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2 ••••• The Smuggling of Asylum Seekers into Western Europe:

Contradictions, Conundrums, and Dilemmas

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I'm writing this introduction on June 19, 2000, the day of the tragic discovery of fifty-eight dead migrants in the back of a truck in the port town of Dover in the United Kingdom. Although clearly their motivations and intentions will now never be known, these migrants have quickly come to be described in the media as "asylum seekers." However inaccurate this description may be, the events in Dover have certainly brought to the attention of the media, public, and politicians a phenomenon that seems to have been growing over the past decade in Western Europe—the smugging of asylum seekers.

As early as 1994, it was estimated that between 60,000 and 120,000 asyium seekers were being smuggled into Western Europe annually (Widgren, 1994), and there is a growing consensus that an increasing proportion of asylum seekers continues to be smuggled. The smuggling of asylum seekers presents a range of conceptual and policy challenges, which have been made all the more difficult to cope with given the shortage of empirical data. This chapter presents findings from one of the only research surveys conducted among smuggled asylum seekers in Western Europe annually (Widgren, 1994), and there is a growing consensus that an increasing proportion of asylum seekers presents a range of conceptual and policy challenges, which

rope (Koser, 1997b). It tries to address some of the crucial questions surrounding the smuggling of asylum seekers: Is smuggling necessarily an evil? Is it really a new phenomenon? And why are policymakers finding it so hard to come to terms with smuggling?

The study of smuggling is still in its infancy, and there is a lack of consensus about concepts, definitions, and terminology. One distinction that does seem to be emerging, both in the literature and in policy instruments, is between the concept of "trafficking" and the concept of "smuggling." The trafficking of human beings is increasingly associated with coercion, exploitation, deception, violence, and physical or psychological abuse. The majority of the literature on trafficking, for example, has focused on women and prostitution. In contrast, smuggling is being defined simply as the illicit movement of people across international boundaries. According to this distinction, trafficking is a human rights issue, whereas smuggling is a migration issue (Salt and Hogarth, 2000).

This chapter, which focuses on a case study of Iranian asylum seekers smuggled to the Netherlands, takes issue with this distinction. There is no evidence of coercion or violence or that the respondents were subsequently placed in exploitative industries in the Netherlands. Still, the smuggling exposed many of them to increased insecurity and vulnerability: in other words, smuggling can be both a migration and a human rights issue.

The chapter is structured around this expansion of the concept of smuggling. In the first part, the smuggling of asylum seekers is analyzed as a migration issue. Empirical evidence on the interaction between smugglers and asylum seekers is combined with a broader analysis of the changing policy context in Western Europe to lend credence to the common assertion that an increasing proportion of asylum seekers are being forced to employ smugglers in order to escape their home countries and reach a country of asylum. In the second part, smuggling is analyzed as a human rights issue. It shows how the asylum seekers in this survey were exposed to forms of political, economic, and social insecurity as a direct consequence of smuggling. Although the phenomenon may not be new, there are qualitative differences from earlier periods, specifically relating to the changing composition of asylum seekers, the growing organization of smuggling, and the changing purposes of smuggling.

Seeking Asylum in Western Europe: The Changing Political Context

Analysis of the changing political context for asyium seekers in Western Europe, combined with analysis of data on asyium applications, provides some insight into the interactions between smuggling and asylum. In simple terms, asylum in Western Europe can be thought of as having moved through three phases over the past thirty years. During the 1963 and 1970s—and particularly before the "oil crisis" of 1973—there were two distinct legal migration channels into Western Europe, one for labor migrants and another for refugees. The majority of refugees at this time were accepted in Western Europe on the basis of a "quota" system (Troeller, 1991).

