



University of
Nottingham
Rights Lab

The impact of immigration policy on human trafficking and modern slavery

The state of evidence



**MODERN SLAVERY
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1. Executive summary

This report provides an overview of the current state of evidence on the impact of immigration policy on ‘modern slavery’ and human trafficking (MS/HT). It is the product of an investigation into the impacts of immigration policy on MS/HT using evidence from across the globe. This is a critical area of concern given the global reliance on migration management systems to deter human trafficking, and the suggested negative implications of that approach. In essence, there is a growing belief that migration policies broadly premised on securitisation have contributed to a submarket in human trafficking and further, that the myopic border focus distracts from other locations of exploitation leading to their invisibilisation.

Given the recent rise in estimated prevalence of modern slavery globally—up to 49.6 in 2022 from 40.3 in 2016¹—it is imperative to understand:

- The quality of existing data and what it tells us about the state of the evidence base;
- The utility of the tools used to address MS/HT within the immigration policy context; and
- The implications of the dominant approaches.

Through a systematic evidence review, this study explored the relationship between MS/HT and immigration policy. Findings are based on review of 368 academic articles, legislative documents, and published grey literature, including NGO reports, governmental publications, and media reports identified through keyword searches published between 2000 and 2021. The evidence base is global but demonstrates a bias towards UK, Australian, European, and North American migration policies.

1.1. ‘Modern slavery’ and human trafficking: what is at stake?

Article 3 of the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (the Palermo Protocol) defines human trafficking as:²

(a) ...the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.

Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs;

(b) The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used;

(c) The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered “trafficking in persons” even if this does not involve any of the means set forth in subparagraph (a) of this article;

(d) “Child” shall mean any person under eighteen years of age.

1 Walk Free (2018) Global Slavery Index. Available [here](#); Walk Free (2022) Global Estimates of Modern Slavery. Available [here](#)

2 United Nations Office of the High Commissioner for Human Rights (2000) Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime. Available [here](#)

On the other hand, ‘modern slavery’ is a term used in international policy spaces (most notably in UN Sustainable Development Goal Target 8.7) but not defined in international law.³ For this reason, conceptualisations of modern slavery have differed, and there is no single authoritative definition of the practice. Although sometimes conceived as a coherent conceptual category, modern slavery is most frequently understood as an ‘umbrella’ term encompassing a set of practices.⁴ These practices variably include: slavery itself; forced or compulsory labour; servitude; institutions and practices similar to slavery (serfdom, debt bondage, servile matrimonial transactions, delivery of children for exploitation); trafficking in persons; and forced marriage.

Within the MS/HT literature reviewed in this study, a range of exploitative and frequently violent experiences are captured.⁵ These experiences include:

- Forced labour, including forced sex work
- Domestic labour with limitations on mobility and/or no or little payment
- Abduction and hostageing
- Forced marriage
- Prolonged detention and torture to extract diasporic dollars
- Organ harvesting
- Gender based and sexual violence, often over an extended period by traffickers, detention officers, border officers, and government officials, up to and including forced pregnancy
- Debt bondage or debt peonage

The forms of exploitation vary as do the perpetrators identified in the literature. We offer two examples from the literature indicative of the experiences of the exploited to help contextualise and humanise the following analysis.

Exploitation of Cambodian migrants

‘Thirty percent of Cambodians live below the poverty line, most of them in rural areas. ‘The roots of poverty are many, from poor rural infrastructure to an uneducated workforce; all are the remnants of civil war...Impoverishment is caused by households whose livelihoods depend on agriculture, particularly rice, lacking irrigation. Most households could cultivate only once a year, and productivity is also low, two to three tonnes per hectare, which is not sufficient to feed the whole family. In some areas, the harvest is less than a tonne per hectare due to natural disasters. Around 70 per cent of arable land in Cambodia is not yet irrigated (MWRM 2009).’

‘One option is migration to supplement income through short or ‘long-distance migration to Thailand or Malaysia to work on fishing boats or as construction or factory workers. In most cases, migrants travel in small groups with a broker who escorts them to the workplace in Thailand. The basic services offered by brokers include transportation to the border and securing a work permit and a job in the destination country. Migrants have to pay the facilitation fee of USD100–200 in advance...Working on a sea fishing boat is the most dangerous and abusive job for male migrants... Besides being underpaid, the migrants experience harsh working conditions: they face severe physical punishment if they are found to commit a fault, for instance, by just taking rest during working hours; they have to work long hours up to 15 hours a day and in some cases more than that; and there are reported cases of migrants being forced to take drugs so they can stand heavy work (ICSW 2007). Some of the migrants are trafficked and sold without knowing, hence have to work many years to repay the debt (Ibid). (Hing et al)’

3 Definitions are provided in domestic law in the UK and Australia, covering in the UK’s case slavery, servitude, forced labour, and human trafficking, and in Australia’s case slavery, servitude, forced labour, deceptive recruitment for labour or services, forced marriage, trafficking in persons, debt bondage, and the worst forms of child labour.

4 Schwarz 2021.

5 The use of secondary data, means that authors may use the terms differently depending on the legal and sociolegal contexts where they are writing. We acknowledge then the range of experiences may be greater than those captured in the Palermo Protocol.

Sale, forced marriage, and exploitation of a refugee girl from Afghanistan

‘the experiences of a 16-year-old refugee girl whose family had migrated to Pakistan to flee war and armed conflict in Afghanistan:

My family had migrated to Pakistan many years ago ... My family is very poor ... They sold me for Rs. 30,000 [US \$300] into forced marriage ... My husband [the buyer] continuously tortured me [as a sex slave] ... I told my family about the torture, but they said they had sold me so I could never leave my husband ... My husband was a drug addict ... He would say he had purchased me so he could do with me whatever he wanted ... Something purchased can be used like this ... I tried to commit suicide many times ... I left home and went to a police station to register a complaint, but they kept me in the police station for a day and then sent me to a shelter ... After selling me, my family members do not want to keep any contact or relation with me ...

As the girl related, she was sold or trafficked into forced marriage by her poor refugee family and the buyer, albeit her husband, treated her as a purchased commodity. The Joint United Nations Programme on HIV/AIDS (2012) has documented that during times of economic crisis, women and girls bear the brunt of the impact and are more likely to sell sex for survival, or they tend to be the first to be sold by their families to manage the crises (Turek, 2013).’ Yousaf, 2018

1.2. Key findings

The overarching focus of literature at the MS/HT-immigration policy nexus is on the impacts of restrictive immigration policies on MS/HT risks. The breadth of evidence within this category is vast. However, the thematic areas that receive the most focus are:

- Reviews of legislation for framing focusing primarily on the impacts of a ‘crimmigration’ and securitisation approaches—versus labour or human rights—on trafficking risks;
- Analyses of the impacts of said approaches on victim identification and assistance;
- Historicisations of dominant trafficking and victimhood narratives and their impact on present day legal frameworks; and
- Criticisms of the reliance on border governance to address underlying risk factors in either policy or governance.

Thus, the literature in bulk focuses on both the inappropriateness of migration policy and the attendant legal frameworks to combat MS/HT and the negative impacts of the approaches on individuals. The focal population varies, with the most common populations being domestic workers, irregular migrants and informal workers, people subjected to forced marriages, and those involved in temporary/guestworker recruitment and employment schemes.

The literature is overwhelmingly critical of the use of migration policy to address MS/HT.

The critique frequently focuses on the ways in which ‘crimmigration’ and securitisation approaches redirect the state lens from underlying structural factors to indiscriminate policing of irregular or ‘illegal’ migration. Further, this approach overlooks the ways in which the structural factors—demand for labour or displacement drivers for instance—are often created by states. A second critique suggests that the state response and use of migration tools to combat MS/HT is ineffective and highlights the ways in which these approaches impact (read increase) MS/HT. The critiques largely conclude that criminalisation of migration and limitations on legal mobility (both between countries and statuses) put people at risk of exploitation.

MS/HT risks associated with immigration policy are borne unequally, with people who have temporary contracts, domestic workers, undocumented persons, and asylum seekers particularly at risk. This occurs because: (1) visa and regularisation processes are hostile to humanitarian protection seekers and ‘unskilled’ migrants, creating a hierarchy of rights and entitlements with attendant precarity; (2) gatekeepers (border agents, police, etc) lack training or capacity to both police irregularity and identify victims of trafficking; (3) more broadly, the immigration system has been structured to be hostile to migrants, leaving them less likely to self-identify as victims of trafficking, seek help from authorities, challenge exploiters, or gain recognition as a victim after identification.

Finally, there is a third critique in that **states fail to collect data and track interventions**. Prevalence and appropriateness of interventions/practices are poorly understood as a result. Sources highlight the need for specific data types, including gathering perspectives from individuals with lived experience, and current gaps in data and knowledge in key areas.

1.3. Selected recommendations

A range of detailed recommendations are set out in section 6. A summary of selected recommendations is outlined below.

1. NGO’s and governments should provide immigration gatekeepers with more comprehensive training, including cultural competency.
2. Governments should separate victim identification and screening from carceral spaces, including immigration policing.
3. Mixed migration flows require differentiated responses in policy and regulation, providing routes to legal mobility and protection for humanitarian protection seekers.
4. Governments must honour the right to cross borders and seek protection provided by the 1951 Refugee Convention.
5. Governments should end tied visas and improve labour market mobility for individuals with sponsored visas.
6. Governments should shift policy attention from immigration to forms of exploitation which drive demand for exploitable populations.
7. Governments should decriminalise migration.
8. Hierarchies of rights tied to migratory status create opportunities for exploitation, and should be addressed through positive protection of labour and human rights regardless of status.
9. All workers require protection from abuse under law regardless of status or work sphere. Governments, labour organisations, and civil society should fight structural inequalities through improving universality of labour regulation, extending worker protection to less visible industries, and ensuring universality of protection including to undocumented persons.
10. Outreach is needed by civil society and governmental entities on labour rights in all workplaces, including instituting some specific trainings for domestic worker visas.
11. Governments should regulate recruitment agencies and end worker-borne placement fees.
12. Governments should support broader policy and programming towards gender parity, including through access to education, supporting women-led businesses, improving access to safe public spaces, training frontline responders on gender responsive interventions, reducing gender-based violence, improving safety in displacement and conflict conditions, and improving representation of women in leadership.
13. Governments should consider integrating a labour or human rights approach to anti-trafficking policy, including in the context of migration and immigration.



2. Introduction

Immigration and immigration policy have taken the foreground in recent years in European and North American debates on questions of governance and rights. These debates tend to foreground national security and state sovereignty, assuming that border militarisation and criminalisation of migration increase security for populations. These approaches have tended to overlook evidence that suggests otherwise, including the possible link between ‘cimmigration’ (the criminalisation of migration) and risks of modern slavery and human trafficking (MS/HT). This creates a potential missed opportunity to explore how policies can be used to mitigate risks and prevalence of exploitation, as well as how they contribute to its magnification.

This report provides an overview of findings from a systematic review of evidence at the immigration policy-MS/HT nexus. The analysis is presented to help build an understanding of empirical evidence, the quality of that evidence, and what it tells us about the success of different frameworks in responding to MS/HT or contributing to it, both directly and indirectly. Thus, the report provides critical insights on the current state of evidence on the impacts of immigration policy on MS/HT, establishing a more robust foundation for policy debates and identifying key gaps in knowledge.



2.1. Research aims and objectives

This study broadly asked how immigration policy positively or negatively impacts MS/HT risk, prevalence, and practices. The review provides critical insights into the relationship between immigration policy and MS/HT. It aims to understand how immigration policies have exacerbated risks to or prevalence of MS/HT or been used in prevention and mitigation of risks to MS/HT.

Immigration policy is broadly interpreted to concern: bordering and border policy; interception and detention policies; visa policies and pathways to citizenship; humanitarian migrant policies; and regional or bilateral migratory agreements. It does not include post migration integration or adjustment policies in reception sites, which are outside the scope of this study.

To achieve this aim, the project addressed the following objectives:

1. Explore the impact of immigration policy on the risks of MS/HT.
2. Identify where immigration policy impacts the prevalence of MS/HT.
3. Identify where immigration policy has been used explicitly to mitigate risks or in shaping prevention strategies or structures to MS/HT.
4. Understand how particular approaches to immigration policy have increased or decreased evidence of MS/HT.
5. Develop an understanding of the location of different migration policy systems with regard to impact (positive/negative) in order to assess regional and intrastate impacts.

3. Research methods

This study conducted a systematic review of literature at the MS/HT-immigration policy nexus to understand where and how immigration policy impacts MS/HT. Through this review, we mapped the current state of evidence on this nexus. The approach adopted to collect, process, and analyse literature is set out below.

Search parameters

Our systematic evidence review mapped the current state of knowledge, compiling and analysing academic and grey literature, as well as relevant legal, regulatory and policy standards. The review was conducted in English, using only English language sources with publication dates after 01 January 2000 to coincide with the Palermo Protocol. The review was conducted online using publicly available work or work accessible with a University of Nottingham permission. The body of literature is global in focus.

Inclusion and exclusion criteria

Records were included on the basis that they related to the impact of policy measures on migration to MS/HT prevalence and risk, including but not limited to border control, externalisation, visas and admissions policies, policy and narrative framing, and prevention, as well as the justification for approaches to combatting MS/HT through migration governance. This included records related to impact of migration policy on MS/HT and the policy response measures to mitigate MS/HT.

Literature on post-arrival governance was initially included in the review, i.e. the impact of integration and social welfare policies, on risks to MS/HT of migrants. This broadened the scope of the review significantly and for that reason that body of literature was excluded. However, literature focusing on labour recruitment and labour relations was included as it addressed the method of entry, visa status, and attendant rights.

Search strategy

A two-stage search was undertaken, combining database and manual searching.

Database search strings were developed and then adapted in an ongoing manner based on terms set out in the term harvesting template and what was returned in the initial searches. Google was used to identify relevant literature using search strings. The top 100 returned articles were reviewed when there were more than

300 results. Where search results were below this threshold ($n \leq 300$) all results were reviewed.

Manual searches were also undertaken in selected sources. Those targeted included, for instance, the International Organisation for Migration, and the Migration Policy Institute. These were targeted due to their migration policy focus. Sources were searched manually for relevant materials—all sources published by the relevant organisations were reviewed. Manual searches were recorded.

Preliminary review and categorisation

Data was sifted for inclusion. In the process of doing so, records were organised by source type. This stage of sifting involved review of summary material, such as the abstract and title, for inclusion. This reduced the total number of records and clustered them into six categories based on source type: Discussion; Frameworks; Media; Evaluations; Empirical; and Exclusions. In the initial review of manual searches, 1,329 documents were reviewed and 292 saved for further review in the next stage. In the database search, 7,600 files were reviewed and 1,012 saved for the next phase.

Full review

A full review followed, during which the full text of documents was reviewed against inclusion/exclusion criteria. A combination of qualitative thematic coding in NVIVO and quantitative categorical coding in Excel were employed to evaluate the characteristics and content of the evidence base. In total, 382 documents were ultimately included in the full corpus for quantitative analysis, and

Qualitative thematic coding in NVIVO

All texts screened for inclusion in the full review stage were imported into NVIVO and coded using thematic analysis. We adopted a mixture of deductive/inductive approaches combining predetermined thematic codes with new codes based on the content of the texts. Codes were clustered into ten overarching themes (see Table 1).

