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Migrants trafficking and individual strategies: the formation of dynamic channels in international migration¹

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Abstract

In this paper, a discussion of the current modalities of migrants trafficking will be made, taking into account the vast expression that it acquires and its extremely dynamic character. The main empirical base is a recent research project carried out in Portugal, which considered both labour and sexual exploitation related flows. The underlying claim is that it is the conjunction of individual aspirations for migration, stringent migration policies and organised intermediary agents that lead to the surge of dynamic modalities for channelling flows. The fact that each agent actively interacts with the others explains the continuing changes in the process.

Keywords: Trafficking, smuggling, illegal migration, Portugal.

Trafficking and human smuggling in contemporary societies has received considerable attention in recent years. Scientific research on the theme and the number of references to it sharply increased, accompanying the worldwide growth of these flows (for a recent review, see Peixoto *et al.* 2005). One of the recurrent debates in the literature has focused on conceptual issues: despite the conscience that largely different types of movements occur on this field, the characterization of trafficking of human beings, at the one hand, and smuggling of migrants, at the other, often overlaps (Aronowitz,

¹ This paper is based on a presentation by the author at the 25th IUSP International Population Conference, held in Tours, France, in July 2005.

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2001; Salt, 2000). Some theoretical consensus, concerning the main differentiation of flows, has already been reached. In 2000, the United Nations set clear-cut definitions of smuggling and trafficking: for the UN, smuggling is a kind of flow that mostly involves support to irregular migration, whilst trafficking involves exploitation, violence and fraud³. In our view, these complementary definitions represent a useful orientation, since they allow a better understanding of different types of movements. However, some difficulties remain, since the empirical observation of flows reveals a *continuum* of extremely dynamic situations. It is often not easy to differentiate services provided to illegal migrants from the systematic abuse of human rights in trafficking.

Another focus of theoretical discussion is related to the duality between inquiries that point to a mostly passive attitude of migrants, leading to an emphasis on victimization, and others that suggest a more active behaviour (Aronowitz, 2001; Anderson and Davidson, 2003; Kyle and Koslowski, 2001). In our view, the theoretical understanding of flows still needs to go further in this point, capturing more clearly the agents' strategies in this field. Underlying claim in this paper is that it is the conjunction of individual aspirations for migration, stringent migration policies and organised intermediary agents that lead to the surge of dynamic modalities for channelling flows. The fact that each agent actively interacts with the others explains the continuing changes in the process. For this reason, a concrete flow, occurring in a given time and space, can only be understood by highlighting the different rationales and strategies involved. In other words, it is the simultaneous evaluation of individual migration strategies, the institutional framework - particularly state policies - and intermediary agents' strategies that can lead to a systematic understanding of trafficking modalities.

³ Protocols related to the UN Convention against Transnational Organized Crime: Protocol Against the Smuggling of Migrants by Land, Sea and Air, and Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children.

The perception of concrete forms of trafficking in time and space – adopting, with a simplifying purpose, the concept of “trafficking” in its broadest sense, including trafficking and smuggling –, as well as the modes of its development, need a comprehensive approach of this type. Indeed, migrants’ trafficking reveals itself to be extremely dynamic, reflecting the fact that individual and collective agents must be continuously adapting to the behaviour of others. Several agents are involved: individual potential migrants and their families, state officials, smugglers and traffickers, labour employers. The ultimate outcome of trafficking is to build channels for migration, which must respond to the individual motives and the general framework. In this process, the desire of individuals to migrate must combine with the lucrative business purposes of traffickers, in a context of institutional policies and labour market requirements.

Two implications are the following. Firstly, most individual migrants have an active role in the migrants’ trafficking process. The discourse on the victimisation of migrants has been often criticized in the literature, and this is supported by this view. Except in extreme cases of violence and exploitation, individual migrants involved in trafficking have some active role in searching and choosing between different modes of migration. The restrictions created by immigration policies have indeed an important role in explaining illegally organised modes of entry (although not all forms of trafficking are illegal – see Anderson and Davidson, 2003). Secondly, trafficking processes reveal themselves to be extremely dynamic, conducing to ever new irregular migration channels. This dynamism is mainly the result of an open interaction between active agents, either individuals or collective entities. The latter comprise both formal institutions, such as the state and firms, and informal ones, such as diffuse networks of trafficking.

