

# Policies on prevention of irregular migration across the Mediterranean Sea

## *Policy Paper*

### Abstract

With the aim to inspire the development of more informed strategies and action-oriented suggestions in the field of prevention of irregular migration across the Mediterranean, this policy paper provides a solid empirical basis collected by the University of Milan unit in the context of the European H2020 project ITHACA.

Addressed to experts, policy makers and a wider interested audience, the phenomenon of undocumented forms of mobility is analysed on the basis of a critical assessment of the scientific and institutional debate as well as the outcomes of a fieldwork.

The methodology adopted draws from an approach based on in-depth interviews with experts and privileged observers in Italy – especially prosecutors, law enforcements officers, representatives of NGOs and journalists -, the analysis of institutional reports and sources, as well as the biographical accounts provided by migrants and refugees who arrived in Europe mostly through irregular channels during the past ten years. The analysis shows that European as well as national approaches are often informed by a sharp distinction between so-called *economic* and *political* migrants which has actually become increasingly blurred, given the conditions in which current forms of mobility across the Mediterranean occur. The growing restrictions imposed by migration policies have *de facto* curbed legal pathways to Europe and enhanced the role played by illegal and/or criminal actors who make use of violence, threat and even torture in order to gain increasing profits from migrants. Libya, in this regard, emerges as a crucial place in the geopolitics of violence which currently affects the Mediterranean area and where both migrants and refugees experience intolerable forms of abuse and human rights violations. Therefore, their irregular journey to Europe becomes the only way to survive. Moreover, the outcomes of our research show that beside human smuggling and trafficking, a new phenomenon has emerged which can be defined in terms of *trafficking in itinere* which affects migrants who had originally sought irregular travel services but then ended up in being kidnapped, tortured and kept in detention centres in Libya.

**The analysis underlines the fact that, once arrived in Italy, migrants' experiences, perceptions and representations are too often underrepresented or misrepresented in the public debate.**

This results in a negative impact on migration policy-making and, in particular, on the adoption of more effective measures aimed at addressing the governance of borders and the reception system in the European Union.

Our paper also suggests some policy recommendations which strongly call for

- a **reconsideration of the distinction existing between so-called economic and political migrants**, for an enhancement of the right to migrate which can guarantee safer forms of mobility toward the EU
- a serious **reconsideration of the politics of externalization of European borders** with its extremely severe costs in terms of human rights
- a stronger **valorisation of migrants' actual needs, expectations and projects** in the design of more effective policies aimed at improving the overall EU reception system.

## 1. A framework for the analysis

Since the late 1990s, the issue of migrants' undocumented forms of mobility across the Mediterranean has dominated the public debate. More recently, however, with the explosion of the so-called "refugee crisis" in Europe in 2015 and the introduction of increasingly restrictive policies aimed at preventing migrants from crossing European borders, the topic of migration and refuge across the Mediterranean has gained high visibility in the international agenda (Krzyżanowski et al. 2018; Crawley et al. 2018).

**Since 2014, around 1,1 million undocumented migrants have arrived in Europe crossing the Mediterranean Sea so far, while more than 26,000 people have died or have been missing in the attempt of reaching the European Union, with more than 20,000 of them just along the Central Mediterranean route, the one which from the Northern African coasts (especially Libya and Tunisia) reaches European borders<sup>1</sup>.**

The high visibility of landings, especially on the Italian and Greek sea-coasts, their dramatic dangerousness in terms of human costs and, consequently, the strong level of social and political pressure, caused by a largely inadequate reception system in the most affected European countries, have profoundly influenced the development of policies both at European and national levels.

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<sup>1</sup> For an updated overview on data on migrants crossing (and dying in) the Mediterranean see: <https://missingmigrants.iom.int/region/mediterranean>.

Reference is here made, inter alia, to the **enhancement** - often through highly questioned methods in terms of human rights standards - **of border militarization strategies outside and inside the European Union**, the politics of **externalization of European borders**, the rising campaigns which have driven to the **criminalization of solidarity provided by NGOs operating in rescue operations** at sea, and the de facto **endorsement of highly questioned policies** implemented by a number of institutional agencies – such as the Libyan coast guard and other law enforcement agencies operating in the area – in charge of enforcing, often through violence and human rights abuses, the European borders' regime (Massari, 2022).

All this has also enhanced an overall further deterioration of the conditions in which undocumented migratory processes and experiences occur (McMahon & Sigona, 2016) and an increasing professionalization of the so-called *industry of illegal entry* with the crucial role played by transnational criminal networks operating both across African borders and in the Mediterranean Sea. In this context, emphasis should be placed on the strong **political instability of countries such as Libya** – one of the crucial places in the geopolitics of European externalization regime - haunted by a ten-year long civil war and by intensifying levels of violence that have conducted to a chaos where militias, terrorist groups, armed networks, smugglers and traffickers flourish (Massari, 2022).

**This has caused growing infringement of migrants and asylum seekers' rights and unprecedented humanitarian consequences, as regularly denounced by several international observers** (Amnesty International 2017; 2020; 2021).

Moreover, the closure and/or strengthened militarization of sea routes has also caused transnational displacement and forced migration in itself, while the increased number of interceptions at sea have led to a **dramatic growth in the number of migrants and asylum seekers currently detained** in Libya in both official and illegal detention centres (Human Rights Council, 2023). As a reward for their political support, members of armed groups and criminal gangs have been appointed to manage most of these centres and hired as police officers within the coast guard - trained, equipped and financed by the European Union and, in particular, by the Italian government<sup>2</sup>. Thus, the hardening of borders and their growing militarisation have made the services provided by the smuggling industry operating along increasingly fatal routes indispensable, obliging migrants to rely only on them.

As a consequence, the clear-cut distinction between so-called economic and political migrants has become redundant.

**The idea of migration as a linear and fixed path or as a forced choice has clearly shown its limits**, provided that an increasing number of migrant men and women, forbidden from undertaking legal migratory circuits, have found themselves trapped inside similar experiences, suffering countless forms of abuse, violence and humiliation along the migratory path and especially in Libyan detention centres.

