2019) How migration deals lead to refugee commodification. Refugees Deeply.
36 Norman, K. (2022) Rich Countries Cannot Outsource Their Migration Dilemmas. Foreign Affairs.

of climate change, as well as the stubborn appeal of a "fortress Europe" mentality across the EU suggest that the normalisation of coercive migration diplomacy will become more likely. It is only via concerted efforts towards the normalisation of mixed migration and by challenging dominant migration narratives that consider cross-border mobility to be an existential threat to Western liberal democratic states that we might begin to question the use of migrants and refugees as bargaining chips in migration diplomacy.

4Mi on...

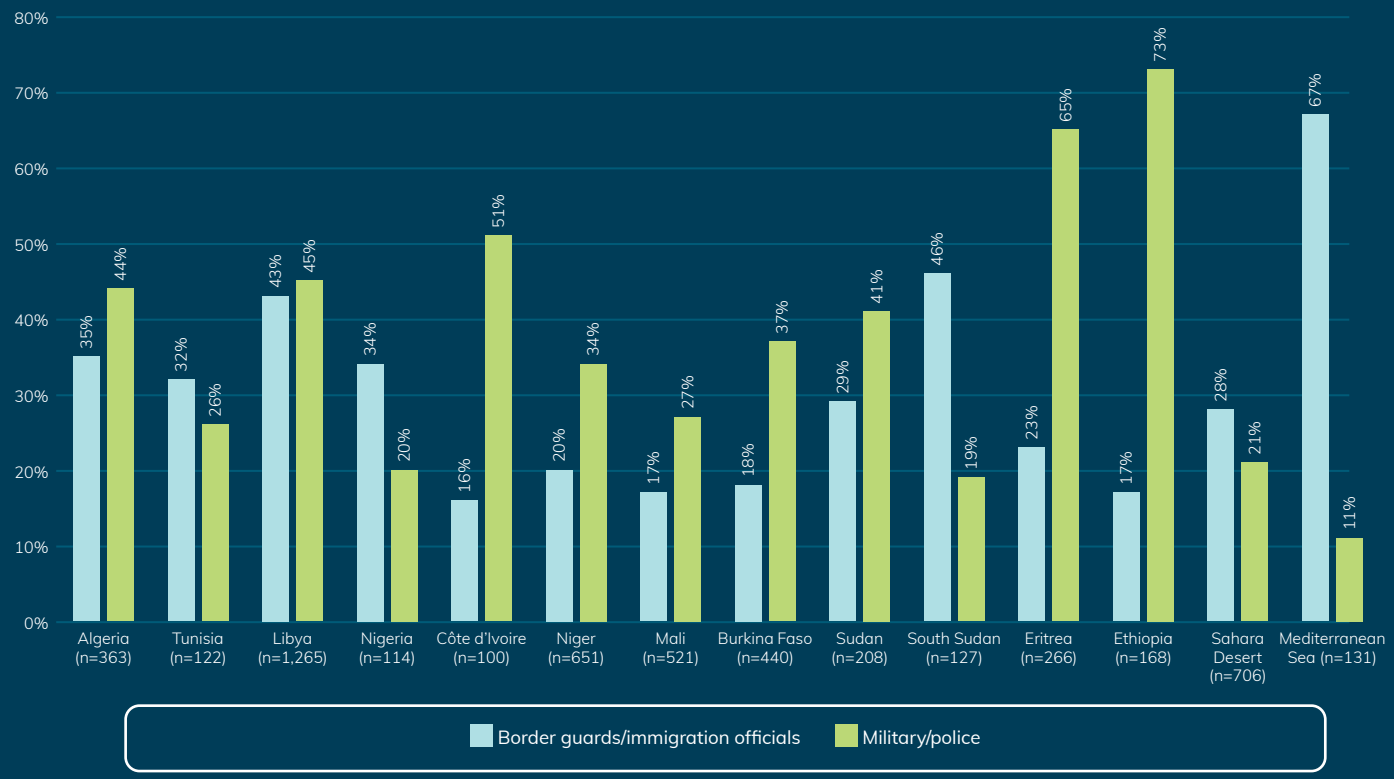
perceptions of the state's role in mixed migration

4Mi cannot speak directly to diplomacy, but here we present a counterpoint to the conversation on policy, implementation, and diplomacy, by exploring refugees' and migrants' experiences when interacting with state representatives. Often, rather than experiencing the explicit and direct implementation of migration policy, 4Mi respondents experience exploitation and corruption on the part of state officials.

