

Study on Smuggling of Migrants

Characteristics, Responses and Cooperation with Third Countries

Case Study 4: Nigeria – Turkey – Bulgaria

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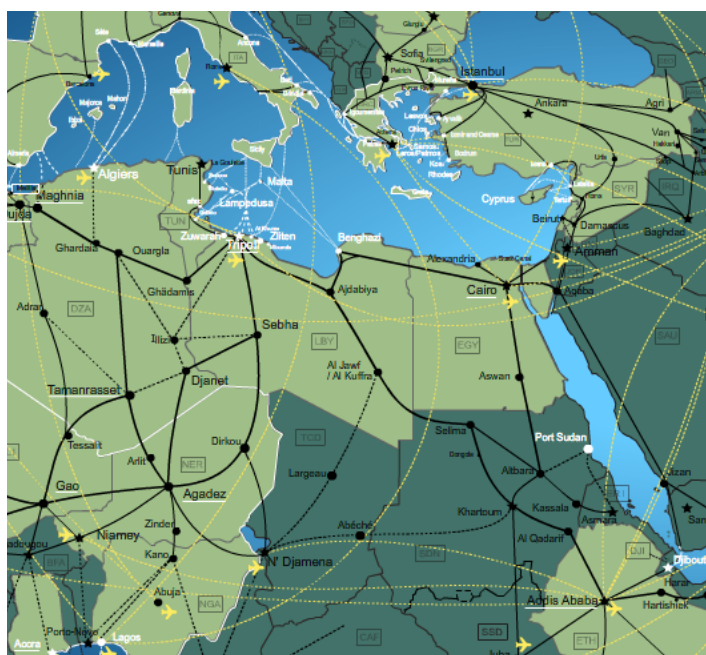
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I. Introduction

This case study elaborates the main recent trends and policies addressing the phenomenon of smuggling migrants by air from Nigeria to Turkey and from Turkey overland to Bulgaria. This case study examines the passages used by African migrants crossing through Turkey to the European Union via Bulgaria. Within this context, the report investigates irregular migration flows between Nigeria as a country of departure, Turkey as a transit country, and Bulgaria as the first country of entry to the EU. In line with this framework, this report focuses on the changing trends and routes of migrant smuggling via this route (including organisational aspects and modus operandi), as well as the relevant legal, policy and institutional frameworks in Nigeria, Turkey and Bulgaria.

Figure 1: Irregular migration routes relevant for Nigeria, Turkey and Bulgaria. Source: i-Map¹



The findings from the fieldwork conducted in three countries tend to confirm the view that there is not a well-established migrant smuggling route going directly from Nigeria via Turkey to Bulgaria. However, there is relevant recent information available on a legal route for West Africans to Turkey, who then may continue onwards irregularly. In this sense, the first leg into Turkey cannot be considered a smuggling route in the narrow sense as migrants often arrive legally. For the route from Nigeria, the most common irregular one using migrant smuggling networks is the overland route crossing the Sahara towards North Africa, primarily Libya, prior to entering Europe by sea across the Mediterranean. Moreover, regarding the irregular border crossings from Turkey to Bulgaria, the number of West Africans (Nigerians) remains very low. The “Other trends” section of the second chapter outlines information collected in the course of the research on other trends from and through these three countries. Finally, although irregular border crossings of West Africans via Turkey to Bulgaria is reportedly low, this particular route has become increasingly relevant as a crossing from Turkey to the EU, thus information on this section of the route highlights relevant collected information on the

¹ i-Map for Migration <http://www.imap-migration.org/>

main characteristics of migrant smuggling along this route segment, as well as the main nationalities using this route.

This first introductory chapter of this case study first outlines the methodology used in Nigeria, Turkey and Bulgaria and sets out the main trends, definitions, key actors and policies related to migrant smuggling in each of the countries. The second chapter elaborates on the practices and trends of migrant smuggling along the route by concentrating on the structure and organisation of smuggling networks as well as changing trends. The third chapter provides an overview of the legal structure and policy framework applied in Nigeria, Turkey and Bulgaria, as well as the particular policies directed at this route.

1) Methodology

Nigeria

For Nigeria, a total of seven interviews were conducted in Abuja, Nigeria, between 3-6 March 2015. Interviews were arranged with all the major Nigerian governmental authorities involved in policy or operational issues linked with smuggling, as well international organisations and embassies active in the migration field. Challenges faced included negotiating occasionally patchy communications technology and processes in Nigeria; it was often only possible to identify a focal point and contact details prior to arriving in Abuja and a meeting was then scheduled the day before or on the day itself, meaning prior planning was only effective to a certain point. In addition, there was a national fuel shortage during the week of the fieldwork which caused considerable confusion and challenges moving around the city and resulted in several of the interviews being rescheduled.

The limited timeframe did not provide a suitable amount of time for developing the necessary trust and social capital among stakeholders to identify and organise additional interviews. The fieldwork took place several weeks before the Nigerian national elections, and many of the interviewed stakeholders did not have extra time beyond providing interviews.

Identifying convicted smugglers to interview was a challenge due to the lack of legislation explicitly criminalising smuggling in Nigeria, therefore meaning that smugglers, if convicted, are done so under tangential laws. Considering the limited time period of research, which limited the possibility of developing relevant contacts, identifying a convicted smuggler to interview was not possible.

The use of site selection strategy to identify potential smugglers or migrants was not used due to the time constraints detailed above and the need to prioritise the time available in Abuja to interview official sources for information. In addition, the looming national elections and raised security risks in Abuja meant that seeking areas and figures possibly linked with criminal elements of Nigerian society was not considered as a safe approach to pursue without first building the necessary trust with local contacts to guarantee the researcher's safety.

Turkey

The fieldwork in Turkey took place from the 12 February to 11 May in Istanbul, Izmir, Ankara and Agri. During this period a total of 30 interviews were conducted with a variety of actors, including: eight national authorities, twelve stakeholder interviews (including researchers, international organizations and civil society organizations), eight migrants and two smugglers. Conducting fieldwork in Turkey on this particular topic has its own particularities and challenges, as these topics are among the highly debated hot issues in general, and for

not all but most of the authorities and bureaucrats the topic has its own security dimension, which meant that a large number of the interviewees requested anonymity as a requirement for participation in the research project. Moreover, the gathering of systematised data has been difficult, due to the on-going changes in administrative structures in the management of migration. The short time period of the research also created challenges in establishing trust relations with interview subjects, especially with smugglers, despite the existence of previous connections of researchers with actors involved in the process of migrant smuggling in Turkey.

More specifically, some of the migrants or smugglers in Istanbul, Izmir and Agri felt uncomfortable in the course of the interview process. They were suspicious that the researcher might be a police officer or a journalist, as well as about the research topic, which might challenge their insecure working and living conditions by making them public. As a result, they either preferred not to come to the interview site, or if they came, they chose to give general information about smuggling operations and ignored the questions detailing their own experiences with regard to the organisational structures and actors involved in the smuggling of migrants. Nonetheless, 30 interviews were successfully completed, providing a rich variety of information and experiences. Moreover, the fieldwork conducted in various locations, such as Agri and Izmir, shows the need for more qualitative research for filling the gap on critical lack of information about the changing regional dynamics which alter the process of the smuggling of migrants, and the actors involved.

Access to national stakeholders was another challenge that the research team encountered during this fieldwork. Even though the signed and approved letters were sent to the authorities, no positive reply was received. In order to overcome this hurdle, the research team attempted to contact gatekeepers through various channels. For this purpose, contacts were established with several NGOs, academics and journalists in Ankara, Izmir and Istanbul. These middlemen managed to connect the research team with other respondents and to conduct and complete the in-depth interviews not only in Ankara and Istanbul but also in Izmir and Agri.

Bulgaria

During the fieldwork in Bulgaria, seventeen interviews were conducted in two field visits in Sofia, from 19-27 February 2015 and from 17-27 March 2015. Seven interviews were conducted with official and expert stakeholders: one interview was conducted with an authority from the General Department of Border Police of the Ministry of Interior, three interviews with international organisations, one interview with a journalist, one interview with a researcher and one with an interpreter of Bulgarian-Syrian origin. The other ten interviews were with migrants. With the migrant respondents, the targeted group were people who have either crossed through the Bulgarian-Turkish border in the last few years (mainly targeting Nigerians or nationals of African countries), or with migrants representative of the currently main nationalities in Bulgaria, i.e. Syrians and Iraqis. Apart from the officially conducted interviews, requests for statistics and interviews with relevant authorities were sent to the Ministry of Interior, the Ministry of Justice and to the Ministry of Foreign Affairs. Contact was established with a relevant employee at the Ministry of Foreign Affairs through telephoning and data was also received from the Ministry of Justice. Other informal discussions took place with other key actors in the field to achieve the best results given the time constraints. The interviews with the stakeholders took place on the premises of the respective organisations or in government offices in the case of the public authority.

The methodologies used during the fieldwork were mixed methods to approach the expert respondents and migrants.² Specifically the method of time-location or time-space sampling was implemented,³ regarding the initial ethnographic mapping of the locations.⁴ Interviewing smugglers was not possible, as the time constraints for the research prevented building trust or finding a strategy of safe approach. The contacts and interviews with migrants were made mainly through organisations and in places where migrants from different nationalities regularly meet, through “snowball sampling” or through personal contacts of the researcher in Bulgaria.

2) Nigeria

Nigeria has a long tradition of mobility, as both a country of immigration and emigration. According to a 2005 IOM report, large scale emigration from Nigeria towards Europe commenced in the late 1990s, in response in part to financial breakdown, an increasingly violent military regime and corruption in Nigeria’s public system, coupled with high demand for unskilled labour and liberal immigration policies in southern Europe at the time.⁵ Hein de Haas suggests that the increasing violence and economic breakdown in the West Africa region in the late 1990s simultaneously contributed to the decline of the Cote d’Ivoire as the regions’ pre-eminent labour migration pole. The subsequent gap left in the regions’ labour market was not compensated for, resulting in a lack of viable migration destinations in West Africa for the growing pool of potential emigrants, including Nigerians. The geographic expansion of emigration destinations beyond the region developed shortly after, including destinations in Europe, the US, the Gulf States and South Africa.⁶

The current state of irregular migration from Nigeria to Europe is characterised by several trends (see Figure 2 for a visual of these various routes): the well-documented and long established overland route crossing the Sahara to North Africa prior to an eventual attempt to cross the Mediterranean via boat on the West African or Western Mediterranean route; legitimate travel to Europe with authentic travel documents and then subsequently overstaying visa conditions; or via air travel using forged documents towards Europe, either via a direct flight, transiting through another West African country before taking a direct flight, or via flying to a transit country on European borders before attempting a land border crossing into the EU. The latter trend is the primary focus of this report.

² Jandl/Vogel/Iglicka/Kraler, 2008, Heckathorn, 1997, 2011

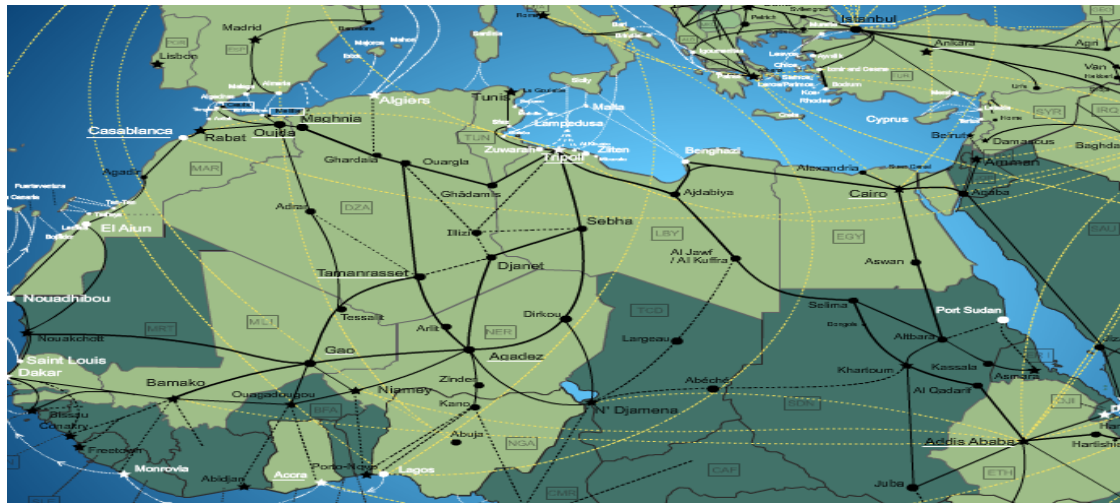
³ Semaan, 2010

⁴ Biernacki/Waldorf, 1981

⁵ Carling, Jorgen (2005) *Migration, Human Smuggling and Trafficking from Nigeria to Europe*, (International Peace Research Institute for the International Organization for Migration (IOM), Oslo) p.21

⁶ De Haas, Hein. (2007), ‘The myth of invasion: Irregular migration from West Africa to the Maghreb and the European Union’ International Migration Institute Research Report (University of Oxford; Oxford) p.11

Figure 2: Irregular migration routes in West Africa. Source: i-Map⁷



The UNODC study on *The Role of Organized Crime in the Smuggling of Migrants from West Africa to the European Union* (2011), one of the most recently published studies on the subject, highlights overland and sea journeys as the primary routes utilised by migrants travelling via irregular channels from West Africa towards the EU.⁸ Empirical studies assessed by De Haas suggest that the trans-Saharan journey is generally made in several stages, via what the UNODC terms “a spider’s web of migrant routes throughout West Africa that intersect at certain nodal points or hubs”, where migrants settle periodically to work and finance the next steps of their journey.⁹

In 2013, the share of West African migrants detected irregularly crossing in the Western Balkan region increased to 8% (whereas in 2012 it was 1%), with Nigerians accounting for 581 detections, a 1774% increase.¹⁰ This has been attributed by Frontex in part to the increased connections available from Istanbul Atatürk Airport to the region, operated by Turkish Airlines. Turkish Airlines currently operates flights between Istanbul and Abuja, Kano and Lagos in Nigeria.¹¹ There was no awareness of a smuggling route via air between Nigeria and Turkey among interviewed stakeholders in Nigeria however, and aside from the Frontex report (the subsequent Frontex Annual Risk Analysis 2015 did not highlight a similar trend), the trend is not mentioned currently in any of the other literature reviewed. The Frontex Annual Risk Analysis 2015 notes that in 2014 Nigerians were among the top ten nationalities identified crossing illegally between border crossing points along the sea border, refused entry at the air border, and detected using fraudulent documents at the EU external border.¹² The number of irregular migrants travelling by air routes with the assistance of a smuggler is believed to only constitute a very small proportion of the total number of irregular migration attempts, with the majority of the flow taking place via the overland trans-Saharan route, travelling legally and entering illegal status from overstaying visas, or using forged visas to travel directly by air to the intended destination country in the EU.

⁷ i-Map for Migration <http://www.imap-migration.org/>

⁸ UNODC (2011c), *The Role of Organized Crime in the Smuggling of Migrants from West Africa to the European Union* (United Nations Publications: Vienna)

⁹ UNODC (2011c) p.23

¹⁰ Frontex (2014), *Annual Risk Analysis*, Warsaw: Frontex.

¹¹ Ibid.

¹² Frontex (2015), *Annual Risk Analysis 2015*, Warsaw: Frontex.

Complementary to this, interviews with the national authorities in Turkey¹³ supported the fact that smuggling of migrants by air along the route of Nigeria-Turkey has remained small in comparison to the trans-Saharan route. The same interviews, however, reveal that the smugglers who operate within this small proportion of smuggling by air are using “look-a-like” or “double check-in” methods as well as fraudulent documents (See more details in the chapter on Practice). Especially recently, increased number of transit flights of Turkish Airlines from Ataturk Airport to various European countries, as well as the enhanced facilities for producing fake documents in Istanbul contribute to make smuggling by air for the route of West Africa-Turkey a legitimate option, despite the fact that it has as of yet been rarely used.¹⁴

Irregular migration journeys beginning in Nigeria may also transit through a neighbouring West African country, where forged documents are procured prior to taking a direct flight into Europe. Carling states that air routes from Nigeria to transit points bordering the EU, including Istanbul or Moscow, may be used prior to crossing land borders illegally into Europe (as is the case in this case study route).¹⁵

Aside from the small proportion of smuggling by air on the route of West Africa-Turkey, an official from a European embassy reported that Nigerians typically tend to fly directly to their intended destination in the EU, rather than transit via a third country first, and they tend to do so with authentic Nigerian documents and a forged visa.¹⁶ Large numbers of West African migrants are reportedly present in the Gulf States; it is possible that increased numbers of detections in Turkey or at the EU's eastern borders may be a result of this pool moving towards Europe from the Gulf rather than directly arriving from the countries of origin.¹⁷

Government stakeholders¹⁸ and UNODC¹⁹ all stated that forms of document fraud have been and continue to be a consistent characteristic in smuggling from Nigeria. According to Carling (2005), corruption in Nigeria allows the relatively easy procurement of genuine documents with partially or completely false information.²⁰ The National Commission for Refugees, Migrants and Internally Displaced Persons (NCMRI) believes that the majority of irregular migration from Nigeria to Europe occurs rather through visa overstaying²¹, which is also supported by De Haas, who states “the majority of migrants *enter* Europe legally and subsequently overstay their visas.”²²

Regarding the institutional set up, the primary stakeholders in Nigeria working on irregular migration issues, including smuggling of migrants and trafficking in persons are the Nigeria Immigration Service (NIS), the National Agency for the Prohibition of Trafficking in Persons (NAPTIP), and the National Commission for Refugees, Migrants and Internally Displaced Persons (NCRM). The NIS is the primary governmental stakeholder responsible for management of Nigeria's land and air borders, as well as leading on related issues such as document forgery and enforcement operations. NAPTIP's mandate is to address trafficking in

¹³ TR/N/4; TR/N/27

¹⁴ TR/N/4; TR/N/27

¹⁵ Carling (2005) p.34

¹⁶ NGA/A/4

¹⁷ NGA/A/4

¹⁸ NGA/A/1, NGA/A/6

¹⁹ NGA/I/5

²⁰ Carling (2005) p.23.

²¹ NGA/A/3

²² De Haas, (2007) p.iii

persons but it has previously undertaken awareness-raising work on smuggling of migrants as a tangential issue to trafficking in persons.

The NCRMI does not work directly on smuggling of migrants, but manages Nigeria's migration governance structure and plays a coordination role between all relevant ministries and agencies involved in migration matters. The NCRMI chairs the multi-agency Technical Working Group (TWG) that unifies all governmental and non-governmental stakeholders involved in operational activities related to migration. A sub-group called the Stakeholders Forum for Border Management sits one level below the TWG in the governance structure. The Stakeholders Forum is chaired by the NIS with the support of NAPTIP and provides a coordination platform for all stakeholders involved in addressing irregular migration, including trafficking in persons and migrant smuggling, at an operational level. The outputs and recommendations of this group are then fed into the Technical Working Group for consideration and approval.

Nigeria does not have a legal framework defining smuggling of migrants as a criminal activity. Nigeria has signed the UN Convention against Transnational Organised Crime (2000) and the Supplementary Protocols to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children and the Protocol against the Smuggling of Migrants by Land, Sea and Air (commonly referred to as the Palermo Protocols). According to government stakeholders, the provisions of the protocol have not been domesticated within Nigerian national law, as is required by the Nigerian Constitution.²³ A revised Immigration Act, to supersede the current 1963 Nigerian Immigration Act, was before the Nigerian National Assembly pending finalisation at the time of the research.²⁴ The revised Immigration Act will reportedly fill current legislative gaps preventing a robust response by Nigerian authorities, most significantly in the area of smuggling of migrants by domesticating the provisions of the Palermo Protocol on smuggling of migrants.

In parallel, the NCRMI has coordinated the drafting of a National Migration Policy (NMP) that was also awaiting final confirmation by Nigeria's Federal Executive Council at the time of the research.²⁵ This policy will complement the approach of the new Immigration Act in taking a comprehensive approach to migration governance. The NMP will reportedly provide an overarching framework for ensuring diverse thematic migration areas, from irregular migration issues, including smuggling of migrants and trafficking in persons, to migration and development and labour migration, are addressed through a coordinated institutional approach.

On the side of cooperation with other countries, Nigeria has signed a readmission agreement with Turkey in 2011. In addition, Nigeria has bilateral migration agreements and Memorandum of Understanding (MoU) with a number of European countries, including the Netherlands, Germany, Switzerland and the United Kingdom. MoUs require the holding of regular bilateral talks conducted through technical working groups consisting of the NIS, MFA, occasionally NAPTIP, and representatives from the partner country. Meetings are held every 6 months, being held alternately in Nigeria and the respective third country.

²³ NGA/A/1; NGA/A/3; NGA/A/6

²⁴ On 25 May 2015 this new Act was signed by the Nigerian President. Further research would be required in order to determine the impact of this new Act on migrant smuggling.

²⁵ This policy has also been approved with the signing of the new Immigration Act.

On 12 March 2015 the EU and Nigeria signed a “Joint Declaration on a Common Agenda on Migration and Mobility” (Camm).²⁶ The Camm builds upon a history of steadily developing and broadening dialogue between the parties on migration and mobility such as the “EU Nigeria Joint Way Forward” strategy document in 2009, the Ministerial Meeting held in Brussels on 16 May 2013, and following the annual EU-Nigeria Dialogues on Migration and Development held between 2008 and 2013.

On the operational level, despite the lack of a legal framework defining smuggling, the NIS stated that border guards and officials apply the concept of smuggling as defined by the Palermo protocol at an operational level at airports and land borders to detect and intercept smuggling operations.²⁷ The lack of anti-smuggling legislation prevents prosecution of smuggling offences; however the NIS and NAPTIP stated that if a smuggler is caught they will be prosecuted using tangential laws when possible.²⁸ NAPTIP stated that many issues linked with smuggling are currently included in the Nigerian criminal code, such as taking a person to another country under false pretences, illegally crossing a border, and using forged documents. These issues are all currently policed as crimes, however they are not unified under a single body of law, or clearly defined as migrant smuggling.²⁹ The recent trends and key policies noted in this section are further described in detail in the following chapters on Practice and Policy Responses.

3) Turkey

Turkey is one of the key transit routes for smuggling of migrants from Asia, Africa and the Middle East into Europe.³⁰ More recently, the trends in irregular migration and migrant smuggling in Turkey have transformed due to a number of phenomena, including the shift of the African-European irregular migration route towards the Eastern Mediterranean regions, the establishment of stronger border management at the Turkish-Greek land borders, the Syrian refugee crisis and the emergence of an environment of insecurity in Iraq as a result of Islamic State (IS) activities. The level of migrant smuggling on the route of West Africa (Nigeria)-Turkey-Europe (Bulgaria) is low, as mentioned in the previous section. A significant portion of irregular migrants enter Turkey particularly from the eastern Turkish borders with Iran, Iraq and Syria. In fact, smuggling of migrants has existed for decades as a part of the local economy on the Eastern region of Turkey, along with different patterns of smuggling goods, oil, arms and drugs within the region. Entering from the provinces of Van, Ağrı, Iğdır, Şırnak, Hakkari and Hatay along the eastern Turkish border, irregular migrants usually continue to Europe through two main routes: the northern route and the southern route (see, Figure 3).³¹

²⁶ Nigeria – EU Joint Declaration on a Common Agenda for Migration and Mobility (Camm) http://ec.europa.eu/europeaid/sites/devco/files/joint-declaration-common-agenda-eu-ng-20150316_en.pdf

²⁷ NGA/A/1

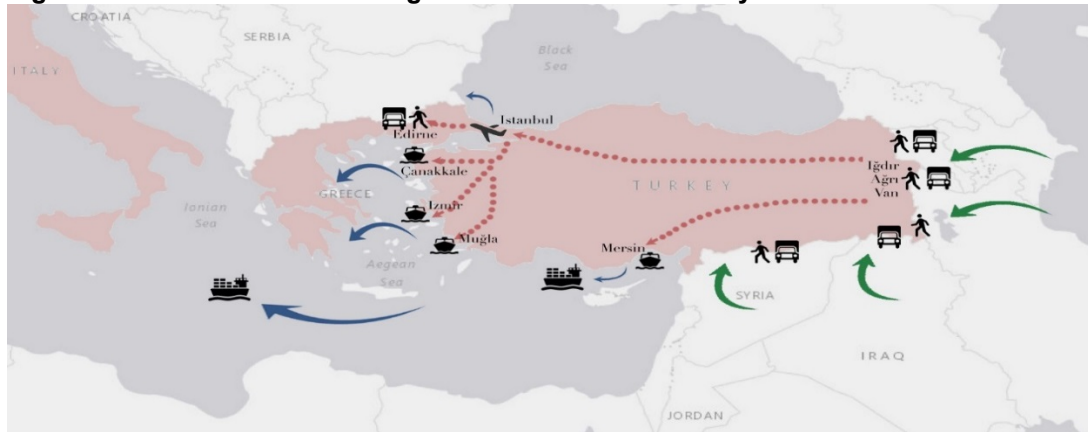
²⁸ NGA/A/1

²⁹ NGA/A/6

³⁰ UNODC (2011a), *Smuggling of migrants: A Global Review and Annotated Bibliography of Recent Publications*, (http://www.unodc.org/documents/human-trafficking/Migrant-Smuggling/Smuggling_of_Migrants_A_Global_Review.pdf); UNODC (2011b), *Issue Paper: Smuggling of Migrants by Sea*, (http://www.unodc.org/documents/human-trafficking/Migrant-Smuggling/Issue-Papers/Issue_Paper_-_Smuggling_of_Migrants_by_Sea.pdf)

³¹ Icduygu, A. & Karacay, B. (2011), *Facts, Trends and Policies on Irregular Migration Movements on the Aegean Coastline: The Case of Turkey*, *Unpublished Report for European Union Agency for Fundamental Rights*, Istanbul; UNODC, 2011

Figure 3: Main routes in the irregular movements in Turkey



The northern route crosses through northern and central Anatolia and arrives in Istanbul. The city operates as a hub, gathering irregular migrants before they proceed to either the land border in Thrace (which borders both Bulgaria and Greece); to the Aegean coastline; or to the airport in Istanbul to fly to Europe. In addition to these exit points as seen in Figure 3, although it is rare, there have recently been a few attempts of border crossing via the Black Sea region to reach Romanian coasts.³² The interviews with the stakeholders in Izmir, Turkey as well as the Frontex Annual Risk Analysis 2015 report, confirm that these incidents still constitute isolated cases, and are possibly linked to increased surveillance on the Eastern Mediterranean route, the increasing number of migrants waiting in Turkey to reach the EU and the presence of less experienced smugglers who are unaware of the risky conditions of the Black Sea. Moreover, there is also a recent trend of irregular migrants using the southern route towards Italy from Turkey (also discussed in Case Study 1). To date, Mersin, as seen in the Figure 3, has been the place where those wishing to travel to the EU in an irregular fashion have made contact with the smuggling networks.³³ (More information on both of these trends is included in the chapter on Practice and Other trends).

Returning to our case study route, two Turkish airports, Istanbul (more than 7 million arrivals) and the airport in Antalya (6.5 million arrivals) were among the top three airports for arrivals in the EU in 2014.³⁴ Especially Istanbul Atatürk Airport (IST) is an important hub for irregular migrants travelling by air to the EU, with a steady increase in passenger flows over the past several years and Turkish Airlines' expansion strategy towards Africa and the Middle East. In line with the interviewed stakeholders and migrants in Turkey, it is highly likely that Turkish airports will remain one of the common embarkation points for irregular migrants arriving in the EU. Complementary with this finding, the 2015 Frontex Annual Risk Analysis report indicates that amongst the detections of fraudulent documents at the air borders in 2014, Istanbul Atatürk Airport in Turkey remains the most commonly reported last embarkation airport from among third countries.³⁵

The findings from the fieldwork in Turkey complement the fieldwork conducted in Nigeria by emphasising that the smuggling route via air between West Africa (Nigeria) and Turkey is rarely used, even though there are several incidences involving document fraud methods of look-a-like, double check-in or the use of forged or false documents. In other words, although

³² Since 2013, Bulgaria and Romania have reported an increasing number of detections, totalling 433 migrants in 2014 (Frontex ARA 2015).

³³ Wooden boats have departed from various points along south-eastern Turkish coast such as Mersin, Adana and Hatay provinces to reach cargo vessels waiting off shore (Frontex ARA 2015).