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<sup>2</sup> In this regard, see the report of the UN Secretary General to the Security Council of 7 June 2018 where reference is made to the role played by the former head of the Coast Guard in al-Zawiya in the management of a major human smuggling network: <https://www.un.org/press/en/2018/sc13371.doc.htm>

Finally, the dramatic consequences of the process of **growing illegalization of migration** show themselves not only during the dangerous, tortuous and expensive trips that migrants with very different profiles are obliged to experience en route to Europe. They are also most visible once arrived at destination, since migrants' irregular status often negatively affects the entire integration process into the new country where they are often treated as illegitimate and not deserving protection.

## 2. Methodology

This paper is based on the analysis of a number of primary and secondary sources related to the phenomenon of undocumented forms of migration, especially along the Central Mediterranean route:

- a desk review of international scientific debate on the phenomenon aimed at providing an updated overview on the main topics addressed
- 10 semi-structured interviews, altogether with a number of informal meetings and conversations, carried out with prosecutors and law enforcement officers in charge of anti-smuggling and anti-trafficking operations aimed at gathering the institutional point of view on the phenomenon (see Tab. 1 in Annex 1)
- 20 biographical interviews carried out with migrant men and women who experienced different forms of migration (mostly through irregular channels) toward Europe, which provided first-hand knowledge on the phenomenon (see Tab. 2 in Annex 1)
- the outcomes of a policy council held in Milan in February 2023 aimed at gathering together experts and stakeholders working in the field of migration and refuge
- several informal conversations with representatives of Italian NGOs, journalists and lawyers working in the field of migration and refuge aimed at gathering their perceptions and views (see Tab. 3 in see Annex 1).

The methodology adopted, especially in the interviews with migrant men and women, was based on the use of the biographical method which allowed us to grasp the "embeddedness" of individuals in the social, local and global contexts they inhabit (Rosenthal & Bogner, 2017; Breckner & Massari 2019). In particular, the adoption of this method facilitated a focus on the agency of our research participants - conceived as a combination of constraint and autonomy, violence and resistance (Schmoll 2020) – and allowed us to grasp the complex interweaving of constraints and resources in which migrant people often make their choices, while also addressing their room for action.

As far as the specific focus of this paper is concerned, our methodology also refers to the biographical evaluation of migration policies as it emerges from the experiences of the individuals involved, since these policies tend to have a profound impact in shaping migrants' life practices as well as their strategies and rights (Apitzsch, Kontos, Inowlocki, 2008; Apitzsch & Inowlocki, 2022). In this regard, it should be considered that "although each individual has

his or her own biography, there are typical sequences of events which are specific to migration and which tell us a great deal about the invisible but very real structures of an immigration society, such as policies” (Apitzsch & Inowlocki, 2022, p. 2).

Listening to and analysing how our interviewees experienced policies and their often conflicting interplay as well as the impact on their choices and actions, may offer a more informed evaluation of the actual effects of these policies in migrants’ lives.

All data collected were analysed through a qualitative approach aimed at emphasising and reflecting upon recurrent topics emerged in the various research settings explored as well as privileging the point of view of the protagonists of the phenomena addressed, especially migrant women and men who represent the main source of our research, those that mostly feed and inspire Ithaca’s superarchive<sup>3</sup>.

### 3. Findings

The various forms of undocumented migration currently taking place in the Mediterranean compose a rather complex scenario which has been, since the early 2000s, at the core centre of a highly politicised debate where **expressions such as *trafficking in human beings, human smuggling, illegal migration* and so on have often been used interchangeably.**

Although from a juridical point of view they refer to phenomena that are clearly defined by both international and national laws and that require different actions and procedures, the outcomes of our fieldwork actually show how **they are strongly interconnected especially because the adoption of increasingly restrictive migration policies at European level has had a dramatic impact on the *right to migrate***, thus strongly limiting its scope and audience.

This section presents a selection of research findings relevant for elaborating evidence-based policy recommendations in the field of prevention of undocumented migration across the Mediterranean, taking into consideration:

- the experiences of migrant women and men who crossed the Mediterranean through irregular channels during the past ten years (see table 2 in the Annex);
- the outcomes of interviews with Italian public prosecutors and law enforcement officers-LEAs who since 2013 have carried out investigations related to cases of shipwrecks, search and rescue operations and migrants’ irregular landings on the Sicilian coasts (see table 1 in the Annex).

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<sup>3</sup> <https://ithacahorizon.eu/superarchive/>

Therefore, our analysis focuses on some macro-questions emerged from the fieldwork which can be summarised as follow:

1. the extremely **risky journey** that migrants interviewed underwent as the only way of accessing Europe (see §3.1.)
2. the **actions** carried out by prosecutors and LEAs in combating human smuggling practices across the Central Mediterranean route and carrying out counter-smuggling investigative activities (see §3.2)
3. the hard **conditions experienced by migrants and refugees** interviewed upon their arrival, settlement and initial integration in Italy (see §3.3).

### 3.1 The journey

#### 3.1.1 The decision to leave

As it clearly emerges from the interviews with migrants, migration abroad, for many of them, was often **not planned in advance**, but it was the outcome of a number of circumstances that made living in certain countries or under certain circumstances unbearable. As one of the migrants interviewed emphasises “You have very little time to give up everything or die” (Interview with migrants n. 19). However, even in cases when the decision to migrate was planned in advance, not necessarily there was a clear idea about going to Europe, as final destination. As J., a young Gambian, recounts:

**My goal was to leave home, gain some experience and come back. [...] I arrived in Senegal, stayed two days, continued on my way, arrived in Mali, where I stayed one, two weeks. I saw the situation, it was a bit complicated, I decided to continue, I arrived in Algeria, where I stayed for ten months, working as a house painter. After that, the situation started to get a bit complicated, I had no more work and I didn't know what to do. I decided to continue and found myself in Libya (Interview with migrants n. 7).**

Other interviewees, as well, spent long periods in **neighbouring countries**, in an attempt to settle there or in the hope of being able to return home soon. Therefore, the decision to continue the journey and to go to Europe was taken at a later stage of the migration path, often once arrived in Libya where the desire and/or the need to leave could not be postponed anymore.