This analysis focuses on Africa, where 4Mi has in 2021 and 2022 collected data from refugees and migrants as well as from smugglers.

4Mi respondents are asked about whom they consider to be perpetrators of abuse and violations on their journey. State officials are frequently reported, as the results by country indicate, below. The figures vary, with lows of 15-17% for border guards in Mali, Ethiopia, and Côte d'Ivoire and for the military in the Mediterranean, but high figures for military/police in Eritrea and Ethiopia (note that detention is included as an incident in our survey, so respondents may also refer to detention by police or military here, which can be unlawful and associated with abuse, but this is not necessarily the case; it can also be a normal execution of tasks by the police).

Figure 1. Perceptions that state officials are perpetrators of abuse and violations on mixed migration routes
(among those who report dangers en route)

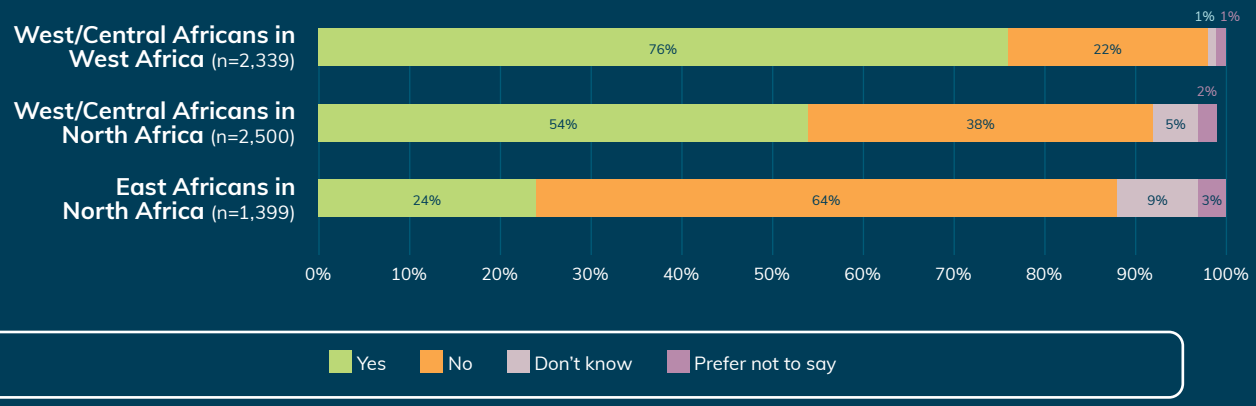


Note on the data: 4Mi respondents are asked to name places they considered dangerous on their journey, the kinds of danger perceived and the perpetrators. Here we show how often military/police or border guards/immigration officials were named as likely perpetrators each time a country or place is named as dangerous. The Mediterranean Sea is included alongside countries, and the Sahara is used when respondents mention the desert but do not know which country they were in. Countries/spaces reported as dangerous fewer than 100 times have not been included.

Interaction between 4Mi respondents and state officials

In contrast to respondents in West Africa, most of whom have been in contact with officials, most East Africans claim to have had no contact with officials at all. This is perhaps related to the perceived threat they pose. For those who do have contact with officials, a majority report that the interaction involves some form of bribery.

Figure 2. Have you been in contact with any public officials on your journey?