These considerations result from a research project about trafficking and smuggling of immigrants in Portugal, conducted in 2004. This project had addressed the issues of trafficking of workers and trafficking of women for sexual exploitation. The rationale behind the project was the fact that

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between the late 1990s and the early 2000s, Portugal witnessed significant flows of this kind, found mainly trafficking of labour from Eastern Europe and trafficking of women for sexual exploitation from Brazil. The project adopted a diversified-methodology. In order to have an informed view about the phenomenon, several steps were taken: theoretical and documental analysis, including media and legislation analysis; research of judicial cases; interviews with several governmental and non-governmental institutions involved in the field; and collection of life histories.

The importance of smuggling and trafficking processes for overall immigration in Portugal was high. Taking the official figures, the number of immigrants more than doubled in the early 2000s: in 2000, 207 607 legal foreigners (holders of residence permits) were registered, reaching around 2% of total population; few years later, in 2004, 446 178 legal foreigners (holders of residence permits and permits of stay) were counted, reaching around 4.5% of total population. The flows were particularly strong during 2000-2002, and decreased afterwards. It is known that a large part of this growth was, directly or indirectly, related to smuggling and trafficking – mainly of labour, which was large in volume. These flows were responsible for the large increase of illegal immigration in the country at the turn of the century, a large part of which was later regularized, mainly during a regularization program set in 2001 (which conceded temporary “permits of stay”, valid for one year and renewable after that). During this period, the operation of trafficking networks was extremely dynamic, reflected in rapid surges and profound changes within a few years.

The main results of the research project were as follows (for the complete results, see Peixoto *et al.* 2005). Regarding trafficking of labour force, it mainly involved immigrants coming from Eastern Europe. The strongest flows were registered in the late 1990s and early 2000s, with a peak in 2001, and the main nationalities involved were Ukraine (most migrants), Moldavia, Russia and Romania. Eastern European migration was a completely novel migration to Portugal, and the absence of former social networks set the stage for an

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easy action of traffickers. The modes of operation of trafficking networks were similar. A "migration package" was bought in the origin country, including a tourist visa (short-term) to a Schengen country (Portugal was a part of the Schengen area since its beginning, in 1995), travel and contact person in Portugal. This contact person was responsible for providing housing and helping finding job. After arrival, "smuggling" cases became very often "trafficking" ones, since elements of the networks operating in well defined areas of the territory were responsible for extorting immigrants. They demanded a "subsidy for protection", usually independent from the initial debt, often using violent means.

Different types of networks were found. At the one hand, small and loose networks, displaying a weak degree of organization, finished the interaction with immigrants almost after arrival (this operation may be depicted as a simple case of smuggling). At the other hand, large and well organised networks, displaying formal hierarchy and job division, and having ties with criminal activities in the sending country, continued the interaction with immigrants after arrival, usually by extorting (a situation that configures a case of trafficking). In both cases, immigrants were mostly men targeted for low skilled jobs in civil construction, and also women, targeted for domestic service and, occasionally, for the sex industry. Their level of education was often considerable (the majority possessed a complete secondary level education). The evidence showed that the traffickers' services were freely sought for by the immigrants in the origin countries, usually by contacting a "travel agency". Whilst some of the immigrants, after completing the payment, ran a normal living as economic migrants in the Portugal, others had severe problems of getting rid of traffickers, being coerced and exploited after their arrival. Both kinds of trafficking networks' reduced their operations after the early 2000s, following a decrease in job demand in the Portuguese labour market, a stricter control of such illegal activities in the territory and a better integration of immigrants.

Trafficking of women for sexual exploitation was found-mainly linked to Brazil. Inflows increased in the late 1990s -

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although its exact dimension is hard to be evaluated -, accompanying the growth of the sex industry all over the country (urban and non-urban locations). Traffickers' networks mostly convened Portuguese owners of night-bars and clubs, contacts in Brazil (often women with previous experience of prostitution or Portugal or not) and other contacts in Portugal. The networks structure was mostly loose and flexible, linked to a small dimension of these groups. Some evidence was gathered about the women involved in the flows: most of them come from low and low-middle classes in Brazil; many did not have previous experience in prostitution in the home country; many knew which kind of general activity they would find in Portugal (although the degree of "deception" in this field is a matter of dispute - some were contacted to work as "dancers" and "escort" girls); and most held some control over their destiny after arrival (no evidence of severe violence or imprisonment was found). The heterogeneity of women's conditions in these cases, ranging from a more autonomous to a more controlled living, has already been addressed in other studies (for example, see Campani, 2001).