In other cases, however, the desire to leave forever the home country clearly emerges, as in the case of D., a young Nigerian woman who was constantly harassed by her elder brother and fellow citizens because of her homosexuality. But **neither the destination nor the type of journey was clear at beginning**:

**I got to a point that I couldn't take it anymore and I started looking for the means to help myself. I saved some money, then I called a friend and she said I should go somewhere in Benin City. [...] In my head I was thinking maybe there is somewhere where I can take the bus, or maybe I can take the plane, you know? So, the people there used to say... they say: 'Oh! You just go to this person...' (Interview with migrants n. 1).**



### 3.1.2 Border crossing facilitators

Journey's trajectories, and sometimes, even the final destination, are often **decided by other people met along the way**, such as those who facilitate the border-crossing by providing their services in turn of money. This is particularly evident in the story of D., a young Gambian man who left his hometown with the only idea of travelling to a country that respected human rights:

**We were following destiny, beyond destiny the people, or the traffickers, where they were taking you, maybe to rescue us in a country that had human rights. [...] So, we ended up there, in Italy... (Interview with migrants n. 20).**

Our research participants' experiences suggest that the route followed is the outcome of a complex process, sometimes even fortuitous circumstances, where a **crucial role is played by various actors playing the role of 'facilitators'**, i.e. people who make irregular border crossings possible. The account provided by several interviewees conveys the idea of a **network composed of different groups located at key crossing points and cooperating with each other in more or less stable way**:

**There are many groups, maybe you go to Mali, they... he sends you to his collaborator who is in another city, you get there and he sends you to another collaborator who is there (Interview with migrants n. 7).**

The most frequent description provided is that of **people who do business**, and who therefore engage in this activity in order to earn money. Some of them may also play the role of recruiters, who convince people to leave their country even when they had not thought of doing so before. This is the case of a young Somali guy, who lived with his mother in Dolo, a border town between Ethiopia and Somalia. He was only 17 when, while he was with his friends, was approached by some traffickers who proposed them to leave:

**I never thought one day I would arrive in Europe, but I was with some young people, right in our neighbourhood there were these traffickers, these people who organise these trips, and they somehow convinced us by saying: 'You will have a better life than you have now' (Interview with migrants n. 16).**

In a few cases these people are perceived as *helpers*. This is the situation of a Nigerian couple attacked by a Fulani group who took over their farm. They decided to leave the country with their son and went to Benin Republic. There a man suggested S. to leave for Libya, where he could find a job and provide for his family:

**I don't know Libya, I don't know anything! I have never gone out of Nigeria before. [...] I worked with the man like 3 months, he didn't pay me, he promised me that he was going to help me. He helped me, the money is not... he helped me. And when I got to Libya, he called some people that would have given me the same work (Interview with migrants n. 11).**

However, in most cases, the fear of these people prevails, because of their often violent behaviour, especially when it is not possible to find the money needed to continue the journey. Several testimonies of this kind emerge from the interviews conducted, such as in the case of a Pakistani migrant woman who recounts:

**You can't trust them, we also put our lives in a big risk, they even misbehave with the women, even with boys they start sexually harass them. [...] If someone does not have money they do bad things, they threaten them, they beat really hard, so they force their parents to get more money (Interview with migrants n. 13).**

A certain ambiguity, therefore, surrounds these figures who, although not always described as criminals, do actually perform various forms of violence in the relationship with migrants. Moreover, all interviewees agree in defining the Libyan traffickers – those who usually manage the final stage of the long journey to Europe - as the most violent and dangerous ones. The most recurrent image is that of inhuman people:

**They don't treat anyone like a human, I mean... you are a commodity and they have to make money (Interview with migrants n. 19).**

### **3.1.3 The arrival in Libya and the sea crossing**

Within the migration path a crucial moment is the arrival in Libya. Some of the people interviewed – especially those who migrated during the 2010s - even lived in Libya in relatively set and safe conditions for a few years. It was, however, during the times when Libya was still ruled by Gaddafi. Those who were there between 2010 and 2011, at the outbreak of the civil war and Gaddafi's death, and all those who arrived there few years later, unable or unwilling to go back to their countries, were forced to leave for Italy in order to save their lives. For example, J. had left Ghana in 2011 to join her mother in Libya, and lived in Tripoli for seven years. When several riots broke out in 2017, her employer advised her to leave the country, as it was too risky for her to live there:

**I was ok there, I was working there, I was not even thinking of traveling. I heard that people were travelling to Italy, but I say: 'No, why shall I do it? I work here'. So if not because of the war, I don't even think of coming to Italy. I have to rescue my life first and I know that if I stayed there... I don't think I would be alive (Interview with migrants n. 15).**

Indeed, several research participants emphasised how dangerous the situation in Libya is especially for black people, bringing to light what is a real racial form of persecution, since even walking down in the streets can become extremely risky:



**In Libya you have to wait, waiting is difficult, because you are always hidden, because it's not like you walk around freely there. No, no, they kill you, it's very difficult, especially black people, they don't want to see them near their women. No, there even in the car park, in the garden, you always have to hide (Interview with migrants n. 20).**

The time spent in Libya, therefore, often turns into an extremely traumatic experience, which can even lead to situations of slavery and imprisonment, as it was the case for several migrants interviewed. Although some of them spent a more or less long time in the detention centres, they did not provide a detailed account about that experience. However, they described Libya as the worst country in the world. For example, M., a Malian migrant, after living in Algeria for a year, in conditions of extreme poverty, accepted a job offer for Libya, only to discover that he had been sold as a slave in a private house. He escaped from that place and started to work as dayworker, but was often unpaid, beaten and robbed. One day he was kidnapped and imprisoned, he was given a phone to call his family to ask for the money for his release. M. recounted that there he experienced terrible moments; since he had no one to call in order to ask for money, after some time he was freed. Eventually, despite his fear of the sea, he left for Italy:

**I was fleeing Libya, anywhere was fine with me” (Interview with migrants n. 19).**

### 3.2 Human smuggling and trafficking practices

Interviews carried out with Italian law enforcement officers and prosecutors in charge of anti-smuggling and anti-trafficking operations were particularly important in providing an **evidence-based overview on the actual dynamics which characterise the so-called industry of illegal entry into the European Union through the Central Mediterranean route**. In particular they provided first-hand information concerning the main routes, the boats used for crossing the Mediterranean Sea, the characteristics of smuggled people, and the actors involved in the organization of irregular travels. Furthermore, they addressed two relevant trends related to undocumented migration - “human trafficking *in itinere*”, and migrants’ “multiple-extorsions” for ransom – which helped us to gather an updated overview on the most recent trends on the phenomenon.