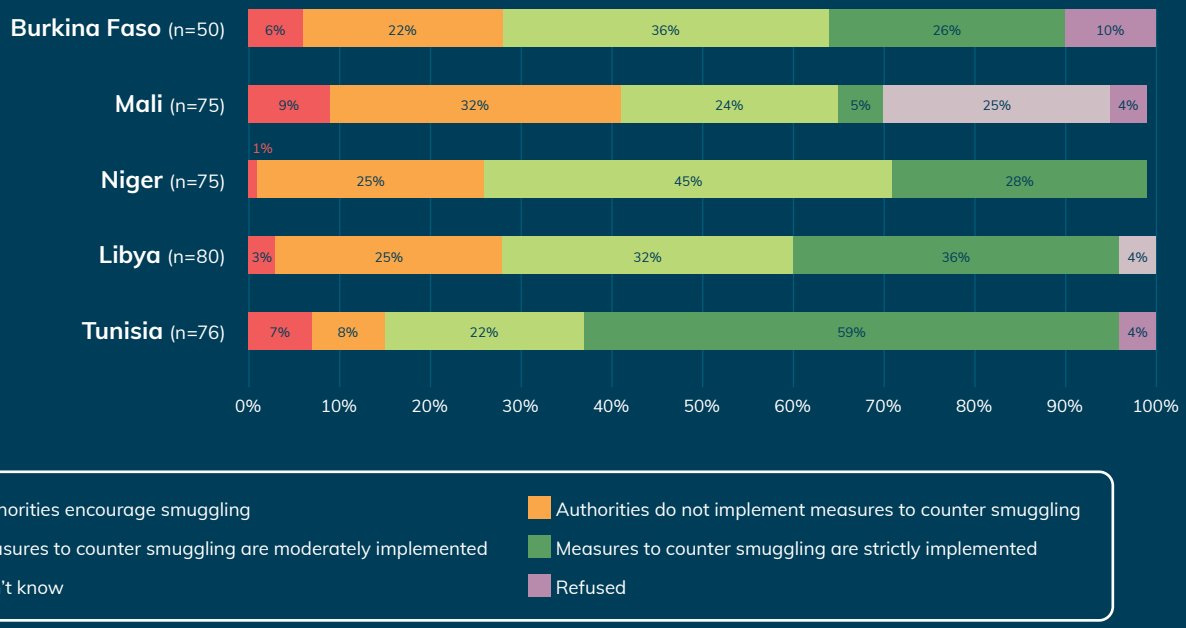
Note on the data: Respondents are asked to specify which officials they were in contact with (police at a border, police not at a border, military, passport/visa officials, other immigration officials, or accommodation/detention staff). These have been combined into a 'yes' category. The sample size is slightly smaller because this question was added later in the data collection period.

The smugglers' perspective

Smugglers are in contact with state officials to facilitate smuggling—this is confirmed by a majority (62–69%) of the people we interviewed who were engaged in smuggling, in all countries except Libya (43%). According to respondents, the vast majority of contact is with local officials in-country, and then with officials in neighbouring countries. And smugglers reported that public officials were in fact often engaged in a number of activities to facilitate smuggling.

Smugglers' perceptions of the implementation of law and regulations vary by country. Authorities in Tunisia appear to be the most strict, according to the smugglers we interviewed, although our data also shows that fewer respondents had been apprehended or arrested in Tunisia than other countries. Niger, where more had been arrested, was considered to be more moderately implementing measures. Measures were considered weakest by respondents in Mali.

Figure 3. Enforcement of counter-smuggling measures, according to smugglers



Note on the data: Caution should be taken in interpreting the data because of the small sample size. Figures have been rounded.

Taken together, we see that—depending on the country—state officials can be mentioned as perpetrators of abuse, can take bribes, and that many smugglers work with state officials to facilitate smuggling. All of this raises crucial questions and concerns for 'migration diplomacy' and the increasingly close cooperation of destination states—in this case in Europe—with countries of origin and transit with the aim of reducing migration.

An essential step forward down a long road: Taking stock of the first IMRF

After months of strenuous preparation by UN member states, the UN system, civil society, local governments, and other stakeholders, the first International Migration Review Forum (IMRF) took place from 17-20 May 2022.[1] Much anticipation preceded this event, since it was the first time the international community would come together, after two years of the Covid-19 epidemic, to assess progress on the implementation of the Global Compact for Safe, Orderly and Regular Migration (GCM). Held under the auspices of the UN General Assembly, it resulted in a Progress Declaration of the International Migration Review Forum, negotiated and adopted by all participating member states.[2] What follows are our reflections about its results, impact, and most importantly, the way forward.

By John K. Bingham, Eva Sandis, and Sophie van Haasen

These reflections are based on the notes made by our beloved colleague John K. Bingham, who so unexpectedly passed away in July 2022. John was a dedicated, brilliant, and fearless advocate for migrant and refugee rights, and will be remembered by countless friends and colleagues across the globe. It has been an honour for us his friends, Eva E Sandis, Ph.D, Professor Emerita, Fordham University and Sophie van Haasen (Coordinator of the Mayors Mechanism) writing here in her private capacity. For those wishing to join us in honouring John, please visit his memorial site here).