As economic recession and an environment of retrenchment struct Western Europe during the mid-1970s, the demand for overseas law dried up, and most of the formal routes for labor migration-for example pie, through recruitment agreements with particular countries of originwere closed over the following decade (Cornelius, Martin, and Hollifield 1994). In retrospect, it is quite clear that one of the unintended conse quences of these policies was to force economic migrants into the asylun channel—which had become the only remaining legal channel for entry into Western Europe. Such an analysis goes a long way toward explain ing the data presented in figure 2, which show how asylum application in the main asylum countries in the European Union (EU), and across the EU as a whole, grew steadily through the late 1980s, to an overall pear in 692 of more than 672,000 applications. The convergence in the applications. um channel of refugees and economic migrants has notoriously presented policymakers with great problems of clarification, and many huma rights activists are concerned that at least some genuine asylum claiming have been ignored as the obsession with filtering out so-called been refugees has grown.

conty of asylum sceners were bogus. A raft of policies was adopted across Western Europe during the mid-1990s to try to place restrictions upon asylum. One set of policies was annead at reducing the scale of asylum migration. This included the imposition of visas upon citizens from a growing list of countries, the promotion of so-called safe havens, the re-

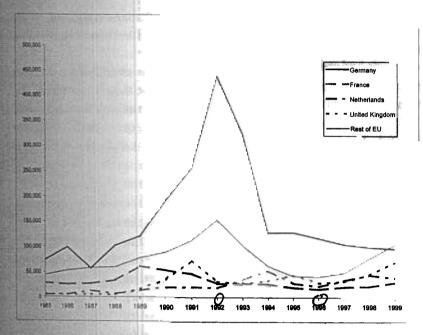


Fig. 2. Total Annual Asylum Applications in Selected EU Member States, 1985–1999

Source Eurostat. Note: "Rest of EU" is an estimate.

quirement that asylum seekers submit their applications at a consulate or embassy in their country of origin ("in-country processing"), and carrier sanctions. These combined with another set of policies targeted on changing the spatial distribution of asylum applications, and specifically on diverting applications from Western Europe. Perhaps the best example is the series of Readmission Agreements signed on a bilateral basis between countries in Western and central or Eastern Europe, which have facilitated the return of asylum seekers from the former to the latter (King, 1994).

Many commentators agree that the combined effect of such policies was to reduce the number of asylum applications across Western Europe after the peak of 1992 (ECRE, 1994; Hovy, 1993; Salt, 1995). Across all the countries of the European Union, this decrease was fairly dramatic, and applications had more than halved by 1996. At the same time, the data in figure 2 indicate that across all the main EU countries of asylum except Germany, and across the EU as a whole, asylum applications began to re-

United Kingdom, where estimates for asylum applications in 1999 almost returned to the historical high in 1991.

One interpretation of these data is that, just as closing down the labor migration channel forced economic migrants into the asylum channel, increasing restrictions upon this asylum channel are now forcing asylum seekers into a new, illegal channel. And the indications are that this channel is increasingly monopolized by smugglers and traffickers.

Thirty-two Iranian Asylum Seekers

To illustrate these trends better, this section draws on a series of indepth interviews conducted with thirty-two Iraman asylum seekers in the Netherlands, over a period of about a year in 1996 and 1997. Interview data were supplemented by information gathered during open-ended discussions with opinion formers and representatives from inside the asylum seeker populations. The interpretation of such qualitative data is always difficult and perhaps more so where the respondents can be considered vulnerable, as in the case of asylum seekers. It is, therefore, helpful to understand the circumstances of the respondents and to assess the validity of the data in this light.

The respondents were interviewed in two Azielzoekerscentra (AZCs, Asylum Seeker Centers) in the Netherlands. Twenty-one were women, the majority aged between twenty and thirty-five. This predominanced young and female respondents reflects quite closely the demographic composition of the Iranian populations in the two AZCs visited, almough it is a reversal of the gender profile of Iranian asylum seekers in

Dutch AZCs as a whole. Asylum seekers in AZCs have already passed through two earlier interview procedures in Aanmeldcentra (ACS, Initial Reception Centers), then Opvang en onderzoekscentra (OCS, Reception and Assessment Centers), and are at the stage where they are awaiting the outcome of a full assessment of their claims for asylum, or in some cases appeals against previous assessments. All the respondents had left Iran between one and two years prior to the interviews, and the length of time spent in the AZC ranged from just one week in one case to eighteen months in another.

This context imposed restrictions upon the interviewing procedure and

subsequently upon data analysis. Several respondents did not speak English, which is my mother tongue. There was also a more general problem of trust, operating in two directions. The respondents were generally and understandably reluctant to discuss issues that might directly affect their claims for asylum. At the same time, given that they had already been officially interviewed a number of times by the time I interviewed them in the AZCs, several respondents appeared to be "practiced" at interviews, responding appropriately as opposed to necessarily accurately.