#### 3.2.1 Human smuggling: routes, boats and smuggled migrants

At the time of interviews (June-December 2022) the main investigations carried out by Sicilian prosecutors and LEAs concerned above all two routes crossing the Mediterranean Sea: the **route going from Libya to Italy (L-I)**, and the pathway going **from Tunisia to Italy (T-I)**.

According to what prosecutors referred, nationalities of migrants smuggled through the L-I route were various since they arrived mainly from Sub-Saharan African Countries, from Syria and Egypt, and increasingly from Bangladesh. Smuggled migrants were men and women,

adults and minors. Traffickers used old fishing vessels and low-quality rubber dinghies that overloaded with people. Hence, travels became increasingly dangerous.

Migrants smuggled through the T-I route were mainly young men especially from Morocco, Tunisia and Algeria. They were transported in small groups through high quality rubber dinghies with fast engine. Thus, travels were quite safe. Smuggled people were left on the Sicilian seacoast during the night in order to avoid police interception and for this reason these disembarkations were called “phantom landings” (Interview with public prosecutor n. 10, Palermo).

### **3.2.2 Actors involved in smuggling operations: boat drivers, passeurs and traffickers**

A prosecutor with a long experience in counter-smuggling investigations classified the actors involved in the organization of irregular travels across the Central Mediterranean route into three typologies, including “**boat drivers**”<sup>4</sup>, “**passeurs**” and “**traffickers**” (Interview with public prosecutor, n. 4, Catania). This classification has also emerged during other interviews.

In the L-I route boat drivers were often migrants themselves who were forced to drive the boat or accepted this task, since they could not afford the travel cost; the Catania court defined them “occasional drivers”, because they did not belong to criminal groups and carried out this task only once<sup>5</sup> (Interview with public prosecutor n. 4, Catania).

In the T-I route boat drivers were usually part of a small smuggling group (4-6 persons) made up by Italian and Tunisian members (Interview with public prosecutor n. 10, Palermo).

*Passeurs* were usually actors living in Europe and providing migrants with support for keeping their travel from Italy – the country where they disembarked – to the country, usually in Northern Europe, where they intended to live. In some criminal investigations *passeurs* organized the escape from migrants’ reception centres in Italy and provided migrants with fake documents and tickets for carrying on their travel (Interview with public prosecutor n. 2, Agrigento).

*Traffickers* were actors who organized the entire travel of migrants for exploiting them in the destination countries, for example from Nigeria to Italy; or they were actors leading groups who managed migrants’ detention centres in Libya – usually in the area of Zuwarah, Zawia and Sabratha - and organized sea travels from this area to Southern Italy (Interview with public prosecutor n. 9, Palermo).

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<sup>4</sup> For a multifaceted and complex representation of boat drivers that critically address the process of institutional and media criminalization of suspected smugglers, see Arci Porco Rosso & Alarm Phone 2021.

<sup>5</sup> See Procura Distrettuale della Repubblica presso il Tribunale di Catania, 16 December 2016.

According to the prosecutors interviewed, the articulation of smuggling and trafficking networks spanned from loose networks composed of different individuals to structured groups made up by criminal actors collaborating on a continuous basis<sup>6</sup>.

Prosecutors emphasised the business dimension of smuggling/trafficking practices, since the market of irregular travel services is stimulated by the increasingly restrictive migration policies in Europe, while trafficking activities by the profits linked to various forms of migrants' exploitation. Significantly, one prosecutor stressed that this market is *produced by the* protectionist approach of migration policies that offers increasing opportunities to criminals, who are undertaking a growing professionalization (Interview with public prosecutor n. 2, Agrigento)<sup>7</sup>. Indeed, he compared the market of persons with other traditional illicit markets, stressing that:

[...] if – in our case – you organize legal pathways for allowing migrants to enter Europe, careful inspections – I don't know – checks... if you create channels to enter legally... this would surely reduce the user base of criminal organizations and it would be easier to address them... (Interview with public prosecutor n. 2, Agrigento)

### 3.2.3 An emerging trend: human trafficking in itinere

One of the trends underlined by some prosecutors interviewed clearly indicates, at least in some circumstances, a **growing overlapping between human smuggling and trafficking**. As explained by a prosecutor, this development occurs when migrants - who not rarely start their travel with enough money just for covering only the first part of their journey - are compelled, during their journey, to be subjugated to labour or sexual exploitation by smugglers, in order to pay the remaining cost of their trip. He defined this process of increasingly migrants' subjugation to smugglers as "trafficking *in itinere*" (Interview with public prosecutor n. 3, Palermo).

This overlapping between trafficking and smuggling occurs in Libya. In this transit country, according to investigations, migrants are mostly exploited in the building sector. They are compelled to work for free, in order to be released from the prisons, where they are detained, and then embark towards European coasts. A prosecutor interviewed illustrated the link between smuggling and trafficking characterizing the so-called *safe houses system* existing in Libya:

The safe houses are often close to the beach ... therefore if one wants to flee he has nowhere to go, he goes to the desert and - as it happened to some migrants - he is taken by another safe house's manager, brought to another safe house, from

<sup>6</sup> Recent studies on smuggling based on court cases are in line with this view, see Aziani, 2023.

<sup>7</sup> On the process of sophistication and professionalism concerning smuggling activities see Aziz, Monzini, Pastore (2015) and Aziani (2023).

where he has to find a way to get money to return to the first safe house. That is, they were bargaining chip. And so it is a matter of trafficking (Interview with public prosecutor n. 9, Palermo).