³⁴ Frontex ARA 2015

³⁵ TR/N/27

the air route is used by irregular migrants in Turkey as well as in Nigeria as highlighted in the Frontex Annual Risk Analysis report 2015, migrant smuggling by air along the route of West Africa (Nigeria) – Turkey remains very low.³⁶ In addition, the interviewees acknowledged that the number of irregular migrants travelling by air routes with the assistance of a smuggler constitutes only a very small proportion of the total number of arrivals from West Africa (Nigeria) to Turkey. This is mainly due to migrants' preference to enter Turkey legally or fly from Nigeria and/or its neighbouring countries directly to Europe with the help of smugglers. Another recent trend noted by the interviewed national stakeholders³⁷ is a route from Nigeria to Gulf States. After reaching the Turkish border near Syria they use cargo ships to arrive the EU, notably Italy.

Despite the limited use of smuggling networks on the route from West Africa to Turkey, an increasing number of sub-Saharan African migrants have arrived Turkey over the last few decades. Due to ethnic conflicts, ongoing wars, state failure and poverty in Africa and enhanced political and economic relations with Turkey in the mid-1990s, sub-Saharan Africans appeared to use smuggling networks to transit Istanbul or Moscow, prior to illegally entering Europe via illegal land border crossings (as is the case with this route).³⁸ Although this route might have been used for smuggling of migrants in the 1990s, as highlighted by Carling in 2005, today, it is difficult to make such a conclusion, as the reviewed literature and the fieldwork conducted in Turkey does not provide any further evidence for the continuation of this trend. (See more details on the part of Practice). The findings from the fieldwork indicates that many sub-Saharan African migrants end up finding the means to stay longer in Turkey, or to circulate between Turkey and Africa, despite an initial intention of using Turkey as a transit country. As a relatively new phenomenon, sub-Saharan African migration to Turkey either for transiting, shuttling/trading or settlement has begun to receive attention.³⁹

In Turkey, there are two main legal categories of irregular border crossing: migrant smuggling and human trafficking.⁴⁰ These two notions are classified as different crimes, since migrant smuggling is considered a crime against the nation, whereas human trafficking is a crime against an individual.⁴¹ Migrant smugglers are legally defined by Article 79 in the Penal Code (No. 5237), as “persons who directly or indirectly involved in: a) unlawful entry of a foreigner in the country or facilitate his stay in the country, and b) unlawful transfer of Turkish citizens or foreigners abroad.” According to an amendment made in the Code in 2010, even if the migrant smuggling was premeditated but not actually completed, it would still be classified as a crime. Therefore at the operational level, the current system allows for border guards to consider the attempt, not only the act, as a case of migrant smuggling in Turkey.

In regards to migrant smuggling routes via Turkey, Frontex indicates that arrivals by sea from Turkey to Italian, Greek and Cypriot shores is much higher than the arrivals at land border crossings between Turkey and its EU neighbours, Greece and Bulgaria.⁴² In 2014, 50 800 detections were reported along Eastern Mediterranean route, representing 18 percent of the total. This was twice as many as in 2013, primarily due to an increase in detections in the

³⁶ TR/N/27

³⁷ TR/N/27; TR/N/4

³⁸ Carlin, 2005.

³⁹ Fait, N. (2013). African Migration toward Turkey: Beyond the stepping stone, *SBF Dergisi*, 68:1, 21– 38; Suter, B. (2012a). Tales of Transit – Sub-Saharan African Migrants' Experiences in Istanbul. *PhD Dissertation*. Linköping and Malmö University, Sweden; Suter, B. (2012b). 'Social networks in Transit: Experiences of Nigerians migrants in Istanbul', *Journal of Immigrant and Refugee Studies*, 10(4), 204-22.

⁴⁰ TR/A/18

⁴¹ TR/N/19

⁴² The Frontex Annual Risk Analysis Report (2015),

Aegean Sea (from 11 829 in 2013 to 43 377 in 2014). According to interviews with civil society organisations in Turkey,⁴³ the main groups using the sea route were Syrians and Palestinians, followed by Afghans, Iraqis and East Africans. Compared to the detection at the sea borders, detections at the Bulgarian and Greek land border with Turkey have been much lower, totalling less than 6 000 detections.⁴⁴ This has been attributed in part to recent Bulgarian policy responses along this border (See Policy Responses chapter for more information).

According to data obtained from national authorities, the main countries of origin for apprehended migrants on the Turkish borders in 2014 were (in descending order): Syria, Afghanistan, Myanmar, Iraq, Eritrea, Turkey, Pakistan, Georgia, Palestine and Iran. Most were apprehended along the Syrian border, followed by the Greek border (for more information on this, see Case Study 3) and the Bulgarian border. The majority of smuggling occurs through border passages within Turkey, an area that is monitored by the Turkish National Police. In 2014, a total of 4,822 migrants were apprehended by the National Police forces, an increase from 3,210 migrants in 2013.

The operations to reduce and prevent illegal border crossing and migrant smuggling are shared between the National Police and the Turkish military forces. As a specialised department within the Turkish National Police, the Department of Anti-Smuggling and Organized Crime (KOM) focuses specifically on benefit-oriented criminal organisations, including migrant smuggling organisations. KOM focuses primarily on organised crime and therefore three main aspects are considered within the framework of migrant smuggling: (1) the smuggling organisation has to have more than three members, (2) the smuggling operations needs to be sustained over a period of time, and (3) the organisation needs to have a hierarchical structure.⁴⁵

The administration of the external borders is undertaken by the Turkish General Staff (TGS) and distributed between the General Command of Gendarmerie and Turkish Land Forces for land borders, and the Coast Guard Command for sea borders. The border crossing points are administered by the Ministry of Interior Turkish National Police (EGM) and the Ministry of Customs and Trade. Before the establishment of the Directorate General of Migration Management (DGMM) in 2014, apprehended irregular migrants by the police, Coast Guards or Gendarmerie were taken to “Foreigner Guesthouses” under the management of the National Police. Under the current protocol, irregular migrants are transferred to “Removal Centres”, which are facilities used to detain foreigners for administrative purposes within the DGMM framework. Turkey kept its borders open to receive Syrians fleeing violence, while immigration police at Istanbul’s airport started accepting asylum applications and allowed the UNHCR to gain access to asylum-seekers in the transit zone at Istanbul’s Ataturk Airport.

Over the last five years the Turkish state has been focusing on the issues of border management and control procedures, especially in line with the EU’s demands for maintaining more restricted borders. The official ties between Frontex and Turkey became institutionalised in 2013, marking a significant shift in the management of borders and control procedures. 2013 was marked by the finalisation of the Readmission Agreement negotiations

⁴³ TR/N/6 and TR/N/8

⁴⁴ The report also indicates that information for some of the busiest land borders, such as the Bulgarian and Greek land border with Turkey is still missing. In Bulgaria, as a consequence of increased Bulgarian operational measures, including an Integrated Border Surveillance System (IBSS) and a special police operation, the level of detections decreased compared to 2013 and tended to be mostly reported from the eastern part of the border, not covered by the IBSS (Frontex ARA 2015).

⁴⁵ TR/A/4

between Turkey and the EU. According to the agreement, the readmission of third country nationals will enter into force three years after the signature, and if the requirements are met, this will be followed by visa liberalisation for Turkish citizens in Europe. In conformity with the ongoing readmission negotiations, Turkey is a signatory of readmission agreements with main origin countries (for more information see section on Policy Responses below).

4) Bulgaria

Since 2012, the number of detected migrants and refugees attempting irregular border crossings to Bulgaria has increased, with Syrians representing more than half of all detections. In Bulgaria, as a consequence of increased operational measures, including an integrated Border Surveillance System (IBSS) and a special police operation along the border, detections of irregular border crossings through the green border decreased compared to 2013 and tended to be mostly reported at the eastern part of the border, not covered by the IBSS.⁴⁶ In recent developments in migrant smuggling, it appears that 1) groups of migrants attempting to cross the border have become more numerous in comparison to previous years when the migrants were crossing the border in smaller groups, and, 2) the number of migrants hidden in vehicles has increased in relation to the number attempting to enter irregularly through the green border. In general, the detections of clandestine entry in vehicles increased at the EU external borders sharply from 599 in 2013 to 3,052 in 2014.⁴⁷ This rise was due in part to a tenfold increase in detections reported from the Bulgarian border crossing points along the land border with Turkey,⁴⁸ which in 2013 numbered 366 detections. In 2014 that number had increased to 1,995 attempted irregular entries through the BCP.⁴⁹ In 2014, the data reveals that 353 migrants have lodged asylum applications at the Border Control Points, which is a practice that had not occurred previously.⁵⁰

In many cases, smugglers from the Turkish side leave the migrants at certain points before the border area and give them instructions on the route, leaving them to cross the border alone. An important result of the construction of the Turkish-Bulgarian border fence in 2014 has been an increase in smuggling attempts through border crossing points and increases in irregular crossings of the green border along the Eastern routes.⁵¹ A comparative view of the statistics confirms the above trends – in 2013 approximately 11,500 migrants entered from Turkey irregularly and the vast majority entered through the green border. In 2014, 6,500 migrants entered irregularly, with 4,000 using the route through the green border and 2,500 found hidden in vehicles. Since the beginning of 2015 up until 19 March, 841 migrants were apprehended when crossing the green border and 952 were detected at the BCP, and 353 of the total have lodged asylum applications.⁵²

⁴⁶ FRONTEX Annual Risk Analysis 2015

⁴⁷ FRONTEX Annual Risk Analysis 2015

⁴⁸ FRONTEX Annual Risk Analysis 2015

⁴⁹ Data from the Bulgarian Ministry of Interior as of 21 March 2015

⁵⁰ Data from the Bulgarian Ministry of Interior as of 21 March 2015

⁵¹ BG/II/10

⁵² Data provided by the Bulgarian Ministry of Interior, GDBP as of 21 March 2015

Figure 4: Irregular migration routes in the Eastern Mediterranean countries, Source: i-Map⁵³



Nigerians appear to be amongst the top ten nationalities from third countries detected on entry to EU or Schengen area, with 481 persons in 2013 and 516 in 2014. Regarding migration from African countries to Bulgaria, it appears that previous African migrants, those who had come for studies during the socialist period, were highly educated, fluent in Bulgarian and worked as engineers and doctors in both the public and private sector, and have often been integrated in host society through marriage, according to a study in 2005 by Anna Kristeva.⁵⁴ According to the author, new flows of migration to Bulgaria are rather different, characterised by lower educational levels and undocumented or semi-documented legal status. Some of these migrants have been smuggled into the country, hoping to move onto other EU countries, and, despite the prevailing negative attitude of the Bulgarian public towards new African and Asian migrants and those of Muslim origin,⁵⁵ immigration from these parts of the world is expected to intensify in the coming years.⁵⁶ Research conducted in 2008 shows that in Bulgaria there is significant racial, religious and ethnic prejudices in relation to migrants (from African, Latin American countries, EU or USA), Muslim migrants and East Asian migrants (from Vietnam, China, Japan). This has also been confirmed by more recent reports by civil society and international organisations.

Bulgaria has adopted criminal and administrative sanctions for the facilitation of unauthorised entry and residence in the territory of the Republic of Bulgaria. In this regard, the transposition of the Directive 2002/90/EC provisions is completed in general legislation such as the Criminal Code (CC) with regards to natural persons and the Law on Administrative Offences and Sanctions (LAOS) with regards to legal persons. On the basis of the above findings, conformity can be concluded.

The penalty for smuggling is defined in the Criminal Code, Chapter Eight, Art. 280. (amend. and suppl. - SG. 28 of 1982 repealed. SG. 37 of 1989, a new SG. 62 of 1997). According to Article 280;

“A person who takes individuals or groups of persons across the frontiers of this country without permission from the respective authorities, or with permission but not through the points designated therefore, shall be punished by deprivation of liberty for one to six years and a fine of five hundred to one thousand BGN.

(2) The punishment shall be deprivation of liberty from one to ten years, a fine from one to three thousand BGN and confiscation of part of or the entire property of the perpetrator, if:

⁵³ i-Map for Migration <http://www.imap-migration.org/>

⁵⁴ Cited in Triandafyllidou/Gropas (2014).

⁵⁵ Also noted in the latest Annual Report of the Helsinki Committee

⁵⁶ Triandafyllidou/Gropas, 2014

i) The person takes a child that is less than 16 years of age across the frontier; ii) The person has been taken across the frontier without his/her knowledge; iii) The person taken across the frontier is not a Bulgarian citizen; iv). A motor vehicle, an aircraft or another means of transportation has been used; v). The crossing of the frontier has been organised by a group or organisation and has been carried out with the participation of an official, who has abused his official position.

(3) In the cases under paragraph (2), item 4, the means of transportation shall be appropriated by the state, if it was owned by the perpetrator.”

Also relevant with regard to migrant smuggling are also the following regulations: Art. 18 CC (for an attempt of illegal activity), Art. 20-22, CC (for accessory), Art. 308 CC (document fraud), Art. 321, para. 3 CC (for organization of criminal activity), Art. 83a of the Law on Administrative Violations and Sanctions (administrative and criminal liability of legal persons, including a crime under Art. 280 CC).

Several Departments in the Ministry of Interior are responsible for combating the smuggling of migrants within a general framework of combating irregular migration. The Chief Directorate Border Police of the Bulgarian Ministry of Interior is a specialised border guard, operational and search police service of the Ministry of Interior for guarding state borders and controlling compliance with the border regime. There are seven Regional Directorate Border Police under the Chief Directorate Border Police of the Bulgarian Ministry of Interior, all of which are responsible for guarding and surveillance of the relevant part of the state border. Mainly the General Department Border Police (MoI) is working on the issues of smuggling of migrants together with the General Department of Organised Crime (MoI) and the National Police (MoI). The State Agency of National Security (Council of Ministers) also deal with countermeasures, but is obliged to cooperate with the Border Police in the operations of arresting groups on the border area. The Ministry of Interior is responsible for the arresting and the prosecuting of the smugglers.

II. Practice

This section covers the main evidence collected in the course of this study on practices of migrant smuggling operations along this route, focusing on the specific route segments of Nigeria-Turkey and Turkey-Bulgaria. Within each route section, the relevant information available is included in sub-sections on dynamics, scale and patterns; modus operandi; smugglers organisation and migrants' relations with smugglers. In the final section of this chapter, "Other trends", findings that have been illuminated in the course of the research but that fall outside the selected routes and route segments have been included, such as other routes from Nigeria, issues related to trafficking in persons from Nigeria to Europe, other routes from Turkey and secondary movement from Bulgaria.

1) Nigeria – Turkey

i. Dynamics, scale and patterns

Today, the sub-Saharan African community in Turkey constitutes a diverse group in terms of their countries of origin, with migrants from Eastern, Western, Southern and Central Africa, each with their own migratory history and motivations. The fieldwork conducted in Turkey tends to confirm the view that migrant journeys are not always planned and are often fragmented. Indeed, as Fait has noted, migrants from sub-Saharan countries are not only using Turkey as a stepping stone on their journey but also have different experiences which do not fit into the notion of "transit".⁵⁷ Thus, Turkey is increasingly considered as a country for settlement (although perhaps not at first) and as a destination country (intentional since the beginning of the journey), by means of both regular and irregular stay.⁵⁸ This is particularly so where countries have growing economies and partnerships with Turkey (such as consular representation) and the possibility to obtain a visa easily, as in the case of Nigeria, Ghana, Guinea, Senegal, Ethiopia.⁵⁹

Statistics show that although migration from Sub-Saharan Africa to Turkey is relatively meagre in demographic terms, it is growing exponentially. The number of 312,096 arrivals from African countries registered in 2008 has increased quite regularly up to 807,484 in 2013, as seen in Table 1.⁶⁰ In other words, between 2008 and 2013, both arrivals from and departures to African countries have doubled. Moreover, the number of arrivals from and departures to Turkey were almost the same between 2012 and 2013 (see Table 1).⁶¹ According to the data on apprehended irregular migrants by nationality, from 2003 to 2013, Somalis are the most apprehended African migrant group, followed by Mauritaniens and Eritreans; while Nigerians are present in quite small and decreasing numbers.⁶² The statistics for 2013 indicate that the largest apprehended African group were Eritreans (354), followed by Moroccans (85) and Nigerians (81).⁶³

⁵⁷ Fait, N. (2013). *African Migration toward Turkey: Beyond the stepping stone*, SBF Dergisi, 68:1, 21-38

⁵⁸ Fait 2013

⁵⁹ Fait 2013

⁶⁰ Ibid

⁶¹ Içduygu, A. (2014), *Turkey and International Migration*. SOPEMI-OECD Report, Istanbul.

⁶² Ibid

⁶³ Ibid

Table 1: Arrivals in and Departure from Turkey by African nationality, 2012-2013 *Source: İcduygu 2014*

Nationality	Arrivals		Departures	
	2012	2013	2012	2013
African Countries	713 399	807 484	701 167	789 422
Algeria	104 489	118 189	101 482	116 678
Morocco	77 884	82 579	75 739	79 863
Republic of South Africa	40 771	44 798	40 732	44 844
Kenya	5 510	6 226	5 309	6 154
Libya	213 890	264 266	215 846	262 851
Egypt	112 025	107 437	110 848	105 286
Nigeria	19 897	22 869	19 258	21 788
Senegal	5 650	4 811	5 173	4583
Sudan	8 161	9 319	7 573	8354
Tunisia	86 595	91 683	85 507	89 983
Other African Countries	38 527	55 307	33 700	49 038
Stateless	31 739	35 501	31 330	34 920
Citizens Total	11 731 463	12 474 218	11 860 888	12 513 018

With regard to migrant smuggling on the route of West Africa (Nigeria) to Turkey, getting precise data is one the main challenges of the research conducted for this project. The only data that was obtained during the research is the statistics on smuggling events at Istanbul Ataturk Airport. As seen in Table 2, it shows that document fraud, double check-in and look-like methods are among the methods that are used in migrant smuggling by air. This data reflects a slight increase in the document fraud events from 3109 in 2013 to 3665 in 2014. Additionally, more than 1700 events that were facilitated by look-a-like method have been identified at the Ataturk Airport in 2014. Considering the nationalities of the arrested migrants at Istanbul Ataturk Airport, an interviewed national stakeholder stated that generally the “whole package” smuggling (i.e. from country of departure to country of destination) by air is preferred by wealthy migrants from the Middle East (Syria, Iran, Iraq) and North Africa (Morocco) via the Istanbul Ataturk Airport, where West Africans (Nigerians) present only a small proportion among them.⁶⁴ Additionally, on this air route, few cases of step by step smuggling exist, where migrants are using their own networks to reach to the destination country, as confirmed by the interviewed national authorities in Istanbul and Izmir.

Table 2: Smuggling Events at Istanbul Ataturk Airport (2013-2014) *Source: N/A*

Event	2013	2014
Document fraud (including double check in)	3109	3665
Look-a-like method	N/A	1754

⁶⁴ TR/N/27

In addition to the few cases of migrant smuggling on the route of West Africa-Turkey, and as indicated by an interviewed national stakeholder in Istanbul, according to Frontex's 2014 Western Balkans Annual Risk Analysis, detections in 2013 of West Africans transiting the Western Balkan region increased at an unprecedented rate (+1316% on the previous year). West Africans (mostly from Mali, Nigeria and Ghana) increased their share of the regional total to almost 8%, up from less than 1% in 2012.⁶⁵ The numbers increased in particular in relation to nationals of Mali (671 or 932% more), Nigeria (581 or 1774% more), Ghana (from 4 to 391), Cote d'Ivoire (from 9 to 353), Senegal and Guinea. In comparison, the Frontex 2015 Western Balkans Annual Risk Analysis notes a "sharp decline in the number of migrants from North and West Africa (-90% and 71% respectively)" in 2014, and that the detections of illegal border crossings by African migrants along the Western Balkan route remain relatively low (258 in 2014 in total), and show a 25% decrease from 2013 figures.⁶⁶ There were 29 detections of Nigerian's along this route in 2014, being the third most detected African nationality after Eritreans (68) and Algerians (39).⁶⁷

Frontex's 2014 Western Balkan Annual Risk Analysis notes that all these countries are now connected with Istanbul airport through direct flights operated by Turkish Airlines. Turkish Airlines is reported to operate from Ataturk Istanbul Airport to 33 destinations in Africa, nine of which are in West Africa. According to data available at the end of 2013, Turkish Airlines offers almost 5800 seats per week on flights from eight airports in West Africa to Turkey.⁶⁸ In his research on migration, migrant smuggling and trafficking from Nigeria to Europe, Carling stated, in 2005, that historically smuggled migrants from Nigeria may travel via transit points bordering the EU, such as Istanbul and Moscow, prior to illegally entering Europe via illegal land border crossings (as is the case in this route). He also notes that the number of Nigerian irregular immigrants arrested in Turkey increased dramatically towards the end of the 1990s.⁶⁹ There is little evidence of any further development of this trend up to the present day however. In addition, the recent development of air connections linking West Africa and Turkey does not appear to have resulted in the corresponding emergence of a smuggling route, according to information provided by stakeholders interviewed and the statistics of detections of West African migrants along the West Balkans route provided by the Frontex Western Balkans Annual Risk Analysis for 2015.

However, while stakeholders had no direct knowledge of, or were able to provide evidence to suggest the operation of a specific smuggling route between Nigeria and Turkey, several were able to provide a hypothesis for why such a development may occur, based on a general understanding of smuggling dynamics from Nigeria via air routes in general. The NIS hypothesised that if Istanbul has emerged as a transit hub for smuggling from Nigeria, it *may* be as a result of route displacement due to a real or perceived lack of stringent entry controls in Turkey compared with the EU⁷⁰ entry points "traditionally" utilised by irregular migrants from Nigeria.⁷¹ An embassy official based in Nigeria reported that irregular migrants originating from Nigeria typically tend to fly directly to their intended destination in the EU,

⁶⁵ FRONTEX Western Balkans Annual Risk Analysis 2014, p.5,
http://frontex.europa.eu/assets/Publications/Risk_Analysis/WB_ARA_2014.pdf

⁶⁶ Frontex Western Balkans Annual Risk Analysis 2015
http://frontex.europa.eu/assets/Publications/Risk_Analysis/WB_ARA_2015.pdf

⁶⁷ WB ARA 2015 p.32

⁶⁸ FRONTEX WB ARA 2014, p.21-22

⁶⁹ Carling (2005) p.34

⁷⁰ It was also confirmed in one of the interviews conducted in Bulgaria with a young woman from Nigeria, she arrived directly in Sofia by plane with visa from the Bulgarian Embassy in Nigeria in October 2014 (BG/M/NGA/6)

⁷¹ NGA/A/1

rather than transit via a third country first, and they tend to do so with authentic Nigerian travel documents and a forged European visa.⁷² The Nigeria Immigration Service (NIS) suggested that increased enforcement efforts at these “traditional” EU arrival ports, specifically Frankfurt, Paris, Amsterdam and London, may also contribute to route displacement.⁷³ In addition, recent increases in document security and border controls at Nigeria’s airports is believed to have displaced points of departure by air routes to neighbouring West African countries.⁷⁴ It is therefore possible that Nigerians detected along the Western Balkan route have first transited by a neighbouring West African country via land border crossing before boarding a flight to Istanbul. An official from an embassy in Abuja also noted that large numbers of West African irregular migrants are reportedly working in the Gulf States, and that increased detections in Turkey or at the EU’s eastern borders *may* be a result of secondary migration of this group towards Europe.⁷⁵

The number of smuggled migrants travelling by air routes from Nigeria, in general, is believed to only constitute a small proportion of the total flow of irregular migrants from Nigeria towards Europe. The majority of smuggled migrants are reported to take the overland trans-Saharan route towards North Africa, and then attempt to enter the EU by sea crossing (see “Other trends” section below).

ii. Modus operandi

The following information on modus operandi of smuggling operations and the profile of smuggled migrants was provided in relation to smuggling trends in general in Nigeria. It is included here to provide a general context of the dynamics associated with migrant smuggling from Nigeria and does not specifically refer to a Nigeria-Turkey air route but to smuggling via airports from Nigeria in general. This is due to lack of concrete evidence or awareness among stakeholders of a Nigeria-Turkey air route. Information on the profile and organisation of smuggling operations from stakeholder interviews and relevant literature was only available in relation to the overland routes from Nigeria for the same reasons. Further information on the overland Nigeria-Europe route is provided in part (3) of this chapter on “Other trends”.

Government stakeholders, the UNODC and embassy stakeholders interviewed in Nigeria all stated that forms of document fraud have been and continue to be a consistent characteristic associated with smuggling from Nigeria in general.⁷⁶ The 2015 Frontex Annual Risk Assessment notes that Nigerians continue to remained one of the top nationalities for detections of forged documents upon entering the EU:

“Murtala Muhammed (LOS) international airport in Lagos, Nigeria remained the second most common embarkation point of detected document fraudsters. In fact document fraud detections on flights to EU/Schengen countries increased by almost 20%. The majority of document fraudsters were Nigerians.”⁷⁷

2005 research by IOM identifies that corruption in Nigeria allows the relatively easy procurement of genuine documents with partially or completely false information; this may be further exacerbated by poor quality control in Nigeria’s public administration even in

⁷³ NGA/A/1

⁷⁴ NGA/A/1

⁷⁵ NGA/A/4

⁷⁶ NGA/A/1, NGA/A/4, NGA/I/5, NGA/A/6, NGA/A/7

⁷⁷ FRONTEX ARA 2015, p.28

instances where no corruption is involved.⁷⁸ Nigerian passports are often produced based on information provided on birth certificates, which themselves may be based on information provided directly by the applicant.⁷⁹ An embassy official⁸⁰ confirmed that this trend continues to be observed; birth certificates are issued by local authorities across Nigeria in response to the information provided directly by the applicant, they follow no standardised format, and they have minimal to zero security features incorporated in their design.⁸¹ The implications of this are that legitimate passports may be issued based on incorrect or falsified “breeder” documents such as birth certificates.

The NCRMI stated that potential migrants may use authentic documents and their true identity, but provide false information during the visa application process, such as reason for travel (work/ study) and level of income.⁸² This is done with a view to travelling to their destination legally before abusing the terms of their visa, and therefore entering irregular status via overstaying. The NCRMI believes that an increased proportion of irregular migration from Nigeria is occurring in this way.⁸³ While the NCRMI referred to this trend within the broad context of irregular migration trends, the NIS mentioned this with specific reference to smuggling operations.

The NIS stated that facilitators of smuggling by air routes will identify an international conference or event taking place in the intended destination country, in order to support an application for a legitimate visa.⁸⁴ Smugglers will register their client for the event, pay registration costs and book appropriate hotel accommodation, all of which is used as evidence to support a visa application. Nigerian officials have reportedly observed facilitators operating at a visa collection centre in Abuja.⁸⁵ The facilitators stand behind applicants and provide guidance on what to say and how to submit an application. Unfortunately there was no further information available regarding the role these facilitators may play in the rest of the smuggling operation.⁸⁶ The NIS states this method offers a clear link to trafficking in human beings as migrants using this method may also be offered a job at the destination as well as transport, and face the risk of being exploited or trafficked upon arrival at their destination due to the vulnerability inherent in the situation.⁸⁷

Moreover, a European embassy official reported that with regard to the air route, Nigerian smuggled migrants typically tend to fly directly to their intended destination in the EU, rather than transit via a third country first, and they do so with authentic Nigerian documents and a forged European visa.⁸⁸ Falsification of EU travel documents or nationality in these cases was not considered common. A different embassy also reported accounts of smugglers playing on migrants’ ignorance of European geography and offering smuggling services to countries neighbouring the EU, such as Ukraine, which smuggled migrants mistakenly

⁷⁸ Carling (2005) p.23

⁷⁹ Carling (2005) p.23.

⁸⁰ NGA/A/4

⁸¹ NGA/A/4

⁸² Carling (2005) p.24

⁸³ NGA/A/3

⁸⁴ NGA/A/1

⁸⁵ These application centres are only collection points for visa applications, and do not play any role in the actual decision making process for visa applications.

⁸⁶ NGA/A/1

⁸⁷ NGA/A/1

⁸⁸ NGA/A/4

believe will provide them with access to the Schengen zone and the ability to pursue further movement within the EU.⁸⁹

The NIS reported that the introduction of biometric passports in 2006 had a marked impact on reducing the successful use of forged documents at Nigeria's five international airports, with the result of displacing smuggling operations away from air routes to the overland route (for more information on this route see "Other trends" section below).⁹⁰ It is therefore believed that air routes are now used rarely for smuggling due to the operational reality, as well as the commonly held perception among migrants and smugglers that attempts to circumvent airport border controls with forged documents are now more expensive and less likely to succeed.⁹¹ Government stakeholders were not able to provide information on how much smugglers charge for services via air routes, nor is there data available on the number of forged documents or smuggling attempts detected at Nigeria's airports to support the claim of route displacement.