A number of strategies were adopted in response to such difficulties. For approximately one-quarter of the interviews, the assistance of an interpreter was necessary. In each AZC more than one interpreter was employed, as an attempt to counter the problems that can arise when a single interpreter becomes too closely associated in the eyes of a study population with a researcher. The interpreters were all drawn from within the franian asylum seeker populations within the AZCs; the assumption was that respondents might be even less forthcoming in the presence of two "outsiders," namely, an external interpreter and me. In most cases the gender of the interpreter matched the gender of the respondent. During the interviews, anonymity was guaranteed, this method being employed along with several other techniques to attempt to secure a degree of trust among the respondents. Despite such methodological sateguards, reservations clearly surround the validity of the data gathered. The following analysis therefore focuses on excerpts from selected interviews with only eight respondents, with whom I believe a particularly good rapport was established

Smuggling as a Migration Issue

Twenty-nine of the thirty-two respondents admitted during our interviews that smugglers had been involved in at least parts of their journeys between Iran and the Netherlands. Smugglers were involved in three main ways: in exit strategies, in planning routes, and in entry strategies.

Exit Strategies

Nineteen of these twenty-nine respondents reported that smugglers had helped them to leave Iran, and three main exit functions were cited. First,

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smugglers reportedly concealed eight of the respondents, who said that they were in immediate danger of being arrested. All eight were in Tehran when they contacted smugglers, and half were taken outside Tehran to be concealed, while the other half were hidden within Tehran. One respondent had remained in hiding for about a month, waiting for his contact to make the necessary arrangements to smuggle him out of Iran.

Of eighteen respondents who were willing to provide detailed information about their journeys, six reported flying directly out of Tehran. A second function that smugglers served, for these six specifically, was to organize flight tickets and travel documents. In each case the travel documents were reported to have been forged, and the names on the tickets false, in order to try to ensure that the respondents were not intercepted at the airport. The other twelve respondents left Iran by land, most over the western border with Turkey, but three spent more than a week traveling eastward to the border with Pakistan. Only four said that they exited fran through formal border crossings, and for these four, forged documents were also apparently provided. For the remaining eight a third exit function that smugglers had served was to move them clandestinely across the border.

The respondents generally agreed that it is easy to find smugglers in Iran. Several respondents reported having already known smugglers either personally or indirectly through other people, and others suggested that smugglers could be found on certain days in certain bazaars in most large cities in Iran, but especially in Tehran. In the cases of three respondents, their journeys had been organized by relatives already living in Western Europe—in two cases in Germany, and in one in the United Kingdom. In these cases smugglers had apparently been contacted directly in Germany and the United Kingdom, and the respondents in Iran had then been approached by their agents. It is particularly interesting to note that several of the more recent arrivals among the respondents intimated that the function of smugglers is increasingly being transformed from one of facilitation-simply responding to demand-to one of recruitment and control. Smugglers now apparently advertise their services in certain newspapers in Iran and are reported to be exercising a virtual monopoly over the supply of forged documents and over clandestine border crossings, so that in effect they can select who leaves Iran illegally.

Migration Routes

A second broad function that smugglers served was to organize the migration routes of most of the respondents. The geography of migration routes between Iran and the Netherlands fell into four broad categories (table 1). The first category covered three respondents, who reported that they had flown directly from Iran to the Netherlands. In contrast, all the remaining respondents said that they had arrived in the Netherlands via at least one other country. Three reported having flown directly from Iran to either Romania or Hungary, from where two subsequently traveled by plane and one overland to the Netherlands. A third category similarly involved a two-step route and covered five respondents who flew to the Netherlands from Turkey or Pakistan, to which neighboring countries they had initially been smuggled from Iran. The remaining seven respondents (of the eighteen who provided detailed information about their journeys) reported a three-step route, involving travel initially to either Turkey or Pakistan, then to either Romania or Hungary, and finally on to the Netherlands.

As table I shows, the time taken to travel between Iran and the Netherlands generally varied according to the route taken. Several respondents whose migration route involved three stages reported the total journey lasting more than a month. In one case a respondent reported having stayed in Romania for nearly three months while his contact there obtained a false passport for him. The implications particularly of long periods of time spent en route between Iran and the Netherlands are returned to in the next section, as for several respondents they became sources of both legal and economic insecurity.