The boundaries between smuggling and trafficking become fuzzy:

For Libyans migrants are things - rather than people –, through which making profit as much as possible (Interview with public prosecutor n. 2, Agrigento).

### 3.2.4 Multiple-extortions for ransom

A relevant trend, clearly emerged in the interviews carried out with prosecutors as well as in the analysis of several judicial case studies, is the spreading of the phenomenon of multiple-extortions for ransom. In Libya **migrants are regularly kidnapped, imprisoned and tortured for extortion reasons**, as a growing literature has already showed<sup>8</sup>. Acts of tortures are usually audio and/or video-recorded and sent to migrants' relatives, in order to convince them to pay the ransom.

According to witness' testimonies, as collected by LEAs, those migrants who are released from Libyan detention centres and embarked towards Italy not rarely are pushed back and imprisoned again, after having been intercepted by the Libyan coast guard on sea. Once brought back to the detention centres, they are tortured again while their families are obliged to pay additional sums of money. This procedure might occur more and more times, thus resulting in dreadful forms of multiple-extortions. According to the analysis provided by one of the prosecutors interviewed, the spreading of kidnapping for extortion reasons might have been enhanced by the policy of externalization of European borders. As he explained, on the one hand the Libyan coast guard intercepts migrants, since it wants to show to Europe that it has the capacity to control the borders of the Mediterranean Sea; on the other hand, by bringing back migrants, it contributes to enlarge and enhance the business of migrants' extortion. That is the reason why, according to him, "we begin to see *concentration camps* together with safe houses, which are generally former military bases on the coast" (Interview with public prosecutor n. 2, Agrigento). Two different places which are actually strongly interconnected.

A prosecutor defining Lampedusa Island as a "donut hole in the middle of the Libyan rescue area" underlined the fact that citizens might rightly ask themselves the following questions: "But is Libya intervening? And if it intervenes, does it help them? And if it helps them, does it help them effectively? And where does it take them? He takes them to safe houses, what happens to them?" She concluded: "It is a tremendous chapter (...). Finally, they decided to consider Libyan ports unsafe" (Interview with public prosecutor n. 10, Palermo).

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<sup>8</sup> See inter alia Amnesty International 2017; Kuschminde & Triandafyllidou 2019; Amnesty International 2020; MEDU 2020; UNHR 2022; Massari 2022.

### 3.2.5 Counter-smuggling investigations

According to the law enforcement officers and prosecutors interviewed, **irregular migration cannot be addressed through an emergency approach, since migration is a structural phenomenon**. Investigations in this field, however, especially those addressed towards smugglers and traffickers are very problematic especially because of the **lack of international cooperation**, the **irregular status of the witnesses** and the **lack of translators** which make investigations particularly difficult.

Our interviewees stressed the lack of international cooperation shown by those countries where smugglers, traffickers and torturers are mostly based (they mentioned, in particular, Tunisia, Libya and Nigeria). Therefore, despite the investigative efforts aimed at identifying the main actors behind smuggling and trafficking networks, including the heads of detention centres in Libya, it is very difficult to arrest them. In this regard, a prosecutor argued:

**It is a bit paradoxical that in 2022 we can reconstruct the dynamics of certain offences, we can identify those who are responsible for and then we cannot do anything for arresting them (Interview with public prosecutor n. 9, Palermo).**

Moreover, a relevant issue affecting investigation activities against smuggling and trafficking networks refers to the irregular status of migrants who are listened as witnesses after landings. **Because their irregular status and because they often consider Italy only as a transit country, they usually choose to leave and, as a consequence, they prefer to avoid collaborating with authorities.**

One prosecutor interviewed stressed that their work would benefit from the development of a good reception system for migrants, that would encourage migrants to remain in Italy, since the phase of listening to witnesses is crucial for investigations on suspected traffickers (Interview with public prosecutor n. 9, Palermo).

Finally, an important challenge that LEAs and prosecutors must face during investigations and trials regard translations, that are fundamental since defendants and witnesses are foreigners who do not speak Italian. In this regard, it was stressed the lack of available and trustworthy translators both during the phase of collecting testimonies after the landings and in the trial. This problem is linked to the low salary usually received by translators and, in addition, to the risk of organized crime's intimidation towards them (Interview with public prosecutor n. 9, Palermo).

These problems tend to seriously affect investigations against those who are active at the higher level of smuggling networks, namely those who not only sell at high price very dangerous travels, but also manage the detention centres where migrants are tortured and exploited before crossing the Mediterranean Sea. Eventually, prosecutors are more likely to address the last link of the chain, namely the guards of detention centres in Libya, who are often migrants themselves who ended up performing various tasks in these centres, even

becoming torturers, in order to earn their free travel towards Europe (some of them arrived in Italy travelling with their victims who denounced them to Italian authorities), and boat drivers carrying migrants from Northern Africa to Sicily.

In this regard, it should be considered that criminal proceedings against suspected boat drivers have arisen a great debate among activists, lawyers and scholars in the field of migration. In particular, in the report *From sea to prison, the criminalization of boat drivers*, it is emphasised that some trials ended up with the acquittal of defendants, who during the trial – which might last even years – were compelled to stay in prison (Arci Porco Rosso, Alarm Phone 2021). In this regard, it is relevant to address the issue related to the undocumented migrants' access to “full and effective defence” – which according to the above report “is rarely guaranteed”<sup>9</sup>. Two lawyers interviewed during our field research, and other two lawyers encountered during the field research in Sicily, have stressed the risk, in these cases, of a sort of “low cost justice” for irregular migrants (Interview with Lawyer n. 7, Palermo).