The participants

Member states

Member states clearly see the GCM as the frame of reference to govern international migration, as evidenced by the large number of governments, including heads of state, who travelled to New York and from the many expressions of support for the GCM, such as statements issued jointly by Portugal, Finland, and Ireland embracing the Compact and underlining the importance of respect for the human rights of migrants,[3] and by the then 32 GCM Champion Countries reflecting on the group's Rabat Declaration of 25 March 2022,[4] in which they reiterated their full support of the GCM and called for more effort to accelerate both its implementation and the attainment of the SDGs. This is particularly striking when considering that the GCM is a non-binding document.

Also indicative of the GCM being viewed as a frame of reference was the use by some member states of the negotiations—as well as their closing statements upon the adoption of the Progress Declaration—to express the limits of their accountability towards the commitments in the Declaration. For example, taking the floor immediately after the adoption of the Progress Declaration, the United States (which never adopted the GCM as it pulled out of the negotiation process in 2017 but which now clearly supports its "vision") emphasised that neither the GCM text itself nor the Progress Declaration create or change rights or obligations under international law[5] —a position shared by several member states.

The UN system

The UN Network on Migration Secretariat was the central force shaping this IMRF, in close collaboration with the Office of the President of the General Assembly as well as with the Network's Executive Committee, the latter driving substantial decisions, such as composition and focus of the thematic discussions and policy debates.

1 UN Network on Migration (2022) IMRF- Summaries of the Plenary, Round Tables, and Policy Debate.
2 UN General Assembly (2022) Progress Declaration of the International Migration Review Forum.
3 Governments of Finland, Ireland & Portugal (2022) International Migration Review Forum – Adoption of the Progress Declaration – Joint Statement issued by Portugal, Finland and Ireland.
4 GCM Champion Countries Initiative Ministerial Meeting of GCM Champions - Joint Statement - 'The Rabat Declaration'.
5 US Department of State (2022) United States, Explanation of Position on the Progress Declaration on the IMRF.

UN agencies were well represented and engaged at the IMRF, including in organising and as panellists of the four round tables on GCM objectives, co-organisers, and participants of in-person and virtual side events—on topics including labour (ILO), health (WHO, UNICEF), and climate displacement (UNHCR), to name just a few—and bringing a UN System Pledge.[6] That said, IOM was decidedly the "go-to" organisation in virtually every respect.

Other stakeholders

Multiple non-state stakeholders were engaged throughout the process:

- **Civil society** was united and advocated forcefully on behalf of its global agenda for the IMRF, as spelled out in the Civil Society Action Committee's paper entitled "*12 Key Ways for States to get back on Track*," with a heavy emphasis on enhanced regular pathways and regularisation of migrants as key ways to reduce their vulnerabilities in migration.[7]

- **Local governments** strongly reiterated their 2018 call in Marrakech to implement the GCM and the Global Compact on Refugees (GCR) "in unison" and brought 70 formal actions and pledges on GCM and GCR implementation to the IMRF.[8] Despite their lack of formal access to the IMRF, 18 cities and 12 mayors joined on the sidelines and called for access, mandates, and resources.

- **Youth**, through the Migration Youth and Children Platform (MYCP), engaged over half a million young people across the globe in regional discussions prior to the IMRF. Despite limited funding for youth representatives to join the Forum in big numbers, youth representatives were active and vocal throughout the discussions.[9]

As part of these non-state delegations, and specifically within the civil society delegation, migrants, diaspora, and refugees were represented and actively engaged. For example, a significant group of the civil society delegation was comprised of migrants and refugees.

Nevertheless, the IMRF struggled to be inclusive and participatory and relied heavily on statements and less on interaction between member states and others. Also, the IMRF multistakeholder hearing,[10] held immediately before the opening of the IMRF, failed to attract states, which turned it into a space for non-state stakeholders to talk amongst themselves rather than creating much-needed face time with states. This flouts the whole-of-society and whole-of-government guiding principles of the GCM.

