

*Article History: Received: 24 July 2017 Accepted: 13 June 2018.*

## From Irregular Stay to Removal through Detention: The Case of Spain as a Member State of the European Union

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### *Abstract*

The fight against human smuggling and irregular migration is a worldwide priority. Removal of persons irregularly living in a European country is said to be a means of deterring irregular migration. In this context, detention to secure removal of those who enter or stay irregularly is proclaimed to be an effective instrument in European policies. However, in the case of Spain, data collected and in-depth interviews show that detention of irregular/smuggled immigrants has a minor effect on the number of removals fulfilled. Thus, the idea that detention can work not only to increase return effectiveness but also as a deterrence measures seems to be unreal.

**Keywords:** Irregular migration; detention centers; deterrence policies; effectiveness; border control.

### **Introduction**

A European Commission's report identifies that "in Spain, Germany and Sweden, [it is] assumed that 100% of irregular migrants that entered the EU illegally are facilitated" (EU Commission, 2015: 21). Some authors assume that "the increasing in human smuggling is a consequence of national and European policies that curtail illegal entrance; that is, the more a State tries to control its borders and decreases illegal entries, the more human smuggling occurs" (Nair, 2016: 42).

In this sense, the above-mentioned study of the EU Commission on migrant smuggling ascertains that "Stakeholders interviewed all agreed that migrant smuggling exists because, for the people on the move, there are no legal channels of entry into the EU. The limited legal channels for migration fuels the market for smuggling services ... For basically all routes under study, the migrants' decision to approach smugglers for assistance is based on a lack of accessible channels for legal migration and/or a lack of proper information about those legal channels ... In fact, several potential migrants highlighted that after one or multiple failed attempts to travel to Europe in a regular way (e.g. working visas and/or university scholarships) using the service of migrant smugglers is considered as the last and only channel open to them." (EU Commission, 2015: 54-55).

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The estimation of the number of irregular third country nationals (ITCN) is by nature very difficult in Spain, and in other countries. Studies in Spain have placed the percentage of TCN without legal documents between the 12% and 46% of the total number of foreigners registered on the municipal records (González, 2010: 252). According to the OECD's figures from 2007 (no other comprehensive study has been accomplished since then) 10 to 15 per cent of Europe's 56 million migrants were undocumented. Using that data, some studies like the Morehouse and Blomfield (2011) tended to demonstrate that irregular migration in Europe was in overall decline. Nevertheless, that general decline was related to EU enlargement and legalization programs (Vogel et al., 2011).

Once these two initiatives come to an end, a change can be expected. In fact, the so called "refugee crisis" may have increased the number of irregular immigrants in the continent. Current trends of irregular and smuggled migrants are not expected to decrease in the near future, maybe the opposite. Taking into account the evolution of the phenomenon, this piece of research focuses on one of the instruments used to tackled irregularity in Europe: pre-removal detention.

Removal can be part of the discourse as an option to decrease the number of irregular immigrants in a country, as a punishment for illegal entry or as an advertisement/deterrent for those who are thinking on entering illegally. However, the number of individuals effectively removed is small in comparison with the total number of irregular stayers. In order to increase removals, European countries have incorporated the option of detention. Nevertheless, this article analyses this measure that still seems to be ineffective in order to sharply reduce the number of irregular immigrants in Spain. Moreover, being detention a last resort instrument, with many requirements, its use is very limited and, as a consequence, it cannot work as a deterrent for future immigrants.

## **From illegal stay to detention. European position on the issue**

### **The quest for removal and detention**

An automatic and involuntary consequence of migrant smuggling and illegal entry to the country of destination is irregular stay. So, irregular migrants live, and sometimes work, "illegally". States do their best to prevent irregular entries and irregular life and work in their territory, and one of the key measures developed in the Europe Union, and in European countries, in order to diminish migrant smuggling and irregular migration is their removal to the sending country (possibly a transit country) or to the country of origin.

The XXI century can be characterized as the century of the extension of removal. Removals can be implemented rightly after arrival as well as during irregular immigrants "illegal" life in the destination country. Some countries use



detention predominantly on arrival such as Greece, Italy, Australia or Spain but some others use extensive detention on removal centres. US is using this scheme since 2002 and in UK new Detention Centre Rules were issued in 2001. In 2006 “the Labour government opened three large new detention centres, expanding the custodial estate in former and current prisons as well” (Bosworth, 2014: 34). In 2017, Spain has used the prison system facilities for detained immigrants for the first time<sup>1</sup>, and three new detention centres are planned to be built in 2018<sup>2</sup>.