Historically, increased enforcement efforts in destination countries have had an impact on altering smuggling operations by air. Following the blacklisting of Nigerian documents in the Netherlands in January 2000, due to the large number of forgeries detected and generally poor reputation of Nigerian documents, it is believed that the price of forged documents in Nigeria increased dramatically.⁹² In addition, smugglers are known to have altered their modus operandi to using false passports from other West African countries, such as Benin, Ghana, Togo and Senegal, as well as altering the point of departure by air routes from the West African region to these countries, rather than travel directly from Nigeria.⁹³ The NIS stated that currently smuggled migrants now travel to transit hubs in neighbouring West African countries, such as Mali, prior to attempting travel by air routes towards Europe, due to the increased security of Nigerian documents, as well as enhanced capacity to detect irregular migration at Nigeria's air borders. Nigerian migrants travel with a legitimate Nigerian passport to the hub, and then procure forged documents of a different nationality prior to taking a long distance flight to their intended destination. Migrants taking this route may also continue overland, once they have procured false documents (for more information on this route see "Other trends" section below).⁹⁴

On the direct route from West Africa (Nigeria) to Turkey, the fieldwork suggests that there exist few cases of migrant smuggling. With regard to these cases, the interviewed migrants and national authorities in Turkey refer to smuggling organised for the whole route. In this type of "whole package" organisations, the migrant's entire journey from beginning to end is planned. Thus it requires high levels of professionalism because this method involves significant investment (for fraudulent documents and bribery of officials) by smugglers, while the fees (app. 10 000-20 000 Euro) are largely only collected in the case of success. Since Istanbul Atatürk Airport is one of the busiest airports in the world, with lots of transit flights and since there are enhanced controls at some of the airports in Europe, according to the interviewed national stakeholders⁹⁵, wealthy West African migrants may choose to transit Turkey to arrive to Europe.

⁸⁹ NGA/A/7

⁹⁰ NGA/A/1

⁹¹ NGA/A/1

⁹² Carling (2005) p.23

⁹³ Ibid.

⁹⁴ NGA/A/1

⁹⁵ TR/N/6; TR/A/27

Aside from the “whole package” organisation of the smuggling, migrants from West Africa may organise their own smuggling route from West Africa to Turkey just to reach Europe. In this case migrants use their own networks and contacts to reach the smugglers, and organise their journey from West Africa (Nigeria) to Turkey by using different networks and localities. The payment for the step-by-step organisation is given not as a total sum but by one-by-one, following the finalisation of each border passage.

“In Ghana, I was working at the airport. For me, everything was good but I just want to earn more money. One of my friends knew the smuggler and she introduced him to me. At the beginning I was not much sure but then he convinced me by saying that I would find a job in Europe very easily. So he made the plan! I would fly to Istanbul, there his friend would meet me and directly take me from Istanbul to Bulgaria. I arrived Istanbul, there were no one. I waited, waited and waited. Since I was working at the airport, I know that I can fly back to Ghana. So, I came back Ghana. I called him several times but as I heard, he changed his mobile and moved to another city. Now I am in Istanbul and working in Laleli, I just took the flight and came Turkey, as one of my friends began to work in Istanbul airport. Yes I entered legally, and am living with my friend from my town (working at the airport). She already learned Istanbul and it was not much difficult for me to get the job.”⁹⁶

Finally, some of the West and East African migrants might choose the air route to enter Europe, after arriving in Turkey by legal or illegal means. In other words, there is also smuggling by air from Turkey to Europe. For instance, one migrant from Burundi, in his interview said that he did not have any intention of transiting Turkey, when he first came to Istanbul two years ago but things have changed as time went by:

“What I have in my mind was just to earn more money. So, I started to work at Okmeydanı. It was a textile atelier where migrants were working. So they promised me to pay 900 TL for each month. But they did not pay and I really suffered! I called my family to send me money. What I got at the end of the three months was just 600 TL. At that stage, I thought that life in Europe would be better. I was sharing my room (in Aksaray) with other Africans who arrived in Turkey five or four years ago. They offered me a smuggler who produces fake passports or IDs, with which you can easily finish passport controls and fly to Europe directly. Yes, I met the smuggler, negotiated with him and then made the payment for fake ID card. Then he told me how to buy the flight ticket and what to say during passport control. I went to the Istanbul Airport, just to buy the ticket and fly to France. But while at the airport, I was so nervous, could not control myself and give up flying to Europe. Again I lost money.”⁹⁷

Additionally, as noted above, the large presence of Turkish Airlines (THY)⁹⁸ in Africa has already enhanced transportation facility and encouraged migrants from those regions to prefer air transportation to enter to Turkey.⁹⁹ Moreover, as indicated by Frontex, the application of the Turkish e-visa has become one of the pull factors that encourages legal

⁹⁶ TR/M/GH/28

⁹⁷ TR/M/BI/29

⁹⁸ In addition to the most recently launched destination of Abuja in Nigeria in 2015; Kano (2011) and Lagos (2007) are among other destinations in Nigeria. According to the official from the THY, by the end of 2015, THY will have at least 45 destinations in its African network across 30 countries.

⁹⁹ TR/N/6; TR/N/8

entry to Turkey among Africans and is applied to the citizens of almost all African countries (including Nigeria).¹⁰⁰ As highlighted by an interview with a civil society organisation in Istanbul, "not only airport transportation, [but also] the enhanced visa facilities made distances closer among Africans in Turkey and also in Africa"¹⁰¹ All these factors have fostered the emergence of the sub-Saharan African community in Turkey.

An official from a civil society organisation in his interview in Istanbul stated that a "significant portion of migrants are using the Turkish airport in Istanbul for arriving as well as for transiting Turkey."¹⁰² He noted that "Atatürk Airport in Istanbul is an important hub for irregular migrants travelling by air route to several EU member states, with expanding flights towards African and Middle Eastern countries." Therefore, according to him, Istanbul airport is likely to remain one of the common embarking points for irregular migrants departing for the EU. However, the observations and findings from the fieldwork tend to confirm the view that the majority of migrants who are using the air route via Turkey to Europe are recently from the Middle East (Syria, Iran, Iraq) and North Africa (Morocco) but not from sub-Saharan African countries, which represent only a small proportion of the total number.

According to the interviews of the fieldwork in Turkey, two common patterns are mainly used for the smuggling by air on route from Istanbul Airport (Turkey) to the EU: look-a-like method and double check-in method.¹⁰³ In the "look-a-like" method, the migrant will travel with a passport or other document belonging to a person who looks very similar. For instance, one migrant from Guinea, in his interview, says that some of his friends in the Kumkapı neighbourhood in Istanbul used this method to reach Italy or France.¹⁰⁴ Sometimes, migrants' relatives or friends in Europe send their own valid passport by mail to the migrant in Istanbul. In Istanbul the migrants bring this passport to the smugglers who then issue a fake visa or entry stamp on the passport. Afterwards, the migrants takes the passport and goes to the airport to fly to Europe, with France being an important destination due to migrant communities there.¹⁰⁵ According to the Turkish Coast Guard interviewed in Izmir, officials at the airport have difficulty in recognising the differences in Sub-Saharan African migrants' photos.¹⁰⁶ Since it is apparently difficult for border guards in Europe to grasp the differences between the photo on the passport and the face of a migrant who uses his/her relative's or friend's passport, the "look-alike" method has become one of the preferred options on the air route from Turkey to Europe.

In the method of double check-in, after arriving to the airport, the migrant has two (one original and one fake) flight tickets. She/he makes the first check in with his/her own original passport and flight ticket.¹⁰⁷ Then the migrant meets the smuggler who is also checked in at

¹⁰⁰ The electronic visa (e-visa) that came into use in April 2014 in Turkey replaced the previous 'sticker visa' which is issued at the border crossing. The e-Visa application is possible from any place with internet connection. Applicants just need to log on to www.evisa.gov.tr, provide the requested information, (after the application is approved) make an online payment and download their e-Visa. The whole process takes no more than 10 minutes. The e-visa is only valid when the purpose of travel is tourism or commerce. Other purposes, such as work and study, require a regular visa given by Embassies or Consulates. Citizens of countries (with a few exceptions) that are considered potential sources of irregular migration will only be able to apply for an e-visa for Turkey if they, at the time of applying for the visa, already hold valid visas or residence permits issued by OECD and Schengen countries.

¹⁰¹ TR/N/6

¹⁰² TR/N/6

¹⁰³ TR/A/6; TR/N/8; TR/N/12; TR/M/GN/7

¹⁰⁴ TR/M/GN/7

¹⁰⁵ TR/N/27

¹⁰⁶ TR/A/10

¹⁰⁷ TR/A/4

Istanbul Ataturk airport and has purchased his own fake ticket, in order to receive the fraudulent or stolen passport with fake stamps and another flight ticket to the intended destination. As explained by the interviewed national stakeholder:

“For example, both the smuggler and the migrant buy a flight ticket from Istanbul to Cyprus, as Turkey did not ask any visa to fly to Cyprus. So, the first tickets are just an opportunity for the migrant and smuggler to meet at the airport. After completing the check in to Cyprus, the migrant and the smuggler meet just to get the fake passport with fake entry stamp and flight tickets to another destination in Europe. And then the migrant take the second flight to reach to Europe.”¹⁰⁸

The interviews in Istanbul and Izmir indicate that passports are the main documents that have been forged, falsified, fraudulently obtained or stolen for the purpose of migrant smuggling by air. According to the interviews, the original passports can be obtained by theft or even purposefully given by the owner his/herself.¹⁰⁹ For instance, in Turkey sometimes tourists or members of the migrant’s family and/or community sell their own passport to the smuggler and then report it lost or stolen. Before he/she announces that his/her passport is stolen, the original passport is used by the migrant to arrive in Europe. Likewise, the state official in his interview in Istanbul explained how original passports in one of the municipalities in Italy were stolen by smugglers and used for migrant smuggling, after replacing photos on the original passports in Istanbul.¹¹⁰ Aside from these options, it is also possible to get fake passports or identity cards in the neighbourhoods of Aksaray and Kumkapi in Istanbul.¹¹¹ The smuggler interviewed in Izmir stated that “one can easily find those who are engaged in the business of producing fake visas and passports or selling stolen visas and passports, it is not a secret in Kumkapi, Istanbul.”¹¹²

iii. Supply side: Smugglers and their organisation

Regarding smugglers profile and motivation, according to the UNODC Abuja Office, most smuggling facilitators in Nigeria become known to a family or individual family members through extended social networks, possibly as an “uncle”, “aunty” or other family friend.¹¹³ Smugglers have contacts in countries in Europe or countries of transit and apparently operate via the use of organised networks.¹¹⁴ Government officials also generally believed that smugglers operated via organised, primarily horizontal, networks that extend along the route and sometimes into the destination country.¹¹⁵ NAPTIP noted that smugglers must work in this fashion in order to operate a profitable business, as the expense and risk associated with accompanying every smuggled migrant would be too great.¹¹⁶ An NIS official stated that some smugglers themselves may be opportunists, rather than hardened criminals, but that they would have links with other criminal activities and enterprises. Likewise, smugglers must be prepared to defend their activities against law enforcement and groups active in other criminal activities, and may therefore exhibit increased criminal

¹⁰⁸ TR/A/4

¹⁰⁹ TR/A/6; TR/A/10; TR/A/4

¹¹⁰ TR/A/4

¹¹¹ TR/N/6; TR/N/8; TR/N/10 DAMLA; TR/M/GN/7

¹¹² TR/S/TR/11

¹¹³ NGA/I/5

¹¹⁴ NGA/I/5

¹¹⁵ NGA/A/1; NGA/A/3; NGA/A/6

¹¹⁶ NGA/A/6

characteristics in doing so.¹¹⁷ As a government official stated; “smugglers are motivated by profit and not a love of mankind.”¹¹⁸

Further along the route, in the transit hubs of Gao, Mali, and Agadez, Niger, UNODC research from 2011 identified smuggling operations organised along a primarily horizontal structure of intermediaries that interface with migrants in tasks such as arranging lodgings.¹¹⁹ This network of intermediaries is coordinated by higher level smugglers, “*passeurs*”, that liaise with police officers and other officials to facilitate passage via corruption, as well as with lorry drivers making the journey across the Sahara that will carry smuggled migrants:

“A successful *passeur* sits at the centre of transnational networks of communication, able to arrange transport and false or counterfeit documents and the associated payments between locations as far apart as Asia, West Africa and Europe. The most successful *passeurs* are often Ghanaian and Nigerian former migrants who attract most of their clients from among their countrymen who are keen to emulate their success.”¹²⁰

The UNODC report also notes however that there is a lack of consensus over whether these networks are structured or durable enough to be termed “organised crime.”¹²¹ A broad category of people in countries of origin, transit and destination along the smuggling route are able to financially profit from the presence of irregular migrants. Few are believed to be professional criminals or belong to widespread organised criminal groups, and many are reported to be aspiring migrants that draw upon the experience and networks they have developed during their own journeys to charge fees to fellow migrants, in order to finance the next stage of their own journey.¹²²

There is uncertainty regarding the link between smuggling operations and eventual cases of trafficking in persons. It should be noted that, according to the Eurostat report produced in 2015, Nigerians are one of the top nationalities of identified victims and also suspected traffickers from outside the EU (See Table 3).¹²³ While smugglers may be perceived as helpers or service providers by families and communities that access their service, the UNODC Abuja office stated that the true nature of the relationship between migrant and smuggler may only become apparent further along the journey.¹²⁴ At the beginning of their journey, migrants likely perceive those involved in smuggling as helpers, which results in very little volunteered information being provided during debriefing interviews with migrants intercepted on Nigeria’s borders conducted by the NIS, due to a desire to protect their smuggler.¹²⁵ Multiple accounts provided suggests that the same recruitment methods employed for smuggling in Nigeria can easily be the same used for trafficking in human beings, and that differentiating between the two by modus operandi used inside Nigeria is very challenging, without intelligence linked to the operation further along the suspected route.

¹¹⁷ NGA/A/1

¹¹⁸ NGA/A/6

¹¹⁹ UNODC (2011c)

¹²⁰ UNODC, p.30

¹²¹ UNODC p.35

¹²² UNODC, p.51

¹²³ Eurostat, (2015) *Trafficking in human beings*. <http://ec.europa.eu/eurostat/documents/3888793/6648090/KS-TC-14-008-EN-1.pdf/b0315d39-e7bd-4da5-8285-854f37bb8801>

¹²⁴ NGA/I/5

¹²⁵ NGA/A/1, NGA/I/5

Table 3: Statistics on trafficking in human beings from Nigeria to the EU 2010 – 2012 *Source: Eurostat, 2015*

Nigeria	2010	2011	2012	Total – 3 years
Victims	381	501	440	1322
Suspected trafficker	113	96	90	299

The NIS, NAPTIP, and UNODC interviews stated that the migrant-smuggler relationship may degrade further along the journey once beyond Nigerian borders and result in the exploitation and trafficking of the smuggled migrant, however it is very difficult to identify this in Nigeria already.¹²⁶ NAPTIP has identified an increasing trend of cases that began in Nigeria as smuggling that become cases of trafficking during or after their journey.¹²⁷ In addition, UNODC notes that while it is very difficult to estimate the cost of smuggling, it is believed that smugglers may tailor their prices to meet the economic means of their clients – i.e. lowering initial costs to meet poorer families/communities' access to resources. This practice was linked with debt bondage however, with those unable to pay the full cost of service likely to have lost earnings reclaimed by the smuggler/ trafficker through exploitation or the levying of further costs on the migrant further down the route.¹²⁸ UNODC highlighted the decreased access to rights and increased vulnerability of migrants the further from their country of origin they get, caused by *inter alia* language barriers, lack of legal status or knowledge of how to access rights, differences in culture and climate, and decreasing access to resources to remain self-sufficient and finance continued movement .¹²⁹

Information on the organisational structure and profile of facilitators of smuggling was provided in relation to the overland route which is discussed in the section on “other trends” below. Interviewed stakeholders were able to provide a general overview, but did not have access to operational intelligence related to smugglers or their networks beyond Nigeria's borders.

iv. Demand side: Migrants and their families/communities

Migrants' decision to approach smugglers for assistance was cited by governmental and international stakeholder interviews to be based on a lack of accessible channels for legal migration and a lack of proper information about those legal channels that do exist.¹³⁰ The NCRM stated that there is still a widely held perception that it is very challenging for the average Nigerian citizen to apply for an international passport or legal European visa. In this way migrants lack accurate information on the realities of migration, both on the various options for attempting it and expectations/ realities awaiting them in destination countries.¹³¹ The UNODC stated that there is a need for more approachable embassies that are open to sharing information in a friendly way with potential applicants, focusing more on engagement via a balanced approach between addressing irregular migration and facilitating legal migration. Currently, many educated people in Nigeria are turning to smugglers, when this could easily be prevented if there was less of an information vacuum surrounding the legal visa application process. There have even been examples of professional, educated people,

¹²⁶ NGA/A/1; NGA/I/5; NGA/A/6

¹²⁷ NGA/A/6

¹²⁸ NGA/I/5

¹²⁹ UNODC/I/5

¹³⁰ NGA/A/1; NGA/A/3; NGA/I/5; NGA/A/6

¹³¹ NGA/A/3

such as lawyers doing this in the past.¹³² The NIS stated that approaching a smuggler, typically in relation to the overland trans-Saharan route, is based on the belief that this method is both cheaper and more likely to succeed than applying for a legal visa via an embassy.¹³³ NAPTIP attributed overly cumbersome and intimidating visa application processes, coupled with the perceived unapproachable nature of embassies as responsible for preventing many migrants from considering the legal route as a first option.¹³⁴

The UNODC Abuja office¹³⁵ identified three informal migrant groups that may resort to using smuggling services:

1. aspiring migrants who have previously approached an embassy and been refused a visa, and remain committed to making the journey regardless of the cost;
2. aspiring migrants who do not have even a basic awareness or information about how to approach an embassy or pursue a legal channel. Approaching a smuggler therefore becomes the default approach due to lack of knowledge of alternative options;
3. aspiring migrants who are aware of the embassy process but do not want to be limited to a limited period of stay (e.g. 6 months) or work restrictions in the country of destination typically associated with a legal visa for first time applicants.

The NCRMI stated that economic migrants are typically poorly educated, unemployed youth from Nigeria's southern states, particularly Benin City.¹³⁶ Typical countries of arrival of this group are southern European countries such as Spain and Italy, as well as France, the Netherlands and the UK.¹³⁷ The decision making process for selecting a destination country is believed to be influenced primarily by what information is available to migrants through their personal networks, and information provided by the Nigerian diaspora as will be detailed below.

Smuggling of refugee and displaced populations from Nigeria was not considered to be an issue by governmental or international stakeholders. IOM acknowledged that smuggling and trafficking is typically an issue among these vulnerable population groups, but noted that there are relatively few refugee camps in Nigeria.¹³⁸ The NCRMI supported this assessment, citing only one previous known case of a refugee being smuggled, and in this case it was from Chad *into* Nigeria.¹³⁹

Contact between migrants and facilitators of smuggling is typically made by word of mouth through extended networks of family and friends, according to the NIS and NAPTIP.¹⁴⁰ Potential migrants may know of a previously successful migrant who acts as a source of inspiration. Once a migrant makes a decision to attempt movement, they may ask for information through family, friends and acquaintances in the local community, and eventually make contact with a smuggler in this way. According to NAPTIP, Job Employment Bureaus offering employment in Europe or the Gulf have also been associated with both smuggling of

¹³² NGA/II/5

¹³³ NGA/A/1

¹³⁴ NGA/A/6

¹³⁵ NGA/II/5

¹³⁶ NGA/A/3

¹³⁷ NGA/A/4

¹³⁸ NGA/II/2

¹³⁹ NGA/A/3

¹⁴⁰ NGA/A/1; NGA/A/6

migrants and trafficking in persons, but not on any large scale suggestive of an organised criminal operation.¹⁴¹ These assessments support the findings of the 2011 UNODC research:

“the great majority of aspiring migrants in Nigeria have some plan for securing work and residence papers before even setting out on their journey. Their knowledge comes largely from friends and family who have already made the trip as well as from those who have been forcibly removed and from voluntary returnees as well as from smugglers of persons.”¹⁴²

Thus for Nigerian potential migrants, information from the Nigerian diaspora in Europe plays a key role in their decision-making process. Government¹⁴³ and international stakeholder¹⁴⁴ interviews all stated that the primarily motivating factors behind migrants’ decision to move are based on perceptions of greater economic opportunities offered in destination countries, often defined as the search for “greener pastures”, as well as the link between social prestige and successful migration attempts. The NCRMI reported that among Nigeria’s uneducated youth population, an understanding of migration is based on a foundational understanding of comparable wealth in the West compared with the developing world.¹⁴⁵ NAPTIP supported this assessment: “For this group, successful migration has become synonymous as both a survival strategy and a sign of social prestige or a “badge of honour” for migrants and the communities they come from.”¹⁴⁶

Local communities and families are reported to play an integral role in financing and supporting migration attempts. According to UNODC, the cultural or familial setting from which smuggled migrants originate has a bearing on potential migrants ignoring known risks when considering migration attempts: “So powerful is the myth of Europe that [...] those who arrive in Europe but fail to prosper may still refuse to return to Africa, for fear of the shame they would incur at coming home empty-handed.”¹⁴⁷ Parents or community members may have false expectations about the living and employment conditions awaiting migrants upon arrival at the destination. Smugglers are reported to convince family members that smuggling services cost so much, typically by the land route which is believed to be more affordable for the majority of potential migrants. In response, the family or community group may then seek to finance the costs of the trip for a single member of the group by selling or moving family assets, such as property or heirlooms.¹⁴⁸

Against this context, statements that challenge the idealist perception of “greener pastures” in countries of destination, even when made by migrants returning to their origin community following a failed migration attempt, do not carry much weight in changing the perception of a family or local community that has already invested heavily in a migration attempt of one of their own.¹⁴⁹ As a result, returned migrants may be rejected by their families or home communities due to not having offered value for money against the “investment” made.¹⁵⁰

¹⁴¹ NGA/A/6

¹⁴² UNODC (2011c) p.23

¹⁴³ NGA/A/1; NGA/A/3; NGA/A/6

¹⁴⁴ NGA/II/2; NGA/II/5

¹⁴⁵ NGA/A/4

¹⁴⁶ NGA/A/6

¹⁴⁷ UNODC (2011c), p.59

¹⁴⁸ NGA/II/5

¹⁴⁹ NGA/II/5

¹⁵⁰ NGA/II/5

UNODC Abuja have observed an increasing trend of smugglers using social media and IT technology to conduct their business, including communication with smuggled migrants via platforms such as Facebook to send tickets and travel instructions.¹⁵¹ Using these tools, it is becoming increasingly possible for smugglers to remove their physical presence from smuggling operations. UNODC noted a related case of a young woman being lured from Nassarawa State to Lagos by a group which subsequently exploited and killed her, which was conducted entirely via Facebook and mobile online communication technology. While not a case of smuggling, it is believed that similar modus operandi may be used by smugglers in the future to facilitate the movement of people from Nigeria.¹⁵² Further information on the use of social media in smuggling operations is not available in the Nigerian context, however examples of its use further along smuggling routes which Nigerians' may join have been highlighted in Turkey and Libya in a BBC report.¹⁵³ This article claims that smuggling networks run from Libya across the Mediterranean, the Middle East and deep into sub-Saharan Africa and that Facebook now accounts for between 30% and 40% of an interviewed smuggler's business.¹⁵⁴

In terms of those arriving in Turkey from sub-Saharan Africa by air, there is limited information, as stated in the previous section. However, information on flows (both legal and irregular) of African migrants (and specifically Nigerians) to Turkey can elucidate some aspects of this route. Although the information included here does not necessarily refer specifically to the smuggling route from Nigeria to Turkey, the smuggling route from Turkey is also related to general migration trends of Africans in Turkey, as some do choose to seek out smuggling routes onwards towards Europe, after having arrived or lived in Turkey regularly.

Over the past decade, the presence of sub-Saharan African migrants in Turkey has increased for various reasons, namely: economic and political insecurity, along with widespread violence in some African realities; Turkey's geostrategic location; changes in migration routes involving Turkey as one of the doors to the EU; involvement in African conflicts (i.e. Somalia); as well as a number of Turkish policy responses, including opening up to Africa policy (1998); Year of Africa (2005); First Turkey-Africa Cooperation Summit (2008) and economic partnerships (i.e. Ethiopia), etc.

Nigerians constitute the largest number of migrants among the sub-Saharan Africans in Istanbul. According to an interview with a civil society organisation in Istanbul, people stay between one and two years on average, but there are also some that have already stayed for almost two decades in this city.¹⁵⁵ Suter in her research, based on a fieldwork conducted in Istanbul, suggested that the vast majority of Nigerians belong to the ethnic group of the Igbos of south eastern Nigeria; several informants estimate their share to lie around 70–80 percent, Yorubas around 18–28 percent, while Haussas account for the remaining 2–12 percent.¹⁵⁶

¹⁵¹ NGA/II/5

¹⁵² NGA/II/5

¹⁵³ BBC World Service. (2015) *The Facebook smugglers selling the dream of Europe* <http://www.bbc.com/news/magazine-32707346>

¹⁵⁴ Ibid.

¹⁵⁵ TR/N/6

¹⁵⁶ Suter, B. (2012b), "Social Networks in Transit: Experiences of Nigerian Migrants in Istanbul", *Journal of Immigrant & Refugee Studies*, 10:204–222; Okanga, E. C. P. N. (2003), *Njepu amaka—migration is rewarding*. Frankfurt: Peter Lang.

“If you walk on the street of Kumkapi or let say Aksaray, you can easily see the Somalis who are selling watches or small gifts on the street. Then on the side of Laleli, you also realise that Senegalese are trading, they are buying cloths to sell in their countries. Or you can see there are lots Nigerians working for the cargo office in Laleli. And you can easily find small restaurants where you can eat African food. Nigerians are among the first arrivals [in the city] and they already established their own networks and ties. Therefore, it is not surprising that in Aksaray there is an established Nigerian community.”¹⁵⁷

The interviews reveal that sub-Saharan African migrants in general and Nigerians in particular are arriving in Turkey for different purposes.¹⁵⁸ For example, there are circular migrants arriving for business purposes (textile/import/export); football players; English teachers; students (on a Turkish scholarship), etc. Irrespective their status, observations in the field in Istanbul and Izmir also indicate that the notion of transit was never completely absent or at least never far away¹⁵⁹. To clarify: while a Nigerian football player may intend to continue staying with the Turkish club that hired him, in his free time he usually meets his fellow nationals, many of them searching for possibilities to move on without the proper legal status to do so.¹⁶⁰ As a result, it is possible to conclude that in Turkey there is an established sub-Saharan African community which is mainly based in Istanbul but has various intentions with regard to their stay in the country, varying from transiting Turkey, shuttle trading with Turkey and or living in Turkey.¹⁶¹

Migrants face a wide range of risks along their journey. For the route to Istanbul airport, one migrant¹⁶² told how he was cheated by the smuggler in his country:

“The deal was done with the smuggler in my country (Guinea). He told me that when I arrive Istanbul airport, a guy will be there. He will give you all of your documents, flight ticket and forged passport and all other information. There he will stay with you, till you board. But when I arrived at Istanbul, there were no one at the airport. I was shocked, called the smuggler but could not reach him. It was disaster for me! Three days, yes three days I stayed at the airport and then finally I had the courage to ask to one of the travellers from my country who just arrived to Istanbul what to do. It was my chance, as he told me go to Kumkapi with metro, there he said, you may find smugglers, and also lots friends from our country. Then, I decided to go to Kumkapi.”¹⁶³

The interviewed civil society organisations in Turkey confirmed that sometimes smugglers cheat migrants just to gain profits.¹⁶⁴

2) Turkey – Bulgaria

i. Dynamics, scale and patterns

According to data obtained from national authorities in Turkey, the main countries of origin for migrants apprehended while attempting to cross Turkish borders in 2014 were (in

¹⁵⁷ TR/N/6

¹⁵⁸ TR/N/6; TR/M/GN/7

¹⁵⁹ Suter (2012b) in her research supports the same view.

¹⁶⁰ Suter (2012b); Okanga (2003).