Many stakeholders, including some states, expressed their concerns and provided concrete avenues for improvement, such as dedicated spaces for exchange between stakeholders (including migrants and member states), formal mechanisms to engage with stakeholder groups (as is the case in the Global Forum on Migration and Development), and increased access for local governments, who to date cannot access the IMRF unless they are part of national delegations.[11]

> *The fact that I am standing here as the singular migrant voice, and that migrant spaces this week have been so limited, is an injustice not just to our community and all those who work tirelessly to ensure all migrants can lead safe and dignified lives, but to all of us here, working together for the successful achievement of the GCM.*
> **Elana Wong, MYCP**

> *Instead of moving towards safe, orderly, and regular migration, migration became more turbulent, more irregular, and more dangerous and deadly. We were applauded for being "frontline responders" and "essential workers", and yet many migrant workers had their labour rights routinely violated [...] So we've dutifully come here in the hopes of raising our collective voices and proposing better ways forward. And yet even the process of coming here became a monumental task: many of our leaders from the global South could not get visas, [...] and local government—key allies in GCM implementation—cannot even be in this room today. Indeed, civic space within these UN walls is shrinking.*
> **Colin Rajah, Civil Society Action Committee**

The IMRF Progress Declaration

The Progress Declaration is the outcome document of the IMRF and was adopted unanimously at the forum's closing. Given the current political climate, it is in many ways a solid achievement, especially notable

6 UN Network on Migration/IMRF (2022) Global Compact for Safe, Orderly and Regular Migration Pledging initiative - UN System Pledge
7 Civil Society Action Committee (2021) Global Civil Society Priorities towards the 2022 International Migration Review Forum (IMRF) - 12 Key Ways for States to Get Back on Track.
8 GFMD Mayors Mechanism (2022) Press Release: Call to Local Action at IMRF this week.
9 Wong, E. (2022) Elana Wong, Migration Youth and Children Platform, Statement in the IMRF Opening Plenary, 19 May 2022.
10 UN Network on Migration (2022) Summary Report- IMRF Informal Interactive Multi-stakeholder Hearing.
11 Global Taskforce of Local and Regional Governments, GFMD Mayors Mechanism, UCLG, MMC & IOM (2022) Statement by the local and regional governments constituency in response to the Secretary General's Report on the GCM; Government of Bangladesh et al (GCM Champion Countries) (2022) Letter to the President of the UN General Assembly.

for a multilateral agreement on international migration negotiated by almost all member states. Great credit is due to the strong and skilful facilitation by the governments of Bangladesh and Luxembourg, which, with precise listening, connecting, and writing, were instrumental in bringing this process to a successful conclusion. Also indispensable were the support of the UN Network on Migration and the vigorous inputs of civil society and other non-state stakeholders during the negotiation process who provided essential language that made the text stronger, for example on the best interest of the child, anti-discrimination and combatting systemic racism, safe access to services, and migrant participation in policy making.

Nonetheless, the Declaration has rightly been called a somewhat "mixed bag" by many of the IMRF participants in the light of its very positive elements against its clearly disappointing ones, including regressions on some essential GCM commitments and international standards. The following examples are illustrative of the mixed nature of the outcomes.

Progress—or lack of it—in GCM implementation

Much of the Declaration sets out "Progress, challenges and gaps in the implementation of the Global Compact". Highlights include:

- The Declaration recognises the overwhelming **impact of the Covid-19 pandemic on the vulnerability of migrants**. Indeed, although a number of member states provided access to healthcare, including vaccines, to migrants, and extended their visas to avoid migrants falling into irregular status, the vast majority of migrants have had to cope with huge challenges, including: loss of jobs and income; limited access to basic services, including healthcare; travel restrictions, border closures, and lockdowns; and extended separation from their families. The Declaration calls for greater efforts by member states to develop ambitious national responses for the implementation of the GCM and recognises that actions taken by some member states during the pandemic helped advance the GCM objectives. Indeed, and rather ironically, this may mean that there might not have been much GCM implementation to report had the pandemic not occurred, an assessment that John Bingham also made in his MMC study in 2022.[12] Be that as it may, the Declaration clearly falls short in addressing the urgent need for practices that ensure the social protection of migrants, prevent wage theft, and tackle prolonged separation of families.

- In its review of **progress on labour objectives**, the Declaration notes that some progress has been achieved on fair recruitment and decent work. However, as the IMRF Round Table discussions on the implementation of the 23 GCM objectives revealed, migrant workers continue having to cope with recruitment fees, wage theft, the high cost of remittances, and the limited portability of social security entitlements.

- Throughout the Declaration, member states reaffirm their concern about the vulnerability of the growing number of migrant children and their commitment to protecting the rights of the child and upholding the best interests of the child. While some member states have taken steps to end child immigration detention, all **efforts to include a commitment to end the practice of child detention have been unsuccessful**, even though this practice falls below international human rights standards. Also, with some exceptions throughout the negotiations, there has been a failure to recognise the importance of community-based alternatives to immigration detention in the final text.