Removal can be designed and implemented using detention, nevertheless detention is portrayed as an exceptional measure by European Institutions. The Return Directive, adopted in 2008, is the key legislative instrument. Its art.15 states that:

*“Unless other sufficient but less coercive measures can be applied effectively in a specific case, Member States may only keep in detention a third-country national who is the subject of return procedures in order to prepare the return and/or carry out the removal process, in particular when: (a) there is a risk of absconding or (b) the third-country national concerned avoids or hampers the preparation of return or the removal process. Any detention shall be for as short a period as possible and only maintained as long as removal arrangements are in progress and executed with due diligence” (art.15. Return Directive)*

Peers’ analysis of the Directive and its implementation pays attention to the controversial issue of immigration detention and sums up the conditions of detention: “The rules on detention conditions address in turn: the place of detention (special facilities for migrants ‘as a rule’, separation from ordinary prisoners if detained in prison); the right to contact legal representatives, family members and consular authorities; the situation of vulnerable persons; the possibility for independent bodies to visit detention facilities; and information to be given to migrants (art 16). Member States may derogate from certain aspects of the rules concerning speedy judicial review and detention conditions in ‘exceptional’ situations (art.18)” (Peers, 2015: 293–295). The Directive also governs a broad range of issues apart from procedural rights and the grounds and conditions for detention, in particular an obligation to return irregular migrants, their treatment during expulsion proceedings and entry bans<sup>3</sup>.

2015 and 2016 have been years in which the fight against migrant smuggling has rocketed in the European migration agenda. In 2015, as Ruete states, two initiatives prioritized this issue: The European Agenda on Security in April 2015 and the European Agenda on Migration in May 2015 (Ruete, 2016: i). Those initiatives were completed with the EU Action Plan against migrant smuggling

<sup>1</sup> <http://www.lavanguardia.com/local/sevilla/20171121/433055267664/polemica-500-inmigrantes-internados-archidona-malaga-carcel.html> (access 27 dec 2017)

<sup>2</sup> [http://www.eldiario.es/tribunaabierta/Presupuestos-incluir-excluir\\_6\\_642595760.html](http://www.eldiario.es/tribunaabierta/Presupuestos-incluir-excluir_6_642595760.html) (access 27 dec 2017)

<sup>3</sup> The Return Directive and its application were analyzed by the Commission (COM 2014, 199 final).

(2015-2020) (COM 2015, 285). The 2015 EU report on smuggling of migrants (COM 2015, 453) identifies 10 main types of activities undertaken by national authorities addressing the smuggling of migrants, among those activities are “prosecution and sanction” and “return and readmission”.

**The use of detention in order to make return more effective. Some important problems: key but a last resort and deterrent for future migrants.**

As it has been stated, the enforcement of returns is one of the key aspects of the European policy (Spencer, 2016), but the previous analysis also highlights one of the contradictions of the European policy: despite being essential, detention is considered as an extraordinary measure for removal enforcement.

In this sense, the European Commissioner for Migration, Home Affairs and Citizenship, Dimitris Avramopoulos, in a letter to Ministers of EU Member States dated in June 2015 focused on the need to increase return decisions but also to ensure the use of detention as an exception.

Thus, detention should be applied during and after the process of identification, to make sure that irregular migrants are effectively returned. It must be considered as a legitimate measure of last resort, when it is necessary to avoid that the irregular migrants abscond. For as long as there is a reasonable likelihood of removal, prospects of removal should not be undermined by premature ending of detention. The Return Directive allows maintaining returnees in detention for up to six months (18 months in case of non-cooperation).

In this sense, one of the important points about the Return’s Directive is that the detention, that must be ordered by a decision of administrative or judicial authorities (law enforcement authorities), has to be reviewed at ‘reasonable intervals’ and must cease ‘when it appears that a reasonable prospect of removal no longer exists for legal or other considerations’. Member States must set a maximum limit of detention, which cannot exceed six months as a rule and, in exceptional cases, 18 months in total. (COM 2014, 199 final: 14). The EU Action Plan on return also states that in order “to meet their obligation to enforce return, Member States should use detention as a legitimate measure of last resort” and, at the same time, suggests that “MS should explore new alternatives to detention and the use of less coercive measures, as appropriate” (COM 2015, 453 final: 4).

Regarding the duration issue, the European Court of Justice case law has clarified several aspects of the Directive’s provisions on detention. In its judgment in case C-357/09 (Kadzoev), the ECJ expressly confirmed the protective elements of the detention-related articles of the Return Directive by highlighting that detention ceases to be justified and the person concerned must



be released immediately if there is no real prospect of removal to a non-EU country within the authorized maximum period of detention. The ECJ also clarified that reasons of public order and safety cannot be used as justification for detention under the Return Directive.

Another important aspect of detention in order to enforce return is the problem of absconding and/or hampering return. The Commission's analysis concludes that the practice is more uniform as regards the grounds for imposing detention on returnees, where the risks of absconding and/or hampering return are the main reasons in most Member States (COM 2014, 199 final: 14).

The need to clarify documentation and identification of the person in question in cooperation with non-EU countries is frequently quoted in favor of detention. The concept of 'risk of absconding', of Article 3(7) of the Directive, has had an impact on Member States' definition and criteria upon which decisions to detain are based, thereby contributing — to varying extent — to more legal security. In the majority of Member States, the 'lack of documentation' provided by returnees or the 'use of false identity' are the main grounds on which the risk of absconding is assessed. Other frequently used criteria for assessing the risk of absconding are: use of false documents or destruction of documents; lack of residence; explicit expression of intent of non-compliance and existence of convictions for criminal offences (COM 2014, 199 final: 14).