Table 1. Codes and number of coded files and references

Code	Files	References
1. MS dynamics	40	101
1.1 TIP routes	103	277
1.2. Scale	149	308
1.3. Exploitation	222	1538
1.4. Event	87	194
2. MS experiences	71	142
2.1. Violence	78	185
2.2. Impacts	95	232
3. Perpetration	77	169
3.1. Methods	146	479
3.2. Identity	86	166
3.3. Relationship	49	87
4. Populations	95	236
4.1 Climate related	9	30
4.2 Gender	90	281
4.3 Policy target	44	106
4.4 Identity	50	93
5. Antislavery	198	998
5.1. Criminal	208	1017
5.2. Support	136	461
5.3. Prevention	122	280
5.4. Awareness	82	173
5.5. Training	61	139
5.6 Cooperation	103	334
5.7 Policy	176	916
6. National immigration policy	243	1252
6.1 Humanitarian migrants	88	278
6.2 Skilled migrants	25	36
6.3 Labour migrants	124	524
6.4 Irregular migrants	137	507
6.5 Family reunification	25	33
6.6 Pathway to citizenship	34	71
6.7 Immigration detention	55	168
6.8 Encampment policies	10	13
6.9 Refoulement policies	58	129
6.10 Sponsorship models	1	1
7. Sub-national immigration or migration policies	23	38
7.1 Sanctuary cities	3	3
7.2 Documentation	6	6
7.3 Additional protections or benefits	5	8
8. Regional cooperative agreements or binding regional policy	105	360
8.1 Open borders agreement	33	54

8.2 Fluid borders (restricted)	10	15
8.3 Externalisation and border enforcement	100	466
8.4 Bilateral agreement	28	67
8.5 Regional agreement	129	527
9. Migration related vulnerabilities	159	487
9.1 Migration status	213	1031
9.2 Refugee status	59	166
9.3 Camp residence	23	46
9.4 Displacement	34	101
9.5 Corruption	39	105
9.6 Persecuted minority	26	41
9.7 Ethnicity, race, religion or identity	65	147
9.8 Conflict instability	43	107
9.9 Criminalisation	147	508
9.10 Institutional weakness	44	104
9.11 State participation	49	95
10. National reception, resettlement or integration policy	85	192
10.1 Labour protections	50	223
10.2 Social welfare	15	28
10.3 Xenophobia	8	11
10.4 Right to work	40	89
10.5 Legal services	21	29
10.6 Survivor care	27	47
10.7 Third country resettlement	6	7
10.8 Criminalisation of hate crimes	0	0
10.9 Other entitlements	27	49
10.10 Legalisation or Regularisation programs	5	6
10.11 Encampment policies	0	0
10.12 Education rights or provision	5	12
10.13 Healthcare	10	22
10.14 Integration programming	3	3

Quantitative categorical coding in Excel

Categorical coding on all sources was also conducted in Excel, identifying key source details and characteristics. To better understand the knowledge base, who was producing knowledge, and on what geographies of migration or trafficking, works were analysed and summarised by data in nine indicators:

1. Author name
2. Author Gender
3. Year Produced
4. Author University

5. Author Country
6. Nature of Research (Qualitative or Quantitative)
7. Methodology
8. Discipline
9. Geography of Focus

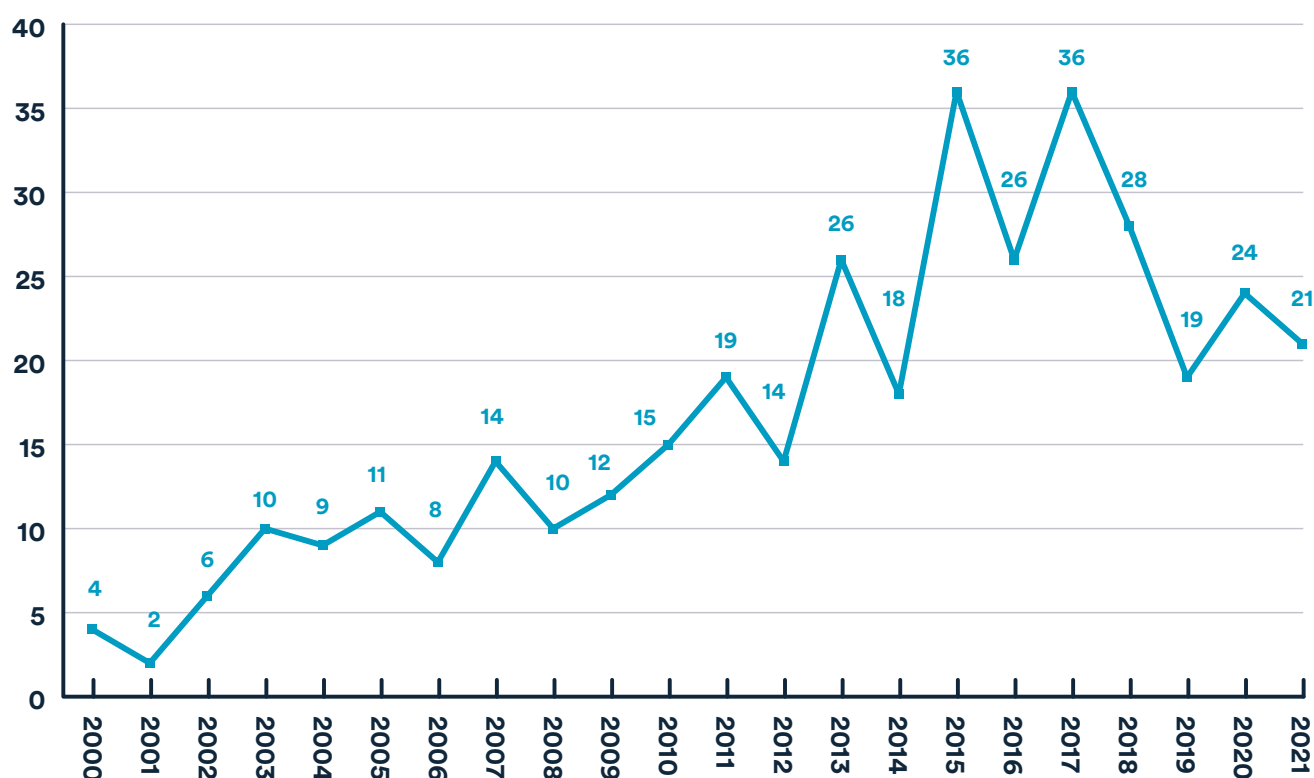
In cases of multiple authors, the gender, origin, and university of only the first author was recorded in the data. This was due to the number of cases with >3 authors from differing universities, and the complications this would pose to the data.

4. Overview of the evidence base

4.1. Date of publications

The review parameters required publications dates from 01 January 2000 to 2021. At least one source was included in the review corpus for each year in this period. However, publications were not evenly distributed (see Figure 1). The intensity of analysis increased dramatically during the mid-aught's, peaking in the years 2015 and 2017 before slowing back down. The number of pieces produced in 2015 was 36 whereas in 2000 it was 4. This peak coincides with the record number of irregular arrivals to the European Union, the crisis in Syria, and the post-Arab Spring (2013) displacement events.

Figure 1. Publications in the corpus by year of publication



4.2. Publication type

Within the review, the corpus was categorised into five categories based on the nature of the publication. These were preliminary classifications to support screening and analysis, rather than being based on in-depth review of the sources, but nonetheless provide a useful overview. The largest proportion of sources—169 sources representing 46% of the total corpus—were discussion pieces, which engaged substantively with the immigration policy-MS/HT nexus, but which did not do so on the basis of empirical evidence. This was followed by empirical pieces, which made up 36% of the corpus (134 sources). Evaluations represented 12% of the corpus (43 sources), while frameworks and media sources were relatively uncommon due to the nature of the search and search parameters, representing 2% and 4% of the corpus respectively.

4.3. Geography of publications

Sources reviewed considered a wide range of geographies through a wide range of approaches—from single country case studies to global reviews. Country case studies were the most common, with 208 sources (54% of the total corpus) focusing specifically on a single jurisdiction. Pieces with a regional or global focus were also relatively common, representing 21% (82 sources) and 14% (54 sources) of the corpus respectively. Multi-country studies that were not focused on a specific geographic region as a whole were less common (19 sources, 5%), and multi-region studies (2 sources) and mixed studies combining consideration of a regional bloc and a distinct case study outside that region (2 sources) were rare.

Regional studies covered most of the globe, including both large geographic regions and smaller blocs. Regional areas of focus included: Africa (6); Arctic nations (1); Asia (1); the Caribbean (1); Central and Eastern Europe (1); East and Horn of Africa (1); East and Southeast Asia (1); Europe (24); the European Union (22); Gulf States (1); the Mediterranean (1); the Middle East (1), the Middle East and North Africa (1); Northeast Asia (1); the OSCE (1); the Pacific Northwest (1); the Schengen Region (2); South Asia (2); Southeast Asia (6); Southern Africa (1); Sub-Saharan Africa (2); and the West Balkans (1). Two studies focused specifically on the ‘Global North’ and one on the ‘South’. While coverage of regionally focused sources was broad, many regional blocs were only examined in a single source. Regional studies were dominated by consideration of Europe, representing almost two thirds of regional studies (61%).

Single country case studies considered 52 unique contexts, with an additional nine country case studies included in studies with a wider remit.

Figure 2. Corpus publication type (frequency)

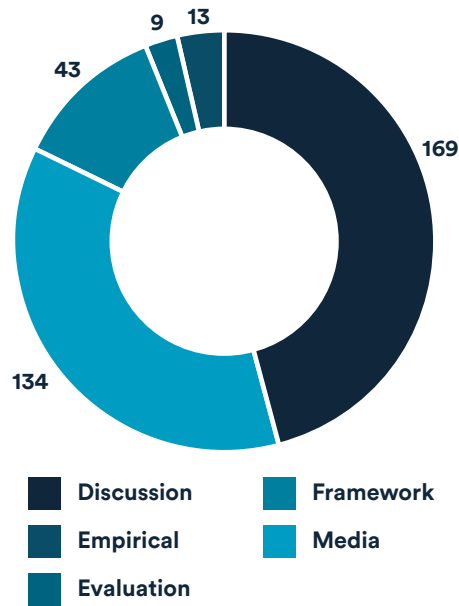
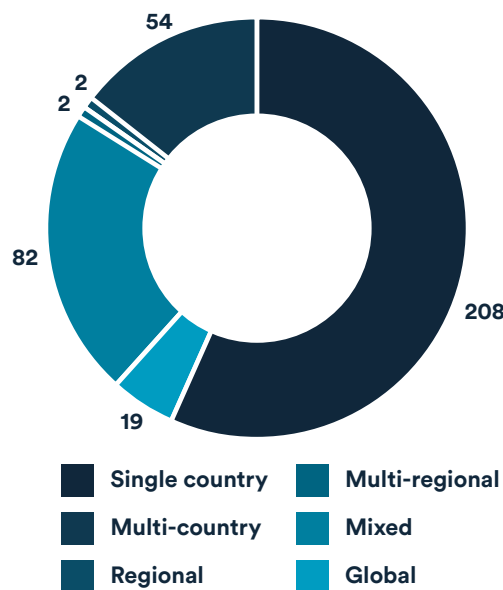


Figure 3. Geographic scope of publications



Although these case studies covered every continent, they were not distributed evenly. Most countries that were represented in single country case studies were only considered in only one such study—this was the case for 33 countries, representing 16% of all single country case study sources. An additional five countries were only considered in two single case study sources, representing 5% of all single country case studies. On the other hand, two countries—the United States (US) and the United Kingdom (UK)—together represented over half of all single country case study sources (51%, 107 sources). This shows a stark discrepancy in the evidence base on the MS/HT immigration policy nexus between different states.

Looking beyond single country case study sources to include all sources that included substantive consideration of one or multiple specific country cases, the corpus covers a total of 61 different countries (see Figure 4). However, the skewed focus on the United Kingdom and United States remains a dominant theme, with the US specifically examined in 64 sources (17% of the total corpus) and the UK

specifically examined in 58 sources (16% of the total corpus). The distribution of case studies overall indicated a bias towards Western, ‘Global North’ states—the US and the UK were followed by Canada (11 sources, 3% of the total corpus) and Australia (10 sources, 3%). Italy and Thailand were each examined in 9 sources (2% of the corpus) and Nigeria in 8 (2%).

Figure 4. Geographic distribution of country case studies by number of sources (all sources containing case studies)

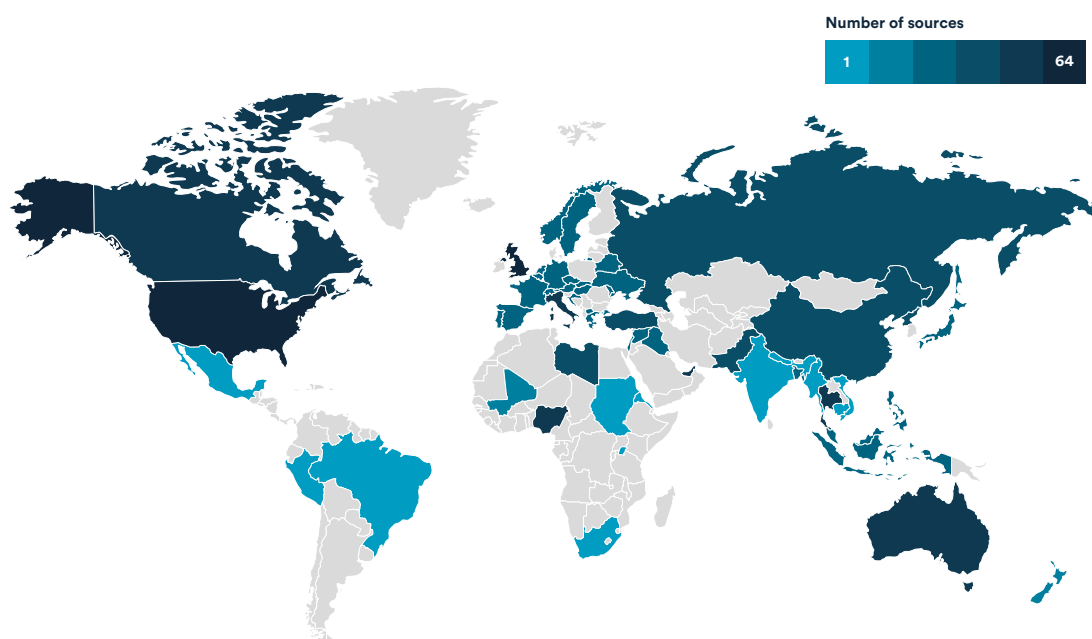
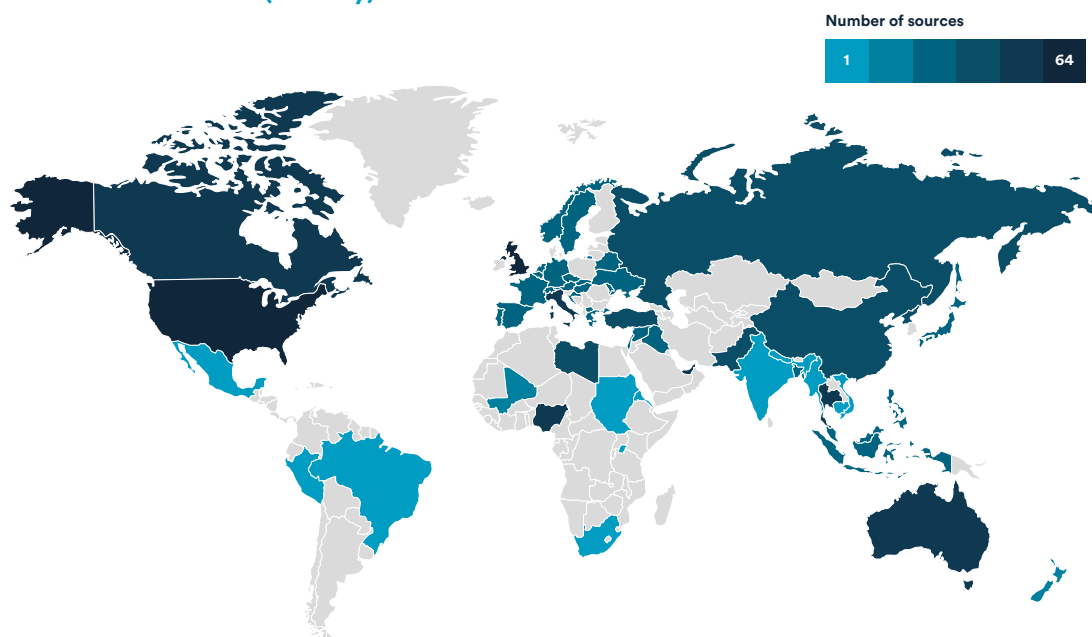


Figure 5. Lead author location (country)



Author distribution tended to be similar to area of focus, with authors based in the US and UK dominating the corpus. This is in part attributable to the language parameters of the review—conducted exclusively in English. Further, author location was recorded for first authors only, meaning that the geographic diversity of second and subsequent authors is not captured in this measure.