The evidence gathered in the project suggests that multiple causes, at the macro level, are active in the smuggling and trafficking processes. These causes include push factors for emigration (in Eastern Europe and Brazil), European Union regulations (the Schengen agreement), pull factors for immigration (job demand in low skilled and scarcely regulated jobs - civil construction, cleaning and sex industry) and the Portuguese immigration policy (scarcity and slowness of legal ways for regular immigration, restrictive immigration control and special legalization programs). At the micro level, several agents are involved in these processes and a dynamic interaction between them takes place. Relevant agents include migrants (often active and accountable in the process), intermediaries (more or less organised smuggling and trafficking networks), employers (civil construction, domestic cleaning, night-bars, etc.), non-governmental associations, and government and public authorities in Portugal.

A regular interaction between these agents takes place. As a result, there is a permanent creation and (re)adaptation of strategies between individuals and groups. This leads to large variations in the type of intermediation (smuggling and trafficking), the quantitative volume of flows and the modes of operation. For example, traffickers' networks realized that they could benefit from the opening of the Schengen space, the labour demand and the opportunities for regularization existing in Portugal, and the emigration potential of the sending countries; following the decrease of labour demand and the stricter police control, they immediately reduced their activity. Given a high demand and supply of migrants, and in a context of restrictive immigration policies, it can be said that the stage is favourable for the creation and strengthening of "formal" and organised networks, providing support for individual migrants in their legitimate migratory strategy and practicing exploitation as a form of taking advantage of the migrants' vulnerability.

In the Portuguese case it can be said that the mutual adaptation of agents' strategies led to a profound change in the immigration patterns in the last ten years: the appearance of new sending countries (coming from the outside of the Portuguese-speaking area - the traditional Portuguese migratory system), a very strong increase of immigration in a short time span - between 2000 and 2002 - and a strong decrease in speed afterwards. Additionally, many of the traffickers' networks activities resulted from short-term economic and policy changes (including legalisation policies) and were modified afterwards. This dynamic interaction between different agents creates a very changeable profile of immigration (rhythms and characteristics), a situation largely different from the traditional channels of migration, based on the slow functioning of recruitment agencies and informal social networks.

Regarding individual immigrants, it still needs to be stressed that the importance of individual agency must not be underestimated in the analysis of smuggling and trafficking processes. Either in the most rapid interactions resulting from smuggling, or in the more long and dramatic situations

MIGRANTS TRAFFICKING AND INDIVIDUAL STRATEGIES related to trafficking, a considerable amount of willingness and of rational decision may be found. Indeed, it is more likely to find these elements in simple “smuggling” situations, whilst they decrease in degree when we move to an extreme “trafficking”. The admission of individual agency and related complex strategies must not deny the role of structural constraints, which act upon the behaviour of agents and lead them to probable outcomes. It is our view, however, that the interplay between structural constraints and individual action must be looked for in smuggling and trafficking situations.

Finally, the admission of individual agency must not conceal neither the harsh conditions in which immigrants are set, nor the undesirable behaviour, from a normative point of view, of intermediaries – smugglers and traffickers. Indeed, a risk in such a perspective, admitting some complicity between migrants and intermediaries and decreasing the degree of victimisation, is the partial absolution of the latter. At the contrary, the main aim of our argument is that the simplistic view of these flows, leading to a simplistic victimisation of migrants and demonization of smugglers and traffickers, may prevent us to understand the phenomenon. The existence of a strong desire to migrate, facing strict measures of border control, has the potential to augment the role of smugglers and traffickers. If policy makers admit that the considerable volume of flows results not from the censurable role of unscrupulous intermediaries but from constrained paths to migration, a different view can be possible. This view, instead of leading to a simple criminalization of clandestine migration, may lead to the growth of legal and functional channels for migration.

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