The relatively restricted number of routes reported may be an indication that a limited number of routes have become well established and maintained by smugglers. It was reported that a close international network of contacts operated along these routes. Most respondents were accompanied on each stage of their journey and responsibility for them then handed on to another contact in the next destination. Interestingly, one respondent told me that a friend had been smuggled from Iran to the Netherlands about three years before she had and that that friend had come through a quite different route, via Spain. The implication may be

Table 1. Migration Routes

| Number of Steps | Route | Time (in days) | Number of Respondents |
|--------------------|--|-------------------|--------------------------|
| 1 | Iran–Netherlands | 00000 | 3 |
| 2 | Iran–Romania/Hungary–Netherlands | 3-15 | 3 |
| 2 | Iran-Turkey/Pakistan-Netherlands | 5-20 | 5 |
| 3 | Iran-Turkey/Pakistan-Romania/Hungary-Netherlands | 10-90 | 7 |

that smugglers are responsive to the opening and closing of opportunities for negotiating entry into Western Europe.

Entry Strategies

The final principal function that smugglers served concerned entry, into transit countries as well as into destination countries. Three principal entry strategies were employed by smugglers—clandestine entry, entry with false documentation, or entry without documentation. In general these different strategies coincided with different migration routes. Clandestine entry was the main strategy for entering neighboring Turkey or Pakistan from Iran. In contrast, a majority of respondents reported using false documentation to enter Romania or Hungary. Meanwhile, the dominant strategy for entering the Netherlands was to present oneself to the immigration police without a passport.

This last strategy illustrates a wider function that smugglers were reorted to have served, which was to provide information on how to reain in the Netherlands after arrival. For example, the absence of a passort hinders personal identification, the identification of a country of
rigin, and the identification of transit countries. Most smugglers were reorted to have had very accurate information on the asylum procedure in
the Netherlands. Some respondents had even been advised how to resond during interviews with immigration officials, for example, by not
aming as transit countries those countries with which the Netherlands
and signed a Readmission Agreement.

retegies was in the case of eleven respondents for whom smugglers even ade a decision about their final destination. Three of these respondents

had simply requested that they be taken to any country in Western Europe. However, the remaining eight had intended before leaving Iran to join relatives or friends already living in countries in Western Europe—in Germany, Denmark, and the United Kingdom, but not in the Netherlands (Koser, 1997b). For all eleven respondents, smugglers had apparently stated that the Netherlands was the only country to which they could be smuggled at that time and had thus effectively made the decision about their final destinations for them

Smuggling as a Human Rights Issue

The last section demonstrated quite clearly how, for twenty-nine of the thirty-two respondents interviewed, smuggling was a migration issue. For many of these respondents, smuggling provided what they perceived as their only options for leaving Iran, traveling to Western Europe, and entering the Netherlands. To return for a moment to the distinction described in the introduction to this chapter, there seems to be a growing consensus that smuggling is a migration issue, and the preceding empirical evidence has reinforced that consensus. However, smuggling also became a human rights issue for many of the respondents involved in this survey. Three sources of vulnerability arose for respondents as a direct consequence of smuggling—political, economic, and social insecurity

One of the main sources of political insecurity for any asylum seeker arises from the threat of deportation. Iran is one of a number of countries where it is reported that repatriated asylum seekers often face persecution from the government arising specifically from their attempts to claim asylum in the first place (MNS, 1995). Nevertheless, during 1996 and 1997, at the time of the interviews, deportations from the Netherlands to Iran were occurring (MNS, 1996). What remains unclear is the extent to which smuggling increases the likelihood of being deported. On the one hand, the 1951 United Nations Convention on Refugees stipulates that refugees should not be penalized on the basis of their method of arrival in a country of asylum. The implication is that once asylum seekers have entered the asylum procedure, their involvement or otherwise with smugglers should have no bearing on their applications. On the other hand, it is quite clear that on certain political and media agendas, asylum seekers are increasingly becoming synonymous with illegal migrants. There is a concern

among human rights activists that asylum seekers who can be shown to have been smuggled may not be allowed to enter the asylum procedure and may face the threat of deportation as illegal migrants.