First author location was identified in 299 records assessed, representing 81% of the total corpus. Among these records, almost half (48%) were led by authors based in the UK and US alone—75 sources (25%) lead-authored from the UK and 69 sources (23%) lead-authored from the US. This was followed by Canada (15 sources, 5%), Australia (14 sources, 5%), and the Netherlands (9 sources, 3%). Lead author locations were slightly less diverse than the geographic focus of sources, representing 46 distinct countries. Outside the ‘Global North’, the greatest proportion of lead authors were from Nigeria (8 sources, 3%), Thailand (6 sources, 2%), and Indonesia (4 sources, 1%). The majority of works from countries in the Global South were sponsored by government agencies or institutions, rather than independent research bodies/universities.

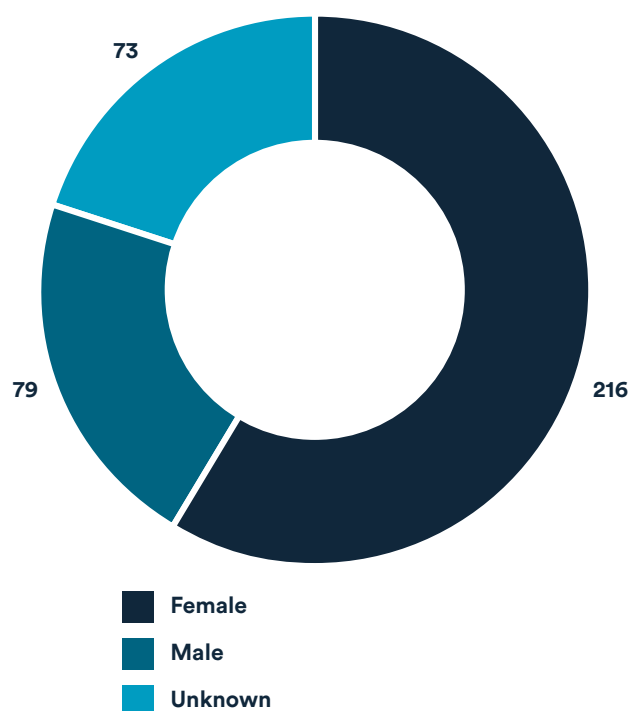
Authors within the corpus tend to focus on their home geography. UK authors wrote about the UK about half the time, as did those from Canada, the United States, Australia, Italy, and the Philippines and Portugal. These cases are places where there has been more substantial focus. Areas that were less frequently the focal area are harder to generalise, meaning, somewhere like Taiwan was the focus of Taiwanese researcher’s work 100% of the time, but this is not so for Egypt. This is likely related to the corpus, which was restricted to English language production limiting possible contributions.

4.4. Authorship

The gender of the lead author was identified in 295 records, representing 80% of the total corpus. The majority of authors were female, making up 59% of all sources and 73% of sources for which lead author gender was identified (216 sources). Male lead authors were responsible for 79 sources, representing 21% of the total corpus and 27% of cases for which gender was identified. Gender was unknown in 73 cases, typically when the author was an institution or organisation. While many organisations did typically name authors, some did not.

Bridget Anderson—the lead author of 6 publications, most of which are co-authored—is the most prolific lead author in the corpus. Polaris—the organisation—with eight publications is individually responsible for highest number of sources in the corpus.

Figure 6. Author gender distribution



4.5. Research area

The corpus was divided and coded based on topical area of focus. Articles were assigned to categorical themes based on identified keywords and stated theme (see Figure 8). This approach was taken rather than categorising by discipline as much of the research was interdisciplinary. This coding did not seek to identify the full range of issues addressed by a piece (captured in the NVivo coding), but rather the core area or areas of focus. Thus, while inclusion criteria required some meaningful connection to both immigration policy and MS/HT, the focus codes did not necessarily reflect both of these areas.

The largest focus area was human trafficking, found in 118 sources (32% of the corpus), followed by migration and immigration policy, found in 109 sources, 30% of the corpus). Other dominant areas of focus included labour exploitation (80 sources, 22%), migration and migration patterns (67 sources, 18%), and anti-trafficking policy and responses (41 sources, 11%). Border enforcement and securitisation were also a key area of focus for sources in the corpus, reflected in 23 pieces (6%).

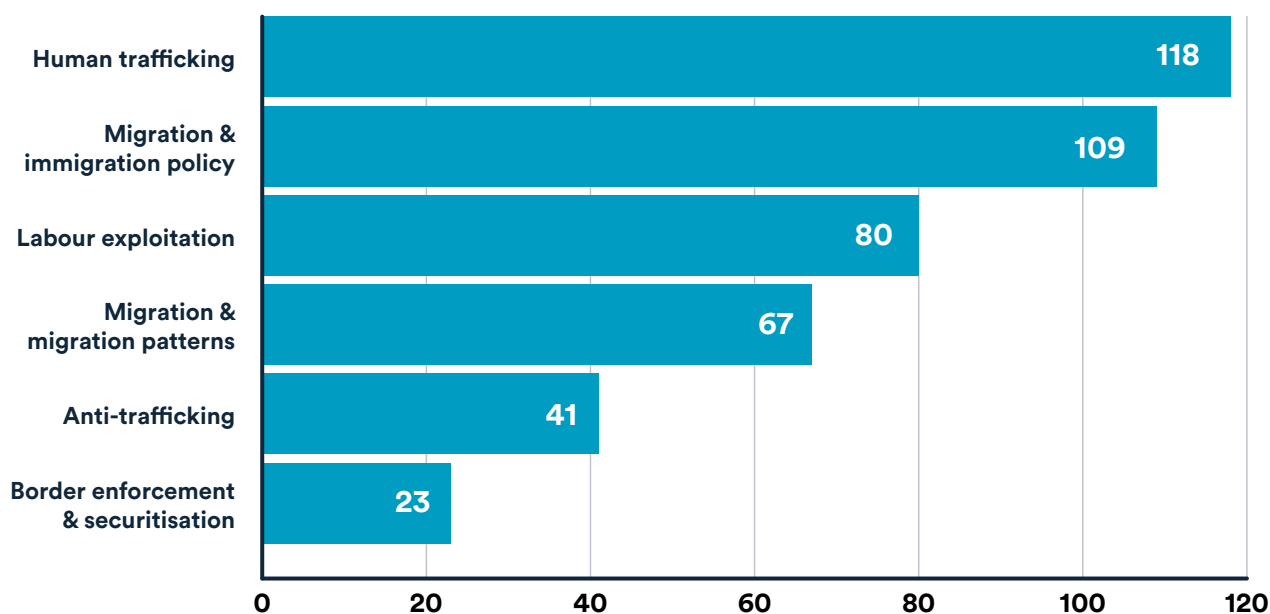
4.6. Research approach

The most frequent approach adopted in sources analysed in the corpus was policy analysis. This analysis tended to be of policy form, discourse and narrative embedded in policy. There were few academic articles based on empirical analysis though there were reports from non-governmental entities using empirics. These reports detailed experiences of migrants using a variety of methods and provided data to support recommendations. Academic articles tended to be of policy structure and form or discursive analysis.

There were 175 articles coded as policy analysis, 19 policy briefs, 16 policy reviews, and 12 analyses focusing on legal frameworks. There were a further 60 reports and 21 discussion papers of existing law/policy/empirics. Nine literature reviews and 21 evidence reviews were included in the corpus. Among academic works, there were 23 papers based on interviews, 3 ethnographies, 4 historical analyses using archives or other secondary sources, and 3 case studies. This highlights a weakness in the field and a need for more empirical analysis of policy's effect or the lived experiences of interactions with governance institutions.

Academic publications were predominately targeted at law journals (48) or trafficking journals including Anti-Trafficking Review and Journal of Modern Slavery (12).

Figure 7. Topical areas of focus (frequency)



The word cloud represents most frequently use language within the corpus (see Figure 10). The terms trafficking, human, migration, victims, labour, and workers were the most frequently identified terms, followed by women, international, and rights. While the language of modern slavery has become more prominent in literature on MS/HT in some contexts in recent years, evidence at the MS/HT-immigration policy nexus tends to continue to favour the language of human trafficking. This reflects the anti-trafficking regime's roots as an issue directly connected to bordering and immigration governance.

Figure 8. Word cloud showing most commonly employed terms across the corpus⁶



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5. Broad view of the analysis

This evidence review represents a critical step forward in building a comprehensive understanding of the relationship between immigration policy and modern slavery and human trafficking (MS/HT). This is an area of significant policy concern within the known literature, which has shown that migration policy—and in particular securitisation policies— increase risks to labour exploitation and human trafficking. Secondary concerns have been raised about the use of anti-trafficking and anti-slavery policy as justification or pretext for increasing border enforcement.

This review compiled and evaluated the evidence base, undertaking an assessment of the evidence with attention to the range of existing policies. The approach is global to allow for a nuanced understanding of the breadth of policy measures and their relationship to MS/HT.

Qualitative thematic analysis of the 368 sources examined in this review revealed six key areas of inquiry and examination, summarised under the following headings:

1. Framing MS/HT as a migration problem
2. Securitisation and criminalisation of migration
3. Recruitment agencies and fees
4. Domestic workers and tied visas
5. Inadequacy of identification location and training of staff
6. Narratives in driving selective policing and identification.

Each of these topics are reviewed in this section, providing an overview of relevant evidence contained in the review corpus on each area of inquiry.

5.1. Framing MS/HT as a migration problem

Within the literature reviewed, the issue of narratives and the discursive, rhetorical and epistemological treatment of MS/HT in migration policy, anti-trafficking and anti-slavery policy, media and public discourse has been the focus of scholarly attention.⁷ Specifically, scholars have written extensively about the portrayal of MS/HT as an immigration issue⁸ arguing that the obsessive focus on immigration⁹ and more specifically, the linkage of immigration ‘crime’ to MS/HT perpetuation draws the focus externally and to the border rather than to exploitation happening in destination countries.¹⁰ This approach inherently differentiates perceptions of migrant victims, impacting their likelihood of receiving protection and support, if identified.¹¹ It reduces the likelihood migrants are received as victims, and instead the ‘crimmigration’ lens criminalises migrants, casting them as a problem or threat requiring immigration centric solutions.¹²

The decision to focus resources on borders and bordering draws attention and resources away from structural drivers,¹³ labour demands,¹⁴ or victim

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- 7 See: Balch & Geddes 2011; Turnbull & Broad 2020; Da Lomba 2020.
8 Balch & Geddes 2011; Bell 2018; Broad & Turnbull 2018; Detention Taskforce 2021; Futo & Jundl 2007; Garbers 2021; Grundell 2015; Krieg 2009; Miller & Baumeister 2013; O’Connell Davidson 2016; Oxman Martinez et al 2001; Pai 2020; Saari 2006; Soltis & Taylor Diaz 2021; Steele 2007; Susanu 2019.
9 Podczervinski 2016.
10 Barbagiannis 2016; Decker and Scott in Perry 2018; Grundell 2015; Ham et al 2013; Lyons & Ford 2009; Lee 2005; Marks & Olson 2015; Miller & Baumeister 2013; Monheim 2008; Okech et al 2008; Perry 2018; Rusev 2013; Saari 2006; Soltis & Walters 2018.
11 Balch & Geddes 2011.
12 Bell 2018; Ghidei Biidu 2004; Kagan et al 2011; Merrill 2018.
13 Abbasi & Davies 2002; Acharya 2004; Andrejsavic 2020; Blazek 2014; Britton & Dean 2014; Broad & Turnbull 2018; Ghidei Biidu 2004; Hernandez & Rudolph 2015; Lyons & Ford 2009; Lee 2005; Marks & Olson 2015; Morreale 2017; Oxman-Martinez et al 2001; Pai 2020; Patino 2019; Saari 2006; Sigona & Hughes 2010; Todres 2011; Turkovic 2015; Uddin 2014.
14 Merrill 2018.

support or protection¹⁵ and instead is focused on border securitisation and criminal justice interventions.¹⁶ It is also critiqued as a widely ineffective approach given that most exploitation occurs for people who have entered legally or are native born.¹⁷ Having entered legally, these individuals would not have been identified at the border given that their documents were valid and they had a right to enter.¹⁸ The conflation of MS/HT and irregular migration is also a misrepresentation of the population, as in many cases those trafficked entered legally on visas and were subsequently exploited by employers, recruiters, or third party actors.¹⁹

Framing MS/HT as a migration problem encourages the perception that MS/HT exclusively involves illegal migration, impacting the perception of MS/HT victims and reconstructing them as criminal illegal migrants.²⁰ It does so by definition²¹ by situating MS/HT within the spectrum of illegal migration.²² This limits the types of coercion and exploitation likely to be evidenced,²³ restricting identification to particular forms of victimhood and invisibilising others.²⁴ This puts particular bodies at risk of being unidentified, such as victims who are refugees, unaccompanied minors, or asylum seekers.²⁵

Painting humanitarian protection seekers as clandestine migrants has a secondary effect in reducing compassion for the population and tolerance towards their plight.²⁶ Again, this cyclically produces risks to exploitation.