### 3.3 The arrival in Italy

The journey to Italy – as reported by migrants interviewed - is extremely dangerous, full of violence and traumatic experiences. In most cases, however, the arrival does not represent the end of what has been described as a true nightmare, since **migrants' extremely vulnerable situation tends to be often underestimated once hosted within the Italian reception system:**

**When I arrived, I had some difficulties, because after the journey there was a bit of difficulty, because I was a bit restrained, because during the journey I had a lot of problems. [...] The centre where I stayed was not... so, there was something I lacked, I mean, I needed someone to be close to me (Interview with migrants n. 19).**

The **lack of adequate and timely support in addressing their psychological suffering** can also enhance a reactivation of the fear and trauma experienced during the journey. Moreover, this condition is often amplified by the long and exhausting **time needed for receiving feedback on the request of international protection** - the only channel currently available for regularising undocumented migrants' status in Italy. This is a widely shared experience among our research participants who expressly refer to a sort of **limbo which can even last several years**.

It is particularly emblematic the case of J., who arrived in Italy in 2017 and was granted a form of international protection only in 2021, after recurrent denials. The long waiting caused her considerable discomfort and the impossibility of rebuilding her life:

**I have problems with my stress, I can't sleep, I have to take medicine to sleep, before I didn't sleep because of thinking and those things. So, it affected me a lot, when they just call me to go to the Commission again... it disturbed me. So,**

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<sup>9</sup> [https:// fromseatoiprison.info/9-conclusions/](https://fromseatoiprison.info/9-conclusions/)



when I went there, I told my story again; within two years my results came, they give me two years, so I was really happy because that was what I was waiting for four years, or five years... Yes! Waiting for results, no documents, so I couldn't work, I worked before as baby-sitter, I worked in a place cleaning, but because it was black job, no... I don't have residence, I don't have "carta di identità", I don't have "soggiorno", they just rejected everything about me. So, I am just moving without nothing in this place. I just fight for everything (Interview with migrants n. 15).

Often the long regularisation process and, consequently, the time needed for the acquisition of the rights associated with it, are also due to the lack of access to the necessary information in the places of first reception. Another widely shared experience by many migrants interviewed is the perception of having 'wasted time' in the wrong place during their first years in Italy.

In some cases, the **lack of initial support may push some people to irregularly leave Italy and go to other European countries**. And even if one manages to rebuild his/her life elsewhere, he/she is eventually faced with the rigidity of the Dublin regulations that will, at some point, force them to return to Italy and start all over again. For example, A. arrived in Italy in 2015 when he was only 18 years old. He was fingerprinted in Sicily, but was told to leave because there was no room in any reception centre. A few weeks later, he managed to arrive in Germany, where he was living a good life. However, in 2019, the German authorities informed him that he had to return to Italy, where he had been fingerprinted, because of the Dublin Regulation. In 2021, he returned to Italy and applied for international protection, but he is still waiting to be convened by the Commission:

Documents make big problem for me, because I have more stress, I can't go to sleep [...] When you have no work, nothing, you must have more stress, you ask some question yourself: Why? Why am I still there? Like me now... we were 26 persons, they have all documents now, we come together in this camp. Only me I haven't no documents. Sometimes I ask: Why you? I have no luck. You are unlucky man. Sometimes I say myself you are unlucky man (Interview with migrants n. 16).

On the other hand, for those who remained in Italy, it is not uncommon that the first reception facilities where they were placed were crowded and in isolated areas. **Social isolation and overcrowding**, therefore, prevented the timely start of linguistic, housing, work and social integration processes and instead favoured the reactivation of conditions of sickness, unease and depression that are often ignored. This is the case of A. and her husband, who fled Pakistan after having been persecuted to death by their families for marrying against their will. When they arrived in Italy in 2015, they were in a situation of severe physical and psychological fragility. However, they were placed in a reception project where they did not receive the necessary medical and legal assistance. As A. said: "We spent one year without nothing". It is no coincidence that this project was closed down following audits.

Unfortunately, however, this was not the only negative experience for A. and her family. A few years later, with three children and having lost their jobs, A. and her husband approached local institutions for help and they were sent to a large and very isolated reception centre in the mountains. There, A. recounted that she experienced one of the most painful periods of her life, since living conditions were unbearable: there was no heating, the electricity was shut off every night and no one took care of their needs. She became seriously depressed:

**So, the horrible experience... I think I would have died if I had stayed more than that. Die. I think about suicide (Interview with migrants n.13).**

Despite the problematic issues highlighted so far, our interviewees also reported several positive experiences that can be considered as **good practices and inspirational models**. A.'s story itself shows that there are also reception projects that work very well; five years after their arrival, A. and her family finally arrived in the right place:

**After that project we found the right people. They gave us... immediately they gave my husband medicines, they gave us a house, we started our live again with zero. They provided... they took us to school, they brought A. to the psychologist [...] So they also brought me to the psychologist, they told me she would have helped me when I had felt like this. I started studying Italian, I started going school (Interview with migrants n.13).**

A relevant issue concerns the ability of the reception project's operators to identify the need for psychological support and to offer the appropriate care and assistance services. The recognition and protection of this need was indeed a turning point for several interviewees. J., for example, recounted how important was for her that the coordinator of a project where she was hosted, noting her asocial behaviour, suggested a psychotherapy:

**I took cypralex for almost four years, taking medicine to sleep, so... But later, gradually, I started stopping and be myself, you know because the help of my psychologist too... my doctor, she is very good, she always calls me, every Wednesday I call her, at Fridays, two times... 'J. come, let's talk', so it makes me relieve my stress (Interview with migrants n.15).**

In cases like these, **people who manage the reception projects made the difference**. Especially those associations that, due to their adherence to certain political or religious values, share a solidaristic approach, seem to be more successful in promoting multidimensional forms of autonomy and integration into the local community.

A crucial role is also played by those local actors who provide migrant women and men with various services, including access to information on their rights. For example, M., after having been granted a form of international protection, was invited to leave the centre where he was staying in Genoa, but was not included in a housing inclusion process. He decided to leave for Rome, where he did not know anyone and lived on the streets for some time. He started going to the soup kitchen and listening centre of an NGO where he was informed of his rights and advised to go to the immigration office. Then, he did a training course, started working in a restaurant as a kitchen assistant and, eventually, was able to rent a room.