For the majority of respondents, the political insecurity associated with the rejection of a claim for asylum was heightened by the fact that they arrived in the Netherlands via one or more transit countries, these migration routes having been organized by traffickers. Many were smuggled initially to Turkey, whence regular deportations of Iranian asylum seekers have been reported. At the end of 1995, 150 Iranian asylum seekers staged a sit-in at the headquarters of the United Socialist Party in Ankara demanding that deportation orders by the government of Turkey be revoked. Romania was another country through which many respondents transited. A Readmission Agreement has been negotiated by the Dutch government with Romania so that asylum seekers can be returned there. Romania, however, is one of several central or Eastern European countries considered by many authorities to be ill equipped properly to receive and protect asylum seekers (ECRE, 1995).

Traffickers were reported to have charged between \$4,000 and \$6,000 U.S. for their services, and meeting these costs also exposed many respondents to a form of economic vulnerability at various stages during their migration. First, even before leaving Iran, all but two of the respondents who employed smugglers were obliged to turn to friends or relatives for financial assistance. Several reported that they had been forced to risk staying in Iran despite the very immediate threat of detention in order to raise money. It is quite clear that in the absence of financial support from social networks, most respondents would not have been able to migrate.

Meeting the cost of traffickers also meant that some respondents left Iran with virtually no money, which exposed many to sources of economic ruinerability both in transit countries and in the Netherlands. As indicated in table 1, those respondents who came to the Netherlands via tranat countries spent between a few days and aimost three months in the lat-

ter. About half of them reported that they had been obliged to work on the black market in transit countries, in order to derive sufficient income to live. The fees paid to smugglers did not cover subsistence costs en route o the Netherlands. In contrast, other respondents had managed to borow enough money before leaving Iran to cover the cost of living in trant countries.

Most respondents nevertheless arrived in the Netherlands without money. At the same time, most had no other source of income to supplement state allowances to meet basic expenditures, largely because of restrictions upon entry into the labor market for asylum seekers in the Netherlands during their first two years there (Groenendijk and Hampsink, 1995). Only one respondent admitted that he had worked illegally during his first year in the Netherlands, although he intimated that several other respondents had also worked illegally but were unwilling to admit as much to me. Even in those few cases in which respondents had found temporary employment after their first year in the Netherlands, in the majority of instances a substantial proportion of that income was sent back to Iran to pay debts to friends or relatives from whom money had been borrowed initially.

The role of smugglers in influencing the destinations of some of the respondents also gave rise in their case to a source of what might be described as social insecurity. As described previously, eight respondents had intended to join family or friends in other countries in Western Europe but had arrived in the Netherlands largely at the behest of smugglers. In this way they effectively became isolated from potentially supportive social networks. Interviews with several respondents who did have social networks in situ in the Netherlands confirmed that these had provided a variety of forms of assistance including emotional support, information, financial assistance, and child care. At a more qualitative level, there were quite clear indications that those without an immediate social network to which to turn for general support suffered to a far greater degree and far more frequently from depression and more regularly expressed concern about their future (Koser, 1997b). Beyond the short term, there is a considerable literature that shows how social networks can help migrants to integrate in new host countries, particularly through assisting with housing and employment (Gurak and Caces, 1992).

Contradictions, Conundrums, and Dilemmas

Before proceeding to generalize from this case study, a number of reservations need to be acknowledged. The first concerns the extent to which any asylum seeker's responses to questions about an issue as potentially sensitive at smuggling can really be trusted. As emphasized earlier in this chapter, systematic methodological safeguards were put in place to try to increase the level of trust between respondent and interviewer. Nevertheless, the preceding description of smuggling experiences focused principally on only a handful of respondents, those with whom it was felt that a specific bond had been formed. This further reduction of an already small-scale survey raises a second reservation, concerning the broader applicability of the case study. In the continuing absence of virtually any other empirical research with trafficked asylum seekers, it is impossible to assess the extent to which the experiences of the respondents in this survey were typical of asylum seekers.