There is a body of related literature that delves into the continuum of immigration facilitation and mobility, that is not adequately addressed by black and white immigration policies premised on border control.²⁷ This literature demonstrates the ways that differences in visa status, access, and attendant rights create culturally acceptable and state sanctioned

forms of exploitation—like for domestic workers or au pairs whose labour protections vary from other sectors.²⁸ Further, this literature points to the fact that there are mixed migrant flows²⁹ with facilitators that are completely acceptable and legal recruiters on the one hand, and, unscrupulous labour recruiters³⁰ or exploitative agents on the other who charge (illegal) exorbitant fees, abduct or purchase smuggled migrants,³¹ and create debt hostage situations.³² Further, individuals within these streams can be exploited regardless of method of entry or recruitment, at any point along the line of migration,³³ or upon entry depending on the integrity of the employer. Individual migrants may also change statuses throughout their journeys, moving legally or illegally at times, and suffering from exploitation.³⁴

Again, this means using immigration criminalisation to police MS/HT will be largely ineffective. It is the restrictive policies themselves that can drive exploitation; rather than reducing the number of people who need protection, the reduction in access (legally or territorially) to refugee or asylum status reduces pathway to protection and increases risks.³⁵ There is also a conceptual lack of clarity noted between various forms of forced migration³⁶ that leads to a lack of identification of victims.

Thus the simplistic border focus is ineffective (and counter-productive) as currently constructed, with emphasis on immigration crime using criminal justice mechanisms³⁷ and without secondary internal regulation of the labour market³⁸ or addressing structural factors like gender inequalities, or lack of economic opportunity.³⁹ Those labour laws which do exist are largely not enforced⁴⁰ or prioritised, producing further gaps in protection.⁴¹ There is a second critique, that in blaming ‘bad actors’ this diverts attention away ‘from the role of the state in creating conditions in which exploitation occurs’ and depoliticises solutions.⁴²

15 Bell 2018; Marks & Olson 2015.

16 Angel 2007; Britton & Dean 2014; Chuang 2017; Detention Taskforce 2021; Flynn 2007; Marks & Olson 2015; Miller & Baumeister 2013; Norfolk and Hallgrimsdottir 2019; Okech et al 2008; Patino 2019; Saari 2006; Sigona & Hughes 2010; Zanker 2019.

17 Anderson Cooper 2013; Jac-Kucharski 2012; Morreale 2017; Oxman-Martinez 2001; Polaris 2021.

18 Futo & Jandl 2007; Jac-Kucharski 2012; Morreale 2017; Polaris 2021.

19 Vivian 2005; Polaris 2021

20 Angel 2007; Broad & Turnbull 2018; Buckland 2008; Detention Taskforce 2021; Ghidei Biidu 2004; Kagan et al 2011; Krieg 2009; Lyons & Ford 2009; Mellon 2018; Patino 2019; Polaris 2021; Saari 2006; Soltis & Walters 2018; Wilson 2011.

21 Turnbull & Broad 2020.

22 Merrill 2018.

23 Grundell 2015; O’Connell Davidson 2016.

24 Blouin & Button 2018; van der Leun & Schijndel 2015; Welch 2017; Wilson 2011.

25 Blouin & Button 2018; Healy 2016; Latham Sprinkle et al 2019; Detention Taskforce 2011; Lee 2005; O’Connell 2018; Turnbull & Broad 2018; van der Leun & Schijndel 2015; Sigona & Hughes 2010; Wilson 2011; Yousaf 2018.

26 Turnbull & Broad 2018.

27 Anderson 2014; Da Lomba 2020; Grundell 2015; REF 2017; Jac-Kucharski 2012; Lee 2005; MacAuliffe 2015; Massol de Rebetz 2020; Skeldon 2000; Welch 2017.

28 Anderson 2014; Mullally 2018.

29 Blouin & Button 2018; Farley 2019; Lee 2005; MacAuliffe 2016; Marchand et al 2016; Ventrella McCreight 2006; Welch 2017.

30 Koshulko 2017.

31 REF 2017; Welch 2017.

32 REF 2017; Latham-Sprinkle et al 2019; Grundell 2015; Khai 2012; Lee 2005; Skeldon 2000; Yun 2004.

33 Anderson 2014; Azam 2006; Massol de Rebetz 2020; Monheim 2008.

34 Blouin & Button 2018.

35 Lee 2005; Monheim 2008; Schloenhardt 2017.

36 Abbasi & Davies 2002; Iselin & Adams 2003.

37 Abbasi & Davies 2002; Britton & Davy 2017; Dean 2014; Hodinson et al 2021; Ventrella McCreight 2006; Zimic 2004.

38 Latham-Sprinkle et al 2019; Yun 2004.

39 Abbasi & Davies 2002; Bharadwaj et al 2021; Britton & Dean 2014; Latham-Sprinkle et al 2019; Kruger 2009; Mahdavi 2013; Offia 2020; Schloenhardt 2017; Thomas & Huston 2013; Thomas-Hope 2020; Pai 2020.

40 Akpomera & Omoyibo 2016.

41 Latham-Sprinkle et al 2019; O’Riorda 2010; Todres 2011.

42 Anderson 2014; Anderson and Andrijasevic 2008; Hodkinson et al 2021.

Tools used to address migrants after identification can also increase risks, including return to home communities depending on how ‘voluntary’ or forced return occurs.⁴³ Often individuals who smuggle or traffic people are socially embedded in communities, meaning individuals can face difficulties escaping, returning, or reestablishing life if their smuggling situation turns into a trafficking situation.⁴⁴ These individuals can also reinforce threats more effectively given social proximity⁴⁵ which influences the willingness of individuals to identify or to participate in prosecution. Families are known to reject returnees particularly because of accrued debt.⁴⁶ Further, authors note that stigma follows repatriated populations, and a fear of stigmatisation contains aspirations for escape.⁴⁷ This reality shapes risks to re-trafficking: prior victims/survivors are quoted as facing a fifty percent chance of re-trafficking.⁴⁸

5.2. Securitisation and criminalisation of migration

Literature reviewed identifies an overwhelming policy trend to regard the crime of MS/HT as a migration crime, which threatens state sovereignty and security.⁴⁹ The threat to security is attributed, in part, to MS/HT being facilitated by organised criminal actors (as emphasised in the narrative).⁵⁰ In this narrative, migrants are constructed as a problem—as a threat to sovereignty, cultural cohesion, safety, and security.⁵¹ This framing leads to solutions, that are punitive towards migrants.⁵² These are largely meted out through the border enforcement and the criminal justice system.⁵³ These have been seen as ineffective but with secondary consequences; they have a social impact, leading to ostracisation and marginalisation.⁵⁴ Thus, migrants—including victims of MS/HT—are criminalised, creating opportunities for trafficking and exploitation in the black market.⁵⁵

*On the one hand, global estimates have shown a consistent rise in the involuntary displacement of people and their exploitation for sex, labor, or other purposes; on the other hand, governments continue to approach migration and trafficking as threats to their state’s sovereignty rather than as an issue of human insecurities and human rights violations.*⁵⁶

This discursive co-linking of migration and MS/HT, and emphasis on ‘illegal’ mobility targets the policy response to regulating migration and the policy gaze towards border regulation.⁵⁷ This circularly contributes to increasing border securitisation,⁵⁸ criminalisation of movement,⁵⁹ and an emphasis on bad actors⁶⁰ and illegal migration,⁶¹ versus structural factors driving migration and exploitation.⁶² It also negates individual security, prioritising state security as conceptualised.⁶³ It is worth quoting at length from Fitzgerald (2016) here, as she summarises the literature in this field and the implications of the dominant approach:

Others observe that it is important to recognize how governments subsume the politics of risk from external threats to nations (Aradau 2004). Commentators note that within this discourse governments link sex trafficking to the worst excesses of processes of globalization, namely foreign organized crime (Halley et al. 2006). Importantly, the form that this debate takes is based not only on gendered but on racialized stereotypes of foreign men (read non-white) and their treatment of their female compatriots (Kapur 2005). Governments represent these men as beyond local and state control and therefore a national security threat (Goodey 2004). In this way governments direct the public’s gaze to bodies and places beyond their jurisdictions. It is this socio-spatial strategy that reveals how governments reframe trafficking as an external security threat. As Hubbard, Matthews, and Scouler argue, the problem of human trafficking provides governments with ‘a useful metaphor for

- 43 Carling et al 2015; Eghafona 2020; Paasche et al 2018.
- 44 Bales & Lize 2005; Barbagiannis 2016; Carling et al 2015; Eghafona 2020; Kagan et al 2011; Massol de Rebetz 2020; Rahaman 2015.
- 45 Bales & Lize 2005; Carling et al 2015; Eghafona 2020; Kagan et al 2011.
- 46 Eghafona 2020.
- 47 Barbagiannis 2016; Eghafona 2020; Kagan et al 2011.
- 48 Barbagiannis 2016; Eghafona 2020.
- 49 Anderson et al 2009; Avdan 2011; Chou 2008; Curley 2004; Depenbrock ; Flynn 2007; Hodkinson et al 2021; Ventrella 2015; Farrell and Fahy 2009; Goodey 2008; Grundell 2015; Hansen & Papademetriou 2014; Cosic & Komadina 2017; Lee 2005; Lobasz 2009; Lyons & Ford 2009; McKee 2009; Rusev 2013; Saari 2006; Steele 2007; Susanu 2019; Todres 2011; van der Leun & Schijndel 2015; Welch 2017; Yousaf 2018.
- 50 Junaidi et al 2019.
- 51 Al-Dayel et al 2021; Chou 2008; Curley 2004; Flynn 2007; Kubal 2014; Lemke 2017; Yousaf 2018.
- 52 van der Leun and Schijndel 2015.
- 53 Chuang 2017; Lemke 2017; Todres 2011; Turkovic 2015.
- 54 Chuang 2017; Kubal 2014; Mahdavi 2013.
- 55 Kubal 2014; Lemke 2017; Mahdavi 2013; Soltis & Taylor Diaz 2021; Zimic 2004.

- 56 Yousaf 2018 pp. 2017.
- 57 Anderson 2014; Anderson et al 2009; Al-Dayel et al 2021; Apap et al 2002; Kubal 2014; Latham-Sprinkle et al 2019; Geddes 2005; Grundell 2015; Hansen & Papademetriou 2014; Katsiaficas 2016; Cosic & Komadina 2017; Lee 2005; Lemke 2017 Lobasz 2009; Massol de Rebetz 2020; Norfolk & Hallgrimsdottir 2019; O’Connell Davidson 2016; Patino 2019; Roberts 2019; Rusev 2013; Soltis & Walters 2018; Soltis & Taylor Diaz 2021; Tallman 2005; Turkovic 2015; Vayrynen 2003; Yousaf 2018; Zimic 2004.
- 58 Apap et al 2002; Latham-Sprinkle et al 2019; Geddes 2005; Katsiaficas 2016; Lobasz 2009; Palm 2013; O’Connell Davidson 2016; Yousaf 2018.
- 59 Al-Dayel et al 2021; Avdan 2011; Cosic & Komadina 2017; Latham-Sprinkle et al 2019; Geddes 2005; Lemke 2017; Lyons & Ford 2009; Perry 2018; Roberts 2019; Rusev 2013; Soltis & Taylor Diaz 2021; Susanu 2019; Ventrella McCreight 2006; Yousaf 2018.
- 60 Anderson & Andrijasevic 2008; Chacon 2010 in Todres 2011; Welch 2019.
- 61 Kubal 2014; Ryf 2002.
- 62 Anderson 2014; Apap et al 2002; Avdan 2011; Capesciotti 2017; Curley 2004; Latham-Sprinkle et al 2019; Grundell 2015; Mahdavi 2013; Miller & Baumeister 2013; Schloenhardt 2017.
- 63 Acharya 2004; Curley 2004; Latham-Sprinkle et al 2019; Lemke 2017; Lobasz 2009; Lyons & Ford 2009; Mahdavi 2013; McKee 2009.

violated state boundaries and act as a trope for a more general politics of security' (2008, 140).

The literature suggests that concerns over MS/HT occurrence at the border, and the emphasis on human trafficking as a cross-border issue⁶⁴ within the UN Protocol,⁶⁵ national⁶⁶ and regional agreements⁶⁷ creates opportunities for MS/HT.⁶⁸

Overwhelming, the literature demonstrates that the repressive approach—the criminalisation-securitisation approach—creates a ‘vicious cycle’⁶⁹ in which increased border security and tightening borders increases MS/HT.⁷⁰ Risks of MS/HT drive attention to the border, in turn creating more regulation at the border and more surveillance of migrants.⁷¹ Without access to legal migration routes, migrants are more likely to travel along irregular routes without the oversight of protective actors⁷² and more likely to be trafficked or targeted by criminal actors for exploitation.⁷³ It also creates a business or submarket in human movement, which has become increasingly lucrative given the imposition of securitisation measures.⁷⁴

After arrival, individuals with undocumented or irregular status earn less wages and work in poorer conditions⁷⁵ where they are more likely to be exploited.⁷⁶ Scholars point out, that the enforcement of anti-trafficking and anti-slavery laws takes place within an environment of ‘hostility’ towards migrants that puts migrants more at risk by conferring a reduced socio-legal status and less positive rights.⁷⁷ This contributes to fear of deportation and reduces work options to informal work without

protection.⁷⁸ Further, the othering and socio-spatial marginalisation of migrant communities occurring simultaneously provides opportunities for exploitation in more invisibilised communities.⁷⁹ The literature demonstrates that it is immigration regimes, combined with reduced socio-legal status, that limit rights and create opportunities for coercive working conditions.⁸⁰

A compounding factor is that these policies are additionally being applied extraterritorially, meaning that policies are being instituted by destination countries in origin or transit countries.⁸¹ In some cases, this is through setting the definitional terms and conditions of global anti-trafficking—US TIP program—of what constitutes exploitation in colonial states and enforcing policy based on these ideas.⁸² Elsewhere, this is through agreed upon frameworks.⁸³

Scholars have critiqued this approach as a form of neo-coloniality, or extending one’s borders overseas under the guise of humanitarianism⁸⁴ or to enforce sovereignty extraterritorially.⁸⁵

This approach has been critiqued for increasing risks to vulnerable migrants who are treated within these international frameworks as a ‘migration issue’ rather than an issue of trafficking and harm⁸⁶ or individual agents.⁸⁷ The Khartoum Process is one such example and frequently critiqued.⁸⁸ These authors acknowledge migration as a coping mechanism, arguing that without addressing structural problems—like authoritarianism in Eritrea,⁸⁹ conflict/authoritarianism,⁹⁰ or climate induced migration⁹¹—migration and trafficking will by necessity persist.⁹² With it, risks to exploitation that could be proactively, rather than reactively, addressed.⁹³

This management approach pre-emptively negates individual claims to protection.⁹⁴ In criminalising movement and systematically closing borders, the approach denies migrants basic protections and entitlements—the right to seek asylum—and ignores

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- 64 Vayrnen 2003.
65 Sabbe et al 2014.
66 Oxman-Martinez et al 2001.
67 Andrejsavic 2020; Krieg 2009; Massol de Rebetz 2020; Miller & Baumeister 2013.
68 Monheim 2008; Welch 2017; Wilson 2011.
69 Feingold 2005 in Avdan 2011.
70 Abbasi & Davies 2002; Acharya 2004; Angel 2007; Apap et al 2002; Avdan 2011/2012; Brennan 2010; Buckland 2008; Carrington 2003; Cholewinski and Taran 2010; Da Lomba 2020; Harkins 2019; Cicero-Dominiguez 2005; Deckard 2020; Flex 2020b; Hansen & Papademetriou 2014; Hasani 2015; Kari 2018; Kemp 2017; Koser 2000; Lee 2005; Lemke 2017; Lewis & Waite 2015; Lijnders & Robinson 2013; Massol de Rebetz 2020; O’Connell-Davidson 2010; Grundel 2015; Magugliani 2018; Perry 2018; Roberts 2019; Tallman 2005; Vayrnen 2003; Whelan 2021; Yousaf 2018.
71 Avdan 2012; Lee 2005; Oxman-Martinez et al 2001; Susanu 2019; Schaeffer-Grabiel 2010; Jopke 1998 and Sales 2002 in Sigona & Hughes 2010; Soltis & Walters 2018; Wilson 2011.
72 Hynes 2016; Kemp 2017.
73 Acharya 2004; Al-Dayel et al 2021; Anderson et al 2009; Angel 2007; Avdan 2011; Carling et al 2015; Hasani 2015; Kari 2018; Kemp 2017; Koser 2000; Lijnders & Robinson 2013; Roberts 2019; Schloenhardt 2017; Tallman 2005; Vayrnen 2003; Whelan 2021; Wijers 2013; Yousaf 2018.
74 Angel 2007; Friebe & Guriev 2012; Nadig 2002; Sanchez 2015 in Yousaf 2018.
75 Icduygu 2006; Flex 2020c.
76 Icduygu 2006; Dwyer et al 2011; Flex 2020c; GAATW 2010 in Lemke 2017; Hodkinson et al 2021; Lewis & Waite 2015.
77 Dwyer et al 2011; Flex 2020c; Flex 2020b; Hodkinson et al 2021; Icduygu 2006; Lewis & Waite 2015; Serughetti 2018.

