

Effective border management and tracking illicit fiscal flows.

States maintain the sovereign right to control their borders and regulate migration. While border crossing is inherent to migrant smuggling, it is a common characteristic of human trafficking as well. Both are thus defined as border security problems, although while migrant smuggling constitutes a crime against the State, human trafficking is a crime against the individual. The effective **management of national borders** constitutes a critical component of inhibiting migrant smuggling and human trafficking as cross-border crimes, as it functions to deter criminals and as a means to identify victims.

Rising levels of migration has resulted in the tightening of borders in destination and transit countries. Some States have utilized preemptive measures to push borders offshore. Such security driven measures have been criticized for their lack of **protection of migrants' basic human rights**. Indeed, restrictive border control measures have contributed to the growing demand for clandestine migration services, including the use of smugglers and the procurement of fraudulent documents, rendering border crossings increasingly perilous, resulting in thousands of deaths over the last few years. Consequently, the same policies and measures aimed to address migrant smuggling and human trafficking have exacerbated the human, social, and economic costs to both States and smuggled and trafficked migrants.

Aside from human traffickers and migrant smugglers, many human rights violations suffered

by smuggled migrants and trafficking victims are perpetuated by States. It is often difficult for border officials to distinguish trafficked from smuggled migrants, as the crimes are often inter-related. As a result, trafficking victims and smuggled migrants have been held in lengthy detention, either while officials attempt to determine their status, or where they remain unidentified and deported. Furthermore, corrupt border and immigration officials are often complicit in the procurement of fraudulent documents, such as passports, national identification cards, visas and residence or work permits. They also facilitate illegal border crossings, as for example, customs officers accept bribes to pass vehicles across borders. Border controls worldwide continually fail to prevent and detect trafficking in persons due to corruption or a lack of human, technical and/or resource capacity.

Frontline border officials must ensure the prompt and accurate **identification of victims** of migrant smuggling and human trafficking and enable their assistance through appropriate referrals. The lack of sufficient resources to effectively manage migration also operates as a significant constraint. To do their job effectively, border guards need sufficient human and technical resources, those appropriate to the specific geographical and country context. Updated surveillance and biometrics technology, such as fingerprinting, iris recognition and facial scanning, can impede the use of counterfeit travel

documents. New technology offers the potential to create documents that are difficult to falsify, forge or alter.

Border officials also need the means to patrol remote entry points, like those in archipelagos, porous borders and other challenging terrain. At the same time, successful border management requires expanding strategies, such as working more closely with local communities and in closer collaboration with local authorities. Border control can further be strengthened through the participation of non-state parties, such as airlines, to operate as gatekeepers, and by the issuance of stricter visa requirements.

Border and immigration officials need ongoing **support, resources, training, and mentoring** to effectively fulfill their duties, not just in identifying and assisting victims, but also in managing the initial stage of investigations into suspected cases of trafficking and smuggling, involving the preservation of evidence and detention of suspects. Border and immigration officials have an important role to play in intelligence and data gathering. Improved data collection and information exchange can strengthen proactive, evidence-based policies and responses at the border. For example, border officials might identify a dangerous route resulting in several deaths and initiate a campaign to warn potential migrants as a means of prevention. Uncovering the operations of complex criminal networks that are quick to shift routes and strategies, and to take advantage of legal loopholes and the use of quasi-independent local cells, requires creative and flexible policing and an increased reliance on situational awareness and real-time intelligence based on effective intelligence sharing.

Migrant smuggling and human trafficking criminal networks accrue **immense profits**, estimated by Interpol to amount to billions of dollars each year, funds which can further strengthening the criminal enterprise or laundered into the legitimate economy. Recent research by Interpol

and Europol found that most smuggling fees were often made in cash or by Hawala transfers from within destination countries. Tracking illicit financial flows from these criminal enterprises can impede the work of smugglers and traffickers by, inter alia, reducing their profits. Confiscated criminal proceeds can be used to support national and international trust funds for survivors. States ultimately bear the responsibility to both combat trafficking in persons and migrant smuggling and to uphold the migrants' human rights.

This session will provide an opportunity for participants to share best practices with respect to border security, including in the face of technical and resource constraints. It will also delve more deeply into the paradox that effective border control ultimately drives the reliance on smugglers, and renders migrants more vulnerable to human trafficking.

Participants will be invited to reflect on the following questions:

What are key strategies for tackling corruption among border and migration officials?

What are the best means of combining tightly managed migration systems and strict border controls with the protection of human rights?

How can borders be managed effectively without fostering migrants' reliance on smugglers?

What are the current barriers to tracking illicit financial flows from smugglers and traffickers?

Are national anti-corruptions laws and policies effectively mainstreamed into the anti-trafficking and anti-smuggling legal and policy framework, and vice versa?

What are the capacities of national border officials to engage in intelligence and information gathering? How effective is information exchange across borders and with other national stakeholders?