Still, what is clear from this case study at least is that the smuggling of asylum seekers can be both a migration and a human rights issue. This enapter has provided empirical evidence to show the types of practical obstacles in response to which asylum seekers may be forced to turn to smugglers both to leave their countries of origin and to enter Western Europe. This evidence lends credence to the conclusions drawn from the analysis of the changing political context for asylum seekers in Western Europe and data on asylum applications over the last fifteen years. At the same time, the chapter has provided empirical evidence to show how their involvement with smugglers directly increased the insecurity of many of the respondents. And it is worth emphasizing that the nature of this research means that it necessarily provides only a limited perspective on insecurity. It covers only those asylum seekers who have in effect been "successful" in reaching Western Europe—nothing is known about the asylum seekers who cannot afford to leave Iran by paying smugglers, or those who are still stranded in transit countries, or even those who might have died en toute. Neither has the research been able to consider the psychological insecurities associated with being smuggled clandestinely across borders, or traveling across Europe in the back of a truck, or trying to board a plane with false documents.

Disaggregating smuggling into a migration and human rights issue has highlighted a conceptual contradiction. On the one hand, it seems that smuggling can provide a valuable service, by enabling asylum seekers—including at least some genuine refugees—to escape persecution and reach asylum. On the other hand, it seems that at the same time smuggling can expose the already vulnerable to even greater vulnerability. Herein lies a policy conundrum: how to protect asylum seekers from the insecurity as-

sociated with smuggling without closing the door on what is one of the last possibilities for applying for asylum in Western Europe. Such conceptual contradictions and policy conundrums are perhaps surprising given that the smuggling of asylum seekers is not a new phenomenon. There is clear evidence, for example, that many thousands of Jewish refugees were smuggled both westward and eastward from Germany and Occupied Europe before and during World War II.

There is no straightforward answer to this conundrum; what is perhaps easier to explain—by breaking it down into a series of constituent policy dilemmas—is just why it is so difficult to solve. Each of these, it might be argued, arises in turn from a series of new characteristics that make the contemporary smuggling of asylum seekers qualitatively different from earlier experiences: namely, the contemporary composition of asylum seekers, the social organization of smuggling, and the emerging purpose of smuggling.

One new characteristic is the complex composition of flows of smuggled asylum seekers. Most commentators would be unlikely to disagree that Jewish asylum seekers who were smuggled from Germany and Occupied Europe before and during World War II faced vile persecution and were in clear need of protection. But most commentators, however sympathetic, would also be unlikely to disagree that at least some asylum seekers arriving in Western Europe today do not have a genuine claim on refugee status. Analysis of the changing political context for asylum seekers has shown how a range of migrant categories—from refugees to economic migrants—have now been forced to converge on a single, illegal migration channel. The policy dilemma that arises is how to balance the nights of refugees while controlling the smuggling of other migrants.

A second new characteristic arises from the changing organization of smuggling. This chapter has alluded to a variety of ways in which even the smugglers in one small case study are highly organized. Smugglers in Iran seem to have become proactive in creating a market for their services they seem to control a close international network of agents, they seem to be very well informed about asylum procedures in Western European countries, and they have proved themselves to be responsive to opening and closing opportunities for entering these countries. The policy dilemma that arises is how to break out of the current vicious cycle, whereby smugglers consistently find new responses to new policies





A final new characteristic arguably relates to the changing purpose of the smuggling of asylum seekers. Although helping asylum seekers to escape persecution in their countries of origin is still one important function served by smugglers, it is no longer the only function. Instead, smugglers have been shown in this case study to be involved not only in planning exit routes but also in organizing entry and even selecting destinations The policy dilemma that arises is how to disaggregate the smuggling process, so that smuggling into Western Europe can be controlled but smuggling out of some countries can still be recognized as being necessary for those being persecuted or denied fundamental human rights.

Conclusion

As mentioned, the introduction to this chapter was written on the day of the tragedy in Dover. It is now a week later; the events in Dover have already disappeared from the media agenda. Still, they have reinforced the demand that policymakers respond to what is perceived in many circles to be a growing problem in terms of both illegal entry and obvious himan rights issues connected to the treatment of asylum seekers. This chapter has tried to illustrate the complexities of the smuggling of asylum seek ers and to highlight some of the inherent contradictions, conundrums, and dilemmas. The concern must be that in response to a growing public clamor, policy will be made without proper regard to these complexities and without proper regard to its consequences for the asylum seekers involved.

NOTE

This chapter is a substantial revision of an earlier chapter in Koser and Luz (1998).

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