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- 78 Carrington 2003; Flex 2020b; Hodkinson et al 2021.
79 Blazek 2014; Flex 2020b.
80 Dwyer et al 2011; Flex 2020b.
81 Al-Dayel et al 2021; Balleix 2014; Capesciotti 2017; Fitzgerald 2016; Katsiaticas 2016; Kemp 2017; Lumley-Sapanski et al 2021; O’Connell-Davidson 2016.
82 Lazzarino 2019.
83 Lazzarino 2019.
84 Anderson & Andrijasevic 2008; Fitzgerald 2012; Ray 2015.
85 Capesciotti 2017; Fitzgerald 2012; Lumley-Sapanski et al 2021.
86 Al-Dayel et al 2021; Fitzgerald 2012; Kemp 2017; Todres 2011.
87 Serughetti 2018.
88 DeGuttry et al 2017; Lumley-Sapanski et al 2021; Magugliani 2018; Grinstead 2016 in Marchand 2016; Marchand et al 2016.
89 Capesciotti 2017; REF 2017; Hasani 2015; Iwuamadi et al 2020; Lijnders & Robinson 2013; Serughetti 2018; Todres 2011.
90 REF 2017; Welch 2017.
91 Bharadwaj et al 2021.
92 Abbasi & Davies 2002; Bharadwaj et al 2021; DeGuttry et al 2017; Hasani 2015; Kemp 2017; Marchand et al 2016; Uddin 2014.
93 Abbasi & Davies 2002; Bharadwaj et al 2021; Haxhi et al 2017.
94 Anderson et al 2009; Capesciotti 2017; Junior & Davidson 2021; Kemp 2017; Koser 2000; Turkovic 2015.

the complexity of migration flows.⁹⁵ It also ignores the population who arrive and are exploited later, which is represented as much as one-third in some studies.⁹⁶ Further, without legal routes to asylum or protection, illegality increases with associated risks of labour exploitation.⁹⁷ Criminalisation also overlooks the interests and capacity of origin or transit states in facilitating the imposition of closed borders at the behest of destination states.⁹⁸

This presents inherent risks when partners do not share the same goals or commitments to methods.⁹⁹

People with constrained mobility options face particular risks due to the business built around constrained choice.¹⁰⁰ These groups are preyed upon in ‘bottlenecks’ as they seek safety in a system with increasingly restricted avenues for legal mobility.¹⁰¹ Refugees, asylum seekers, and others in situations of forced displacement need (and are entitled to) migration avenues¹⁰² and may need temporary migration status or help in seeking protection to combat their use of ‘illicit’ means and risks of MS/HT.¹⁰³ This further contributes to their positioning as scapegoats, ‘illegals’ and the target of ‘securitisation’ policies.¹⁰⁴

The emphasis in much of the literature is on the need for a responsive, multiscalar and multifaceted approach to addressing migration and human rights; the ‘failure to implement a multifaceted approach to combat trafficking undermines the effectiveness of the migration and criminal justice systems in place’.¹⁰⁵ In conflating migration governance with anti-trafficking, the system places groups with constrained mobility at particularly high risk of targeting, and ‘pose[s] risks to victim protection [and] criminal justice’ for victims more broadly.¹⁰⁶ It does so with greater risks for certain groups, with less bargaining power, identified as criminals and not as victims based on existing tropes.¹⁰⁷

5.3. Recruitment agencies, guest worker programs, and fees

Recruitment is another key aspect of visa regimes that impact likelihood of exploitation, and where policy interventions can influence or mitigate risks.¹⁰⁸ Facilitators and different types of recruitment agencies are tasked with managing recruitment by governments or in the absence of governmental intervention,¹⁰⁹ acting as middlemen.¹¹⁰ Elsewhere they facilitate mobility and visa access.¹¹¹ This system facilitates a more flexible workforce and enables exploitation within certain markets¹¹² where reliance upon recruitment agencies is nearly universal.¹¹³

During the recruitment process, workers are often charged exorbitant placement and recruitment fees, either by the broker or by traffickers themselves.¹¹⁴ Debt is a real problem as it binds workers to exploitative agents or ‘employers’¹¹⁵ in a practice sometimes referred to as debt peonage. It can create an inescapable bond, as workers continue to incur debt for housing and transit, and effectively can never work off their debt.¹¹⁶ Some have leveraged their homes and household assets, rendering the situation insoluble.¹¹⁷ Workers avoid defaulting on debt, even when it produces conditions of exploitation, e.g. for Chinese labourers,¹¹⁸ because of risks immigration status being revealed (leading to deportation¹¹⁹) and reputational loss.¹²⁰

Exploitative employers hold migrants’ lack of status over them, wielding it as a tool of coercion,¹²¹ which is sometimes reinforced by social structures and/or family.¹²²

The lack of regulation of recruitment agencies has been linked to the securitisation approach, which has been used to justify a lack of willingness to facilitate unskilled migration.¹²³ In other instances, literature

95 Abbasi & Davies 2002; Iwuamadi et al 2020; Junior & Davidson, 202; Kemp 2017; Koser 2000; Leishmann 2007; Lumley-Sapanski et al 2021; Marchand et al 2016; Monheim 2008; Serughetti 2018.

96 Bales & Lize 2005.

97 Abbasi & Davies 2002; Koser 2000; Monheim 2008.

98 Al-Dayel et al 2021.

99 Al-Dayel et al 2021; Iwuamadi et al 2020; Lumley-Sapanski et al 2021.

100 Iwuamadi et al 2020; Koser 2000; O’Connell 2018.

101 Chou 2008; Iwuamadi et al 2020; Koser 2000; McAuliffe 2016; O’Connell 2018.

102 Al-Dayel et al 2021; Bharadwaj et al 2021; Curley 2004; Leishmann 2007; Koser 2000; McAuliffe 2016; O’Connell 2018; Wilson 2011.

103 Buckland 2008; Lijnders & Robinson 2013; Schloenhardt 2017; Wilson 2011.

104 Curley 2004; Schloenhardt 2017.

105 Leishmann 2007; Lewis & Waite 2015; Marchand et al 2016; McAuliffe 2016.

106 Garbers et al n.d.

107 Harkins 2019.

108 Abbasi & Davies 2002; Bales & Lize 2005; Belanger 2014; Chuang 2017; GAATW 2017; Harkins 2019; Icdygu 2006; Jelinkova 2007; Jureidini 2010/2014; Khai 2012; Owen 2011; Shamir 2012.

109 Chuang 2017; Harkins 2019.

110 Chuang 2017; Icdygu 2006; Miller & Baumeister 2013; Owen 2011; Ricard Guay 2016; San Jose 2015.

111 Jac-Kucharski 2012; Khai 2012; Miller & Baumeister 2013.

112 Chuang 2017; Icdygu 2006.

113 Belanger 2014; Owen 2011.

114 Ashby 2007; Barbargianis 2016; Belanger 2014; Buker 2011; Carling et al 2015; Icdygu 2006; Jureidini 2010/2014; GAATW 2017; Jelinkova 2007; Merrill 2018; Ricard Guay 2016; Ryf 2002; Polaris 2021; Hing et al 2021; Vivian 2005.

115 Ashby 2007; Barbargianis 2016; Bharadwaj et al 2021; Carling et al 2015; Flex 2020c; Icdygu 2006; Jelinkova 2007; Khai 2012; Massol de Rebetz 2020.

116 Belanger 2014; Bharadwaj et al 2021; Jureidini 2014; Khai 2012; Merrill 2018.

117 Jureidini 2014.

118 Kagan et al 2011; Yun 2004.

119 Detention Taskforce, 2021.

120 Friebe and Guriev 2002; Kagan et al 2011; O’Riorda 2010; Yun 2004.

121 Bales & Lize 2005; Flex 2020b/c; Kagan et al 2011.

122 Kagan et al 2011.

123 Harkins 2019.

is critical of the protectionist¹²⁴ or paternalistic approach taken in governance, which has for instance limited the ability of women to migrate for economic purposes based on security concerns over their wellbeing.¹²⁵ In turn, this has secondary impacts to their use of illicit migration means, including less scrupulous recruitment agencies or facilitators. It also may simply increase scale of abuse by limiting their power and agency.¹²⁶

An overarching issue in this subfield is that most vulnerable migrant workers have temporary visas or are on guestworker programs. Guestworker and temporary labour visas permit further exploitation¹²⁷ as they often involve fixed contracts, tied to particular employers.¹²⁸ The employer can arbitrarily change the terms of the contract, while the migrant workers have fewer rights than citizens in general,¹²⁹ given their associated temporary status.¹³⁰ They are less likely to organise or be self-advocates lest they risk deportation, retribution, or abuse.¹³¹

They are also less likely to be in a sector with labour organisation or unions in the first instance.¹³² This means they are less likely to benefit from unionisation (e.g., through secure positions, wages, benefits) or, to reap the benefits of collective advocacy.¹³³ In some states, for instance the UAE¹³⁴ and Turkey, legal status prevents migrant workers from joining collective labour organisations, a practice critiqued for undermining their rights and access to improved working conditions.¹³⁵ Rather than seeing individual ‘bad actors’ as the foundation of the problem of MSHT, the structure of guest worker programs, and similarly temporary programs more broadly, which include modes of recruitment, modes of placement, management of work and living conditions are critiqued as facilitating exploitation.¹³⁶ The suggestion therefore is that the focus should be on the dejuridification of protection.¹³⁷

Workers without citizenship often have fewer rights or entitlements (for instance a lack of access to unemployment income or welfare), further increasing their vulnerability to exploitation.¹³⁸ This is described as a ‘tiering of entitlement’ that flows from socio-legal status, and often limits the options available to migrants who are seeking to meet their basic needs.¹³⁹ This hierarchy means that without the same rights, temporary migrant labourers can have no right to change employers, no job security, and little upward mobility.¹⁴⁰ This effectively facilitates their exploitation:¹⁴¹

...these arrangements also reinterpret destitute migrants as commensurate with forms of economic value. It is through their uncertain status, dependence, and extreme impoverishments that migrants become translated as differently valuable, as a form of surplus that can be capitalized on.

This set of scholarships calls attention to the role of the state in creating an exploitable labour force¹⁴² through migration regulation at the border, through access to visas, and through regulation of the labour market.¹⁴³ In some cases, by facilitating the production of a need for middlemen (labour brokers for instance or recruitment agencies) states have provided a business role/opportunity for less scrupulous entities to benefit. This includes in some cases organised criminal actors.¹⁴⁴

Some states have gone one step further, removing people’s legal right to work or removing their work permits en masse, including barring them from procuring work permits after entry. This effectively illegalises their labour and creates opportunities for exploitation for people intending to work legally (e.g. Haiti or Thailand).¹⁴⁵ For instance, in the case of Rohingya outside Myanmar, rendered stateless, they are unable to claim identities and therefore right to work or protection of the state, leaving many including children in exploitative work.¹⁴⁶

124 Mahdavi 2013.

125 Abbasi & Davies 2002.

126 Mahdavi 2013.

127 Consterdine & Samuk 2018.

128 Belanger 2014; Chisti et al 2015; Flex 2020b; Macklin 2003; O’Riorda 2010.

129 Belanger 2014.

130 Chisti et al 2015; Consterdine & Samuk 2018; Marks & Olson 2015; O’Riorda 2010; Vivian 2005.

131 Flex 2020b; Latham-Sprinkle et al 2019; Lewis et al 2015; GAATW 2016; O’Riorda 2010; Vivian 2005; Walia 2009.

132 Icdyugu 2006; Latham-Sprinkle et al 2019; Marks & Olson 2015.

133 Consterdine & Samuk 2018; Icdyugu 2006; Marks & Olson 2015.

134 Mahdavi 2013.

135 Icdyugu 2006.

136 Belanger 2014.

137 Chisti et al 2015.

138 Anderson 2014; Anderson & Andreijasevic 2008; Apap et al 2002; Belanger 2014; Hodkinson et al 2021; Hoque 2021; Jelinkova 2007; Kubal 2014; Latham-Sprinkle et al 2019; Mahdavi 2013; Marks & Olson 2015; Owen 2011; Vivian 2005.

139 Dwyer et al 2011.

140 Avis 2020; Belanger 2014; Coddington et al 2020; Flex 2020c; Mahdavi 2013; Zahra 2013.

141 Coddington et al, 2020: 1439.

142 Avis 2020; Dwyer et al 2011; Flex 2020c.

143 Belanger 2014; Flex 2020c; Mahdavi 2013; Owen 2011.

144 Flex 2020b; Junaidi et al 2019; Jelinkova 2007.

145 Khai 2012; Vigneswaran 2020.

146 Hoque 2021.

Exploitation is also impacted by the spatiality of migrant journeys and experiences. Many temporary workers also live within their place of employment whether in Canada as domestic workers,¹⁴⁷ in the UK as domestic workers,¹⁴⁸ in Thailand on fishing boats,¹⁴⁹ in the United States as agricultural workers, or as in the kafala system.¹⁵⁰ These spaces are more invisibilised, outside of public view, providing a layer of protection to exploitative employers.¹⁵¹ These work and living places are often inadequately regulated, as in the case of domestic workers below.