¹⁶¹ Suter (2012b)

¹⁶² TR/M/GN/7

¹⁶³ TR/M/GN/7

¹⁶⁴ TR/N/8; TR/A/10

descending order): Syria (33,091), Afghanistan (7,530), Myanmar (7,389), Iraq (2,870), Eritrea (1,746), Turkey, (1,746), Pakistan (617), Georgia (432), Palestine (297) and Iran (257). Migrants from West Africa (Nigeria) in general were not apprehended in large numbers at the border in 2014. While Edirne and Istanbul had the highest number of apprehensions in 2013, Izmir, Aydın, Edirne, Mersin and Muğla had the highest number of apprehended migrants and arrested facilitators in 2014. Based on the data compiled for this report from Turkish Gendarmerie data on land border passages, more than a total of 79,000 people were apprehended on all Turkish borders while attempting to enter and exit Turkey. The majority of these persons were apprehended on the Turkish-Syrian borders (more than 55,000), followed by Greek borders (more than 11,700 people) and Bulgarian borders (more than 5,900 people). Thus, it is clear that, although irregular entry from the Syrian border remains (and likely will remain in the future) an important issue, irregular crossings to Europe is also a critical issue for Turkey. For more information on the route towards Greece, see Case Study 3.

This trend is also mirrored in Bulgaria, where apprehended migrants in the last two years have been primarily from Syria. For the period from 1 January to 19 March 2015, Syrians represented 45 percent of third country nationals apprehended for illegal entry (see Table 4). At this border, there has been an increased number of migrants from Pakistan, and a consistent number of Iraqis and Afghans.¹⁶⁵ According to the data from the Bulgarian State Agency for the Refugees (SAR), excluding nationals of Syria, Afghanistan and Iraq, the other countries of origin for accommodated people are Pakistan and Iran, and various African countries such as Mali, Somalia, Cote d'Ivoire, Congo, Brazil, Eritrea, Guinea, Cameroon, Ghana and Sudan. The Bulgarian asylum statistics indicate that there were only seven asylum applications from Nigerians lodged in Bulgaria in 2013.¹⁶⁶ One stakeholder interview noted that it is unlikely that there were Nigerians in Bulgaria undetected and not registered by the authorities.¹⁶⁷

Table 4: Number of apprehended migrants by nationality for illegal entry Source: Bulgarian Ministry of Interior (January 2015 - 19 March 2015)

Nationality	Number of apprehended	% of total number apprehended TCNs
Syrian	827	45
Afghanis	480	26
Pakistanis	143	8
Other	400	21
Total	1853	100

As noted in Table 5, it is clear that for the Bulgarian border, irregular crossings are highest along the border with Turkey. Accordingly, for the period of 1 January to 19 March 2015, 1,793 (out of 1853) migrants were apprehended at the Turkish-Bulgarian border.

¹⁶⁵ BG/NGO/12, BG/OS/SY/BG/1, Data provided by the Ministry of Interior as of 21/03/2015. The main sources of statistics are the data gathered from the Bulgarian Ministry of Interior on the number of migrants arrested for illegal entry, arrested smugglers, attempts for illegal entry etc, and also the data from the State Agency for the Refugees (SAR) on lodged applications for asylum and number of people granted asylum by nationality, but also the numbers of accommodated migrants in the first reception centres of the agency by nationality.

¹⁶⁶ During the interview with the representative of UNHCR in Bulgaria and talking concretely about the Nigerian migration to Bulgaria, if such, he referred to the certain number which is the official according to the asylum statistics BG//10

¹⁶⁷ BG//10

Table 5: Total number of apprehended migrants for illegal entry at the Bulgarian borders – green border and BCP (January 2015- 19 March 2015)

Border	Green border	BCP	Total
Bulgarian-Turkish	841	952	1793
Bulgarian-Serbian	2	5	7
Bulgarian-Greek	50		50
Total	893	956	1853

Overall, in 2014, at the Bulgarian-Turkish border, 38,502 attempts by migrants to cross into Bulgarian territory were registered, representing 93 percent of the total detected migrants at the borders of Bulgaria. In these cases, the Bulgarian border patrols inform the Turkish border authorities, as a report of the Bulgarian Mol reveals.¹⁶⁸ In such operations in 2014, 6,004 persons were detained in the neighbouring territory by the Turkish authorities and another 26,475 persons have returned voluntary to Turkey, after having detected the presence of Bulgarian patrols and posts along the line of the border.¹⁶⁹ It is possible that those who are changing their route and return back to Turkey have attempted to cross into the territory of Bulgaria not once, but a few times.¹⁷⁰

Table 6: Refused entries at the Bulgarian-Turkish BCPs for TCN's in the period 2010-2014
Source: Bulgarian Ministry of Interior

BCPs	2010	2011	2012	2013	2014
BCP Kapitan Andreevo	1112	943	731	36	754
BCP Lesovo	165	90	70	6	75
BCP Malko Tynovo	128	67	111	3	61
Total	1405	1100	912	45	890

Regarding irregular border crossings on the Turkish-Bulgarian border, the fieldwork conducted in Turkey and Bulgaria tend to confirm that these crossings mainly occur via the green land border or border crossing point of Kapitan Andreevo (see Table 6) on the Bulgarian side and Kapikule in Edirne on the Turkish side. As seen in Table 7, along this route, apprehensions at the green border rather than at border crossing points are consistently much higher. According to the Frontex 2015 Annual Risk Analysis report, in Bulgaria, as a consequence of increased Bulgarian operational measures, including an Integrated Border Surveillance System (IBSS) and a special police operation, the level of detections decreased in 2014 (6023) compared to 2013 (11 524). More information on these measures is included in the Policy Responses chapter.

Table 7: Apprehended migrants for illegal entry at the Bulgarian-Turkish border 2010-2014
Source: Bulgarian Ministry of Interior

Bulgarian-Turkish border	2010	2011	2012	2013	2014
Green border	620	555	1700	11 158	4028
Border crossing points	171	171	186	366	1995
Total number of apprehended	791	726	1886	11 524	6023

¹⁶⁸ Public report for the activities of the Bulgarian Ministry of Interior, (Publichen otchet za deynostta na Ministerstvo na Vatreshnite Raboti za 2014, Ministerstvo na Vatreshnite Raboti, Republika Bulgaria) January 20154, Mol

¹⁶⁹ Ibid.

¹⁷⁰ Ibid.

An assessment report by the Bulgarian Ministry of Interior¹⁷¹ supports the above-mentioned findings of Frontex, noting that the shift of the flows away from the green border has been due to the 30 km long constructed fence along the border, which was finalised in October 2014, as well as the increased number of border policemen at the same border.¹⁷² At the same time, in 2014 the number of migrants apprehended for clandestine entry at border crossing points increased sharply from 366 to 1995. The same report by the Bulgarian Ministry of Interior argued that this increase began in August 2014, possibly as an indirect consequence of enhanced measures at the green border that might have caused a partial displacement of the flow from green border to border crossing points, by way of clandestine entries.

ii. Modus operandi

In line with the findings from the interviews, it is possible to conclude that there are two main types of smuggling organisation (which parallels also findings on migrant smuggling from Nigeria): Ad hoc smuggling and pre-organised stage-to-stage smuggling. In ad-hoc smuggling, the migrant travels on his/her own, occasionally using smuggling services to cross certain borders. With his/her networks, he tries to cross the border. In pre-organised stage-to-stage smuggling, the whole journey is organised and migrants are accompanied for the most part by smugglers. In both cases, migrants or smugglers may arrange for fake documents, if they have sufficient financial resources to purchase visas or other necessary papers.

In general, flows crossing through the Turkish-Bulgarian border are mixed and are composed of refugees and migrants, as well as vulnerable groups, for example pregnant women and minors. Regarding migrants from sub-Saharan Africa, the results of the fieldwork in Turkey tend to confirm the view that recent migrants from West Africa (such as Senegal, Nigeria, Ghana or New Guinea) prefer to arrive in Turkey (Istanbul) by plane with reportedly easily obtained visas and flight tickets of Turkish Airlines, while East Africans (Ethiopia, Eritrea and Somalia and Congo) may choose to enter Turkey via the eastern borders irregularly. What has been observed and grasped from the fieldwork in Turkey is that in addition to the Syrians, Afghans and Iraqis, migrants from Eritrea, Myanmar, Somalia or Congo (but not usually Nigeria) are among those who use Turkey to transit to the Bulgarian land border or Aegean Sea to reach Europe.

The interviews in Turkey suggest that among the sub-Saharan Africans who arrive in Turkey by legal or irregular means, the use of the smuggling route of West Africa (Nigeria)-Turkey-Bulgaria is not common, as has been highlighted in the previous section on Nigeria-Turkey. Complementary with this, with regard to the irregular border crossings via Turkish-Bulgarian border by Nigerians, interviewed respondents in Turkey mentioned that there are very few cases.

Regarding the modus operandi of the route from Turkey, after arriving at the Istanbul airport, reaching the Bulgarian land border depends on the financial aspect of the smuggling organisation and the means of the migrant.¹⁷³ The smuggling operation from Istanbul to Bulgaria reportedly costs between 3,000 and 5,000 Euros. If the migrant is able to afford a

¹⁷¹ Public report for the activities of the Bulgarian Ministry of Interior, (Publichen otchet za deynostta na Ministerstvo na Vatreshnite Raboti za 2014, Ministerstvo na Vatreshnite Raboti, Republika Bulgaria) January 2015, Mol

¹⁷² Frontex (2015), Annual Risk Analysis 2015, Warsaw: Frontex.

¹⁷³ TR/N/9

higher payment for the smuggling activity, then a smuggler comes to Ataturk Airport to meet the migrant and to bring him/her to the Bulgarian land border. The contact information for the smuggler in Turkey has usually already been given to the migrant by the smuggler in the respective country of departure. Upon arriving at the airport, the migrant meets the smuggler, who was previously informed about the arrival of the migrants. Sometimes, new arrivals will wait for other migrants coming from other countries. After collecting all migrants from the airport, the smuggler brings them to a minibus to go to Edirne, the province on the Turkish-Bulgarian border.¹⁷⁴

Between the arrival of the smuggled migrant and his or her further departure through the use of smuggling networks, migrants tend to be received by the organisers in Istanbul, and taken to their accommodation, which is generally in Zeytinburnu or Aksaray regions in Istanbul. The conditions in the accommodation are determined by the amount paid to the organisers, depending on the price paid to the smugglers and the approach of the smuggler towards migrants. For those who will be traveling by land or sea, apartments are arranged to settle 30-40 people together. For those who will continue their journeys via air travel, apartments for 3-4 people are arranged by organisers. The duration of migrants' stay is determined by their choice of travel and the amount paid to the organizers. For those attempting to travel by sea (primarily to Greece), the waiting period can last from several days to several months depending on the arrangement of boats and waiting for the appropriate weather. Others who stay in Turkey find accommodation through individual means, by help of kin, friendship and ethnicity networks. All of the interviews in Turkey reported difficult conditions, not necessarily regarding finding work, but rather regarding job security and finding work for which they are paid regularly.

Migrants who are cannot afford the full price for the smuggling operation might remain in Aksaray and/or Kumkapi neighbourhoods in Istanbul in hopes of finding a temporary job to fund the rest of the journey. Generally, smugglers in sub-Saharan Africa give the names of the places where migrants can meet his/her community in Aksaray or Kumkapi in Istanbul. From these neighbourhoods, once they have raised enough money, a migrant would make contact with a smuggler to set a date for his/her departure. Meeting with a group of people (approximately 12-20 migrants) in a café shop or fast food store in Aksaray or Kumkapi, the smuggler would then bring them close to the Bulgarian border (Edirne), generally by a minibus.

Smugglers rarely accompany migrants in the crossing to Bulgaria. After arriving to Edirne, the smuggler would show the migrants the way to cross the border through the forest and then leave them in the forest alone. As noted by one migrant interview:

“I was really shocked when the smuggler showed us the light at the end of the road and said ‘follow the light and you will reach to the Bulgarian town.’ I was surprised, as I thought that smugglers would be with us while crossing the border. But this was not the case. Then, he left us, and we tried calling him to ask some questions but we could not reach him as he turned off his mobile. After a while, the group decided to go in different directions. In the group, there were people from Syria, Somalia and Palestine. We spoke sometimes in English sometimes in French. So, I too separated from the group, as most of us did not know each other and thought that it would be safer to act individually. But the

¹⁷⁴ TR/N/9; TR/N/8

story did not have the happy ending that we expected. I missed the lights as well as the road and it was not possible to reach to someone via mobile. So, when it was getting darker and darker, I followed a small way, where I came face to face with the police. They sent me to the detention centre. After I made an application for asylum, I was released. Yes, I lied, but to get out of this detention centre, I had to do this. Interestingly, I learned this strategy (claiming asylum) in the detention centre where I also met lots of migrants, and from them, I received many contacts for smugglers. After submitting my application, I was released and was finally able to come back to Istanbul. I did not follow up my asylum application.”¹⁷⁵

Aside from leaving them alone on the forest in Edirne, from time to time the smugglers may use a guide recruited in Edirne. In this case, smugglers leave the migrant group to the guide who has good knowledge of the forest and border. From here the guide would lead the migrants through the forest to Bulgaria. Guides are commonly Afghans (but also could be Turkish, Kurds or Romas), and are potential asylum seekers, but lack the necessary amount of money to pay for smuggling. They take over the role of the guide for the group through the forest out of Turkey into Bulgaria and by doing so do not need to pay to the smuggler for crossing but cross the border for free.¹⁷⁶

In Edirne, transiting migrants were outside the city and were invisible to the city dweller; but in border villages they are more visible, both to law enforcement forces or search and rescue groups. Longer stayers at the border village meant the migrants obtained jobs at hotels, restaurants, and in the construction sector etc., mainly around the same border village where they stay.

In an interview conducted in the course of this study, a Turkish official stated that after the strengthening of surveillance efforts at the land border between Bulgaria and Turkey and the deployment of additional staff (police and border officers)¹⁷⁷, a considerable decrease in the number of apprehensions has been observed on this border area as well as many push-backs.¹⁷⁸ (This will be further described in the chapter on Policy Responses.) Interviews with civil society organizations in Izmir and Istanbul strongly stressed that the push backs happen on the Bulgarian border.¹⁷⁹ They insist that there are cases where Bulgarian border police forced Syrian asylum seekers back to Turkey and some are beaten. According to the migrants, these types of events have led to a decreased use of this route. As a result, passages through the Bulgarian border remain less common, due to the harsh conditions on the border (with the existence of fences and the difficult terrain of the forest) as well as the harsh conditions that migrants face once they enter Bulgaria.¹⁸⁰

Aside from the passage via the forest (green land border), migrants who attempt to cross the Bulgarian border use either falsified/forged documents or hide in cars and/or trucks in the storage area to cross the border. As noted in Table 8, among the BCPs within Bulgaria, the highest number of detections of fraudulent documents occurs at Kapitan Andreevo (Kapikule on the Turkish side).

¹⁷⁵ TR/M/GN/12

¹⁷⁶ BG/OS/SY/BG/1

¹⁷⁷ Bulgaria's efforts are primarily comprised of the building of a 33 km fence and deployment of an additional 1500 border police along the land border. TR/N/12

¹⁷⁸ HRW Report, 2014

¹⁷⁹ TR/N/8; TR/N/6

¹⁸⁰ TR/N/13, TR/M/15

Table 8: Number of apprehended migrants with fraudulent documents at the Bulgarian-Turkish BCPs in the period 2010-2015'. Source: Bulgarian Ministry of Interior

BCPs	2010	2011	2012	2013	2014
BCP Kapitan Andreevo	74	110	75	187	255
BCP Lesovo	1	1	1	1	4
BCP Malko Tyrnovo	0	0	1	5	9
Total	75	111	77	193	268

Smugglers organising fraudulent documents are reportedly easily found, particularly in the Aksaray area of Istanbul. The interviewed smuggler in Izmir said:

“Aksaray is a great place where you can meet migrants as well as smugglers and producers of fake documents. Iranians are the best at producing fake documents. But there are also producers who really do not care about the quality of the document but just want the migrants money.”¹⁸¹

In those cases where migrants hide in cars or trucks to cross a border crossing point, migrants are often smuggled on lorries on their way to EU countries without the knowledge of the lorry company or the driver. In this case, smugglers gather the migrants in Istanbul or Edirne and drive them to the border, near to the trucks waiting to cross the border, and leave the migrants in the bushes. As noted by one stakeholder: “The helpers of the smugglers check the trucks, select an appropriate truck, cut the rope off the seals, let the migrants go inside and close the door. Then, on the BCP at the Bulgarian border, when the guards check the truck with special scanner, he can see that there are people breathing inside. They see that the seal is broken. The other way for the migrants to get inside the trucks is to climb with a ladder on the roof of the truck and to cut open the covering.”¹⁸²

In most cases, migrants are hidden in vehicles (cars, trucks, trains), when crossing through the official border crossing points. In March 2015, there was a rather uncommon case of a Romanian bus travelling with 70 migrants from Syria, Iran, Iraq etc., which attempted to illegally cross through the official BCP Kapitan Andreevo from Turkey to Bulgaria. Both the migrants and the driver were arrested.¹⁸³ According to the interviewed authority, lately smugglers are attempting to sneak groups with greater number of people into Bulgaria and, as in the previous case with the Romanian bus, the organiser of the trip was expecting that it would be possible to bribe the border guards.¹⁸⁴

There is limited information on irregular border crossing (particularly via the green border) without the help of smugglers. However, in an interview with a smuggled migrant from Kenya, they recounted a case of young people they met, who attempted to cross the border without previous guidance from smugglers – only using smart phones, GPS and maps.¹⁸⁵

In response to the strengthening of surveillance efforts at the land border and the deployment of 1350 additional policemen by the Bulgarian Ministry of Interior along the Turkish-Bulgarian border in 2014, smugglers and guides have arranged new transportation modes from the Bulgarian border to Sofia. One such new mode is for smugglers to use Bulgarian drivers who have minivans. The smugglers ask the drivers to go to an out of the

¹⁸¹ TR/S/TR/11

¹⁸² BG/OS/SY/BG/1

¹⁸³ BG/A/9, also: <http://stmost.info/granitza/granichna-politziya/3717-pretzedent-70-nelegalni-imigranti-natapkani-v-rumanski-avtobus.html>, <http://haskovo.topnovini.bg/node/579423>

¹⁸⁴ BG/A/9

¹⁸⁵ BG/OS/SY/BG/1, BG/M/KE/4

way place marked with a red cloth hooked on a bush or with a tube with water left on the road. The Bulgarian drivers are paid 200 Euros to go to the place, pick up the group of migrants and drive them to Sofia. However, since many drivers have been arrested and given court sentences, they have started to refuse this job. In response to this, the strategy of the smugglers changed again: Bulgarian facilitators were paid to buy a car (for approximately 1000 Euro) or a bus (for approximately 2000-3000 Euro) and to leave it at a certain place near the border and leave the keys inside of the car with the fuel tank full. The guide who crossed the Turkish-Bulgarian border with the migrant group then leaves the migrants after crossing the border and tells them how to get to the bus. When the group finds the bus, someone from the group drives it to Sofia. For a group of four to five migrants with arranged transportation by car, the profit for the facilitator is estimated at about 8,000 to 13,000 Euro, as he would receive a payment of 2500-3000 Euro per migrant and would pay approximately 1000 Euro for the car, 500 Euro for the guide (if the guide is paid and not given free passage) and 200 Euro for the one who buys the car.¹⁸⁶

In addition, it has also been observed recently that smugglers have begun to guide migrants through more difficult access areas in the mountain, where smuggling was non-existent in the past.¹⁸⁷ For example, the smuggling route through the mountain Strandzha has shifted to both the border crossing points as well as to the more difficult Eastern areas of the mountain.

Other unique cases have been noted by the police, which emphasise the use of accommodation by smuggling groups. For example, a smuggler from Turkey was married to a woman of Roma origin in Bulgaria. The woman would meet the smuggled migrant groups at the border and provided them with a place to stay before their onward movement. In another case from the beginning of 2015, a man from Pakistan who was married to a Bulgarian woman in the city of Lom provided housing for irregular migrants from Afghanistan and Pakistan, and prepared them to be smuggled through the Bulgarian-Serbian border.¹⁸⁸

Another way into Bulgaria from Turkey is by crossing the rivers Rezovska or Maritsa/Evros, through the use of inflatable boats. As highlighted by one interview: "The smuggler provides a brand new inflatable boat and ties the boat to a stake in the bank. When he has crossed over, he deflates the boat and lets the boat sail upriver."¹⁸⁹ In their exit from Turkey, migrants who are taken to Edirne may also be smuggled into Greece through the Evros River by boats. Although the Greek land border passages have been more common in the past, interviewees stated that in Istanbul and Izmir the establishment of border fences has led to a sharp decrease in the usage of that route.

Generally the fees for smuggling depend on a number of factors, including the distance to be travelled, the target country, and the difficulty of the route. The difficulty of the route is contingent on the means of travelling, the terrain to be crossed, and any other factors that may impact the difficulty (e.g. presence of police forces or surveillance). For example, once additional police forces were placed at the Turkish-Bulgarian border, the costs per smuggled person increased to 2,500 Euro, as several interviewees have stated. For land borders, the costs depended on the walking distance, ranging from 3,000-5,000 Euros. For air travel from Turkey, migrants reportedly pay from 10,000 up to 20,000 Euros depending on the

¹⁸⁶ BG/OS/SY/BG/1

¹⁸⁷ BG/OS/SY/BG/1, BG/A/9, BG/II/10

¹⁸⁸ BG/A/9

¹⁸⁹ BG/OS/SY/BG/1

destination in Europe.¹⁹⁰ More information on the air route to and from Istanbul has been included in the previous section on Practice between Nigeria and Turkey. The organisation of the route (as well as onward movement from Bulgaria) depends on payment and usually African migrants tend to stay in Bulgaria, as they don't have the money to continue further. If the migrant has 10,000 euro they can pay for a false document and continue directly to the targeted destination country. But these cases are rare and usually once having entered Bulgaria, migrants end up in a detention camp and from there they make further contacts and deals with the smugglers for their exit from Bulgaria.¹⁹¹

A national authority interviewed in Bulgaria indicated that the payment usually occurred through the *hawala* system, through the use of change bureaus or call centres (termed "safes") that are known by both the migrants and the smugglers.¹⁹² Migrants deposit the money into the "safe" and then, once having arrived at the destination, authorise the smuggler to obtain the money from the "safe".¹⁹³ Based on research on the Bulgarian side, many migrants keep their money at Money Gram or Western Union in order to be able to access it from all over the world.¹⁹⁴ It has been reported both in Turkey and Bulgaria that negotiations between the smugglers and migrants very often involve key clauses indicating the number of trials (including failed attempted border passage or deportations) that are included in the payment.¹⁹⁵ In fact, in most cases the agreement between the migrant and the smuggler is that the payment should be provided after the successful arrival of the migrant in Sofia. As noted by an interviewee:

"One year ago the smugglers were leaving the migrants alone and were telling them from where they should cross the border to get to the Bulgaria and their advice was to meet the border police and to surrender. But now the smugglers provide a guide familiar with the terrain. They use mobile phones, maps etc., and they are telling the guide to which village he should lead the group. At the moment the main nationality used for guides are Afghans. They are also candidate-asylum seekers, but they don't have the money to pay, so they are offered a deal. If they [migrants] get caught or the border police push them back to Turkey, it's their responsibility and the smuggler doesn't lose any money. About one year ago, the smugglers were working with some support in Bulgaria – the drivers. This practice came into being when the authorities redirected a greater number of border guards to fence the border. The order to the border guards was to detect the groups before they attempt to cross the border and to prevent the crossing. The smugglers realised that they are going to lose their job, because in most of the cases they receive the money only when the migrant reaches Sofia."¹⁹⁶

Usually, the migrants perceive Bulgaria as a transit country, but the smugglers from Turkey do not take the responsibility for the whole route to other EU country.¹⁹⁷ The travel to Sofia appears to be arranged through a network with many intermediaries involved and horizontally arranged.

¹⁹⁰ TR/N/4

¹⁹¹ BG/NGO/12

¹⁹² BG/O S/SY/BG/1, BG/J /2, BG/A/9, BG/I/10, BG/M/SY/11, BG/NGO/12, BG/I/17

¹⁹³ TR/N/19

¹⁹⁴ BG/OS/BG/2

¹⁹⁵ TR/N/4, TR/M/24

¹⁹⁶ BG/OS/BG/SY/1

¹⁹⁷ BG/OS/SY/BG/1

iii. Supply side: Smugglers and their organisation

According to data obtained from national authorities in Turkey, since 2008, the number of facilitators arrested by the Turkish Police has averaged 885 people every year. The majority of the 803 facilitators arrested in 2014 were Turkish citizens (624), followed by Syrians (112).

Evidence from existing research illustrates that migrant smuggling involves a complex network of interactions among locally operating individuals and groups.¹⁹⁸ As highlighted by Icduygu and Toktas, the presence of interpersonal trust relations between smugglers and migrants, based on a sense of belonging to a same national, ethnic, kinship or friendship group, is crucial for the maintenance of these networks.¹⁹⁹ The findings from the fieldwork reveal that for migrants, to meet a smuggler from the same ethnic origin makes the smuggler appear more trustworthy. While ethnicity and language are crucial for establishing trust relations, the knowledge of the Turkish language, legal system and society are necessary for the organisation of the smuggling process.²⁰⁰ Thus, Turkish and Kurdish nationals take the lead in the organisation of migrant smuggling in Turkey and enter into partnerships with third country nationals who have access to national, ethnic and kinship networks for recruitment purposes.²⁰¹

Migrant smuggling by air is relatively risk-free for smugglers, given that they rarely travel with the people they smuggle – only having contact with them in the transit zone of the airport (see section Practice, Nigeria-Turkey for more information on modus operandi of smuggling by air routes).

On the side of its broader organisation, one interviewed migrant (from Guinea) indicated that smugglers tend to outsource various parts of the process of the journey, passing migrants from one guide to another one, for example.²⁰² Moreover, payment may also be segmented to the various sub-agents involved: where one leg of the journey has been completed, the smuggler may be contacted to pay the next instalment to the recruiter. After each step of the journey, the related payment for that specific part is completed.

In Edirne, smugglers can be local people, border villagers or Roma, Kurds from southern or south-eastern Anatolia or migrants who have been living in Edirne for several years, as noted by respondents.²⁰³ On the side of Bulgaria, according to the 2014 statistics from the Bulgarian Ministry of Interior, (see Table 9), arrested smugglers are most commonly from either Turkey or Bulgaria, although a large proportion of smugglers are of unidentified nationality.²⁰⁴ The guides who cross the deep forest with the migrants on the Turkish-

¹⁹⁸ Icduygu, A. & S. Toktas (2003), 'How Do Smuggling and Trafficking Operate via Irregular Border Crossings in the Middle East? Evidence from Fieldwork in Turkey', *International Migration*, 40(6): 25-52; Ay, Y. (2014). *Gocmen Kacakçılığıyla Mucadelede İnsan Güvenliği Yaklaşımı: Türkiye Örneği*, T.C. Kara Harp Okulu Savunma Bilimleri Enstitüsü Güvenlik Bilimleri Ana Bilim Dalı, Ankara; Uluslararası Terorizm ve Sinirasan Suçlar Araştırma Merkezi (UTSAM). (2012), *Küresel Göç ve Fırsatçılar: Türkiye'de Yasadışı Göçmenler ve Göçmen Kacakçıları*, UTSAM Raporları Serisi: 18, Polis Akademisi, Ankara; İcli, T. G., H. Sever & M. Sever (2015), 'A Survey Study on the Profile of Human Smugglers in Turkey', *Advances in Applied Sociology* 5: 1-12.

¹⁹⁹ Icduygu, A. & S. Toktas, (2003, p. 26)

²⁰⁰ TR/N/3

²⁰¹ TR/A/4; Uluslararası Terorizm ve Sinirasan Suçlar Araştırma Merkezi (UTSAM), (2012), *Küresel Göç ve Fırsatçılar: Türkiye'de Yasadışı Göçmenler ve Göçmen Kacakçıları*, UTSAM Raporları Serisi: 18, Polis Akademisi, Ankara.; İcli, T. G., H. Sever & M. Sever (2015), 'A Survey Study on the Profile of Human Smugglers in Turkey', *Advances in Applied Sociology* 5: 1-12.

²⁰² TR/M/GN/7

²⁰³ TR/A/26; TR/A/10

²⁰⁴ Data from the Ministry of Interior, Bulgaria, 20/3/2015

Bulgarian green border are often Afghan (who are primarily potential asylum seekers, but do not have the money to pay the smuggler) or also Turkish (who are primarily in debt to the top *passeur* and agree to do the job in order to repay the loan).²⁰⁵ The main motivation for smugglers is financial, but there is also reportedly a cultural motivation in the form of compassion, particularly for those smugglers of similar ethnic groups as those being smuggled.