Finally, a **further example of best practice was provided by cases of humanitarian corridors** that allowed two of our research participants to arrive in Europe. In these cases, the initial waste of time and the long wait for documents were not experienced. For instance, S., an Afghan woman who used to work for an Italian NGO and was politically involved in the activities of women associations, when the Taliban took power in 2021, had the opportunity to be evacuated from one day to another and to go to Italy. Speaking about her experience, she argues:

**Of course, it's working... because when we arrived in Italy, we didn't have money, also clothes, a house to... for... living, yes, money for preparing or making food. For this, yes, these projects are working for us. And they helped us a lot with language and for the... our permit of stay... It's working yes (Interview with migrants n.14).**

## 4. Policy recommendations

Based on the outcomes of our research and our interviewees' experiences, representations and evaluation of undocumented forms of migration across the Mediterranean, the following recommendations can be made:

### 1. RECONSIDER THE LEGAL DISTINCTION EXISTING BETWEEN ECONOMIC AND POLITICAL MIGRANTS AND THE IMPACT THAT THIS MIGHT HAVE ON THE LIVES OF THE PEOPLE INVOLVED

Our data clearly indicate that both so-called economic and political migrants, given the restrictions imposed to legal migration to the European Union, are obliged to rely on the services provided by a number of actors – often criminal – who accompany them across borders and, most crucially, to the embarkation points in Libya and Tunisia. Therefore, migrants with different profiles and needs who travel along the same routes and are often accompanied by the same facilitators, once crossed the borders of Libya often end up in being sold to other traffickers, kidnapped, detained, exploited in the work sector, tortured and obliged to provide additional money if they want, not only to continue their journey toward Europe, but even to survive. The terrible **human rights violations suffered** during the trip and the condition of **psychological trauma** that they often experience significantly contribute to radically reshape their migration project. Even if originally labelled as economic migrants, these men and women become victims of trafficking activities and various forms of exploitation and violence which occur *in itinere*, i.e. well after their departure from the country of origin, that is: during the trip itself. Once arrived in Europe, these migrants should deserve adequate forms of protection aimed at recognizing their status.

## **2. REVIEW RELEVANT LEGISLATION, AT BOTH EUROPEAN AND NATIONAL LEVELS, WHICH STRONGLY LIMITS THE RIGHT TO MIGRATE, ESPECIALLY FOR THOSE PEOPLE THAT, DUE TO POLITICAL, SOCIAL AND ECONOMIC CIRCUMSTANCES, MIGHT BE MOST IN NEED TO MIGRATE**

The EU and its Member States should broaden authorized ways of migration, set up additional legal pathways to enter Europe and open up humanitarian corridors which can allow safe forms of mobility toward the EU. The de facto enhanced prohibitionist approach toward migration in the EU produces its criminogenic effects not only in the countries of origin and transit – where criminal networks and actors provide their services to migrants in need to migrate – but also in the countries of destination.

As stressed by several stakeholders involved into our research, current European Union's and Member States' legislation tend to impose a growing condition of clandestinization to the status of migrants arrived in Italy through irregular channels, due to the impact of laws which have a criminogenic effect on the status of undocumented migrants. In order to regularize their status, migrants are often suggested, even by institutions, to apply for international protection. Several stakeholders, however, underlined that migratory flows cannot be considered regular only if motivated by the request for international protection. A migration lawyer, for example, defined the request for international protection (as the only way to access Italy) a sort of "madness" that forces migrants to try to adhere to specific (not necessarily true) narratives. The current situation – characterized by what was defined by one of our stakeholders as the "prohibition of entry" – is even worsened by the existence of the crime of clandestinity in several European countries, such as Italy, which has transformed undocumented migrants in *clandestine* ones, i.e. delinquent people, "liable for a crime".

## **3. REVIEW BOTH EUROPEAN AND BILATERAL AGREEMENTS ESTABLISHED WITH NATIONAL AUTHORITIES WHO LACK ANY CREDIBILITY AND RELIABILITY IN TERMS OF HUMAN RIGHTS PROTECTION**

The externalization of European borders has produced a number of EU-led and bilateral agreements between Member States and countries placed at the external borders of the EU aimed at curbing the phenomenon of irregular migration which has enhanced a number of extremely negative effects - in terms of human rights violations, transnational displacement, induced forced migration and humanitarian consequences in the destination countries - widely documented by several international observers and human rights associations. The widely recognised unreliability of unstable institutional authorities in countries such as Libya in charge of implementing these agreements is evident not only in the lack of any human rights standard in their operations, but also in their de facto incapacity and/or unwillingness to collaborate with

European and Member States' authorities in providing any support during international judicial cooperation operations. Therefore, as argued by several prosecutors and law enforcement officers interviewed, transnational judicial operations aimed at arresting major traffickers and dismantling transnational criminal networks often fail, while only the lower ranks of these groups – i.e. boat drivers – are usually secured to justice.

#### **4. IMPROVE THE GOVERNANCE OF ASYLUM SEEKERS' RECEPTION IN THE EUROPEAN UNION THROUGH THE ADOPTION OF AN APPROACH WHICH TAKES INTO CONSIDERATION ALSO MIGRANTS' ACTUAL NEEDS AND PROJECTS**

The overall conditions of the asylum seekers' reception system in European countries, such as Italy, heavily affected by large numbers of undocumented migrants arriving through the Central Mediterranean route are still very poor, as outlined by several migrants interviewed. The ongoing adoption of an emergency approach toward the phenomenon, the recurrent changes imposed on the overall organization of reception facilities and the frequent redefinition of the different forms of protection granted to asylum seekers have negatively affected their rights and overall psychological and living conditions.

According to a social worker interviewed, undocumented migrants and asylum seekers are usually distributed into the various reception facilities without following a specific criterium which, on the contrary, should take into consideration their status, needs, and overall condition. This strongly affects their vulnerability, since migrants' will and projects are not usually taken into consideration, with a number of countereffects in terms of prolonged times waiting for the recognition of their protection status, psychological sickness, disorientation, distrust toward the institutions and other agencies in charge of handling their case. Even those associations and third-sector agencies who attempt to adopt a more participatory and engaging approach with migrants – as remarked by social operators participating to our policy council - are often induced to reconsider their forms of cooperation with the institutions since they are aware of the dramatic impact that a lack of collaboration could have on the lives of migrants themselves.