5.4. Domestic workers and tied visas

The conditions of domestic workers in connection to their visa regimes has received more attention than perhaps any other specific sector. The literature suggests that domestic workers are vulnerable due to structural and intersecting factors related to migratory status, cultural and ethnic outgroup identity, and labour rights provision/labour regulation.¹⁵²

The working conditions of domestic workers are a 'carved out' space in which employment protection and other regulatory laws do not apply.¹⁵³ A process of dejuridification (in which legal exceptions are made, in this case for legal protections) exists and allows for possible exploitative work to occur.¹⁵⁴ For instance, Zahra points to the legal exceptions for domestic workers and casual workers in the kafala system in Qatar for whom labour laws (Law No. 14 of 2004) do not apply.¹⁵⁵ This includes: 'minimum standards for employment in areas such as working hours, vacations, and public holidays'.¹⁵⁶ On the one hand, the literature highlights the way in which states 'shape' demand for migrant domestic labourers by allocating the number and type of visas available, relegating the status as unskilled, and determining the regulation of the industry.¹⁵⁷ In so doing, the state contributes to the possibility for exploitation by delineating the visa-work regime.¹⁵⁸ Other literature points to the ways in which cultural norms around gender and care giving work perpetuate power dynamics that facilitate exploitation.¹⁵⁹ Regulation is often scant, in

part because many domestic workers live in the home and exceptions are made for domestic workspaces.¹⁶⁰

Attempts at regulation that have been successful do not apply to live-in care workers or domestic workers¹⁶¹ making it difficult to reach the domestic worker population. Regulatory entities often have a difficult time accessing these spaces, as employer-owners can prevent inspection visits within private space.¹⁶² In some states in the kafala system (e.g., UAE), domestic workers are limited in their ability to go into public spaces without their sponsor/ employer.¹⁶³ This leaves domestic workers isolated, and when the worker has limited language capacity or knowledge of the environment it compounds the difficulties in accessing help.¹⁶⁴ Forms of abuse include pay and working hours below and above legal thresholds, work related injuries, and widespread sexual, physical, and psychological abuse.¹⁶⁵ When regulation of working conditions does happen, information sharing often occurs between migration and labour inspections, creating fear for women of deportation¹⁶⁶ and reducing willingness to participate or effectiveness of interventions.¹⁶⁷

Scholarship demonstrates that human trafficking laws do not apply equally to all based on carved out exceptions for domestic workers, au pairs, and care workers.¹⁶⁸ Centrally, this literature highlights the intersecting risks for individuals like domestic workers created by migratory status, regulatory regimes, and industry norms that create opportunities for exploitation of migrants.¹⁶⁹

*'Employers also believed that migrant workers were desirable because they were more flexible in the number of hours they worked, the timing of those hours, their greater cooperativeness, and their lower turnover rates. Employers explicitly stated that one of the benefits of migrant workers is that they are "easier to control because they had fewer options."*¹⁷⁰

A compounding problem is the use of tied visas for domestic workers.¹⁷¹ Tied visas, which keep migrants from circulating within the market, increase risks to exploitation and decrease risks of reporting

147 Latham-Sprinkle et al 2019; Macklin 2003.

148 Flex 2020.

149 Harkins 2019.

150 Mahdavi 2013; Walia 2009; O'Riorda 2010; Zahra 2013.

151 Harkins 2019.

152 Anderson 2014; Anderson & Li 2008; Avis 2020; Fudge 2016; Fudge & Strauss 2014; Gurung 2014; Kruger 2009; Fudge and Strauss 2014; Hsu 2007; Latham-Sprinkle et al 2019; Lewis et al 2015; Mahdavi 2013; Magalhaes 2016/2017; Maroukis 2016; Mullally 2018; Montouvalou 2015/2016; Mullally 2018; Polaris 2019; Rajjman et al 2008.

153 Anderson 2012; Anderson & Li 2018; Angeli 2016; Lewis et al 2015; Mahdavi 2013; Maroukis 2016; McQuade 2017; Montouvalou 2015/2016; Mullally 2018; Salih 2013; Polaris 2021c; Walia 2010.

154 Mullally 2018; Mahdavi 2013; Zahra 2013.

155 Zahra 2013.

156 Zahra 2013.

157 Anderson 2012/2014; Ghidei Biidu 2004; Mahdavi 2013; Zahra 2013.

158 Anderson 2012/2014; McQuade 2017.

159 Anderson 2014; Ghidei Biidu 2004; Lewis et al 2015.

160 Anderson 2012/2014; Ricard Guay 2016; Maroukis 2016; Montouvalou 2015/2016.

161 Ricard Guay 2016.

162 Polaris 2021c; Ricard Guay 2016.

163 Mahdavi 2013.

164 Anderson 2012; Lewis et al 2015; Polaris 2021c.

165 Lewis et al 2015.

166 Anderson & Li 2008; Fudge 2016; GAATW 2016; Polaris 2019.

167 Lewis et al 2015; Ryf 2002.

168 Anderson & Li 2008; Fudge 2016; Fudge & Strauss 2014; Gurung 2014; Krieg 2009; Lewis et al 2015; Maroukis 2016; McQuade 2017; Mullally 2018; Polaris 2019; Montouvalou 2015/2016; Ricard Guay 2016; Rajjman et al 2003; Salih 2013.

169 Vivan 2005.

170 Kruger 2009: 115.

171 Avendano & Fanning 2013; McQuade 2017; Ollus 2015; Polaris 2020/2021c.

abuse.¹⁷² Individuals who do try to flee, or to change employers, for instance in the US on H1B visas, in Malaysia on guestworker visas,¹⁷³ or in the kafala system in the Middle East, are instantly illegalised.¹⁷⁴ Elsewhere, they risk living irregularly and are at risk of exploitation.¹⁷⁵ This also reduces the willingness of individuals to work with authorities and enables the impunity of exploitative employers.¹⁷⁶ Frequently, migrant workers owe debt, which funded their trip, and are controlled by threat of deportation.¹⁷⁷ They may be charged exorbitant fees¹⁷⁸ which keep them trapped in a cycle of abuse as they attempt to repay the debt.¹⁷⁹ Employers in the kafala system can in some cases control access to an exit visa.¹⁸⁰ Alternatively, in cases like the US, recruitment agencies may be used by employers who source employees and place them directly.¹⁸¹ In this case, the recruitment agency is paid rather than the person.¹⁸²

This has led to exploitation, withholding of wages, and use of wages as a form of blackmail to ensure compliance.¹⁸³ Within this system, exploited workers have fewer tools to change their working conditions because of structural factors governing visa access, exploitative labour markets, and weak bargaining power.¹⁸⁴

5.5. Inadequacy of identification location and training of staff

The role and location of gatekeepers are important contributing factors to survivor identification.¹⁸⁵ Universally, the literature identified a need for further training of gatekeepers, particularly those working in immigration ‘hotspots’ like actual EU hotspots, at the border, or in detention or deportation centres.¹⁸⁶ Without adequate time, resources, or training, gatekeepers deprioritise identification of victims of MS/HT, focusing on border work.¹⁸⁷ When

they are able to intervene, those responsible for identification often rely on racialised and gendered tropes that limit identification of victims.¹⁸⁸ Their work tends to be reactive and not focused on demand side but supply side exploitation.¹⁸⁹ Victims are often missed as a result.¹⁹⁰ Further, this leads to victims being kept in detention in violation of their human rights¹⁹¹ and contributes to an unwillingness of victims to work with authorities.¹⁹²

First, the places in which people are identified (or not as it may be) are inappropriate.¹⁹³ Areas like hotspots and detention¹⁹⁴ do not have adequate space or resources to facilitate the disclosing of status.¹⁹⁵ Without adequate space for disclosure, identification cannot occur and therefore victims are not protected.¹⁹⁶

This body of literature further reveals that gatekeepers allow the context of identification and attendant migratory status to impact their ability to screen individuals.¹⁹⁷ Individuals referred for consideration as trafficked persons to the UK competent authority (for migrants) were less likely to receive positive outcomes on their cases:¹⁹⁸

...attesting to this are the dramatic differences in rates of positive and negative decisions by the two competent authorities for NRM decisions. The Home office tends to reject at least 80% of all referrals whereas the UK Human Trafficking Centre only 20%.

The Detention Taskforce, echoing the problematic nature of this arrangement, emphasised the impact this structure has on the risks of MS/HT: ‘this return to two tiered will allow traffickers more power to hold immigration status over their victims’.¹⁹⁹

Staff in border and sea forces require better training to identify people within these places given the limitations, and to avoid criminalisation of populations automatically.²⁰⁰ Having police or border forces who are responsible for policing borders identifying victims further problematises these interactions, reducing possibility of identification.²⁰¹ Less than 3 percent

172 Demetriou 2015; Hermann 2018; Jureidini 2010; McQuade 2017; Montalavou 2015/2016; Ollus 2015; Polaris 2020/2021c.

173 Merrill 2018.

174 Gurung 2014; Polaris 2020/2021b; Zahra 2013.

175 Montalavou 2015/2016; Zahra 2013.

176 Gurung 2014; Kagan et al 2011; McKee 2009; Polaris 2020/2021c; Zahra 2013.

177 Jureidini 2010; Gurung 2014; Ollus 2015; Shamir 2012; Polaris 2021; Ryf 2002; Zahra 2013.

178 Polaris 2021c.

179 Ryf 2002.

180 Zahra 2013.

181 Polaris 2021c.

182 Polaris 2021c.

183 Polaris 2021.

184 Ollus 2015.

185 Blouin & Button 2018; Flynn 2007; Ham et al 2013; Lynch & Hadjimatheou 2017; Patino 2019.

186 Cianciarulo 2016; DeGuttry et al 2017; Detention Taskforce 2021; Flex 2020; Hadjimatheou & Lynch 2020; Ham et al 2013; Magugliani 2018; Mellon 2018; Maroukis 2016; O’Connell 2018; Sereni 2019; Ventrella 2015/2017.

187 Al-Dayel et al 2021; Blouin & Button 2018; Hadjimatheou & Lynch 2020; O’Connell 2018.

188 Flex 2020; Flynn 2007; Ham et al 2013; Serughetti 2018.

189 Haxhi et al 2017; Mahdavi 2013.

190 Hadjimatheou & Lynch 2020; Hadjimatheou & Lynch 2017.

191 Al-Dayel et al 2021; Cianciarulo 2016; GAATW 2016; Lee 2005) or deported (Blouin & Button 2018; Lee 2005; Sereni 2019).

192 Cianciarulo 2016; Lee 2005; Ryf 2002.

193 Barrick et al 2012; DeGuttry et al 2017; Hadjimatheou & Lynch 2020; Lynch & Hadjimatheou 2017; Magugliani 2018; Mellon 2018; Ventrella 2015/2017.

194 Detention Taskforce 2021.

195 Flex 2020; Magugliani 2018; Maroukis 2016; Ventrella 2015/2017.

196 Flex 2020; Magugliani 2018.

197 Mellon 2018.

198 Maroukis 2016.

199 Detention Taskforce 2021.

200 Al-Dayel et al 2021; Cianciarulo 2016; Flex 2020; Giuia; Hadjimatheou & Lynch 2020; Ham et al 2013; O’Connell Davidson; Zimic 2004.

201 Barrick et al 2012; Farrell and Fahy 2009; Lynch & Hadjimatheou 2017; Norfolk and Hallgrimsdottir 2019; Miller and Hagstrom.

of referrals in the UK, for instance, came from the border force likely in part because they lack capacity or training to do so and because trained officers are placed in a restricted number of locations.²⁰²

Depictions and framing influence who police and first responders look for. Scholars suggest that framing MS/HT as an immigration crime or transnational crime problem redirects gaze to particular mobilities while overlooking other victims.²⁰³ Potential victims within the immigration system are less likely to be identified because they are viewed through the hostile environment lens, or the crimmigration lens, which see them as perpetrators of a crime.²⁰⁴ Scholars have proposed training to overcome cultural biases if the approach to addressing human trafficking in immigration persists as currently structured, i.e. embedded in immigration enforcement.²⁰⁵ Cultural competency ought to be foregrounded in training as gender stereotypes and xenophobic prejudice colour interactions with potential victims.²⁰⁶ To that end, gender-sensitive migration approaches should be embedded in responding to migrant flows and the attendant risks and needs.²⁰⁷ However, the systems need to be separated such that MS/HT victim identification and service referral are not contingent on immigration or asylum processes.²⁰⁸

Corruption and institutional quality has received ample attention for its role in facilitating MS/HT.²⁰⁹ Individuals working in government, policing, and border patrol have been identified as participating in MS/HT or benefiting financially.²¹⁰ The literature describes traffickers using their relationship with authority to exploit trafficking victims, deter escape, and prevent victims reporting to authorities.²¹¹ For instance, Khai describes how border officials participate in relation to deported Burmese migrants re-entering Thailand.²¹²

...even workers who do not face abuse upon return face abuse at the checkpoints to which Thai authorities transfer them during deportation procedures. These abuses include taxation, forced labour, beatings, killing and rape.

Scholars have linked corruption to anti-immigrant sentiments, which in turn fuel border legislation.²¹³

Other literatures have looked at which institutions matter (and how) to the proliferation of MS/HT. In general, the quality of state institutions and the level of corruption within them has been shown to impact exploitation.²¹⁴ Hernandez & Rudolph found that institutional quality in destination sites influences risks to trafficking rather than in origin countries.²¹⁵ Ivaschenko-Stadnik and Harkins found the same—corruption in institutions where exploitation is occurring (Ukraine) impacts proliferation of MS/HT.²¹⁶ Others have looked at the convergence of corruption, bribery, and weak states effects on trafficking.²¹⁷ Fragile and weak states, states with a lack of centralised-supported leadership or with ‘inept’ leaders are cited as being more likely to exhibit corruption.²¹⁸ The mismanagement of funds by leaders drives irregular migration as it reduces economic opportunity.²¹⁹

This in turn creates markets for movement. Further, findings suggesting that corruption negatively impacts domestic and regional approaches to combat MS/HT (interrupting trust and collaboration) and increases possibilities for MS/HT.²²⁰

If visas, protections, or benefits/entitlements are made contingent on participation in criminal justice proceedings²²¹ and if actors in the criminal justice system are responsible for identification, individuals are less likely to disclose their status.²²² This stipulation is (or was) present in the United States’s TVPA,²²³ New Zealand,²²⁴ Cyprus, Greece, and Australia.²²⁵ Yet, for many, cooperation with the police more generally is problematised by their immigration status, history of exploitation, and past experiences.²²⁶ Many fear the police based on information from their traffickers.²²⁷ More to the point, evidence indicates that victims should not be responsible for prosecution of offenders to get help or to receive migration status when they are at risk of re-trafficking or unsafe.²²⁸

202 Hadjimatheou and Lynch 2020; Lynch & Hadjimatheou 2017.

203 Farrell and Fahy 2009; Flex 2020; Flynn 2007; Ham et al 2013; Garbers et al n.d.; Krieg 2009; Patino 2019; Lyons & Ford 2014; Serughetti 2018.