Looking ahead

The Declaration also covers "Recommended actions to accelerate the implementation of the Global Compact and to strengthen international cooperation on international migration". In this section, states have made over 20 commitments—or more accurately, re-commitments—towards the implementation of the GCM. These recommitments are exceedingly important, since they reaffirm member states' strong support of the Compact and express their determination to fulfil its objectives and commitments, despite the difficult intervening years of the pandemic and its devastating impact on migrants and migration. Highlights include:

- Member states commit to respecting, protecting, and fulfilling the **human rights of all migrants**—women, men, and children—regardless of their migration status (§ 55).

- There are numerous commitments to respond to **migrants in vulnerable situations**, including to protect the lives and human rights of victims of human trafficking (§ 60) as well as of smuggled migrants (§ 61). However, there is no assessment of the effects on the human rights of migrants of the externalisation of borders, or a commitment to end this practice.

- Member states commit to providing all migrants **safe access to basic services** (again, critically) regardless of their migration status (§ 51).

12 Bingham, J. (2020) COVID-19 and the Global Compact for Migration: Is a Compact born in a crisis born again in the whirlwinds of three global crises? Mixed Migration Centre.

- Particularly responsive to long efforts on the part of migrants—and civil society on their behalf—is the commitment to promote the **participation of migrants in policy development** and review all matters that affect them (§§ 51 & 53). Also notable is a recommitment to fostering inclusive societies (§ 53) and a determination to eliminate all forms of discrimination, including xenophobia and systemic racism (§ 54).

- Commitments on labour matters include the **promotion of decent work opportunities** (§ 66) and the protection from violence, including sexual and gender-based violence, of migrant women workers (§ 63); enhanced cooperation for recovery of earned wages, benefits, and entitlements of returning migrants (§ 66); and redoubled efforts to reduce the cost of migrant remittances (§ 67).

- Perhaps most important as a solution to the many hazards migrants are exposed to, member states commit to enhance the availability of **pathways for safe, orderly, regular migration** and to strengthen regularisation for migrants in irregular status (a reference which has been highly contested in the 2018 GCM negotiations) (§ 59).

- And finally, the Declaration—surprisingly—includes a new measure: a request to the UN Secretary General to propose to the UN General Assembly a **set of indicators** to measure GCM implementation (§ 70). This was unexpected because during the GCM negotiations in 2018, the inclusion of any reference to monitoring of progress or reporting was controversial.

What about mixed migration?

A manifest disappointment to anyone engaged in the field of mixed migration is the absence throughout the entire Declaration, despite the commitments to protect migrants in vulnerable situations, of any mention of interaction between the GCM and the GCR. Such interaction is critically important for improving institutional efficiencies and policy coherence, and in providing assistance, protection, and solutions in contexts of human mobility across the board, especially in the context of mixed migration flows where migrants and refugees have common needs that need urgent solutions.

Still, the Declaration includes two new interrelated elements which have the potential to take things forward concretely and with specific relevance to mixed migration:

1. A commitment to further develop procedures at borders and in transit that comply with international obligations for search and rescue, assistance, and protection of all migrants, regardless of migration status (§ 65); and

2. A request to the president of the UN General Assembly to develop actionable recommendations on strengthening cooperation on missing migrants and providing humanitarian assistance to migrants in distress, with the aim of preventing loss of life in transit (§ 76).

From words to action

An honest assessment of the current treatment of migrants and refugees across the globe, including the rise of pushbacks, migrant deaths at sea and at borders, and the normalisation of extreme violence against people on the move, shows that specific sections of the GCM, such as Objective 8 on "Saving Lives", have been blatantly breached, and makes one wonder how significant international agreements such as this one really are in providing solutions for the critical protection needs of migrants and refugees.

And although the global outpouring of support for Ukrainian refugees showed tremendous solidarity and demonstrated that host countries can accommodate large groups of people on the move, the response has also laid bare the structural racism that supports general ideas of "good" and "bad" migrants.

The question going forward, then, is whether the GCM, the IMRF, and its Declaration can make tangible contributions to changing this reality, and, relatedly, whether the political will exists to hold member states (at least morally) accountable for actions that go directly against the spirit of the GCM.

We see three concrete opportunities going forward:

1. The development of a limited set of indicators would encourage more evidence-based reporting on all GCM objectives. These indicators will also be critical to push for more accountability and will help remedy the pick-and-choose approach many member states have taken when reporting on GCM implementation.[13] There exists already a wealth of indicators,[14] and rather than reinventing the wheel, it will be important to connect dots, learn from existing efforts, and build onto what is already available.