Table 9: Arrested smugglers of migrants for illegal entry of the Bulgarian state border per year and nationality. *Source: Bulgarian Ministry of Interior*

Nationality	2010	2011	2012	2013	2014
Turkey	87	42	64	61	107
Bulgaria	19	7	22	17	81
Unknown	0	3	2	3	180
Syria	0	2	6	12	16
Iraq	1	2	4	2	4
Afghanistan	0	0	0	0	13
France	4	0	3	2	2
The Netherlands	4	2	0	1	3
Other nationalities	11	10	15	21	17
Total	133	71	121	126	426

There are several types of smugglers identified along this route segment:

- 1) organisers,
- 2) guides or groups of guides,
- 3) receiving groups,
- 4) drivers of the migrants inland, and
- 5) persons providing the accommodation for the migrants in apartments.²⁰⁶

The organisers are usually men over 35 years of age and are experienced. The guides are generally around 18 years of age or slightly older and in some cases there were two or three guides in a group. The participants in the receiving groups are in different ages groups and there have been some women identified in this group; usually they are members of the Bulgarian Roma population.²⁰⁷

These definitions are used by the border police and parallel some of the typology developed in the study of Içduygu/Toktas (2002). According to the Bulgarian authorities, in 2014, 886 people have been arrested and identified according to these categories: 39 organisers (25 on Bulgarian territory, 14 on foreign territory); 518 guides through the border (80 through the green border area, 438 through official BCP); 29 participants receiving groups at the border; 269 drivers; and 31 persons providing accommodation.²⁰⁸ According to the data of the Bulgarian Ministry of Interior, in 2014, 89% (or 2,886 of the 3,150 persons accused) of the cases in which an investigation was conducted by DG "Border Police" were completed or redirected to the Prosecution pre-trial proceedings. 286 pre-trial proceedings were formed

²⁰⁵ BG/OS/SY/BG/1

²⁰⁶ BG/A/9

²⁰⁷ BG/A/9

²⁰⁸ http://www.nsgp.mvr.bg/News/news150306_01.htm Accessed 30 June 2015

according to Article 280 of the Criminal Code for smuggling, against 324 persons (122 Turkish citizens, 119 Bulgarians, 15 Afghans, 11 Syrians, 6 Romanians, 6 Iraqis).²⁰⁹

From discussions with various stakeholders, it seems that the nature of migrant smuggling from Turkey to Bulgaria is based on a “loosely organized network of relations which is predominantly a function of ethnic/kinship relationships”.²¹⁰ Regarding the typology of the process of migrant smuggling through the route from Turkey to Bulgaria, one could observe prevailing characteristics of the horizontally organized networks of the “partial smuggling”²¹¹ but also in some cases could be in place as an “organized chain smuggling”.²¹² It seems from an interview with a stakeholder that the Afghan nationals use this latter kind of smuggling.²¹³

Usually, the drivers or the initiators of the journey take migrants’ documents while they are still in the territory of Turkey. They tend to do this by convincing migrants that if the authorities arrest them with documents, they will face problems. In other cases, the migrants leave their documents in Turkey on purpose, because they will be punished in their countries of origin if they are returned because they have crossed the borders illegally. There have been some cases in which migrants already in Bulgaria called their relatives in Turkey to send them the documents in order to participate in the voluntary return programmes of the International Organisation for Migration (IOM).²¹⁴

iv. Demand side: Migrants and their families/communities

The easy access to the informal economy in Turkey and in Istanbul in particular has provided a viable atmosphere for non-formalised integration of sub-Saharan African migrants.²¹⁵ They are mainly employed in particular sectors such as shoe and bag production, textile and tourism in Aksaray and Kumkapi in Istanbul. In addition to the particular sectors of informal economy in Istanbul, the informal housing markets in some locations such as Kumkapı, Tarlabaşı or Zeytinburnu have also contributed to the employment and housing opportunities of many sub-Saharan African migrants, as underlined by the respondents during the fieldwork in Istanbul.²¹⁶ Among sub-Saharan African migrants, informal trade activities have also highly increased. While shuttle traders sometimes stay for longer periods of time in a particular place, and over time, migrants may become shuttle traders who commute as flexible actors between Turkey and Africa.

Due to their irregular situation in Turkey and their informal conditions of employment, migrants often try to remain out of public sight, as they are perceived as “guests”, “tourists” and/or “irregular foreigners” who will only stay temporarily in Istanbul.²¹⁷ However, sub-Saharan African migrants in Turkey have already established their communities across different neighbourhoods in cities such as Istanbul or Izmir.²¹⁸ For instance, in Istanbul, as noted by various academic and journalistic reports as well as respondents during the fieldwork, many West Africans live in the Tarlabaşı neighbourhood within the Beyoğlu

²⁰⁹ http://www.nsgp.mvr.bg/News/news150306_01.htm Accessed 30 June 2015

²¹⁰ İçduygu/Toktas 2002

²¹¹ Bilger/Hofmann/Liempt/Neske, 2001

²¹² (Bilger/Hofmann/Liempt/Neske, 2001

²¹³ BG//16

²¹⁴ BG//17

²¹⁵ İçduygu and Biehl, 2009

²¹⁶ TR/N/6; TR/N/9

²¹⁷ Karacay, A. B., (2015), Introduction: Critical Reflections on the Immigration and Asylum Policies in Turkey, in A. B. Karacay, D. Sert, Z. G. Goker, *Waves of Diversity: Socio-political Implications of International Migration in Turkey*, Isis Press: Istanbul.

²¹⁸ Karacay (2015)

district, while East Africans prefer the Aksaray and Kumkapı neighbourhood within Fatih district.²¹⁹ These neighbourhoods in Istanbul have not been accidentally chosen, but rather actively selected.

Regarding the Fatih and Beyoglu districts in Istanbul where most of the African communities are established, they are districts characterised by a specific supportive lifestyle brought forward by the presence of marginalised groups such as Kurds and Romas; it is in these districts where African migrants escape from marginalisation and have access to survival networks for supplying accommodation, labour etc. Moreover, the high number of tourists in the area helps them to assimilate into their surroundings. Considering all of the above, for a number of African migrants, Turkey has already become a country of settlement.

In regard to smuggling operations, migrants' travel and stay in Turkey varies based on a number of issues including migrants' individual characteristics (nationality, ethnicity, class, and migration motives) and the smugglers' approach towards the migrants. This has also been noted in the section above on "modus operandi". Migrants who are cannot afford the full price for the smuggling operation immediately after arrival in Turkey might remain in Aksaray and/or Kumkapi neighbourhoods in Istanbul in hopes of finding a temporary job to fund the rest of the journey: "If the migrants don't have enough to pay, they usually start working in informal ateliers until they save enough to pay. They usually work in shoe or bag ateliers of these districts and get a daily payment. Those ateliers are not part of the network, but the migrants are working there illegally."²²⁰ This is the situation not only for sub-Saharan African migrants in Turkey but also other migrant groups in transit.

In Kumkapi or Aksaray neighbourhoods, there are certain cafés, call shops and fast food stores where migrants can get easily in touch with the migrant community as well as with smugglers.²²¹ At these meeting points, the migrants develop their first social networks in the city and start seeking accommodation and employment possibilities. Generally, smugglers in sub-Saharan Africa will give the names of the places where migrants can meet his/her community in Aksaray or Kumkapi in Istanbul. Aside from smugglers, migrants also contact their friends or relatives who already live in Istanbul. Thus, social networks and kinship relations provide crucial information on how to live and earn money in the informal sectors of Istanbul. After saving enough money, a migrant would contact the smuggler to set a date for his/her departure. Meeting with a group of people (approximately 12-20 migrant) in a café shop or fast food store in Aksaray or Kumkapi, the smuggler would then make the further arrangements, as discussed under "modus operandi".

For the case of Bulgaria, however, the general impression from the interviews conducted in Bulgaria with sub-Saharan Africans is that they start the journey with the idea that they will go to "Europe", to a safe place where they will be able to continue living and working, but they end up in detention or homeless without documents. In general, the percentage of Africans entering Bulgaria is quite small in comparison to the total number of irregular migrants. In January 2015, approximately 15 African migrants entered illegally through the

²¹⁹ Özdil, K., (2008), "Creating New Spaces, Claiming Rights: West African Immigrants in Istanbul" in E and K. Wildner (eds.) *Public Istanbul: Spaces and Spheres of Istanbul*, Bielefeld: Verlag; Brewer, K. T., and D. Yükker, (2009), "A Survey on African Migrants and Asylum Seekers in Istanbul" in A. İçduygu and K. Kirişçi, K. (eds.), *Land of Diverse Migrations: Challenges of Emigration and Immigration in Turkey*, Istanbul: Istanbul Bilgi University Press.

²²⁰ BG/J/BG/2

²²¹ TR/M/GN/7

borders of Bulgaria, five of whom were from Mali.²²² Moreover, many of those who choose smuggling services from Turkey had previously been in Turkey for many years, in particular for Nigerians:

“Most of the people coming from Africa had spent a long time in Turkey and they were working there – selling bags on the streets, in factories (they were also living in those factories). There are very few coming from Nigeria to Bulgaria.”²²³

On the other hand, for migrants from North Africa entering via Turkey to Bulgaria, they often enter Turkey as tourists for a short period of time:

“The Algerians are mainly tourists – they are going for a week or two in Turkey, after a while they find a smuggler and cross the border... Usually, the Nigerians had spent a long time in Istanbul, but there are no flows of Nigerian migrants to Bulgaria anymore. Those who came to Bulgaria had already migrated from Nigeria to Turkey a long time ago.”²²⁴

The migrants smuggled to Bulgaria in the last two years are mostly nationals of Syria, but there are also an increased number of migrants from Pakistan, and until recently the number of Iraqis and Afghans were prevalent.²²⁵ Many Syrian migrants are smuggled together with their families (the total number of the Syrians in detention camps is 2707, 449 of which are with their families). According to the opinion of a stakeholder,²²⁶ these migrant families consider that there is no other way to move from Turkey, as their children do not have passports and thus they believe the only way to depart for the EU is to be smuggled. The families prefer the route through the forest and they were advised by the organiser of the journey to call 112 (the emergency number in the EU), when they cross the border.²²⁷ Frequently, the Syrians do not have passports and this is reportedly a disincentive for them to try to cross the border through the official BCP and try to lodge an asylum application there.

A characteristic for the Afghans is that the majority are male. Moreover, most of the unaccompanied minors detected are Afghans.²²⁸ 80% of the Syrians in Bulgaria are of Kurdish origin and stay in Turkey for a short period beforehand. The Arab Syrians are believed to be travelling to Jordan, then to Turkey and by air to Europe. In Bulgaria, Syrians of Arab origin usually have previous experience within the country, either they have been students there previously or they are married to a Bulgarian citizen.²²⁹ In 2013, during the intensive flow of migrants, there were people from many nationalities – from Africa, Algeria, Morocco, Tunisia, Egypt, Sudan, Somalia, Eritrea, Nigeria and Ghana, from Asia – Syrians, Pakistanis, Afghans and Iraqis.²³⁰

²²² BG//16

²²³ BG/OS/SY/BG/1

²²⁴ BG/OS/SY/BG/1

²²⁵ BG/NGO/12, BG/OS/SY/BG/1

²²⁶ BG//16

²²⁷ BG//16

²²⁸ BG//16 and Data from the state Agency for the refugees for the accommodated migrants in the detention centres of SAR in December 2014

²²⁹ BG//16

²³⁰ BG/OS/SY/BG/1

Moreover, often the nationality of those crossing may change by the season: “Mostly Afghans are crossing the border in the winter. Because the Syrians are usually with their families, they are afraid to cross the border in the winter.”²³¹

A common opinion among interviewees is that it is difficult to find out how the migrants sponsor their trip.²³² The payments for the smugglers may vary also depending on how much money the migrant has to offer. During the interviews with some migrants it became clear that in the cases of Syrians they typically sell their property or ask for money to sponsor their journey from their acquaintances or relatives, either in the EU or in other countries (e.g. Saudi Arabia). In the case of two interviewed Nigerians already in Bulgaria, one asked his relatives in Africa to send him money for food and shelter,²³³ and, in the second case, while in Nigeria the migrant asked a friend in Bulgaria to sponsor the trip and to buy a plane ticket for him to Sofia.²³⁴

Migrants are exposed to a number of risks when they are smuggled across the border. The least of them is that the smugglers can promise that they will provide transport by car, but in the end change methods and walk with them through the forest areas. Migrants have become victims of robberies, deception and even physical violence by smugglers: “There was a case of a migrant who wanted to be smuggled with his family to Greece and he paid the smugglers, but they robbed them, beat them and left them in the middle of nowhere.”²³⁵ Migrants are aware that there are risks, but for them it is not always clear what the risk entails. Another particularly relevant risk, for those who pass through the forests alone, is the risk that they may become lost: “There was a case of a young man who started in the winter and lost his way, the police found him in the spring and his body was eaten by wolves.”²³⁶ The forests on the Bulgarian-Turkish border are difficult to pass and there have been many cases of death. A boy from the Gambia reportedly developed gangrene on his toes, because the group got lost in the forest in the winter when the guide abandoned them.²³⁷ There are in fact many cases that highlight the multitude of risks in crossing the border by illegal means.

Moreover, along this border several reports by Human Rights Watch, other stakeholders and migrants have raised awareness of the practice of “push-backs” of migrants at the border with Bulgaria.²³⁸ These reports note that migrants have been beaten by border guards, who also steal their mobile phones and money and push them back to Turkey. One report of a Turkish journalist refers to the death of an Iraqi Yazidi after the men in the group he was travelling with were beaten by Bulgarian border guards; the man’s leg was broken during the beating and he died of hypothermia before help arrived.²³⁹ A few days afterwards, the Director of Bulgarian Border Police Milen Penev declared that an investigation of the event would be initiated and in this context the Bulgarian authorities would ask for the cooperation of their Turkish colleagues to clarify the case.

²³¹ BG/OS/SY/BG/1

²³² BG//17 and other interviews

²³³ BG/M/NGA/14

²³⁴ BG/M/NGA/6

²³⁵ BG/OS/BG/2

²³⁶ BG/OS/BG/2

²³⁷ BG//10

²³⁸ Human Rights Watch (2014), *Amnesty International, The Human Cost of Fortress Europe* (2014), ProoAsyl, Bulgaria – Brutal Push-backs at the Turkish Border (2014), Savova, I. (2015), Hristova, T. et al. (2014), Hilton, J (2015), BG/OS/SY/BG/1, BG/M/KEN/4, BG/M/NGA/14, BG//10,

²³⁹ Hilton, J (2015)

Regarding asylum seekers in Bulgaria, according to a study (Kristeva, A. et al., 2011), the top 10 countries from 1992 to 2011 with applications for asylum are Afghanistan (5,714), Iraq (4,899), Armenia (1,865), Iran (936), without citizenship (909), Serbia and Montenegro (775), Nigeria (518), Algeria (444), Turkey (385), and Syria (350).²⁴⁰ At present, the average duration of detention of some asylum seekers from countries in Northern Africa (Algeria, Tunisia, Morocco) and sub-Saharan Africa (Mali, Côte d'Ivoire, Ghana) has exceeded six months. Based on several reports, this has led the migrants to the conclusion that they are being discriminated against on the basis of their nationality.²⁴¹

The report from the Asylum Information Database (AIDA) for 2014 was critical of “refugees being pushed back at the border with Turkey and discrimination against asylum seekers from the Maghreb and sub-Saharan Africa in detention”.²⁴² The report details discrimination against asylum seekers from the Maghreb and sub-Saharan African regarding their release and access to international protection. The authorities register, interview and judge in the detention centres the applications lodged by people from these regions, who are released only if they challenge the procedures and win a court-ordered release.²⁴³ In an article from French online media website France 24 Observers, interviews with stakeholders and migrants say that the migrants from African countries have to wait a long time to register their application for asylum. In 2013, out of all the cases of Africans that a legal rights organisation worked on, only one person was granted asylum: “And it was a special case – she was a woman with serious health problems, which was a decisive factor”.²⁴⁴

In comparison with all other asylum seekers who were usually released from detention centres after an average of 11 days, throughout the whole of 2014 the State Agency for the refugees (SAR) persistently refused to authorise the release and the registration of asylum seekers from the Maghreb region and sub-Saharan Africa (Algeria, Morocco, Tunisia, Mali and Cote D'Ivoire) and required a court conviction in order to be achieved.¹⁵² The report of AIDA thus indicates that in 2014 first time applicants from certain nationalities, predominantly from the above mentioned countries of origin were clearly discriminated against with regard to their release from detention centres and access to procedure.

In response to court convictions, the State Agency for the refugees (SAR) started to implement status determination procedures with respect to these asylum seekers in detention centres.²⁴⁵ The common impression from Africans who were interviewed during the fieldwork was that they had applied for asylum, but would be refused. The current situation with the asylum process led some Africans to view Bulgaria as a country to avoid as Bulgaria frequently rejects applications, and that they should seek other routes to access Europe.

²⁴⁰ Ivanova, V./Krasteva, A./Otava, I./Staykova, E.: A Bulgarian Migration Profile, 2011

²⁴¹ Human rights in Bulgaria in 2014, *Annual report of the Bulgarian Helsinki Committee*. April 2015, http://www.bghelsinki.org/media/uploads/annual_reports/annual_bhc_report_2014_en.pdf, information on delays in the asylum proceedings for certain nationalities also found in Hristova, T., Apostolova, R., Deneva, N., Fiedler, M. (2014), „*Trapped in Europe's Quagmire: The Situation of Asylum Seekers and Refugees in Bulgaria*”, Bordermonitoring.eu 2014

²⁴² Asylum Information Database, *Country report: Bulgaria, Helsinki Committee and European Council for Refugees and Exiles* (ECRE), 2015, <http://www.asylumineurope.org/reports/country/bulgaria>

²⁴³ Ibid.

²⁴⁴ France 24 Observers. 13 February 2015. *African migrants decry police raids on Bulgarian refugee centre*, i <http://observers.france24.com/content/20140213-african-migrants-police-raids-bulgarian-refugee-centre> Accessed 14 May 2015

²⁴⁵ Savova, I. (2015)

Over the course of the research, the lack of legal means for entering the EU has been an important factor contributing to the increased use of smuggling networks.²⁴⁶ One stakeholder clearly indicated the need for legal ways to enter, especially for asylum seekers, and in particular working visas for those wishing to obtain employment.²⁴⁷ The representative of UNHCR in Bulgaria referred to the letter UNHCR sent in March 2015 to the European Commission entitled “Proposals to address current and future arrivals of asylum-seekers, refugees and migrants by sea to Europe”²⁴⁸ as a measure to face the current crisis which should be taken into account.

3) Other Trends

The fieldwork on the route of “Nigeria-Turkey-Bulgaria” reveals a number of different trends and routes of migrant smuggling that intersect with parts of this route. In this section, in the light of the findings of the fieldwork, first the routes from Nigeria to Europe are outlined, followed by alternative routes from Turkey to Bulgaria and Greece, as well as onward movement from Bulgaria.

i. Other routes from Nigeria to Europe

All stakeholders and literature assessed related to Nigeria smuggling operations noted that the majority of smuggling operations in particular and irregular migration in general from Nigeria towards Europe occurs via the overland route crossing the Sahara desert, prior to attempts to cross the Mediterranean by sea into Europe (via the Western Mediterranean or West African route). The NCRMI has however stressed that there has been a recent diversification of destinations away from Europe, primarily in response to enhanced economic opportunities available in the Gulf States, Malaysia and India.²⁴⁹ In addition, NAPTIP highlighted the regional dynamic of Nigeria as a country of destination for migrants from other West African countries. Calabar and Lagos are key internal cities used as transit hubs by migrants moving onto Cameroon or Gabon. There is no evidence that West African migrants arriving in Nigeria do so as part of a coherent, long-distance migration plan. A decision to pursue onward migration following arrival in Nigeria would therefore be taken on an ad hoc basis.²⁵⁰ Smugglers are not associated with intra-regional movement of this kind due to the existence of the ECOWAS Freedom of Movement Protocol that allows West African ECOWAS nationals the legal right of entry and stay in Nigeria for up to three months with an ECOWAS passport, although De Haas notes that “free movement is often obstructed *in practice* through failing implementation or corruption.”²⁵¹ Assessing the scale of irregular migration from Nigeria to Europe is challenging, and consistent data on the phenomenon is only available via detections made along the EU’s external borders, as well as trends in asylum applications made in Member States, which is noted in Table 10 below.²⁵²

²⁴⁶ BG//10

²⁴⁷ BG//16

²⁴⁸ <http://www.refworld.org/docid/55016ba14.html>, Also: UNHCR Central Mediterranean Sea Initiative, Action Plan, March 2015, see here: <http://www.unhcr.org/531990199.pdf>

²⁴⁹ NGA/A/3

²⁵⁰ NGA/A/6

²⁵¹ De Haas (2007), p.4

²⁵² NGA/A/7

Table 10: Nigerian Nationals in FRONTEX data, 2010 – 2013. Source: FRONTEX ARA 2012 – 2015, FRAN Quarterly reports 2013 – 2014

Year (rank in comparison to all other countries)	2010	2011	2012	2013	2014
Detections – All borders	559	6863	826	3386 (9 th)	8715 (9 th)
Detections – Sea borders	196	6380	575	2870 (5 th)	8490 (7 th)
Refusals of entry – Air Borders	1719	1544	1709	1647 (7 th)	1653 (6 th)
Persons using fraudulent documents	n/a	244	277	482 (5 th)	516 (6 th)
Returns decisions issued	n/a	7357	9345	8549 (10 th)	7136 (9 th)
Effective returns	n/a	5327	4658	5235 (8 th)	4349 (9 th)
Forced returns	n/a	3112	2714	2707	2488 (8 th)
Voluntary returns	n/a	1952	1642	2322	1767 (9 th)

Frontex data from 2010 onwards provides a general overview of trends for irregular migration from Nigeria into the EU (Table 10): a large proportion of illegal entry attempts by Nigerians (that are detected) are made via sea borders, and the majority of detected illegal entry attempts were at the EU sea borders, while a significant proportion of refusals are also made at air-borders, in comparison with other third countries but not in relation to the overall number of detection entry attempts. Recent trends of note include the quadrupling of detections of Nigerians (3386), Malians (2887), Senegalese (1643) and Gambians (2817) from 2012 to 2013, mostly reported in the Central Mediterranean. Nigeria was the third most increased country detected in the Central Mediterranean in 2013 compared with 2012 data, after Syria and Eritrea. This trend has continued in 2014, with detections of Nigerians at external borders increasing by 157%, and detections at sea borders specifically increasing by 196% over the year.²⁵³

ii. Nigeria – Europe: Overland route

Multiple governmental stakeholders²⁵⁴ and international stakeholders²⁵⁵ all stated that the majority of migrant smuggling between Nigeria and Europe is via the trans-Saharan overland route. The NCRM stated that the same routes have been used over the preceding two decades; departing across northern land borders, travelling overland across the Sahara and then joining the West Africa Route or Western or Central Mediterranean route into Europe, although the Western Mediterranean route has declined in use over recent years.²⁵⁶

The NIS stated that the land route is the most prominently used route due the reduced viability of travelling by air routes. This is attributed to the increased security of Nigerian documents following the introduction of biometrics, as well as increased capacity at air borders to detect forgeries, which has also believed to have resulted in a rise in price for smuggling via this route. This has been described in detail above in the section on Practice, Nigeria-Turkey. In addition to this, Nigeria's land borders are porous and very challenging to monitor. The NIS stated they do not have the resources to effectively police the entirety of the land border. Nigerian citizens can legally cross borders into ECOWAS Member States

²⁵³ FRONTEX ARA 2015

²⁵⁴ NGA/A/1; NGA/A/3; NGA/A/6

²⁵⁵ NGA/I/2; NGA/I/5

²⁵⁶ UNODC (2011c)

(Benin and Niger) under the terms of the ECOWAS Free Movement Protocol.²⁵⁷ In addition, Nigerians also have visa free access for tourist stays of up to 90 days in the other two neighbouring (non-ECOWAS) countries; Cameroon and Chad.²⁵⁸ This has reportedly allowed Nigerians to pass through other ECOWAS countries, from where they continue their journey overland towards Europe, using smuggling networks once they have departed the ECOWAS region.

UNODC research from 2011 identified three possible land routes from West Africa towards Europe:

1. The westernmost route is focused on ports of the Atlantic coast where boats can be taken to the Canary Islands or even to the Spanish mainland. The Atlantic route has declined rapidly in recent years, due to increased counter-smuggling activities by European (particularly Spanish) and Moroccan authorities. The main points of embarkation for the Canary Islands were previously in Morocco and the Western Sahara, but then moved steadily further south in response to enforcement, to harbours in Mauritania and Senegal. There was no mention of Nigerian nationals currently using this route by stakeholders interviewed.
2. The Western Mediterranean overland route to North Africa runs from Senegal through Mauritania to Morocco, or via Gao in Mali north to Algeria and Morocco. Many migrants may stay on the North African coast for several years before attempting to enter Europe via Spain. The main points of entry are via the Spanish enclaves of Ceuta and Melilla on the North African coast. Use of this route hit a peak in 2005 however, and has declined since. Now it has reportedly been mostly abandoned by West African migrants due to the Spanish policy of keeping irregular migrants in the two cities and not transferring them to the European continent.
3. The third and easternmost of the overland routes commonly used by migrants from West and Central Africa is the Central Mediterranean route, accessed via Agadez in the Niger and Gao in Mali. These two towns are vital staging posts for access to the Maghreb at a number of points, especially via Tamanrasset to the Strait of Gibraltar, or via Sebha to the Libyan coast. There are also reports of people leaving north-eastern Nigeria for Chad with a view to reaching Egypt and travelling from there towards Greece.²⁵⁹

Irregular migration from Nigeria was mostly associated by the NIS with the third route via Niger. It is believed that the first country of transit for most Nigerian migrants taking the land route is either Niger or Chad.²⁶⁰ It is currently unclear what impact the evolving insecurity in the Saharan region has had on the operation of smuggling networks and routes. The NIS believe it will have negative consequences for migrants using the route, due to a reduction in the number of safe havens along the route where migrants can rest and work in order to finance the next steps of their journey.²⁶¹ A BBC report from April 2015 reported cases of intermediaries operating in Gao, Mali tricking migrants away from their intended route to Libya and selling them to Tuareg truckers going to Algeria. The article highlighted Gao as a

²⁵⁷ NGA/A/1

²⁵⁸ <https://chad.visahq.com.ng/>

²⁵⁹ UNODC (2011c) p.25

²⁶⁰ NGA/A/1

²⁶¹ NGA/A/1

key transit hub due to being one of the cheapest and shortest points from which to make the desert crossing; between 5 and 6 days.²⁶²

According to both the UNODC 2011 report and De Haas, most irregular migrants from the region prefer a “pay-as-you-go” method when using the overland route, whereby migrants make the journey in several stages over a period of time ranging from one month to several years.²⁶³ Migrants will stop periodically along the route in migration hubs to work in order to finance the next leg of their journey.²⁶⁴ De Haas warns against the tendency to portray the flow of irregular trans-Saharan migration into Europe as an ‘invasion’, noting that “an estimated 65,000 to 120,000 sub-Saharan Africans enter the Maghreb yearly overland, of which only 20 to 38 percent are estimated to enter Europe.”²⁶⁵

iii. Nigeria – Europe: issues related to trafficking in persons

Regarding the link between trafficking in human beings and migrant smuggling, two distinct trends are associated with the route from Nigeria to Europe. As reported by interviewed stakeholders and the UNODC, trafficking via air routes from Nigeria to Europe is primarily young women and girls originating from Edo State.²⁶⁶ The UNODC reports that this type of trafficking is highly organised and that it may occur when “a Nigerian-run sex ring in North Africa or Europe orders a new girl or woman from Nigeria”, which subsequently prompts the recruitment process in Nigeria.²⁶⁷ The other trend observed is associated with the over-land route (see previous section) and is harder to detect. Migrants who have employed a smuggler may eventually find themselves in a trafficked situation further down the route.²⁶⁸ Thus the modus operandi employed by smugglers in Nigeria, primarily by facilitating contact through extended family and community networks, may also be utilised by traffickers. The distinction of whether a facilitator is a smuggler (i.e. service provider) or trafficker is only apparent based upon the eventual situation the migrant finds themselves in during transit or upon arrival at a destination country. The link between smuggling and trafficking via the land route is considered due to the increasing vulnerability of migrants as their financial means, social capital and access to rights are reduced as they travel through foreign countries. In addition, agreements to pay for smuggling services through working in the destination countries is inductive to creating situations of debt-bondage and may also result in severe exploitation of the migrant.²⁶⁹

A European embassy²⁷⁰ noted that the profile for Nigerian irregular migration into the EU via air routes has remained mostly static over recent years: that of young girls trafficked to Europe for sexual exploitation, primarily originating from Benin City, Edo state; of young children taken overseas to work as domestic servants by “aunty” and “uncle” figures, primarily seen among members of the Nigerian elite; and young male and female economic migrants using forged documents.

iv. Other routes from Turkey to Bulgaria: the Black Sea

²⁶² BBC News (21 April 2015) *Inside Mali's human-trafficking underworld in Gao*, <http://www.bbc.com/news/world-africa-32359142> accessed 21 March 2015

²⁶³ De Haas (2007), p.18

²⁶⁴ UNODC (2011c) p.28

²⁶⁵ De Haas, Hein. (2007), ‘The myth of invasion: Irregular migration from West Africa to the Maghreb and the European Union’ International Migration Institute Research Report (University of Oxford; Oxford) p.iii

²⁶⁶ NGA/A/4; UNODC (2011c)

²⁶⁷ UNODC (2011c)

²⁶⁸ NGA/A/5

²⁶⁹ NGA/A/5

²⁷⁰ NGA/A/4

Detections of illegal border-crossing across the Black Sea have been extremely rare. According to the 2015 Annual Risk Analysis report of FRONTEX, on the Black sea route there were 433 detected smuggled migrants in total in 2014, most of them Afghan (261), Iraqi (90) and Iranian (45), which is an increase of detections by 193% in comparison to the previous year.²⁷¹ According to the previous Frontex Annual Risk Analysis Report, in 2013, Bulgaria reported one attempt of clandestine entry at Varna seaport in June 2013 and Romania reported four incidents involving the detection of 118 migrants often aided by Turkish facilitators attempting to reach the Romanian coast.²⁷² A Bulgarian stakeholder also noted four reported cases: in one of the cases 60 migrants were found in a yacht and in another a Turkish fishing boat was detected in the Romanian waters with 120 migrants on board.²⁷³

This route is also considered extremely dangerous for migrants. For example, in November 2014, two boats carrying migrants from Afghanistan and Syria capsized in the Black Sea near Istanbul.²⁷⁴ Heading towards Romania, both were overcrowded when they sank off the coast of northern Istanbul.²⁷⁵

These incidents still constitute isolated cases, and do not yet signal a larger shift of smuggling via the Black Sea. In the view of an interviewed official from the Turkish Coast Guard, interviewed in Izmir,²⁷⁶ this route is still not preferred due to the notoriously treacherous Black Sea, as well as increased surveillance in the region. According to the official,²⁷⁷ these cases did not indicate an established route but are one of the few examples of either opportunist smugglers whose intention is profit or inexperienced smugglers who do not have knowledge about the region and the sea conditions.