204 Bell 2018; Flex 2020; Flex 2020b; Flynn 2007; Curley 2004; Garbers et al, n.d.; Ryf 2002; Sereni 2019.

205 Cianciarulo 2007.

206 Carling et al 2015; Krieg 2009; Merrall 2018; O’Connell Davidson.

207 Britton & Dean 2014; Carling et al 2015; Farley 2019; Ghidai Biidu 2004; Lee 2005.

208 Garbers et al, n.d.; Lee 2005; Simbolo & Ablisar 2018.

209 Akpomera & Omoyibo 2016; Allais 2006; Azam 2006; Carling et al 2015; Cicero-Dominguez 2005; Hernandez & Rudolph 2015; Harkins 2019; Ivaschenko-Stadnik 2013; Jac-Kucharski 2012; Jelinkova 2007; Juhasz n.d.; Kari 2018; Khai 2012; McAuliffe 2016; Mece 2016; Patino 2019; Rusev 2013; Ryf 2002; Shelley 2014; Simbolo & Ablisar 2018; Uddin 2013.

210 Cicero-Dominguez, 2005; Harkins 2019; Juhasz n.d.; Khai 2012; Lumley-Sapanski et al 2021; Mece 2016; Uddin 2013.

211 Juhasz n.d.

212 KHRC 2009 quoted page 4, in Khai 2012.

213 Shelley 2014.

214 Onuoha & Okafor 2021.

215 Hernandez & Rudolph 2015.

216 Harkins 2019; Ivaschenko-Stadnik 2013.

217 Akpomera & Omoyibo 2016; Allais 2006; Ivaschenko-Stadnik 2013; Mece 2016; Onuoha & Okafor 2021.

218 Onuoha & Okafor 2021.

219 Onuoha & Okafor 2021.

220 Mece 2016.

221 Bakhur 2013; Cianciarulo 2016; Davy 2017; Kruger 2009; Macklin 2003; Mellon 2018.

222 Mellon 2018; Peacey 2013.

223 Cianciarulo 2016; Norfolk and Hallgrims; Okech et al 2012.

224 Ricard Guay 2016.

225 Jayasignghe and Bagley 2011; Leishmann 2007; Stafford (2017).

226 Barbogiannis 2016; Carrington 2003; Chou 2008; Cianciarulo 2016; Cicero-Dominguez 2005; Flex 2020c; Icdygu 2006; Ryf 2002.

227 Barbogiannis 2016; Chou 2008; Flex 2020.

228 Barbogiannis 2016; Burn & Simmons 2006; Chuang 2017; Cianciarulo 2016; Mellon 2018; Norfolk and Hallgrimsdottir 2019; Ryf 2002.

This is particularly true if the state cannot guarantee safety and protection.²²⁹ Lack of protection against deportation²³⁰ and repatriation increase fear of being sent back to country of origin.²³¹ This includes temporality, meaning, that if the protection offered is temporary, victims may not want to disclose if they know they will eventually be deported by the same entities.²³² Fear of reprisal is a strong motivating factor for not participating in prosecutions.²³³

Further, if their status is temporary, then workers are less likely to participate if they have to return to where they were trafficked from and contextually face a risk or extend their stay to participate, if the trafficker is in the destination.²³⁴

In sum, the actors responsible for recognising MS/HT would benefit from further training²³⁵ and cannot be asked to do both jobs (act as social service providers in a culturally competent manner and police migration law).²³⁶ Trafficking victims are less likely to identify as victims if they fear the authority,²³⁷ there is a fear of being sent back or that the law enforcement agents cannot provide adequate security.²³⁸ Finally, within the criminal justice system, victims are often regarded as criminals and may be cross-examined by prosecutors in the court room. This diminishes their credibility publicly and can jeopardise their safety as well as their wellbeing. The individuals responsible for prosecuting claims of MS/HT can in turn jeopardise willingness of victims to participate in prosecution.²³⁹

5.6. Narratives driving selective policing and identification

In addition to narratives of illegality and border enforcement driving the form and function of MS/HT identification and policing,²⁴⁰ there is a body of literature that looks at the portrayal of MS/HT as a means of understanding what forms of victimhood are typified as MS/HT, what crimes are policed, and what solutions are proffered.²⁴¹

These scholars have explored the ways that MS/HT narratives are used as justification for border

enforcement.²⁴² In particular scholars have explored the use of rescue narratives to justify bordering and criminalisation of particular populations.²⁴³ For example, focusing on prostitution/sex work²⁴⁴ and organised crime give the government ample reason to ‘mount an overseas response’ or to target the border, to ‘protect’ women from sexual exploitation.²⁴⁵ The migration-crime-threat narrative further encourages the use of bordering²⁴⁶ and externalisation of borders.²⁴⁷ This ‘constructs reality to frame response’—racialised and gendered victim narratives tropes buttress desires to build overseas immigration and border capacity.²⁴⁸

This critique draws attention to structural factors governing who has the right to move, and the representation of their motivations in narratives about them.²⁴⁹ Some people are cast as deserving and others not, and often these depictions are based on gendered and racialised stereotypes.²⁵⁰ While migrants are often portrayed as criminals in dominant narratives and policy for their ‘illegal’ border crossing and its inherent threat to the state,²⁵¹ in fact people have a right to cross borders and an array of justifications. People are motivated to move by a variety of factors, including survival and economic strategies.²⁵² There are both demand-side factors (employment opportunities)²⁵³ and push factors (poverty, conflict and humanitarian abuses) driving migration.²⁵⁴

Yet, in origin and transit states, migrants—particularly low skilled and humanitarian migrants—have more limited opportunities for legal mobility given the securitisation and crimmigration approach.²⁵⁵ This has led to more irregular movement and increased risks of MS/HT, as well as willingness of migrants to engage with more exploitative facilitators.²⁵⁶ This body of work critiques the lack of accompanying forms of protective

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- 229 Barbagiannis 2016; Davy 2017; Ikuteyijo 2012; Okech et al 2012.
 - 230 Barbagiannis 2016; Cicero-Dominguez 2005; Detention Taskforce 2021; Lewis et al 2015.
 - 231 Barbagiannis 2016; Carrington 2003; Cianciarulo 2016; Detention Taskforce 2021; Mellon 2018; Morreale 2017; Vivian 2005.
 - 232 Demetriou 2015; Mellon 2018; Morreale 2017.
 - 233 Bales & Lize 2005.
 - 234 Beatson et al 2017; Ricard Guay 2016.
 - 235 Cholewinski & Taran 2010; Patino 2019.
 - 236 Hadjimatheou & Lynch 2008; Lyons & Ford 2009.
 - 237 Davy 2017; McKee 2009; Miller & Baumeister 2013; Toohey & Moyo 2019.
 - 238 Macklin 2003; Mellon 2018.
 - 239 Davy 2017.
 - 240 Andrijsavic 2020; Broad & Turnbull 2018; Fitzgerald 2012; Norfolk and Hallgrimsdottir 2019; Wijers 2013; Zimic 2004.
 - 241 Balch & Geddes 2011; Fitzgerald 2012.

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- 242 Fitzgerald 2012; Franko 2021; Schaeffer-Grabel 2010; Wijers 2015; Wooditch et al 2009; Zimic 2004.
 - 243 Buckland 2008; Chuang 2017; Fitzgerald 2012; GAATW 2016; Lammasniemi 2017; Ray 2015; Schaeffer-Grabel 2010; Soltis & Walters 2018; Wijers 2015/2013.
 - 244 HLR 2013; Goodey 2008; Lammasniemi 2017.
 - 245 Buckland 2008; Carling et al 2015; Fitzgerald 2012; Junaidi et al 2019; Lammasniemi 2017; Murphy 2000; Schaeffer-Grabel 2010; Wijers 2015.
 - 246 Geddes 2005; Norfolk and Hallgrimsdottir 2019; Schaeffer Grabel 2010; Tallman 2005.
 - 247 Balleix 2014; Da Lomba 2020; Iwuamadi et al 2020; Lumley-Sapanski et al 2021; Sammers 2004 in Fitzgerald; Zanker 2019.
 - 248 Fitzgerald 2012; Zimic 2004.
 - 249 Andrejsavic 2020; Cicero-Dominguez 2005; Franko 2021; Tallman 2005.
 - 250 Serughetti 2018.
 - 251 Zimic 2004.
 - 252 Andrejsavic 2020; Cicero-Dominguez 2005; Healy 2016; Saari 2006; Thomas & Huston 2012; Yousaf 2018.
 - 253 Kruger 2009; Thomas & Huston 2013; Vivian 2005.
 - 254 Davydovych & Subotenko 2013; Jac-Kucharski 2012; REF 2017; Khai 2012; Okech et al 2008; Rahaman 2015; Schloenhardt 2017; Toohey & Moyo 2019; Turkovich 2015.
 - 255 Andrejsavic 2020; Chou 2008; Curley 2004; Flex 2020c; Kagan et al 2011; Iwuamadi et al 2020; Kruger 2009; Saari 2006; Schloenhardt 2017; Tallman 2005; Vivian 2005.
 - 256 Carling et al 2015; Iwuamadi et al 2020; Thomas & Huston 2013; Tallman 2005; Vivian 2005.

interventions resulting from a criminalisation focus.²⁵⁷

Governmental failures to adequately address labour demand and labour regulation allow a market in informal or irregular labour to persist, with attendant risks to exploitation.²⁵⁸ These literatures underscore the fact that people have overlapping vulnerabilities caused by structural factors that drive migration,²⁵⁹ the crimmigration approach that criminalises their movement and claims to protection,²⁶⁰ the lack of legal mobility routes,²⁶¹ the lack of post-arrival rights,²⁶² bureaucratic and time-related processing factors,²⁶³ and the survival strategies they are forced to employ.²⁶⁴ In turn, the image of the ‘illegal’ alien and the security or economic risks they present replace claims to labour rights.²⁶⁵

The centring of the ‘vulnerable woman narrative’ associated with sex work and sex trafficking in policy²⁶⁶—as evident in the Palermo Protocol and US TVPA—has led to misidentification of migrant women,²⁶⁷ mis-typified as victims of sexual exploitation, and the invisibilisation of other victims.²⁶⁸ The literature acknowledges sex trafficking to be a serious problem,²⁶⁹ and that cartels or organised crime groups are involved.²⁷⁰ However, authors caution against the predominance of this narrative as a pretext for increased border securitisation.²⁷¹ This literature references the difficulties faced at borders by personnel in prioritisation of responsibilities.²⁷² This class of first responder is often faced by the conflicting challenges of policing sovereignty and protecting the vulnerable.²⁷³ A lack of knowledge and training for workers are cited as contributing factors.²⁷⁴

The treatment of sex work and sexual exploitation in narrative and policy has also been critiqued for removing worker agency,²⁷⁵ for instance through helpless rescue narratives.²⁷⁶ This framing has led

to a business in sexual humanitarianism,²⁷⁷ people drawn to contexts such as Cambodia to conduct interventions. Areas like the Dominican Republic, which are sex tourist destinations, experience prolific sex trafficking, but the interventions have yet to address larger issues, like inequalities, poverty, demand, racialisation, and exploitation.²⁷⁸ The industry instead has grown, with particular people—such as Haitian women—more at risk due to migration status, racialisation, and marginalisation.²⁷⁹ These interventions have been critiqued for misdirecting funds from more useful interventions.²⁸⁰ These include healthcare access and decriminalisation,²⁸¹ as well as economic development.²⁸²

Forced marriage is a particular area with a growing level of focus in which migration law has been used in attempts to intervene in the practice. Legislation has been put in place barring sponsored migrants from joining their partners based on their age.²⁸³ This legislation has been critiqued for framing forced marriage as an immigration law violation rather than approaching the underpinning norms that create opportunities for forced marriage²⁸⁴ or the delivery of community-based services to alleviate risks internally. It is also seen as discrimination within the law and a violation of human rights.²⁸⁵

Often, women are members of the community in which they are being exploited in forced marriages and face multiple coercive pressures that trap them.²⁸⁶ In other cases, when women are sponsored migrants with native partners, visa regimes make their status precarious and allow their partners to take advantage of the unequal power relations fostered by this precarity.²⁸⁷ This can lead to exploitation. As a consequence, it is argued, women have not been protected as the law intended²⁸⁸ and rather that the form of law flows from perceptions of the population as vulnerable migrating women.

257 Schloenhardt 2017.

258 Anderson & Andrijasevic 2008; Harkins 2019; Ivakhnyuk 2005; Juhasz n.d.; Kruger 2009; Mahdavi 2013; Thomas-Hope 2020; Thomas & Huston 2013; Yun 2004.

259 Bell 2018; REF 2017; Khai 2012; Thomas-Hope 2020.

260 Curley 2004; Kubal 2014; Mahdavi 2013; Zimic 2004.

261 Vivian 2005.

262 Ealey 2019; McAuliffe 2016.

263 Ivakhnyuk 2005.

264 Avis 2020; Bell 2018; Steele 2007; Tallman 2005; Thomas-Hope 2020; Uddin 2013; Yun 2004.

265 Bell 2018; Harkins 2019.

266 Abbasi & Davies 2002; Anderson & Andrijasevic 2008; HLR 2013; GAATW 2016; Krieg 2009.

267 Wijers 2013.

268 GAATW 2016; Harkin 2019; Norfolk and Hallgrimsdottir 2019.

269 Schloenhardt 2017.

270 Carling et al 2015.

271 Fitzgerald 2012.

272 Franko 2021.

273 Franko 2021.

274 Cianciurolo 2007; Iselin & Adams 2003.

275 Anderson and Andrejsavic 2008; Andrejsavic 2020; Mahdavi 2013; Serughetti 2018; Todres 2011.

276 Buckland 2008; Mahdavi 2013; Serughetti 2018; Wijers 2015.

277 Fitzgerald 2012; Ray 2015.

278 Thomas-Hope 2020.

279 Thomas-Hope 2020.

280 Fitzgerald 2012; Ray 2015.

281 Angel 2007; Harkins 2019.

282 McAuliffe 2016; Rahaman 2015; Simbolo & Ablisar 2018.

283 Hester et al 2007; Sabbe 2014.

284 Sabbe 2014.

285 Hester et al 2007.

286 Azam 2006.

287 Tyldum 2013.

288 Hester et al 2007.

6. Recommendations

Recommendations for redressing risks to trafficking take several forms the most common of which are moving away from the discursive focus on immigration and shifting emphasis to broad structural factors. These literatures highlight the fact that often risk factors are not affected positively by migration controls and require alternative interventions. States and regional cooperative entities are urged to adopt comprehensive approaches to managing migration that include migration and ‘development objectives’ with ‘policy coherence’ between drivers of migration and implemented interventions.²⁸⁹ Similarly, anti-trafficking interventions should be coordinated to avoid contradiction and inconsistencies between treaties, laws, and frameworks.²⁹⁰

289 Strobl et al 2018, p. 54; Azam 2006.

290 Azam 2006; Edwards 2007.

Ensuring migrants’ access to rights

Host countries should positively protect the rights of all workers,²⁹¹ enforce labour laws,²⁹² and regulate contracts to avoid workers accruing insurmountable debt. Workers should be able to pursue justice through the justice system without fearing criminalisation associated with immigration status.²⁹³ Asylum seekers should be given the right to work, as limited economic impacts on native workforces are observed.²⁹⁴

The elimination of worker-borne recruitment fees and establishment of licensing requirements for in-bound recruitment would assist in reducing recruitment tied debt.²⁹⁵ More generally, regulation of labour agencies and brokers is needed.²⁹⁶ Increased opportunities for market mobility by removing opportunities for recruitment debt and tied visas,²⁹⁷ and prohibition on employers or recruiters taking documents are important initial steps.²⁹⁸ Reaching workers with training on rights and employer responsibilities would also help to alert workers about the legal context in which they are employed and what defines exploitation.²⁹⁹ Similarly, reaching consumers via messaging and collective organisations like union workers to advocate for rights for the exploited is necessary in cultivating a broad public response.³⁰⁰