13 Frouws, B. (2021) Same old, same old? Are we seeing a resurfacing of the North–South divide in GCM implementation? Mixed Migration Centre.
14 Such as the SDG indicators, the IOM - Migration Governance Indicators and the KNOMAD Dashboard of Indicators.

2. GCM Champion Countries[15] and the Friends of Migration[16] will be critical in setting the tone and bringing the Progress Declaration to life by taking action at national levels and reporting on that action loudly and vocally, e.g., through voluntary national reviews and national action plans. Local governments, civil society, NGOs, and other stakeholders will be critical partners in driving forward innovative solutions as well as in measuring impact at local and regional levels. The UN Network has an opportunity to empower these stakeholders in a meaningful way, learning from the IMRF experience.

3. The process to develop procedures at borders and in transit can be an opportunity to work across UN agencies such as IOM and UNHCR as well as to involve other essential stakeholders such as civil society, including migrant-led groups and NGOs, humanitarian organisations such as the International Federation of the Red Cross, and local governments. It will be critical not to make this a UN-only exercise but to develop on-the-ground modalities that save lives. While the biennial timeline of 2024 is quick, the approaching Global Refugee Forum can also be a concrete opportunity to advance this conversation, not least because UNHCR has said it sees the Forum as an opportunity to consider mixed migration and to see how connections with the GCM can be reinforced.[17]

Conclusion

It is our view that the IMRF was an essential step forward in trying to ascertain the extent of GCM implementation over the last four years and its impact on migrants on the ground. It also managed to bring states together to agree on a set of future recommendations—quite an achievement given the challenging multilateral context. While there was some progress in applying solutions on behalf of migrants, including to lessen the heavy, hurtful impact of the pandemic on their lives, what is clear is how much more there remains to be done, and urgently. For impact on the ground, the GCM will have to become a tool for real and multi-stakeholder collaboration and action, offering a credible mechanism for accountability. Its final test will be whether four years from now, in 2026, there will have been substantial, meaningful impact on the lives of migrants and would-be migrants, regardless of status, across the globe.

15 See here for a list of these countries.
16 This is an informal group of member state missions in New York formed to pursue GCM implementation.
17 Global Refugee Forum/UNHCR (2022) Global Compact on Refugees – Quarterly informal briefing (Q3 2022). (Video)

Photo credit: Hussein Eddeb

People pass the time playing chess as they wait outside the UNHCR headquarters in Tripoli, Libya. During 2022 thousands of migrants and asylum-seekers were detained in appalling conditions in Libya. Those who attempted to cross the Mediterranean were often intercepted and returned to detention by the EU-backed Libyan coast guard. (See Normalising the extreme, page 206).

Back cover photo credit:
Nelson Antoine

Haitian nationals wait outside the Mexican Commission for Refugee Assistance in Mexico City, a government agency that processes refugee status recognition applications. In 2021, thousands of Haitians tried to enter the US irregularly to escape the instability, poverty, and gang violence in their home country. Several mass deportations from the US back to Haiti took place in 2022. (See Thematic Snapshot Haiti: No exits and no mercy, page 79).

Through interviews with critical thinkers and practitioners in the sector, as well as essays and other content, this year's Review tackles questions around the escalating use of migration diplomacy and asks, what ethical issues are being challenged with fast-rising use of technology in immigration and border control? To what extent is the continued criminalisation of smugglers a political smokescreen to reduce and deter irregular migration? How do we assess the accelerated response to missing migrants and forensic investigation trying to treat those who perish and their families with dignity? To what extent is human trafficking going on under the guise of mixed migration today?

The Review also explores the debate between using a "root causes"' approach as opposed to a rights-based approach to migration, and asks how effective regular channels of mobility can ever hope to be in a context where necessity forces many migrants to take risks using irregular means of movement? As always, the Review also includes data visualisations drawn from surveys of thousands of refugees and migrants, provides a platform for the alternative perspectives of young researchers from the global South, and documents the best and worst behaviour by authorities in relation to mixed migration in the past year in our annual "Normalising (and resisting) the extreme" features

For a full electronic copy of the Mixed Migration Review 2022, extensive data from 4Mi, and additional commentary, visit our website at: **www.mixedmigration.org**

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