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## 6. Annex 1

**Tab. 1 Interviews with prosecutors and law enforcement officers**

<b>Interview number</b>	<b>Role and Office</b>	<b>Place of interview</b>	<b>Date of interview</b>
1	Interview with public prosecutor, Catania Public Prosecutor Office	Catania	30/06/2022
2	Interview with public prosecutor, Agrigento Public Prosecutor Office	Agrigento	12/07/2022
3	Interview with public prosecutor, Palermo Public Prosecutor Office	Palermo	14/07/2022
4	Interview with public prosecutor, Catania Public Prosecutor Office	Catania	15/07/2022
5	Interview with police, Catania Police Office	Palermo	30/08/22
6	Interview with police, Palermo Police Office	Palermo	30/08/22
7	Interview with lawyer	Palermo	31/08/22
8	Interview with lawyer	Milan	17/11/22
9	Interview with public prosecutor, Palermo Public Prosecutor Office	On-line	23/11/22
10	Interview with public prosecutor, Palermo Public Prosecutor Office	On-line	05/12/22

**Tab. 2 Interviews with migrants**

Interview number	Gender	Country of origin	Age	Year of arrival	Migratory status	Place and date of interview
1	F	Nigeria	33	2016	International protection	Cosenza, 11/07/2022
2	M	Afghanistan	33	2009	International protection	Cosenza, 12/07/2022
3	F	Libya	45	2018	International protection	Marzi (CS), 13/07/2022
4	M	Chad and Libya	27	2019	International protection	Marzi (CS), 13/07/2022
5	F	Syria	Adult	2018	International protection	Marzi (CS), 13/07/2022
6	F	Syria	22	2016	Refugee	Camini (RC), 16/07/2022
7	M	Gambia	22	2017	International protection	Villa San Giovanni (RC), 28/07/2022
8	F	Nigeria	25	2016	Special Protection	Campo Calabro (RC), 1/09/2022
9	F	Tunisia	20	2020	Waiting the call from Commission	Campo Calabro (RC), 1/09/2022
10	F	Tunisia	Adult	2022	Waiting the call from Commission	Campo Calabro (RC), 1/09/2022
11	M	Nigeria	Adult	2015	Waiting the call from Commission	Cosenza, 17/10/2022

12	F	Nigeria	Adult	2015	Waiting the call from Commission	Cosenza, 17/10/2022
13	F	Pakistan	Adult	2015	International protection	Cosenza, 9/11/2022
14	F	Afghanistan	29	2021	Refugee	Rende (CS), 23/11/2022
15	F	Ghana	42	2017	Special Protection	Milano, 1/12/2022
16	M	Somalia	25	2015	Waiting the call from Commission	Roma, 4/02/2023
17	M	Somalia	32	2009	Subsidiary Protection	Roma, 4/02/2023
18	M	Mali	35	2014	Refugee	Roma, 16/02/2023
19	M	Mali	30	2014	Subsidiary Protection	Roma, 16/02/2023
20	M	Gambia	32	2013	Refugee	Roma, 17/02/2023

**Tab. 3 Interviews and informal meetings with representatives of Italian NGOs, journalists and lawyers working in the field of migration and refuge**

	<b>Role/function</b>	<b>Place of meeting</b>	<b>Date of meeting</b>
1	Ex-Public Prosecutor	Milan	31/05/22; 22/11/22
2	Coordinator of NGO La Kasbah and Medical Doctor (psychiatric) working with migrants	Cosenza	13/07/2022
3	Journalist and independent researcher	Cosenza	13/07/2022
4	Teacher and social worker at Palermo Centro Antiviolenza	Palermo	13/07/2022
5	Volunteers for CLEDU- clinica legale diritti umani, University of Palermo	Palermo	13/07/2022
6	Volunteer for Arci Porco Rosso	Palermo	14/07/2022
7	Representative of the cooperative “Della Terra. Contadinanza necessaria”	San Ferdinando (Rosarno)	14/07/2022
8	Volunteer for Mediterranean Hope	San Ferdinando (Rosarno)	14/07/2022
9	Operator for Mediterranean Hope	San Ferdinando (Rosarno)	14/07/2022
10	Inter-cultural mediator for Mediterranean Hope, Project “Ostello solidale Dambe So”	San Ferdinando (Rosarno)	15/07/2022
11	Volunteer for Mediterranean Hope	San Ferdinando (Rosarno)	15/07/2022
12	Coordinator of progetto accoglienza Coop. Eurocoop Servizi Jungimundu Coordinator Coop. Eurocoop Servizi Jungimundu	Camini (Reggio Calabria)	16/07/2022

13	Operators and activists of NGO Nuvola Rossa	Villa San Giovanni (Reggio Calabria)	28/07/2022
14	Coordinator of Casa Annunziata, house for unaccompanied minors, Papa Giovanni XXIII	Reggio Calabria	29/07/2022
15	Coordinator of Ngo Coopisa	Campo Calabro (Reggio Calabria)	29/07/2022
16	Lawyer	Milan	9/09/22
17	Lawyer	Milan	12/10/22
18	Journalist	Milan	11/11/22
19	Lawyer	Milan	21/11/2022
20	Lawyer	Rome	01/12/22
21	Lawyer	Rome	01/12/22
22	Lawyer	Rome	01/12/22
23	Social workers, Casa della Carità, Milano	Milan	23/11/2022; 16/12/2022
24	Volunteer School for foreigners, Comunità di Sant'Egidio	Scuola per stranieri, Comunità di Sant'Egidio, Milano	19/2/2023
25	Volunteer School for foreigners, Comunità di Sant'Egidio	Scuola per stranieri, Comunità di Sant'Egidio, Milano	19/02/2023
26	Volunteer School for foreigners, Comunità di Sant'Egidio	Scuola per stranieri, Comunità di Sant'Egidio, Milano	19/02/2023