On the other hand, Bulgarian authorities currently do consider that the Black Sea border with Turkey is well equipped, and that it is possible that the attempts will increase, as smugglers may try to use the sea route to access Romania.²⁷⁸

v. From Turkey through the eastern Aegean Islands

Recently, irregular migrants have begun to use the southern route, arriving in the Mersin-Adana region, to continue their journey by passage to Italy on a smuggler's boat. An interview with a Turkish official from the Coast Guard in Izmir²⁷⁹ noted that this pattern has progressively emerged in the course of 2014. Migrants primarily depart from the area of the Turkish port of Mersin, on board smaller boats (fishing boats or small cargo ships) that transport them to cargo vessels waiting in front of the coastline of Mersin (otherwise known as the "mother boat" method, further described in Case Study 1) around the Aegean Islands to reach Italy.

Most of the interviews conducted during the fieldwork reveal the fact that it is mainly migrants from sub-Saharan Africa (Ethiopia, Eritrea, Somalia or Congo) that prefer to reach the

²⁷¹ Annual Risk Analysis 2015 Report of FRONTEX

²⁷³ BG//10

²⁷⁴ Daily Sabah Turkey, (2014), *Boat carrying migrants capsizes off Istanbul, 22 people drown*, (November, 4) (<http://www.dailysabah.com/nation/2014/11/03/boat-carrying-migrants-capsizes-off-istanbul-22-people-drown>)

²⁷⁵ Los Angeles Times, (2014), *Smuggling boat sinks off Turkey, killing at least 24 migrants*, (November,4) (<http://www.latimes.com/world/middleeast/la-fg-turkey-boat-sinks-20141103-story.html>)

²⁷⁶ TR/A/10

²⁷⁷ TR/A/10

²⁷⁸ BG/A/9, BG/NGO/12

²⁷⁹ TR/A/6

eastern Aegean islands.²⁸⁰ These migrants arrive to Turkey in a variety of routes²⁸¹, with many previously transiting through Syria before the conflict.

After arriving in Turkey, the city of preference is often Istanbul, as is also the case for migrants travelling the route to Bulgaria, as noted above. In the organisation of the route from Istanbul to the EU via the Aegean Islands, migrants who are accommodated in Istanbul and İzmir are taken to the coastal towns of İzmir, Balıkesir, Çanakkale, Aydın and Muğla to be smuggled by boat into Greece (see Case Study 3) and Italy. The transfer from Istanbul to the Aegean coastal areas is usually organised by minibuses, which are often escorted by cars to safely avoid police checkpoints. The typical vehicles for sea transportation are inflatable boats and speedboats. Smugglers also aim for cheap, old and large vessels, which could hold many migrants and does not cost much in the case of appropriation by the security forces. It has been noted that other practices include smuggling via cargo carriers with the help of workers in cargo companies and smuggling via small boats from the Mediterranean coastal towns to be transferred into bigger ships at sea. For those smuggling activities organised in the city of Mersin, they now aim primarily for Italy rather than Greece.²⁸² More information on the Turkish route to Italy is also noted in the “Other trends” section of Case Study 1.

Maritime routes from Turkey to Greece are also an important trend; they cross the Aegean Sea through six Greek islands: Lesbos (Midilli) in the north Aegean Sea; Chios (Sakız), Samos (Sisam), and Pharmakonisi (Bulamaç) in the middle sea; Kos (İstanköy) and Rhodes (Rodos) in the southern Aegean Sea. These islands are very close to the departure points in the Aegean coastline in Turkey: Ayvacık in Çanakkale province and Ayvalık in Balıkesir province in the northern Aegean region; Çeşme, Karaburun, Urla, Dikili and Seferihisar in İzmir province and Kuşadası, Söke, Didim in Aydın in the middle Aegean region and finally Bodrum, Datça and Fethiye in Muğla province in the southern part of the Aegean coastline.²⁸³ To avoid being caught, organisers often employ one person among the migrants as the captain of the ship. This route is described in detail in Case Study 3.

vi. Secondary movement from Bulgaria

In 2014 there were 3,009 third country nationals detected attempting to exit irregularly from the Bulgarian border (most of them were nationals of Afghanistan - 1 179, Syria – 1 160, Iraq – 193, Pakistan – 93, Turkey – 56 etc).²⁸⁴ As noted in Table 11, the highest detections from January to 19 March 2015 of irregular border crossings are at the border with Serbia (758 on the green border of total 809), followed by detections at the Bulgarian-Romanian border (174 on BCP of total 186 detected attempts). At the Bulgarian-Serbian border this is primarily via

²⁸⁰ TR/N/27; TR/A/4

²⁸¹ Research by Jeuridini in 2010 shed new light onto how the route from Somalia and Ethiopia to Turkey is organised, although much can be assumed to have changed due to the conflict in Syria. His data showed a multifaceted set of routes to Turkey, with approximately 20 percent of Somalis and Ethiopians in the study flying direct from their respective countries to Jordan, going overland by car to Syria, then continuing to Turkey. Many Ethiopians either flew or went overland to Sudan and from there, either by bus to Cairo, by air to Syria or by air to Istanbul. Some flew all the way - directly to Yemen, to Syria or to Turkey. By air, respondents claimed to have reached Turkey directly from Aden, Amman, Cairo, Damascus, Dubai, Khartoum, Nairobi, and one from Malaysia. Before arriving in Turkey, some respondents reached Syria by air from Beirut, Dubai, Jeddah, Amman, Khartoum and Aden. From Sudan, some claimed they travelled by car or walked to Libya and then, by boat, managed to get to Turkey (precise details of this sea journey are unknown). Jeuridini, R. (2010) *Mixed Migration Flows: Somali and Ethiopian Migration to Yemen and Turkey*, Final Report prepared for the Mixed Migration Task Force.

²⁸² TR/A/4

²⁸³ İçduygu and Karaçay 2011.

²⁸⁴ http://www.nsgp.mvr.bg/News/news150306_01.htm Accessed 30 June 2015

the green border, while at the Romanian border it is clandestine/irregular entry via the border crossing point.

Table 11: Apprehended migrants for illegal attempt of exit through the Bulgarian state borders (January 2015 - 19 March 2015)

Bulgarian Borders	Green border	BCP	Total
Bulgarian-Turkish	12	0	12
Bulgarian-Serbian	758	51	809
Bulgarian-FYROM	0	1	1
Air border	-	6	6
Bulgarian-Romanian	12	174	186
Bulgarian-Greek	4	1	5
Total	786	233	1019

After migrants cross the Bulgarian-Turkish border, many are often arrested by the police, subsequently undergo screening procedures and then immediately are allocated to different detention centres. Mostly, migrants try to continue their journey to other EU countries from Bulgaria, using the country to transit to other European destinations. They do so either by exiting to Serbia (in order to enter Hungary), or to Romania. As highlighted in one interview, the cost of the Bulgarian-Serbian border exit “varies between 2,000 to 3,000 Euros, and usually the smugglers or intermediaries are Bulgarians.”²⁸⁵ Following exit towards Serbia, the smuggling route re-enters the EU via Hungary. For the groups organised in Bulgaria with the destination of Hungary, one of the smugglers always travels together with the group and he is from the same nationality as the migrants, usually Afghans but sometimes Syrians, as evidenced from the interviews and other sources, and has legal documents for permanent residence in Bulgaria.²⁸⁶ Most of the migrants are aware of the risks, but nevertheless make the decision to be smuggled.²⁸⁷ Another smuggling trend is for groups with a greater number of migrants to go to the city of Vidin in Bulgaria, near the border with Romania, but attempt to cross through the nearby Serbian border, where smugglers split the migrants into smaller groups to smuggle through the border.

“Those who use the passage to Serbia near to the city of Vidin, are using other ways of arrangements. There are smugglers who take the migrants from the border, arrange their lodging in Bulgaria and then drive them out of the country. They are not Bulgarians usually; it is logistically a very complicated organisation, which is based on the rule of accepting-transmitting. One person is transporting the migrants from Sofia, drives them to the city of Montana, from there another one transports them to close to the city of Vidin and from a location outside of the city, the third facilitator takes the group to smuggle them to Serbia.”²⁸⁸

The stakeholder²⁸⁹ explained that “rule of accepting-transmitting” is like a chain in smuggling, which has to be broken in many pieces. In this case, one driver takes the migrants from the border with Turkey, another driver takes them from Sofia and drives them to Montana and another one drives them to the city of Vidin, where someone else takes the group to show them the way thorough the border with Serbia.

²⁸⁵ BG/OS/SY/BG/1

²⁸⁶ BG//1/16

²⁸⁷ BG//1/16

²⁸⁸ (BG/J/BG/2)

²⁸⁹ Ibid.

“There are cases of Bulgarian smugglers keeping up relations with the Turkish ones. They are usually the ones going to the border, meeting the migrants and smuggling them directly to Hungary in two days. Usually, those relations between the smugglers in Bulgaria and Turkey are based on kinship relations.”²⁹⁰

Usually Syrians and Iraqi young men attempt to cross through the Bulgarian-Romanian border by foot, hidden in vehicles, or with false documents. In many of the cases the groups crossing hidden in vehicles through the official border crossing points with Romania are detected with a device for measuring the carbon dioxide in the trucks. Mostly young men are reportedly using this channel through Romania. As noted by one stakeholder:

“The channel to Romania through Ruse is quite risky. Usually, those who attempt to exit Bulgaria from Ruse use the same channel or smuggling chain which they have used when entering in Bulgaria. Usually it is easier to enter in Bulgaria and more difficult to exit. Usually, those who pay to exit from Ruse are using the Turkish truck drivers who have smuggled them in Bulgaria.”²⁹¹

Thus it appears that those migrants using smuggling services from Bulgaria to Romania usually use the same services they used to enter Bulgaria, primarily the Turkish drivers that brought them to Bulgaria.

²⁹⁰ Ibid.

²⁹¹ BG/J/BG/2

III. Policy Responses

This section covers the main policy responses of national authorities of Nigeria, Turkey and Bulgaria in addressing migrant smuggling, including not only national legislation but also relevant international and regional cooperation, bilateral and multilateral agreements, projects and initiatives, and governmental and civil society actors involved. The section proceeds first with those policies and structures in place which are relevant for migrant smuggling in particular or irregular migration in general along a specific route segment. Following this, the national context will be presented for each country in turn.

1) Policies directed towards the selected routes

i. Nigeria – Turkey

Beginning with the adoption of the Africa Action Plan in 1998, political and economic relations between Turkey and Africa have resumed in volume after a period of stagnation. More recently, since 2003, African nations have appeared more intensely in Turkish foreign and economic policy, with 2005 appearing as ‘The Year of Africa’, the hosting of the first Turkey-Africa Cooperation Summit in 2008, and the conference on Least Developed Countries in Istanbul in Spring 2011.²⁹² Currently, the Turkish government has targeted economic and humanitarian assistance at African nations and responded to the famine in Somalia with renewed aid in the form of education and donations. There are approximately 30 Turkish companies in Nigeria, operating mainly in the construction, manufacturing and energy sectors. While Turkey has provided 55 undergraduate/graduate scholarships to Nigeria within the Turkish Government Scholarship Programme between 2008 and 2011; Turkish educational institutions, which operate numerous primary and high schools as well as a university in Nigeria, provide education to more than 3.500 students in this country.

The Turkish engagement with Africa, as a geographic region including primarily the nations of Sub-Saharan Africa in general and Nigeria in particular has important implications not only for trade and foreign policy, but also for migration and asylum. The discussion of migration has been left out of discussions of Turkish-Africa relations, but is an important aspect to better understand the role that migration plays in the economic development both of Turkey and its African partners. In line with this, it is worth to state that new Turkish Airline flight paths to African countries like Nigeria, Ethiopia, Ghana, Kenya, Tanzania and Uganda are encouraging new arrivals to Turkey. Beyond geographic position, migrants have gained improved knowledge of Turkey as they become more aware of Turkey geo-graphically, geo-politically and geo-economically. As indicated by the respondents during the fieldwork, this knowledge of Turkey itself becomes a pull factor in migration decisions.²⁹³ Increasing arrivals from Africa not only demonstrate the pull of Turkish tourism and trade, but also the pull of Turkey as a destination for transit and even potential settlement. This is relevant considering the legal migration route noted under the Practice chapter from Nigeria to Turkey, which may subsequently become an irregular route.

Additionally, the readmission agreement signed in 2011 between Turkey and Nigeria has had an important effect on both governments’ relations, as it aimed at sending back apprehended irregular migrants as well as developing cooperation and collaboration in enhancing

²⁹² In over a decade, from 1996-2009, exports to African nations increased from around 1.2 to 10.2 billion USD, a 750% increase, and a little over 10% of total exports.

²⁹³ TR/N/6; TR/N/12

migration capacity in both countries and struggling with migrant smuggling and human trafficking. There is no working arrangement or joint cooperation specifically on smuggling of migrants between Turkish and Nigerian authorities in this area, according to the NIS.²⁹⁴

ii. Turkey – Bulgaria

In Bulgaria, as a consequence of increased Bulgarian operational measures, including an Integrated Border Surveillance System (IBSS) and a special police operation, the level of detections decreased compared to 2013 and tended to be mostly reported from the eastern part of the border, the section not covered by the IBSS.²⁹⁵ The IBSS has reportedly had significant results in receiving early information on preparations by smugglers for illegal border crossings in the areas of responsibility of BPD-Svilengrad, BPD-Elhovo and the area of BPD-Boliarovo. The Bulgarian Ministry of Interior considers as effective the construction of the fence (30 km in length constructed in 2014) and the IBSS as measures which have contributed to the shift of irregular and migrant smuggling flows to the official border crossing points. The explicit aim of the Bulgarian policies is to shift such flows to the official border crossing points in order to register potential asylum applications from among those arrivals in situ and to prevent irregular border crossings.

The construction of the fence along the border between Bulgaria and Turkey has been noted in the reports of Frontex and the Bulgarian Ministry of Interior²⁹⁶ as being particularly successful in terms of reducing irregular migration flows in this particular section of the border, and interviews also attribute this to well-trained border guards²⁹⁷. On the other hand, civil society stakeholders criticise the militarisation of the border and campaign to raise awareness on reported push-backs at the border to Turkey.²⁹⁸ After the construction of the fence, the Ministry of Interior reported a sharp decline in the attempts of illegally crossing the border in this section of the state border. Between 8 January and 30 November 2014, the total number of detections along the area with the already built facility decreased by 7 times compared to the same period of 2013 (8405 persons in 2013, compared with 1197 persons in 2014). This resulted in the redeployment of forces and means to other sensitive areas and sections of the state border, as migratory pressures shifted to other areas – BPD- Novo Selo, BPD – Ivaylovgrad, BPD – Smolyan.²⁹⁹

According to Bulgarian Ministry of Interior statistics, in 2014 the number of arrested smugglers has increased significantly in comparison to 2013. As a report of the Ministry of Interior highlights, in 2014 the observed and prevented attempts of crossing the border in Turkish territory have doubled in comparison to the year before, while the number of arrested migrants in Bulgarian territory for illegal border crossing has decreased almost 50%.³⁰⁰

More recent reports have focused on ways to increase the effectiveness of these measures, and identifying those measures that have not been considered effective. In a report to the Prime Minister, the ex-Minister of Interior Mr. Vuchkov proposed to extend the length of the

²⁹⁴ NGA/A/1

²⁹⁵ Annual Risk Analysis FRONTEX 2015

²⁹⁶ Public report of the Ministry of Interior for the implemented actions in 2014, Annual Risk Analysis 2015 Frontex

²⁹⁷ BG/II/17, BG/OS/SY/BG/1, BG/J/2

²⁹⁸ *The Human Cost of Fortress Europe* (2014), ProoAsyl, Bulgaria – Brutal Push-backs at the Turkish Border (2014), Savova, I. (2015), Hristova, T. et al. (2014), Hilton, J (2015), BG/OS/SY/BG/1, BG/M/KEN/4, BG/M/NGA/14, BG/II/10

²⁹⁹ „Report on The organization of work and current material conditions in which the police officers from the Ministry of Interior participating in the joint specialized police operation on the Bulgarian-Turkish border, perform their duties involved in joint operation“, From General Directorate "Police" to the Minister of Interior Mr. Veselin Vuchkov, Reg.№ 11937p-9481/17.11.2014

³⁰⁰ Public report of Mol, 2014.

fence another 131 km, so that the total length of the fence would be 161 km, and proposed that mostly river zones should be left uncovered by fence, in order to increase the effectiveness of the measures in shifting flows.³⁰¹

Recent studies on the impact of specific policies on the prevention of migrant smuggling have not yet been conducted, but in the Annual report for the activities of the Ministry of Interior for 2014 the special operation/measures implemented by the government in 2014 in response to the increased cases of illegal entering in the country through the green border with Turkey were assessed and analysed.

According to the assessment of the implemented policies for border control, the Bulgarian Ministry of Interior, as a result of analysis, made a decision that the approach of deploying border missions of nearly 1,300 policemen each month – who are on regular basis at the regional directorates of the Ministry of Interior and the Regional Departments "Border Police" – is not rational, both financially and in terms of efficiency. In that line of analysis, the Ministry of Interior took decision to stop the missions of additional police force and to differently plan the security of the border.³⁰² With this in mind, the same report suggests that permanent personnel (additional contracts with 500 border guards) should be placed to cover the needs under the new conditions (rather than the previous ad hoc arrangement).³⁰³

In fact, the implementation of these measures required considerable additional financial resources: 26,744,100 BGN (approx. 13,674,041 Euro). The increase of human resources and material investment did lead to a decrease in the number of irregular migrants entering the country via the green borders, as has been noted above. It has also been considered a result of cooperation with Frontex. In the area of return, as a response to the migratory situation in 2013, Bulgaria accelerated the implementation of the measures, laid down in Strategic Programme for Integrated Management of Return (2011-2013) and undertook measures to optimise the procedures for return.³⁰⁴

On 16 December 2013 in Ankara, the EU Commissioner for Home Affairs Cecilia Malmström signed, with the Turkish authorities, the EU-Turkey readmission agreement, and initiated, jointly with Turkish authorities, the EU-Turkey visa liberalisation dialogue. The main objective of the EU-Turkey readmission agreement is to establish, on the basis of reciprocity, procedures for the rapid and orderly readmission, by each side, of the persons having entered or are residing on the territory in an irregular manner. The Readmission Agreement has been ratified by the Turkish Parliament in June 2014, but readmissions to Turkey from the EU will start three years after the ratification of the Readmission Agreement which was voted by the Turkish Parliament. Thus at the moment of the research the effectiveness of this measure could not be assessed, as it is not yet implemented.

³⁰¹ Report regarding the necessity of construction of a prohibitive engineering facility on the Bulgarian-Turkish border, by the Minister of Interior Mr. Veselin Vuchkov to the Prime Minister Boyko Borisov, Reg n. 812100-27496, 23/12/2015

³⁰² Public report for the activities of the Bulgarian Ministry of Interior, (Publichen otchet za deynostta na Ministerstvo na Vtreshnite Raboti za 2014, Ministerstvo na Vtreshnite Raboti, Republika Bulgaria) January 2015, Mol

³⁰³ Public report for the activities of the Bulgarian Ministry of Interior, (Publichen otchet za deynostta na Ministerstvo na Vtreshnite Raboti za 2014, Ministerstvo na Vtreshnite Raboti, Republika Bulgaria) January 2015, Mol

³⁰⁴ Country Factsheet: Bulgaria 2013, European Migration Network: http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/docs/country-factsheets/03.bulgaria_emn_country_factsheet_2013.pdf

Moreover, the 1967 Agreement between the Republic of Bulgaria and the Republic of Turkey for prevention and resolution of border incidents and maintenance of state boundary marks is also in force.

iii. Nigeria – the European Union

Nigeria has bilateral migration agreements and Memoranda of Understanding (MoU) with a number of European countries, including the Netherlands, Germany, Switzerland and the United Kingdom. MoUs require the holding of regular bilateral talks conducted through technical working groups consisting of the Nigeria Immigration Service, the Ministry of Foreign Affairs, occasionally the National Agency for the Prohibition of Trafficking in Persons, and representatives from the other country. Meetings are convened every 6 months, held alternately in Nigeria and the respective third country.

On 12 March 2015, the EU and Nigeria signed a “Joint Declaration on a Common Agenda on Migration and Mobility” (CAMM). The CAMM builds upon a history of steadily developing and broadening dialogue between the parties on migration and mobility such as the annual EU-Nigeria Dialogues on Migration and Development held between 2008 and 2013, the “EU Nigeria Joint Way Forward” document adopted in 2009, and the Ministerial Meeting held in Brussels on 16 May 2013, where the parties committed to explore options to reinforce the current framework of cooperation in the area of migration and mobility. The CAMM includes detailed recommendations for addressing smuggling and irregular migration including the below areas relevant to combating migrant smuggling:

- supporting Nigeria’s capacity to collect and analyse information on irregular migration;
- improving legislation and its implementation;
- building capacity in border management, preventing irregular migration and combatting smuggling of migration, via the development of human resources within the relevant Nigerian services;
- reducing visa overstay through information and sensitisation of intended travellers;
- improving travel document security, including through biometrics; as well as
- strengthening the capacity to detect forged and falsified documents.³⁰⁵

As the CAMM was only signed in March 2015, it is not currently clear what specific activities are planned within this framework to address the above issues. As will be further described in the following Policy Responses section on Nigeria, however, the Nigerian government is in the process of developing national level policies and institutional framework through the National Migration Policy and Technical Working Group and sub-working groups that will focus on border management, data collection and sharing, and awareness raising among intended travellers.

At an operational level, European embassies are reported to have good working relationships with Nigerian authorities on a day to day basis, on issues related to smuggling as well as broader migration areas.³⁰⁶ In addition, Schengen embassies share information

³⁰⁵ Nigeria – EU Joint Declaration on a Common Agenda for Migration and Mobility (CAMM) http://ec.europa.eu/europeaid/sites/devco/files/joint-declaration-common-agenda-eu-ng-20150316_en.pdf

³⁰⁶ NGA/A/7

with each other on refused visa applications, which was considered by one stakeholder as a good practice.³⁰⁷ An embassy described previously working with airlines running direct flights from Nigeria to the EU that were believed to be used for smuggling, in order to improve document checking processes.³⁰⁸ This, however, is simply believed to have resulted in the displacement of irregular migration attempts onto other airlines. Due to the large number of airlines operating direct flights between Nigeria and Europe, working with all relevant airlines is considered challenging and resource intensive.³⁰⁹

2) Nigeria

According to the report of Nigeria's first National Migration Dialogue, "migration did not gain prominence in Nigerian national discourse until 2002, when the Federal Government was confronted with the reality of Nigerian youths transiting through the Sahara desert to sojourn abroad in search of greener pastures".³¹⁰ Since this point, migration has risen on Nigeria's political agenda, as has awareness of the phenomenon among government stakeholders, civil society, media outlets and members of the general public. This has been characterised by the narrative of development of Nigeria's migration governance structure between 2002 and the present day. Broader measures on migration taken include: the establishment of the National Agency for the Prohibition of Trafficking in Persons (NAPTIP) and national legislation addressing trafficking in human beings via the TIPPLEA Act (2003, amended in 2005 and 2015)³¹¹; the adoption of a National Labour Migration Policy (2010); and enhanced dialogue with external partners such as the EU, through the development of an annual EU-Nigeria dialogue on Migration and Development from 2008 through to 2013, culminating in the recent adoption of the EU-Nigeria Joint Declaration on a Common Agenda on Migration and Mobility (CAMM) in March 2015. The hosting of the National Migration Dialogue in December 2014, which united relevant governmental and non-governmental stakeholders from all of Nigeria's geo-political regions, was the first of its kind and demonstrated the increased priority migration is afforded on Nigeria's national agenda, as well as the ambition among stakeholders to develop a sophisticated policy response to current challenges.

On the side of institutional and legislative framework, as noted in the introduction, the primary stakeholders in Nigeria working on smuggling are the Nigeria Immigration Service (NIS), the National Agency for the Prohibition of Trafficking in Persons (NAPTIP), the Ministry of Foreign Affairs, and the National Commission for Refugees, Migrants and Internally Displaced Persons (NCRMI). The NIS is the primary governmental stakeholder responsible for management of Nigeria's land and air borders, as well as leading on related issues such as document forgery and enforcement operations. NAPTIP's mandate is to address trafficking in persons but it has previously undertaken awareness raising work on migrant smuggling as a tangential issue to trafficking in persons, as will be described further below.

The NCRMI does not work directly on smuggling of migrants, but manages Nigeria's migration governance structure and coordinates activities between all relevant ministries and agencies involved in migration matters. The NCRMI chairs the multi-agency Technical

³⁰⁷ NGA/A/7

³⁰⁸ NGA/A/4

³⁰⁹ NGA/A/4

³¹⁰ National Commission for Refugees, Migrations and Internally Displaced Persons (2015), *National Migration Dialogue: 2014 Maiden Report Series One* (NCRMI: Abuja)

³¹¹ Trafficking in Persons (Prohibition) Enforcement and Administration Act (amended 2015) <http://www.naptip.gov.ng/tiplaw2015.html>

Working Group (TWG) that unifies all governmental and non-governmental stakeholders involved in operational activities related to migration. Beneath this governance level is a second level of coordination for specific migration related issues focused on five sectoral groups (see Figure 5); (i) Standing Committee on Diaspora Matters, (ii) Labour Migration Working Group, (iii) Migration Data Management Working Group, (iv) Forced Migration and Assisted Voluntary Return and Reintegration, and (v) Stakeholders' Forum on Border Management. Each sectoral group has a lead agency and several other related agencies working in cooperation on the specific issues. Each group is either guided by a sectoral policy, such as the Labour Migration Policy for the Labour Migration Working Group, or a strategic working document supported by MoUs between agencies.³¹² The Stakeholders' Forum on Border Management is chaired by the NIS with the support of NAPTIP and provides a coordination platform for all stakeholders (Nigeria Police Force and other relevant security agencies, as well as the Nigeria Custom Service, Ports Health Authority, border communities and civil society organisations) involved in addressing irregular migration, including trafficking in persons and migrant smuggling, at an operational level. A strategic implementation document is reported to be under development which will subsequently formalise cooperation between all stakeholders through a MoU. The outputs and recommendations of this group are then fed into the Technical Working Group for consideration and approval at a national level.