Targeting root causes

More broadly, fighting inequality, ‘underdevelopment’ and poverty are seen as effective at reducing risks of MS/HT.³⁰¹ This requires a reconceptualisation of the problem from migration to a focus on the underlying factors that influence susceptibility, including economic desperation, social exclusion (including of women), and anti-migrant sentiment.³⁰² In so doing, it will be possible to change the tools used to address the problem from criminal justice mechanisms and migration governance, to alternatives that centre individual rights, e.g. workers’ rights.³⁰³ Redirecting the focus to causal factors, like poverty, influences the form of opportunities made available and reduces opportunities for trafficking.³⁰⁴

Improving coordination and building consensus

This requires building consensus on the best policy approach.³⁰⁵ In places where there are conflicting jurisdictions, resolving responsibility for action, prevention, and intervention may be necessary when there are overlapping responsibilities.³⁰⁶ This may be coordinated responses in areas with

291 Belanger 2014; Flex 2020b; Hodgkinson et al 2021; Healy 2016.

292 HLR 2013; Simbolo & Ablisar 2018.

293 O’Riorda 2010; Ryf 2002; Shamir 2012; Soltis & Walters 2018.

294 Schloenhardt 2017.

295 Buckley 2019; Harkins 2019.

296 Harkins 2019; Simbolo & Ablisar 2018.

297 Avendano & Fanning 2013; GAATW 2017.

298 Buckley 2019.

299 HLR 2013; Icdygyu 2006.

300 Marks & Olson 2015.

301 Bharadwaj et al 2021; Kruger 2009; Schloenhardt 2017; Susanu 2019; Welch 2017; Yusran 2018; Rahaman 2015; Ryf 2002.

302 Arkhin Sam 2011; Azam 2006; Bharadwaj et al 2021; McAuliffe 2016; Rahaman 2015; Susanu 2019.

303 Anderson & Andrejasevic 2008; Bharadwaj et al 2021; McAuliffe 2016.

304 Goodey 2003; Okech et al 2008; Rahaman 2015; Ryf 2002; Susanu 2019; Yusran 2018.

305 Azam 2006.

306 Allais 2006; Britton & Dean 2014; GAATW 2016; Harkins 2019; Mece 2016; Molodikova 2020; Mukomel 2013; Turkovic 2015.

through routes and/or shared populations.³⁰⁷ It may also mean working with civil society and non-profit organisations to reconceptualise the problem statement and to address it.³⁰⁸

Ensuring effective implementation of legal and policy frameworks

Finally, there is legislation in place but it is infrequently applied or used; over time, countries show an increase in convictions and with time it is hoped that prosecutions of perpetrators will grow.³⁰⁹ Scholars note that often migrants and MS/HT victims are subject to worse outcomes than traffickers themselves because in identification they are criminalised as illegal aliens and treated as felony (or similar) offenders.³¹⁰ Meanwhile, traffickers are rarely pursued or prosecuted.

Reforming immigration governance

For migrants specifically, interventions identified include increasing legal migration routes,³¹¹ firewalls between immigration enforcement and labour regulation,³¹² upfront payment of guestworker fees for relocation and placement by employers,³¹³ training of public servants and law enforcement,³¹⁴ eradication of corruption,³¹⁵ involvement of religious leaders in awareness and victim identification,³¹⁶ recognition of educational equivalences in reception states, skills training,³¹⁷ provision of social and health services, labour inspection including on boats at port and of boat crew lists,³¹⁸ rights restoration, and recovery for victims of trafficking,³¹⁹ and speedy processing of protection claims.

Displaced groups in conflict settings require pre-emptive preventative protection,³²⁰ unaccompanied minors and children in origin and transit countries require protection carte blanche,³²¹ migrants need access to reasonable livelihoods in displacement, their children need access to documentation³²² and have rights to an education.³²³ People more generally require access to escape and protection

from repressive regimes, and, a balance must be struck between human rights and labour rights prioritisation.³²⁴ Others have pointed to the need for effective and timely judicial processing to ensure that justice is meted out fairly and is not seen to be politicised.³²⁵ In general, development aid and global cooperation are foundational.³²⁶

The following recommendations are taken from International Organisation for Migration and Anti-Slavery International publications as specifically for migrant workers:

- Enhance the capacities of governments and civil society actors to apply international human rights standards to better protect migrant workers;
- Assist the most vulnerable migrant workers;
- Empower migrant workers with a better appreciation of their rights; and
- Reduce the incidence of xenophobia towards, exclusion of and discrimination against migrant workers.

This requires a more universal approach, so that individual traffickers do not move to the nearest least regulated context.³²⁷

Advancing gender equality and gender-sensitive programming

Gender relations and gender inequalities in origin and destination states³²⁸ impact the MS/HT of women and girls.³²⁹ Positively investing in girls' development and supporting women-led economic initiatives like microcredit or investing in alternative livelihood strategies can reduce risk.³³⁰ Supporting school attendance and support for school enrolment also helps to prevent MS/HT.³³¹ Providing safety nets and protection against loss or damage, and crucially preventing debt accrual, are essential to preventing resource depletion leading to enslavement.³³² Partnering this with education and awareness raising on rights can help capacitate individuals and counteract pressures to trafficking within communities.³³³

307 Mece 2016; REF 2017.

308 Harkins 2019.

309 Harkins 2019; UNODC 2016.

310 Ryf 2002.

311 Schloenhardt 2017.

312 Chou 2008; HLR 2013; Flex 2020b; Fudge 2016; GAATW 2017.

313 Ashby 2007.

314 Guia 2012.

315 Onuoha & Okafor 2021.

316 Turkovic 2015.

317 Arkhin Sam 2011; Harkins 2019.

318 Harkins 2019.

319 Cholewinski and Taran 2010.

320 Schloenhardt 2017.

321 Azam 2006; Durr 2021; Offia 2020; Sigona & Hughes.

322 Harkins 2019; Healy 2016.

323 Ealey 2019.

324 Latham & Sprinkle 2019.

325 Akpomera & Omoyibo 2016.

326 Schloenhardt 2017.

327 Garner 2011; Shelley 2014.

328 Abbasi & Davies 2002; Bharadwaj et al 2021; Britton & Dean 2014; Healy 2016; Hernandez & Rudolph 2015; Jac-Kucharski 2012.

329 Britton & Dean 2014; Rahaman 2015; UNIFEM; Tootchie & Moyo 2019; Turkovich 2015; Welch 2017.

330 Bharadwaj et al 2021; Ryf 2002; UNIFEM; Tootchie & Moyo 2019.

331 Murphy 2000.

332 Bharadwaj et al 2021.

333 Carling et al 2015; Davydovych & Subotenko 2013; Gurung 2014; Harkins 2019; Kagan et al 2011; Rahaman 2015.

Shifting focus to structural conditions enabling exploitation

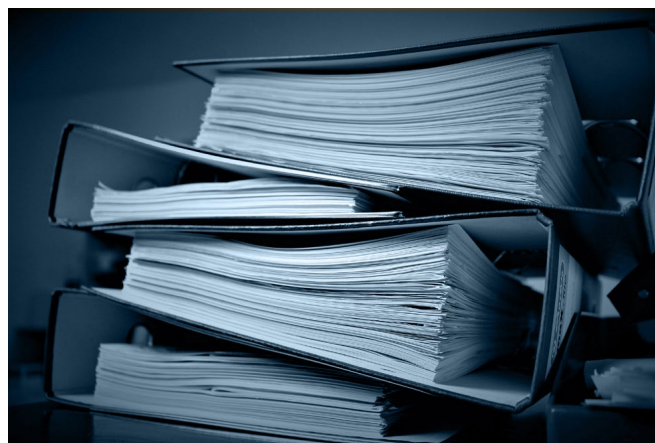
From the perspective of narratives about migrants, workers and working, it is important to reconceptualise worker agency and to consider the ways in which the state maintains structures that facilitate exploitation. The literature emphasises the de-politicisation of the anti-MS/HT narrative, and the emphasis within that narrative on bad actors rather than the impact of visa regimes, exploitative labour conditions, and deregulated industries.³³⁴ The field would benefit from attention to the choices of individual actors (migrants/workers) within a system of constrained choice.³³⁵ The literature acknowledges that the system of migration governance produces benefits for some at the expense of others.³³⁶ Again, labour rights awareness and training for workers in reception contexts (or prior to departure) is needed.³³⁷ Decriminalising migration would reduce business opportunities for traffickers.

Changing narratives about migrants and migration

Relatedly, a subset of literatures emphasises the need to change the narrative around migration and migrants, to humanise them and to decrease xenophobia.³³⁸ MS/HT has been a bipartisan issue for which multiple political groups demonstrate support. It could be politically useful tool to create ‘bridges,’ to decrease antipathy towards migrants, through shared commitment to anti-MS/HT initiatives. More broadly this would require a recommitment to anti-MS/HT and reconceptualisation of the problem, i.e. removing the focus on securitisation and crimmigration.³³⁹ Whether that reconceptualisation involves taking a human rights-based approach,³⁴⁰ labour approach, or a combined approach is not yet resolved, but moving away from an immigration-securitisation approach is widely supported.³⁴¹

Improving data collection, sharing, and transparency

Improved data collection is needed³⁴² and transparency in data collection is seen as helping to fight perpetration by increasing information and sharing it broadly.³⁴³ This includes digitisation of records and analysis.³⁴⁴ Country level data is needed to understand and evaluate the impact of global protocols and national level interventions.³⁴⁵ More locally, it is important that police and NGOs find ways to share information and that reliable figures are used to base claims and support/justify interventions.³⁴⁶ Relatedly data should be shared widely between communities to establish best practices.³⁴⁷



334 Belanger 2014; Mahdavi 2013.

335 Beazley 2015; Kubal 2014.

336 See Coddington et al 2020.

337 Merrall 2018.

338 Carling et al 2015; Merrall 2018.

339 See Bonilla & Mo 2018.

340 Fitzpatrick 2002; Jordan 2002.

341 See Angel 2007.

342 Adebuseye 2006; Azam 2006; Fry 2009; Sigona & Hughes 2010.

343 Akanbi 2020; Latham-Sprinkle et al 2019; McKee 2009.

344 Azam 2006.

345 Fry 2009.

346 Azam 2006; Campani 2004.

347 Campani 2004.

7. Limitations and evidence gaps

This systematic review analysed a wide range of literature addressing the MS/HT-immigration policy nexus. However, it also revealed significant gaps in the evidence base. This section provides a brief review of gaps in the evidence base assessed in this review, and associated limitations in the research study.

Geographic scope

While there is a relatively strong body of evidence generated in, and related to, a small selection of geographies (see section 4.3), many other spaces and places are not well-represented in the review corpus. The field of knowledge would benefit from a more expansive engagement with territories outside of the EU, US, UK, and Australia. In particular, there is a significant deficit of knowledge production in this corpus from South America, Asia and Central Asia, and the Caribbean. The policies of the AU are captured here, but the focus is primarily on the imposition of EU policies or collaboration through regional initiatives. As such, further inquiry into policies and regional agreements that do not initiate in the EU within Africa are needed.

The geographic limitations of the review corpus are partially explained by the review parameters—which limited the study to sources published in English. However, this nonetheless reveals the gaps in English language evidence on the immigration policy-h MS/HT nexus with important implications for understanding of the issues at play.

Migration flows and exploitation experiences

The review corpus demonstrated a need for more research on flows and the impact of the geographic relationship between places on likelihood of exploitation. There is little empirical evaluation of visa holders, their distribution between visa types, household structure, and then subsequent forms of exploitation in destination states. This means that our knowledge and critique of visa regimes is based largely on temporary and guestworker visas and the impacts of carved out restrictions. We know less about the relationships between states, or the people within states to one another, and the ways in which this shapes the form of visa available to people proposing to migrate. The size of the flow and the impact of migration flow size on both visa regimes and the interrelationship with exploitation is likewise under-evidenced.

Subsequently, we have less knowledge on how relationships between states impact risks to trafficking, i.e. are prior colonial relations likely to engender MS/HT? Does *de facto* refugee status provided at the border signify familiarity or acceptance, and therefore, provide protection from exploitation?

Specific visa regimes

While the literature captures extensive analysis of regional and legal frameworks like the Khartoum Process, Palermo Protocol, and ASEAN policies, there is a lack of empirical analysis of specific visa regimes. Literature on domestic worker policies (in the UK), tied or temporary visas in the United States, the kafala system in specific Gulf states (Bahrain or Qatar specifically), and policies governing forced marriage (in Europe) address particular aspects of visa holders' rights. However, there is a gap in the evidence base outside of these regional and state specific inquiries. What could this include? Positive migration protections and flows—like access to asylum, third country resettlement, or empirical evaluation of regularisation campaigns—on arrivals and routes of entry including trafficking.

Securitisation mechanisms, financing, and impacts

More extensive analysis of the finances that support securitisation, what is meant by securitisation, the reinforcement mechanisms that support implementation of securitisation policies, and the relationship of these factors to trafficking would be useful. This means understanding how trafficking changed after implementation of securitisation policies through a more empirical evaluation of what occurred on the ground (e.g. how were borders enforced, where, by whom, and with what). There is ample analysis of what the legal frameworks say, and of bilateral and regional agreements, but little interpretation of what the structural impact was.

Perpetrator profiles and roles

Within migration literature, analysis of the exploitation of migrants rarely identifies exploiters or explores their demographics, positionality, and/or capacity for exploitation. The exceptions are in Nigeria and North African states, where traffickers move people across borders. To an extent, recruitment agencies are broadly described in ASEAN states. What is lacking is evidence on the role of perpetrators within destination states that drive demand. The field would benefit from understanding who perpetrators are in various contexts of destination states, how they realise their ambition to exploit individuals, and what the various regulatory and labour policies are that have been effectively used to combat post-arrival exploitation. However, this may be better captured in literatures outside of immigration policy.

State understanding and ‘positive’ portrayals

Understanding how narratives around migration and forced migration influence state tolerance towards in-migration and recruitment would help in understanding how ‘positive’ portrayals can shape or address exploitation in destination states. Further, understanding where and if states actively rely on migration to support particular industries or permit particular forms of migration given historical acceptance, if those narratives ever lead to the positive protection of migrant rights could be important. This would give historical insights into forms of justification for exploitation.

Disaggregated and gender-responsive data

Disaggregating the data and taking a gender responsive lens to understand how visa systems work differently and provide different access to entitlements based on gender would help in carving appropriate responses in different areas. Other intersectional identity factors may also shape migration and trafficking experiences, as well as interactions with institutions and protective infrastructure. Disaggregated data tracking different identity factors could provide better insights into the differences and similarities in experiences, and how these are shaped by identity.

Post-arrival rights and entitlements

Finally, a focus on post-arrival rights, tiered access to entitlements and benefits is needed. The structure of migrants’ rights and entitlements in destination countries can have a significant impact on their vulnerability to, and experiences of, trafficking. However, it was outside the scope of this literature review.



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