IOM has supported the establishment of the Stakeholders' Forum on Border Management and is in the process of supporting the NIS' intelligence gathering practices on smuggling operations through the debriefing of intercepted and returned irregular migrants.³¹³ This is reportedly planned with the intention of identifying smuggling trends and providing operational intelligence to disrupt future smuggling operations. Due to voluntarily undertaking the journey and what is often a trusted relationship with smugglers, intercepted migrants reportedly very rarely volunteer information to border authorities when caught. In terms of other international stakeholders engaged on this topic, UNODC has trained officials on conducting investigations and methods of questioning that produce concrete, actionable information to be used for law enforcement activity against smuggling and trafficking operations.³¹⁴

IOM highlighted the integral role the Migration Data Management Working Group is expected to play in the future with regard to smuggling, but also broader aspects of policy development and operational activities in the migration management field. The Data Management Working Group consists of six government agencies, led by the National Population Commission (NPopC) with the close support of the National Bureau of Statistics and including the NIS, the Federal Ministry of Labour and Productivity, the Nigeria National Volunteer service, and the NCRMI. The working group aims to develop a common database for sharing information across government agencies and is supported by a data management strategy, and a common MoU on implementation signed by all six agencies. While this is not specifically tailored to address smuggling of migrants, it will perceivably support both the NIS and NAPTIP, both of whom do not currently hold data on smuggling activities, although this is also in part due to the lack of legislation defining smuggling as a criminal offence. In addition,

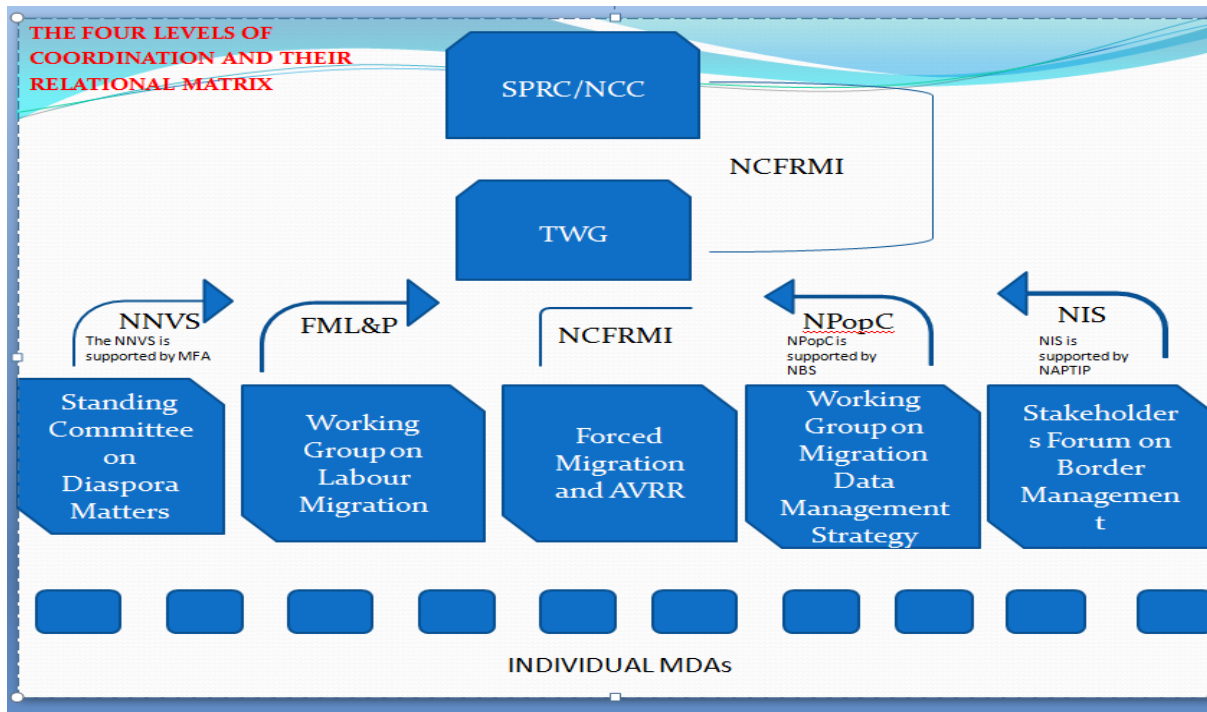
³¹² NCRMI (2015) p.15

³¹³ NGA/A/2

³¹⁴ NGA/A/15

IOM has supported the integration of migration specific questions into the population survey questionnaires used by the National Bureau of Statistics.³¹⁵

Figure 5: Nigeria's institutional and governance structure. Source: NCRM (2015), 2014 Maiden Report of the National Migration Dialogue



Nigeria does not have a legal framework defining smuggling of migrants as a criminal activity. Nigeria has signed the UN Convention against Transnational Organised Crime (2000) and the Supplementary Protocol against the Smuggling of Migrants by Land, Sea and Air (as well as the Protocol Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children). According to government stakeholders, the provisions of the Smuggling Protocol have not yet been domesticated within Nigerian national law, as is required by the Nigerian Constitution.³¹⁶ NAPTIP has stated that many issues linked with smuggling are currently included in the Nigerian criminal code, such as taking a person to another country under false pretences, illegally crossing a border and using forged documents. These issues are all currently policed as crimes; however they are not unified under a single body of law, or clearly defined as smuggling.³¹⁷ Stakeholders mentioned providing or using forged documents as the most common offence smugglers are tried/convicted under, however detailed analysis or data on which cases of document forgery are linked with smuggling is not available at the present time.

A revised Immigration Act, to supersede the current 1963 Nigerian Immigration Act, was before the Nigerian National Assembly pending finalisation at the time of the research.³¹⁸ The revised Immigration Act will reportedly fill current legislative gaps which prevent a robust response by Nigerian authorities, most significantly in the area of smuggling of migrants, by domesticating the provisions of the Palermo Protocol on smuggling of migrants. In parallel

³¹⁵ NGA/II/2

³¹⁶ NGA/A/1; NGA/A/3; NGA/A/6

³¹⁷ NGA/A/6

³¹⁸ On 25 May 2015 this new Act was signed by the Nigerian President. Further research would be required in order to determine the impact of this new Act on migrant smuggling.

with the Immigration Act, the NCRMI has coordinated the drafting of a National Migration Policy (NMP) that was also awaiting final confirmation by Nigeria's Federal Executive Council at the time of the research.³¹⁹ This policy will complement the approach of the revised Immigration Bill in taking a comprehensive approach to migration governance. The NMP will provide an overarching framework for ensuring that diverse thematic migration areas – from irregular migration issues, including smuggling of migrants and trafficking in persons, to migration and development and labour migration – are addressed through a coordinated institutional approach. The NCRMI and NIS stated in interviews that the NIS will be granted a full mandate to address smuggling of migrants in the NMP, as well as the legislative tools to do so in the revised Immigration Act.

NAPTIP stated that they believe, and hope, that the passing of revised legislation and a coherent policy framework that effectively addresses migrant smuggling will contribute to increased awareness and mobilisation of actors on the issue, in the same way that the passing of the TIPPLEA Act and creation of NAPTIP in 2004 had on the national response to trafficking in human beings.³²⁰

Other policies dealing with issues related to migrant smuggling, such as safe labour migration and return and reintegration processes include: the National Policy on Protection and Assistance to Trafficked Persons in Nigeria, and the National Policy on Labour Migration, which has already been endorsed by the Federal executive council.

Considering bilateral cooperation with other countries, Nigeria signed a readmission agreement with Turkey in 2011. In addition, Nigeria has bilateral migration agreements and Memorandum of Understanding (MoU) with a number of European countries, which require the holding of regular bilateral talks conducted through technical working groups consisting of the NIS, MFA, occasionally NAPTIP, and representatives from the partner country. These bilateral agreements are noted also in the section above on “Policies directed towards the selected routes”.

At a regional level, Nigeria plays an active role as an ECOWAS member state. Free movement and stay of up to 90 days is allowed by citizens of ECOWAS Member States to other Member States in line with the 1979 ECOWAS Protocol relating to Free Movement of Persons, Residence and Establishment. The ECOWAS Policy framework deals with several issues related to migrant smuggling, including immigration and border management, trafficking in persons, data sharing and document security, as well as cross-border cooperation between authorities. Relevant regional policies³²¹ are:

- (AU) Migration Policy Framework for Africa (2006), which recommends national laws regulating migration through improved border management technologies, including security of travel documents, as well as improved cooperation at national and regional levels between law enforcement officials, immigration and customs.
- ECOWAS Plan of Action against Trafficking in Persons, which charges Member States with ensuring that birth certificates, travel and identify documents are secure and of a high quality.

³¹⁹ This policy has also been approved with the signing of the new Immigration Act.

³²⁰ NGA/A/6

³²¹ *Immigration and Border Management: Baseline Assessment*, FMM West Africa: Support Free Movement of Persons and Migration in West Africa (2014) p.12

- ECOWAS Common Approach on Migration (2008), which recommends strengthening migration management capacities by improving the training of ECOWAS Member State immigration departments and providing modern travel document checking equipment, and establishing a shared digitised database between ECOWAS immigration departments to combat irregular migration.
- ECOWAS Conflict Prevention Framework (2008), which provides “Cross-Border Initiatives” aimed at reducing tension, fighting cross-border crime and enhancing communal welfare and harmony as set out by the Free Movement Protocols.
- ECOWAS Conflict Prevention Framework Implementation Matrix (2013-2015), which aims to adopt national biometric identify cards and standardised ECOWAS passport across the ECOWAS region, establish information centres at designated borders to collate data on migration across the region and harmonise immigration policies and procedures across Member States.

Regarding the operational level, despite the lack of a legal framework defining smuggling, the NIS states that border guards and officials apply the concept of smuggling as defined by the Palermo protocol at an operational level at airports and land borders to detect and intercept smuggling operations.³²² The lack of anti-smuggling legislation prevents prosecution of smuggling offences; however the NIS and NAPTIP stated that if a smuggler is caught they will be prosecuted using tangential laws when possible, such as for the use or procurement of fraudulent documents or use of a false identity.³²³

The introduction of biometric passports and development of a specialist document fraud unit based in the NIS was cited by the NIS³²⁴ to have made a marked impact on identifying and preventing attempts to use false identities and forged documents at international air borders, although data on successful interceptions was not available.

The airport border crossings in general are at a more advanced stage of detection and are harder to cross by irregular means.³²⁵ The NIS reports that introduction of biometric passports in 2006 has addressed a previously high risk sector. Prior to this, it was possible for a smuggler to use one authentic travel document for up to 10 forgeries by removing pages or replacing photos. The introduction of the Nigerian e-Passport has had a marked impact on reducing the use of identity fraud and forged documents during irregular migration attempts, according to the NIS.³²⁶ The use of biometric data has also made information and intelligence sharing easier, in order to resolve the immigration status of individual cases with third countries via immigration attaches based in Nigeria and in third countries.³²⁷ It should be noted however, that in parallel with the positive impact of introducing an e-Passport stated by Nigerian authorities, the security of “breeder” documents such as birth certificates, and especially their usage in the application process for passports remains an issue of concern. As a result, it is reportedly possible to acquire a legitimate Nigerian passport using a falsified birth certificate.

³²² NGA/A/1

³²³ NGA/A/1; NGA/A/6

³²⁴ NGA/A/1

³²⁵ NGA/A/7

³²⁶ NGA/A/1

³²⁷ NGA/A/1

According to the NIS³²⁸, the enhanced capacity to police the five international air borders, supported by a variety of capacity building initiatives undertaken by international organisations and stakeholders, is believed to have resulted in the displacement from air routes departing from Nigeria to other routes. This displacement is primarily believed to be either towards the Trans-Saharan overland route from Nigeria, or towards air routes departing from neighbouring West African countries where air border controls are less robust and there is less capacity to detect forged documents. There are related laws and measures that might be used to prosecute smugglers or interdict smuggling, such as the use of exit controls. Migrants must have a visa and valid travel document to leave Nigeria and enter another country, even to those covered by the ECOWAS free movement protocol. If a third party helps a migrant to do this without a valid travel document or by avoiding exit controls, they abet a crime and can be prosecuted. Prosecutions will be followed up on but not with specific reference to the crime of smuggling. Instead it is likely that prosecution will be for another criminal violation that has been committed such as document fraud.³²⁹ Due to this, there is no available data on prosecutions and convictions for smuggling offences.

The ongoing joint IOM-UNODC project “Promoting Better Management of Migration in Nigeria” has also been noted by stakeholders in terms of efforts to address migrant smuggling. The 3rd component of this project focuses on “Strengthening of National Capacity to Deter Irregular Migration”. IOM’s Immigration and Border Management team in Abuja is working with the NIS to ensure that the borders are well managed and to manage legitimate travel. This project component also seeks to increase the impact of information technology at borders and key NIS offices across the country. Training on document fraud, risk analysis and border posts assessments have been carried out and 5 border posts will be refurbished.³³⁰

IOM Abuja, with support from European embassies, has also supported the establishment a document fraud unit in the NIS.³³¹ The NIS now has what is considered to be the best document security laboratory in Nigeria. The laboratory is used to support identification of forged documents associated with irregular migration (passports and visas) but is also used by the Police and the Economic and Financial Crime Commission (EFCC) for identifying other forms of forged documents, such as currency. The document security laboratory is based in the NIS headquarters in Abuja. There is also a specialist office in Lagos, and document forgery specialists based at each of the 5 international airports in Nigeria.³³²

In close cooperation with the NIS, IOM developed a training curriculum to develop NIS Border Patrol officers’ knowledge of basic document fraud checks via IOM’s international training centre in Tanzania. This curriculum was then delivered via training to 15 trainers, and realised through a pilot training for 170 officers by the trainers.³³³ Nigeria’s land borders are challenging to police effectively for the NIS. Border posts are reportedly not well equipped and the NIS does not have the human or financial resources to cover the entire border. In addition, local communities living in border regions are reported to cross the borders habitually as part of a traditional cultural lifestyle, contributing to the porous nature of the borders.³³⁴

³²⁸ NGA/A/1

³²⁹ NGA/A/6

³³⁰ NGA/I/2

³³¹ NGA/A/7

³³² NGA/A/1

³³³ NGA/A/1; NGA/A/7

³³⁴ NGA/A/1; NGA/I/5; NGA/A/7

UNODC has focused on supporting an anti-smuggling response at an operational level through awareness raising and training. Training to date has been comprehensive and has extended to issues such as how border guards can use their mobile phones to identify cases of smuggling at border crossings. In December 2014, UNODC trained 30 officers on how to use modern communication tools to tackle criminal gangs and migrant smuggling. The training spanned two days and focused on creating awareness and integrating a human rights approach within law enforcement operations.³³⁵

Staff turnover in border posts is reportedly very high and was flagged as a challenge to UNODC in August 2013 following a training session. The nature of roles along borders for the border police and immigration officials is very mobile, and has limited the sustainability of training initiatives targeting these groups. Officers who are trained are often moved to a new role before they have had a chance to make an impact on subordinate staff or processes. The current strategy being employed to mitigate this is to focus on the centralised training schools for officers. All NIS border patrol officers must pass through this school as part of pre-deployment training. Therefore UNODC is intending to train the instructors in the NIS training schools on smuggling of migrants and trafficking in persons under an upcoming initiative funded by the Japan International Cooperation Agency (JICA).³³⁶

Awareness raising activities to address smuggling include a “Passport To Safe Migration” leaflet, currently under development by the NIS.³³⁷ This is an booklet intended to raise awareness of the risks of irregular migration, specifically targeting young men – the group believed most likely to become involved in irregular migration attempts – to inform them of the dangers associated with irregular migration, such as trafficking in human beings, and information on legal migration channels. The booklet will be included with every newly issued passport in Nigeria. The NIS is also working with IOM on the development of a documentary/soap opera TV programme, funded by Switzerland, called “the Missing Step”. This film also aims to highlight the risks of irregular migration and for the NIS it is perceived as a tool to bridge the awareness gaps not covered by the “Passport to Safe Migration”, specifically by reaching out to people through a less formal means of communication.³³⁸

NAPTIP stated that it is neither mandated nor equipped to deal with smuggling of migrants, but that it has conducted awareness-raising on the risks of irregular migration as a tangential issue related to trafficking in persons. Figure 6 below shows an awareness-raising poster issued by NAPTIP focusing on the risks of irregular migration as a deterrent. This is deemed relevant due to the increasing trend of smuggling cases transitioning into trafficking along the overland route, although the below poster focuses on the possibility of imprisonment as a deterrent.³³⁹

³³⁵ NGA/I/5

³³⁶ NGA/I/5

³³⁷ NGA/A/1

³³⁸ NGA/A/1, NGA/I/2

³³⁹ NGA/A/6

Figure 6: NAPTIP Awareness raising poster warning of the risks of irregular migration.



In general, the majority of awareness raising activities undertaken to date have focused on addressing trafficking in human beings and not smuggling of migrants. The lack of a coherent policy or legal framework covering smuggling before 2015, means that there has been almost no debate around the effectiveness of measures taken to combat smuggling to date. The majority of activities mentioned here to address smuggling are either still on-going or in the pipeline, due to the relatively recent focus on a policy and operational response to smuggling by Nigerian authorities.

3) Turkey

Turkey is a signatory of the United Nations Convention against Transnational Organized Crime and its Additional Protocol (Palermo Protocol) against the Smuggling of Migrants by Land, Sea and Air, which entered into force in 2004. The agreement and its addition were accepted in Turkish Grand National Assembly on 18 March 2003.³⁴⁰ The new Turkish Penal Code (No. 5237) adopted in 2005 introduced a provision (Article 79) stipulating penalties of three to eight years of imprisonment and significant judicial fines to migrant smugglers. Article 79 also provided for coercive measures on legal entities involved in the smuggling of migrants.³⁴¹ The article indicated that:

- (1) Persons who are directly or indirectly involved in;
 - a) Unlawful entry of a foreigner in the country or facilitate his stay in the country, and,

³⁴⁰ Ministry of Foreign Affairs (2015), *Turkey's Fight Against Illegal Migration*, <http://www.mfa.gov.tr/turkey-s-fight-against-illegal-migration.en.mfa>, Accessed on 10 March 2015.

³⁴¹ ABGS (2015), *Illegal Migration*, http://www.abgs.gov.tr/tarama/tarama_files/24/SC24DET_ILLEGAL%20MIGRATION%20.pdf, Accessed on 10 March 2015.

b) Unlawful transfer of Turkish citizens or foreigners abroad, are sentenced to imprisonment of three years to eight years and punished with a punitive fine of up to ten thousand days [units of daily personal income as appointed by the court];

(2) In case of commission of this offense by an organised group, the punishment to be imposed is increased by one half.

(3) In case of commission of this offense within the frame of activities of a legal entity, the court may decide on imposition of security measures specific to the legal entities.

According to an amendment made on this Article 79 of the Penal Code in 2010, even if the migrant smuggling operation was at the stage of attempt, it would still be considered as a crime fully committed, and consequently they would be charged with the highest penalty possible of three to eight years imprisonment. According to the interviewed lawyer in Izmir³⁴², this amendment is an important turning point for arresting and charging penalties to smugglers. What he underlines is that before this amendment, during the court cases against smugglers, the defence lawyers would declare that an act of smuggling could not be considered as such, unless it is successfully completed.³⁴³ In terms of completion, defence lawyers put forward that the smuggler must reach the previously decided upon point of arrival. Accordingly, a smuggler who departed from Izmir, for instance, would have had to arrive to the agreed upon Greek island in order to be prosecuted. The interview with the lawyer in Izmir shows that smugglers' defences with these arguments were often successful, until the amendment of 2010 which made them invalid. However, smugglers' strategy then adapted in response to this amendment, they then either employed children or irregular migrants to aid in crossing the sea.³⁴⁴ As confirmed by the lawyer in Izmir, in some cases, (Afghan or Kurdish) smugglers claimed that they were also one of the migrants or asylum seekers on the way to Europe, thus avoiding prosecution.³⁴⁵

With regard to court cases in relation to migrant smuggling, it seems that detention remains the predominant policy response by the Turkish authorities to the irregular entry and stay of migrants. Particularly worrying are the conditions in the various detention centres and police stations where irregular migrants and asylum seekers are held, and which have frequently been criticised. Like in the recent cases of *Ghorbanov and Others v. Turkey* (2014) or *Asalya v. Turkey* (2013), The European Court of Human Rights has found Turkey to be in violation of the right to freedom from inhuman, degrading treatment or poor conditions in these centres.³⁴⁶

According to the Case of *T. and A. v. Turkey*,³⁴⁷ (Application no. 47146/11) whose judgment had been finalised on January 21st 2015, two British nationals, wrongly detained in Turkey during their flight home from Iran, have been awarded 13,500 Euros by ECHR. The case concerned their detention in Istanbul, for four and two days, respectively, in November 2010 while travelling from Iran to the United Kingdom. According to the court, S.T. and K.A. were stopped at Istanbul Atatürk Airport on 9 November 2010 when they were about to board a plane to Manchester, as the security officers suspected that K.A. was travelling with a false passport. He was initially kept at the office of the passport police at the airport and, a minor

³⁴² TR/I/8

³⁴³ TR/I/8

³⁴⁴ TR/I/8

³⁴⁵ TR/I/8

³⁴⁶ For more information visit the link: http://www.echr.coe.int/Documents/FS_Migrants_detention_ENG.pdf

³⁴⁷ For more information about the Case of *T and A v. Turkey* (Application no. 47146/11) see [http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-147271#{"itemid":\["001-147271"\]}](http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-147271#{)

at the time, subsequently transferred to the juvenile department of a police station. Once the police had established the authenticity of his passport he was handed over to S.T.'s husband on 11 November. Both defendants were taken to the "problematic passenger room" at the office of the passport police for an examination of the second defendant's passport. The first defendant S.T. claimed that the detention room at Istanbul Atatürk Airport had been overcrowded at the time of her detention, which had lasted seventy-seven hours. She submitted that she had been kept in a room measuring approximately 32 sq. m, which had been divided into two sections by a partition. One of the sections had a window but the other one received no natural light. On 21 January 2015 the Court unanimously held that there has been a violation of Article 3 of the Convention on account of the conditions of the first applicant's detention at Istanbul Atatürk Airport.

The Special Rapporteur on the human rights of migrants³⁴⁸ in his report to the Human Rights Council, after his visit to Istanbul Ataturk Airport from 25 to 29 June 2012 mentioned the "problematic passenger room" in the transit zone at Istanbul Atatürk Airport. This is an important section of the border crossing point, where migrants may be arrested and detained, both those who are trying to enter Turkey, and those who are in transit. The fact that Turkish authorities claim that the "problematic passenger room" is under the authority of a private company, and not within the jurisdiction of Turkish authorities, is of great concern to the Special Rapporteur: this "problematic passenger room", despite its name, is considered a place of detention, as the persons held there are not free to leave. Moreover, the Special Rapporteur notes that the transit zone is Turkish territory for which Turkish authorities are responsible.

The difficulties the Special Rapporteur had in gaining access to the "problematic passenger room", with the Government claiming that they did not have jurisdiction, reflects what the Special Rapporteur heard from lawyers, civil society and international organisations concerning their limited access. The Special Rapporteur expressed further alarm at reports of persons being detained there for lengthy periods of time, noting that the Turkish authorities do not appear to be monitoring effectively how migrants are treated in the transit zone, and encouraging them to do so systematically. Therefore, in his report, he offered to ensure adequate access to all places where migrants are detained, including the transit zone at Istanbul Atatürk Airport, to lawyers, CSOs, UNHCR and other international organisations.

As indicated in the introduction, the current control of border passages are shared between several authorities. In Turkey, the operations to reduce and prevent irregular border crossings are shared between the National Police and the Turkish military forces. The National Police is in direct contact with the foreign missions in Turkey regarding the monitoring of smuggling networks, providing background checks on suspected persons and the repatriation of migrants. Apprehended migrants by the National Police are transferred to the consulates of their countries of origin, which file travel documents and generally advise them to repatriate.³⁴⁹ The apprehension of individuals is mainly undertaken during the act or the attempt of illegal border crossing by the Turkish General Staff (TGS). The control of external borders is in the competence of the TGS with the General Command of Gendarmerie and Turkish Land Forces responsible for land borders, and Coast Guard Command for sea borders. While the TGS mainly focuses on the individual border crossing, the Department of Anti-Smuggling and Organized Crime (KOM), which is a specialised

³⁴⁸ Human Rights Council (General Assembly), *Report of the Special Rapporteur on the human rights of migrants*, François Crépeau, A/HRC/23/46/Add.4, Mission to Turkey, June, 2012.

³⁴⁹ TR/A/1 and TR/A/2

department within the infrastructure of the National Police, focuses specifically on benefit-oriented criminal organisations, including migrant smuggling organisations. Therefore, very often the KOM units monitor smuggling organisations, which would in turn be apprehended by the TGS during the act or the attempt of border crossing at Turkey's western borders.

In addition, the Directorate General of Migration Management (DGMM), established in 2014, should again be noted, as it is central to policy making on the issue of irregular migration in Turkey in general, and on migrant smuggling in particular. Moreover, the management of the borders, in terms of technical infrastructures and the management of public personnel, is a shared task between the Ministry of Interior and the Ministry of Defence. According to Article 11 of the Law No 5412, the governors have the coordinator role for the management of the indicated measures. The Integrated Border Management policy was hence adopted in order to establish a civilian border management on all borders, following the establishment of the Directorate for Project Implementation on Integrated Border Management in 2004 and the adoption of National Action Plan for the Implementation of Turkey's Integrated Border Management Strategy in 2006. Nevertheless, the ongoing conflicts in countries neighbouring Turkey which affect the border regions and the political encounters between the government and the Turkish security forces has resulted in the continuation of the military border control regime, especially along the eastern and southern borders. Under current conditions, integrated border management is expected to take place within a 15 year time framework, beginning with the harmonisation of (1) land borders at Thrace, (2) western sea borders, (3) southern borders, (4) borders with Georgia and finally (5) at the south eastern borders.³⁵⁰

The International Organization for Migration in Turkey has been collaborating with the Ministry of Interior since 2011, in order to create an action plan on irregular migration in Turkey.³⁵¹ The Turkey Strategy Document and National Action Plan on Irregular Migration was published in Spring 2015 as a roadmap for the coordination council in addressing irregular migration, among whose priorities is decreasing the volume of irregular migration and the prevention of organised crime. The National Action Plan includes fundamental policy recommendations under six strategic headings:

1. Preventing Irregular Migration and Strengthening Measures Related to Fighting against Organized Crimes Related to Migration;
2. Reducing Irregular Labour Migration through Comprehensive Policies;
3. Strengthening the Return (Removal) System for Irregular Migrants within the Framework of Human Rights Standards;
4. Developing Systematic Data Collection, Analysis and Sharing as well as Conducting Evidence Based Research to Contribute to Policies Regarding Irregular Migration;
5. Respecting Human Rights of Irregular Migrants and Taking Measures to Protect Vulnerable Irregular Migrants; and
6. Strengthening Development focused Regional and International Cooperation to Contribute to Prevention of Irregular Migration.

³⁵⁰ TR/I/21

³⁵¹ TR/I/20

The Strategic Priority 1 in this document is devoted to the prevention of irregular migration and especially focuses on combating migrant smuggling. The Action Plan put forward three areas of need regarding this particular issue:

Need 1. Border Control: Strengthening pre-entry measures and entry controls for preventing irregular migration. The goals for this area are structured within the framework of implementing a stricter border control through strengthening technical infrastructure and administrative capacity.

Need 2. Combat Against Organized Crime: Combating migrant smuggling and other related organised crimes effectively. The goals for this area are centred around the specialisation and collaboration among law enforcement and judicial authorities on migrant smuggling.

Need 3. Multilevel Governance: Improve inter-institutional coordination at the national level and develop cooperation at the international level to maximise prevention of irregular migration and to effectively implement measures to combat organised crimes related to migration.³⁵²

Turkey continues to face some institutional difficulties in terms of addressing migrant smuggling, for which this Action Plan and detailed strategic needs are considered useful as guiding documents. Such difficulties are not in terms of identifying smuggled migrants, but rather at times the bureaucratic issues and budgetary limitations that border control officials in particular must face. In the words of one interviewee:

“As a police officer, it is difficult to deal with the apprehended migrants. It is not only because we do not know their language or culture. It is also because there are lots of administrative things to do. Even though there are lots of developments on the administrative part, lots of regulations and directive governs the process, still the limited capacity and time and budget are among the main concerns in dealing with the apprehended migrants. The detention and deportation for example are really very difficult parts of these apprehensions. Sometime I hear from my friends that they saw migrants but did not apprehend them, as they are really fed up with the bureaucracy. With the new law, there are some improvements but for the cooperation among the institutions, we still need much more practice. This open border policy is good for the Syrians and it is really very humanitarian but as a police officer controlling the border it is really difficult, as there are not only Syrians there.”³⁵³

In addition to the governmental institutions and actors involved in addressing migrant smuggling outlined above, there are a number of civil society organisations in Turkey that are increasingly engaged on this issue. Although the media has had a special focus on the misfortunes of those irregular migrants who try to cross the Aegean Sea or the Mediterranean Sea and on the presence of growing numbers of Syrians in Turkey, irregular movements now receives relatively more attention in the public arena in the country. However, what seems important is that in recent years there is a rising involvement of civil society organisations (NGOs) interested in irregular migration issues in Turkey in general and in human rights specifically. In this regard, for instance, an Izmir-based non-

³⁵² Republic of Turkey Ministry of Interior Directorate General of Migration Management, Turkey Strategy Document and National Action Plan on Irregular Migration, 2015.

³⁵³ TR/A/26

governmental organisation, Association of Solidarity with Refugees (*Mülteci-Der*) has become active not only through its work in the country, but also with its collaborations with other NGOs outside Turkey, including those in Greece. Apart from *Mülteci-Der*, the activities of other NGOs, such as Association for Solidarity and Asylum Seekers (ASAM) and Helsinki Citizens' Assembly (HYD – HCA), have also been considered significant.

The Turkish state cooperates in particular with EU member states and third countries on migrant smuggling. To that end, Turkey has signed a Joint Statement of Cooperation on Migration with United Kingdom and provided training on migrant smuggling in Sudan in 2011.³⁵⁴ In 2013, KOM Offices in the Turkish cities of Istanbul, Yalova and Izmir cooperated with officials from Germany, France, Sweden, Romania, Greece, Austria, Hungary, Bulgaria, Italy and the Russian Federation in order to reveal the international networks and contacts of the migrant smuggling organisations.³⁵⁵ The issue of migrant smuggling is strongly related to the areas of irregular migration and border controls, and there have been on-going changes related to these two areas since the mid-2000s in Turkey, mainly as a result of the EU accession process. A requirement in the Turkish-EU candidacy negotiations, the harmonisation of border management became an issue of concern for the Turkish authorities, especially since 2004, as can be seen above with regard to the integrated border management strategy. The Turkey-EU Twinning Project on Integrated Border Management has also been considered a key point in cooperation on this issue between Turkey and the EU. It was implemented with the cooperation of France and England and followed by the signing of an Action Plan for Implementing Integrated Border Management Strategy in 2006. The official ties between Frontex and Turkey became institutionalised in 2013, marking a significant shift in the management of borders and control procedures.

Turkey has also signed several cooperative agreements with other regions or countries, including a Readmission Agreement with the European Union in 2013, as well as agreements with countries of origin including Syria (signed in 2001), Kyrgyzstan (2003), Pakistan (2010), Russia (2011), Nigeria (2011), Yemen (2012), EU countries including Greece (2001), Romania (2004) and also non-EU European countries, including Ukraine (2005), Bosnia and Herzegovina (2012), Moldova (2012), Belarus (2013) and Montenegro (2013).

Additionally, Turkey participates in several intergovernmental dialogue initiatives that directly or tangentially focus on managing migration on routes positioned across many countries, including: The Hague Process on Refugees and Migration; the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime; the Prague Process; the Almati Process; the Rabat Process; the Mediterranean Transit Migration Dialogue and the Budapest Process. The Budapest Process, currently chaired by Turkey has been developed as an arena for sharing information between EU and non-EU countries in an attempt to improve the management of migration. Turkey has been the co-chair of the Process since September 2003, and became the chair in 2006. During the 5th Ministerial Conference in Istanbul held in 2013, the Istanbul Ministerial Declaration on a Silk Routes Partnership for Migration was adopted. Among the priority areas of the partnership is combating the criminal networks involved in the smuggling of migrants. Among these dialogue processes and

³⁵⁴ T.C. İçişleri Bakanlığı Emniyet Genel Müdürlüğü Kacakçılık ve Organize Suçlarla Mücadele Daire Başkanlığı (KOM). (2011), 2011 Raporu, KOM Yayınları No: 78, Ankara.

³⁵⁵ T.C. İçişleri Bakanlığı Emniyet Genel Müdürlüğü Kacakçılık ve Organize Suçlarla Mücadele Daire Başkanlığı (KOM). (2014), Kacakçılık ve Organize Suçlarla Mücadele 2013 Raporu, KOM Yayınları No: 109, Ankara.

protocols, Readmission Agreements and Integrated Border Management have been the only processes referred to by the stakeholders working in the field of migration that were interviewed during the research. Although these two processes were mentioned as potentially effective mechanisms, Readmission Agreements have received criticism by human rights NGOs that were cautious about the humanitarian aspects during the implementation of the agreements.

4) Bulgaria

As noted in the introduction, Bulgaria has adopted criminal and administrative sanctions for the facilitation of unauthorised entry and residence in the territory of the Republic of Bulgaria. In particular, regarding prosecution, smuggling is defined as a crime in the Criminal Code, Article 280, which is included in the Introduction section on Bulgaria. Illegal border crossing is defined as a crime in Article 279 with an exception made in paragraph 5 stating that no one shall be punished who enters the country to avail himself of the right of asylum in accordance with the Constitution. According to Article 279:

- (par. 1) A person who enters or crosses the frontier of the country without a permit from the respective bodies of the government or, with a permit, but not through the places specified, shall be punished by deprivation of liberty for up to five years and by a fine of from 100 to 300 BGN.
- (Par. 2) If the act under paragraph (1) has been committed for a second time, the punishment shall be deprivation of liberty for one to six years and a fine from 100 to 300 BGN. According to par. 4, preparation for a crime under paragraphs (1) and (2) shall be punished by deprivation of liberty for up to two years or by probation.

The Article 281 of the Criminal Code defines administrative punishment for those providing housing or other forms of assistance to smuggled migrants: “Those who illegally assist foreigners to reside in the country in violation of the law with the purpose of obtaining for him or for another person property benefit shall be punished by a fine of 1,000 to 8,000 BGN.” According to the authorities, Article 281 should be changed and the facilitators providing houses and the transporters should be punished as criminals and not with administrative fines.³⁵⁶ According to interviews with various stakeholders, they note that Article 281 is problematic in its definition and should be changed.

The transposition of the EU Directive 2002/90/EC provisions in particular is completed and in conformity in general legislation such as the Criminal Code (CC) with regards to natural persons and the Law on Administrative Offences and Sanctions (LAOS) with regards to legal persons.

As can be seen in Table 12, a large proportion of cases and convictions against smugglers have been under Articles 279 and 280. According to data provided by the Bulgarian Ministry of Justice, the number of pre-trial procedure cases for smuggling according to Articles 279, 280 and 281 of the Criminal Code has increased almost twice in the period 2010-2014 and the total number of convicted and sanctioned persons with effective sentences/decisions has increased four times in the last five years (Table 12).

³⁵⁶ BG/A/9

Most of the people providing transportation haven't been sentenced in the past, so the court announces conditional discharges against them. When offenders commit another offence within a set period of time, the penalty against them is to serve their sentences for both offenses. Usually the sentences are 1-3 years of prison. According to some articles in the online editions of regional newspapers citing police announcements, only the guides are those who are usually arrested and sentenced.

Table. 12: Number of cases of pre-trial procedures and total number of convicted and sanctioned persons with effective sentences/decisions according to Articles 279, 280 and 281 of the Criminal Code for the period 2010-2014. *Source: Ministry of Justice, Bulgaria (as of 11/06/2015)*

Years	Articles of the Criminal Code	Number of Pre-trial Procedures Cases	Total number of convicted and sanctioned persons with effective sentences/decisions
2010	Art. 279	796	1183
	Art. 280	122	181
	Art.281	0	0
2011	Art. 279	796	1110
	Art. 280	104	182
	Art.281	0	0
2012	Art. 279	1309	1286
	Art. 280	143	197
	Art.281	3	0
2013	Art. 279	2892	2751
	Art. 280	189	235
	Art.281	5	3
2014	Art. 279	1321	3946
	Art. 280	438	411
	Art.281	31	15

As noted in the introduction, there are several main departments within the Ministry of Internal Affairs tasked with combating migrant smuggling, in particular the Department Border Police, the Department of Organised Crime and the National Police. The tasks of the border police include guarding state borders and surveillance, which have been noted as particularly relevant within the new measures implemented at the Bulgarian border (including the fence and the deployment of additional border police).

Since October 2014, an Interagency working group with representatives from the relevant ministries and agencies was formed (including Ministry of Internal Affairs, Ministry of Defense, Ministry of External Affairs, Ministry of Health, State Agency "National security", National Intelligence service, State Agency for the refugees). During the meeting a draft plan was developed for the implementation of additional measures to deal with the increased

migratory pressures on the territory of the Republic of Bulgaria with specific activities, estimates of required materials, technical and financial resources for implementation in 2015. The draft plan identifies three main objectives:

1. To limit the number of irregular migrants crossing the state border;
2. To increase the efficiency of return of irregularly residing foreigners;
3. To improve the conditions in detention facilities and accommodation for foreigners in the detention centres functioning under the General Directorate Border Police (GDBP) and those of the State Agency for the Refugees (SAR).

In 2013, the number of irregular migrants in Bulgaria sharply increased following the escalation of the Syrian conflict. As a response to the situation, the Action Plan for Managing the Critical Condition due to the Increased Migration Pressure on the Territory of the republic of Bulgaria was adopted by the Council of Ministers in November 2013 aimed at preventing irregular immigration. It envisaged a number of measures to tackle illegal entries in three main directions, including the following: (i) increasing the effectiveness of the monitoring and control of the Bulgarian-Turkish border; (ii) pursuing active communication and cooperation with the Turkish authorities, responsible for border control and monitoring; and (iii) speeding up the return of irregular immigrants.³⁵⁷ These measures have been described further in the section “Policies directed towards the specific routes”.

Keeping in mind the evaluation of the ministerial reports above and the statistics on apprehensions for illegal entry on the Bulgarian-Turkish border in the period 2010-2015 (See Tables 4 and 5 in the section on Practice), it can be concluded that there has been a significant decrease in the total number of migrants crossing the border irregularly in 2014 in comparison to the year before. There is also a shift of the flows towards other regions along the green border due to increased surveillance at some border sections and the installation of the border fence, as well as an increased number of attempts of irregular crossings through the official border crossing points. However, according to interviews with expert stakeholders, other factors (aside from the control policies and measures) have also had an impact on this decrease and displacement of flows. For example, there have been statements that migrants knew that there is a lack of space in the reception/detention facilities when they were still in Turkey and so were perhaps less likely to cross, and that there are some estimates that in 2014 more migrants have crossed undetected through the Bulgarian-Turkish border by the green border areas.³⁵⁸ Thus, it can be concluded that the control measures shifted the flows to another section of the green border and to the border crossing points and brought total numbers of migrants down according to the evaluations and the data for 2014, but it is not clear if the number of migrants has indeed decreased or some have entered without being detected and if indeed the migrants knew about full reception/detention facilities, which had an impact on their plans and thus they avoided crossing to Bulgaria.

The “Report on the implementation of concrete measures according to the “Plan for Management of the Crisis Situation that Emerged as Result of the Increased Migration Pressure to the Territory of Bulgaria” (adopted by the Council of Ministers by a decision №

³⁵⁷ План за овладяване на кризисната ситуация, възникнала следствие на засиления миграционен натиск към територията на Република България, Министерски Съвет, София 2013, Action Plan for Managing the Critical Condition due to the Increased Migration Pressure on the Territory of the Republic of Bulgaria, Council of Ministers, Sofia 2013

³⁵⁸ BG/NGO/12

45/11.06.2013) for the implemented actions from 2013 until March 2014, refers to the following key measures which were taken on this route:

1. Construction of a fence with a length of 30 km on the most sensitive sections of the state border in the areas of responsibility of the Border Police department - Elhovo and Border police department- Boliarovo.
2. Improvement of existing and construction of new roads in the areas of responsibility of the BPD Elhovo and BPD Boliarovo;
3. Increase the number of border patrols on the Bulgarian-Turkish border;
4. Joint operation "Poseidon - land borders" (coordinated by the Agency "Frontex") implemented in the operational zone of the Bulgarian-Turkish border by deployment of the guest officers from the Member States;
5. Meetings with representatives from Embassies of sending migration countries;
6. Dialogue with partners from EU countries.

According to this Report of the Ministry of Interior of Bulgaria, which was planned according to the previously mentioned Plan, one result has been that the procedures for asylum have become faster for refugees who are coming from conflict zones.

As can be seen in the Report, another key area for addressing migrant smuggling and irregular migration includes cooperation with international actors and other countries. International cooperation in counteracting the smuggling of migrants across the border is carried out under various pieces of legislation and agreements: the Law on Extradition and European Arrest Warrant, which establishes the Council's Framework Decision of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States (2002/584/JHA) and the European Convention on Extradition; Chapter Thirty-Six 'Proceedings of international cooperation in criminal matters' of the Criminal Procedure Code; bilateral agreements between the Republic of Bulgaria in the field of international legal assistance in criminal matters, bilateral extradition treaties, contracts for the transfer of sentenced persons; Convention adopted by the Council in accordance with Art. 34 of the Treaty on European Union on Mutual Assistance in Criminal Matters between the Member States of the European Union and the Protocol drawn up by the Council in accordance with Article 34 of the Treaty of European Union to the Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union; relevant conventions of the Council of Europe for international recognition of judgments, transfer of proceedings in criminal matters, transfer of sentenced persons and other international instruments to which Bulgaria is a party.³⁵⁹

Bulgaria cooperates with EU Member States in the framework of experience exchange on approaches to address irregular migration in general and migrant smuggling in particular, and Greece and France have stationed employees in the General Department Border Police (as of March 2015). Bulgaria has also established contact points in neighbouring countries, namely Romania, Serbia, Greece and The Former Yugoslav Republic of Macedonia. Currently, a dialogue between Bulgaria, Turkey and Greece has been initiated for the establishment of Tripartite contact centre at Kapitan Andreevo, the border crossing point noted in the chapter on Practice as an important point of irregular crossings. Bulgaria has considered its cooperation with Germany, Romania, France and Austria as destination

³⁵⁹ According to the Letter N99-00-31/15 to Marina Nikolova from the Ministry of Justice as of 11/06/2015

countries as especially successful, which has included investigating the same channels and networks of smugglers.³⁶⁰ Since 2013 the Ministry of Interior has also had intensive cooperation in different areas, as well as draws experience and know-how from the European Asylum Support Office (EASO).³⁶¹

Regarding prevention of migrant smuggling activities, the IOM representative in Bulgaria highlights that addressing smuggling should start in the migrants' country of origin³⁶². Moreover, it has been argued that information campaigns should be focused directly on those migrants entering EU countries, so that they can make an informed decision on voluntary return when they realise the expectations they have formed based on the promises of smugglers are unrealistic.³⁶³ The IOM representative concluded thus that the organisations dealing with the management of migration flows should invest in information campaigns.³⁶⁴ In the words of the interviewee:

“There are Nigerians who want to return after facing the reality. They don't want to live in the conditions offered in the detention camps - Busmantsi Pastrogor, Lyubimets. In these centres, the IOM distributes leaflets informing the migrants of return campaigns, which the organisation implements. Through its Return Fund, IOM has organised more than 500 returns since 2012 to Iraq, Afghanistan, Pakistan, Algeria and in some cases return to Togo, Nigeria, Iran and Sri Lanka. This is not including the Syrians in that group.”³⁶⁵

In the framework of the cooperation with the embassies of countries of origin of the refugees and migrants, some initiatives have been organised. The Minister of Refugees of Afghanistan visited Bulgaria and started a dialogue in relation to the proposed Memorandum of understanding between Bulgaria, Afghanistan, UNHCR and IOM relating to the return of refugees. Furthermore, the Department of Migration in the Bulgarian Ministry of Interior initiated meetings with representatives from the embassies of Algeria, Afghanistan, Morocco, Pakistan, Iraq, Iran and Uganda. In line with the plans for return of the migrants, the Ministry of Interior corresponded with the representatives of the embassies of Algeria, Afghanistan, Nigeria, Dominican Republic, Vietnam, Tunisia, Morocco, Iraq and Turkey. Regarding the support for return to the countries of origin, the Ministry of Interior collaborates with the mission of IOM in Sofia and representatives of the organisation conduct consultations in the detention centres on a weekly basis. Furthermore, the Ministry of Foreign Affairs is in communication with the countries of origin of migrants which are not officially represented in Bulgaria through embassies, aiming to overcome the lack of issuing of documents to foreign nationals from those countries. Another type of collaboration between the Ministry of Interior and some embassies in Bulgaria is to organise meetings between representatives of the embassies and migrants accommodated in the detention centres aiming to inform them of the possibilities of their return. Such meetings were organised with representatives of the embassies of Morocco and Algeria with migrants from those countries accommodated in the detention centres or in apartments through the State Agency for the Refugees. In a period of a few months, from the end of 2013 until January 2014, the Directorate “Migration” of the

³⁶⁰ BG/A/9

³⁶¹ Report for the implementation of specific measures regarding the Action Plan for Managing the Critical Condition due to the Increased Migration Pressure on the Territory of the Republic of Bulgaria, Ministry of Interior

³⁶² BG//17

³⁶³ BG//17

³⁶⁴ BG//17

³⁶⁵ BG//17

Ministry of Interior, in cooperation with FRONTEX, participated in the organisation of the return of nine Nigerian citizens with return flights organised from Austria or from the UK.³⁶⁶

Further steps have been planned to receive logistical and expert support from EU institutions, Member States and third countries to deal with refugee and migration pressures and their effects. To increase border security and the prevention of irregular migration, joint border patrols along common borders with neighbouring countries have also been considered essential. In 2014, 96 joint border patrol operations were conducted for monitoring the common border with the Republic of Serbia and 60 with The Former Yugoslav Republic of Macedonia.

There have been several instances noted by authorities as positive examples of cooperation between Bulgaria and other countries in combating migrant smuggling. One example of a successful operation against smuggling noted by a Bulgarian authority interview was conducted against a smuggling group, which was organised as an international channel for smuggling migrants through Bulgaria to Western European countries via Romania. Participants in the channel were from Bulgaria, Romania and Turkey.³⁶⁷ Another successful operation is considered to be the interception of an internationally organised channel passing through Svilengrad, with the final destination of Germany and with a stop in Vienna. The smugglers were from Turkey, The Former Yugoslav Republic of Macedonia, Bulgaria and a Syrian national. The operation was conducted in cooperation with the Austrian and the German Police, and four trucks with hidden migrants were found after the initiative of the Bulgarian police.³⁶⁸

³⁶⁶ Report for the implementation of specific measures regarding the Action Plan for Managing the Critical Condition due to the Increased Migration Pressure on the Territory of the Republic of Bulgaria, Ministry of Interior

³⁶⁷ BG/A/9

³⁶⁸ BG/A/9

IV. Conclusions

This case study elaborates the route of Nigeria-Turkey-Bulgaria and each country's role along this route. It sheds light on the organisation and structure of migrant smuggling businesses as well as on the changing policy concerns among and within these three countries. In this respect, this case study offers some new findings on the changing trends within the route of Nigeria-Turkey-Bulgaria, illuminating distinctions between air and land borders along this route.

Regarding Nigeria, the fieldwork interviews and literature assessed confirms that Nigeria continues to remain a significant source country from which smuggling operations towards Europe take place. However, the major smuggling trend identified by stakeholders is the overland route transiting the Sahara towards North Africa, primarily Libya, prior to entering Europe across the Mediterranean. This route is well established and has been in operation for over a decade. Lack of awareness of legal migration channels and realistic information about the situation at chosen destination countries were cited repeatedly as the primary motivations for people turning to smugglers – believing it to be an option which is both cheaper and more likely to succeed. There was no operational knowledge of smuggling by air between Nigeria and Turkey among interviewed stakeholders, and it was generally felt that if a potential migrant was able to afford the comparatively more expensive option of smuggling by air, it would be with a view to flying directly into an EU country. Nonetheless, the research has also highlighted the importance of African (including Nigerians in particular) communities in Turkey, who enter legally, may spend a significant amount of time in Turkey, and then may eventually decide to enter the EU through the use of smuggling networks. Smuggling from Nigeria is typically conducted via the use of forged documents, and through extended networks of *passeurs* spanning the trans-Saharan route. The role of electronic communication and social media is believed to be becoming more prominent, however stakeholders stated that further research on this would be required to effectively understand it.

The policy response to smuggling in Nigeria is still under development, with both a new Immigration Act³⁶⁹ and National Migration Policy³⁷⁰ awaiting finalisation from their current draft form at the time of the research. The response to trafficking in human beings is far more advanced, due to the passing of the TIPPLEA Act in 2003 and creation of NAPTIP shortly thereafter. The Nigerian government believes that the passing of the Immigration Act will have a similar impact of galvanising Nigeria's anti-smuggling policy and operational framework. The large porous land borders, limited resources of the Nigerian Immigration Service and apparent ease with which forged documents can be procured with the use of Nigerian birth certificates will continue to remain as challenges.

Along this route and in consideration of other important routes towards Europe (see Case Study 3), Turkey is an important transit country for migrants on their way to Europe, via various routes and methods. Two distinct routes have been analysed as regards the long

³⁶⁹ On 25 May 2015 this new Act was signed by the Nigerian President. Further research would be required in order to determine the impact of this new Act on migrant smuggling.

³⁷⁰ This policy has also been approved with the signing of the new Immigration Act.

journey from sub-Saharan Africa via Turkey to Europe, either entirely by air, using Turkey (primarily Istanbul Airport) as a transit point, or first by air to Turkey and subsequently onward movement by land.

For smuggling by air, smugglers' main methods include: "look-alike", double check-in and misuse of transit zones. Aside from smuggling by air, sub-Saharan Africans (mainly from Ethiopia, Somalia or Congo but not Nigeria) are attempting to reach Europe via Turkey by crossing the Bulgarian border, but recent findings from the fieldwork indicate that due to the push backs of the Bulgarian border officials and geographic limitations on the border region, migrants tend to rather reach islands on the Aegean Sea to attempt to journey to Italy and Greece.

In addition to the recent trends, the findings from the fieldwork show that there is a growing tendency among sub-Saharan African migrants to use the route of the Aegean Sea. In other words, African migrants are arriving in Istanbul mainly by air and then trying to cross Europe via crossing the Aegean Islands to reach Italy and Greece. It is already clear from recent research and reports that since the late 1990s, there have been long established irregular maritime migration routes between Turkey and Greece. See Case Study 3 for a more detailed description of this route.

From Turkey towards Bulgaria, recent developments in migrant smuggling suggests that groups of migrants attempting to cross the border have become more numerous, with the number of migrants hidden in vehicles having increased in comparison to the number of those attempting to enter irregularly through the green border. This is considered a response to recent border enforcement along the Bulgarian-Turkish border, which has displaced smuggling activities from the green border; the construction of the fence and increased deployment of border officers along the border in 2014 has led to increase of the attempts of smuggling through official border crossing points and pushed the routes of illegal crossings of the green border further to the east.

It is important in this regard to examine the impact of the border policies of the EU and its Member States: the EU has funded sophisticated surveillance systems; given financial support to Member States at its external borders, such as Bulgaria and Greece, to fortify their borders; and created an agency to coordinate border controls across the EU's external border. Moreover, transit countries like Turkey are taking drastic measures to stop irregular arrivals. Nonetheless, the research has shown that such efforts merely displace the movement of persons – both those using smuggling services and those who do not – to other areas of the border.

V. Interviews and consultations

Information included here is based on the level of consent given by each interviewee.

	Code	Name	Position	Organization	Type
1	NGA/A/1			Nigerian Immigration Service (NIS)	Authority
2	NGA/I/2			International Organisation for Migration (IOM)	International Organisation
3	NGA/A/3			National Commission for Refugees, Migrants and Internally Displaced Persons (NCRMI)	Authority
4	NGA/A/4			An Embassy	Authority
5	NGA/I/5			United Nations Office for Drugs and Crime (UNODC)	International Organisation
6	NGA/A/6			National Agency for the Prohibition of Trafficking in Persons (NAPTIP)	Authority
7	NGA/A/7			An Embassy	Authority
8	TR/A/1				Authority
9	TR/A/2				Authority
10	TR/N/3	Shoshana Fait	Researcher	IEP de Paris	Stakeholder
11	TR/A/4				Authority
12	TR/N/5		Lawyer	International Refugee Rights Association	NGO
13	TR/N/6		Doctor	Association d'Entraide et de Solidarité aux Migrants (ASEM)	NGO

14	TR/M/GN/7	Boyeke	Migrant		Migrant
15	TR/I/8		Lawyer	International Labour Organization (ILO)	International organization
16	TR/N/9		Director	Association for Solidarity with Refugees (Multeci-Der)	NGO
17	TR/A/10		Coast Guard	Coast Guard	Authority
18	TR/S/TR/11		Fishermen		Smuggler
19	TR/I/12		Director	United Nations High Commissioner for Refugees (UNHCR)	International organization
20	TR/N/13		Director	Human Resource Development Foundation (HRDF)	NGO
21	TR/N/14	Dilşah Saylan	Caseworker	Association of Solidarity with Asylum Seekers and Refugees	NGO
22	TR/N/15	Celal Şahap	Former president	Afghan Migrants Association	NGO
23	TR/M/16				Migrant
24	TR/M/17				Migrant
25	TR/A/18				Authority
26	TR/I/19				International organization
27	TR/I/20	Meral Açıkgöz	Project coordinator	International Organization for Migration	International organization
28	TR/I/21	Erhan Güler	Project coordinator	International Organization for Migration	International organization
29	TR/M/22				Migrant
30	TR/M/23				Migrant
31	TR/A/24		Police	Security Directorate	Authority
32	TR/S/TR/25		Smuggler		Smuggler
33	TR/A/26		Police	Border Police	Authority

34	TR/A/27		Police	Security Directorate	Authority
35	TR/M/GH/28				Migrant
36	TR/M/BI/29				Migrant
37	TR/M/GN/30				Migrant
38	BG/O S/SY/BG/1	Majd Algafari	Interpreter	Private Business	Other Stakeholder
39	BG/J /2	Sergey Todorov	Journalist	Bulgarian National Television	Other Stakeholder
40	BG/M/SD/3	-	-	-	migrant
41	BG/M/KE/4	-	-	-	migrant
42	BG/M/SYR/5	-	-	-	migrant
43	BG/M/NGA/6	-	-	-	migrant
44	BG/M/IRQ/7	-	-	-	migrant
45	BG/M/LBN/8	-	-	-	migrant
46	BG/A/9	-	-	Mol General Department Border Police	Authority
47	BG/I/10	Boris Chishirkov		UNHCR	International Organisation
48	BG/M/SY/11	-	-	-	migrant
49	BG/NGO/12	-	-	Centre for the Study of Democracy	Researcher
50	BG/M/COG/13	-	-	-	migrant
51	BG/M/NGA/14	-	-	-	migrant
52	BG/M/MLI/15	-	-	-	migrant
53	BG/I/16	-	-	Red Cross	International Organisation

54	BG/I/17	Ivan Sharenkov	Attorney-at-law, Civil law & International Projects	International Organisation of Migration	International Organisation
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VII. Annexes

ANNEX I

Photos from Kumkapi-Aksaray / Istanbul

Bus service in Aksaray



Cargo Agency in Aksaray



View from Aksaray



Shoe and bag atelier in Kumkapi



Call center in Kumkapi



Annex II Photos from Basmane Izmir