A second important issue is the use of detention as a deterrent for future migrants. During 2016, the European Council has worked to implement another action Plan, the EU Action plan on return, passed in September 2015. This plan recognized that in 2014 less than a 40% of the irregular migrants that were ordered to leave the EU departed effectively, and assures that "one of the most effective ways to address irregular migration is the systematic return, either voluntary or forced, of those who do not or no longer have the right to remain in Europe" (COM 2015, 453 final: 2). This document calls for voluntary return as a preferred option but assures that "the success of voluntary return schemes also depends on how credible the prospect of forced return is" (COM 2015, 453 final: 3).

The idea of deterrence was also stated by Dimitris Avramopoulos, in his letter of June 2015:

*"The overall record on enforcing return decisions speaks for itself – only 39% in 2014. Economic migrants pay high prices to smugglers to bring them to Europe, no matter how hazardous the journey is, knowing that once they are in the EU they have a good chance to stay here, even if they are ordered to leave. And often their home countries do not cooperate on the readmission of their nationals present irregularly on EU territory."*

Lot of human rights organizations have criticized the use of immigration detention as a deterrent for future migration as an absurd justification for detention. The use of a punitive measure in order to send a message to another person is thought to be illegal under international and domestic laws. At the same time, there is no evidence of that deterrence effect<sup>4</sup>. Moreover, all the limits stated around detention as a last resort for States, in addition to the low rates of compulsory return, seem to make this measure unable to fulfill its last purpose: deter future immigrants.

### **Detention for removal in Spain. An efficient measure to secure deportation?**

The first conclusion of the European Migration Network report for the European Commission on this issue assured that “the impact of detention and alternatives to detention on the ability of MS to reach and execute prompt and fair decisions regarding return may be rather insignificant (with other factors, e.g. whether the person to be returned is in possession of the required travel documents, playing a much greater role)” (EMN, 2014: 41). Is that the case of Spain?

### **Data on removals and detention in Spain**

No information about the total number of removal orders is provided by the Spanish Ministry of Interior. Therefore, data on this matter can be considered from the EU statistics: a total of 42,150 orders were issued in 2014, 33,495 orders in 2015 and 27,845 in 2016<sup>5</sup>. A total of 15,150 persons were returned following an order to leave in 2014, 13,315 in 2015 and 10,185 in 2016<sup>6</sup>. This means that of those ordered to leave, only the 35.9% in 2014, 39.8% in 2015 and 36.6% in 2016, left the country. So, despite the call for EU Member States to increase return decisions Spain does not seem to fulfill European expectations: Spain neither increased the number of orders to leave nor reached the EU percentage of orders executed (39%) in 2016.

Spanish Ministry of Interior’s data published in 2016 on the fight against irregular migration (table 1) show that the total number of deported that year is 6,869. The figure is smaller than the stated above (13,315) because some people with an order to leave can be returned due to readmission agreements or they can leave the country on a voluntary basis.

If the data on people deported is compared with the data about those deported after detention it can be seen that the latter amount to less. The EMN report assured that Spain was the second country in the list of countries with “the

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<sup>4</sup> <https://www.detentionwatchnetwork.org/sites/default/files/reports/DWN%20Detention%20as%20a%20Deterrence%20Policy%20Brief.pdf>

<sup>5</sup> [http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=migr\\_ciord&lang=en](http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=migr_ciord&lang=en) (last access 27 dec 2017)

<sup>6</sup> <http://ec.europa.eu/eurostat/web/asylum-and-managed-migration/data/database> (last access 27 dec 2017)



highest number of third-country nationals in detention for 2013” with 9,020 persons detained. In 2016 a number of 7,597 immigrants were detained in centres for removal in Spain, only a 29% of them was removed from the country. So, despite the high number of individuals detained for the purpose of removal, Spanish rate of removal using detention is worse than the rate of those removed without using that scheme. This is the reason why police officers think that detention is not effective (interviews, May 2015)

**Table 1.** Number of persons returned under different schemes. Spain 2015.

Type of return	2014	2015	% of change
<b>Not allowed to cross the border</b>	8,109	8,069	- 0.5
<b>Returned due to an illegal crossing (no border)</b>	4,121	3,725	-9.6
<b>Return based on a readmission agreement</b>	1,067	1,428	33.8%
<b>Deported for irregular staying or other, stated in law</b>	7,696	<b>6,869</b>	-10.7

*Source:* Ministry of Interior. *Balance 2015 lucha contra la inmigración irregular*

A number of those deported can also be irregular migrants condemned to serve a prison sentence in Spain and who choose to be expelled instead of being held in a Spanish prison. Table 2 shows the percentage of detained who had criminal records. There is no possibility to know the percentage of those effectively deported who had criminal records but the table shows a clear trend: as the percentage of those individuals with criminal records who stayed in detention centers has gone down (from 45.3% in 2014 to 21.9% in 2016) the percentage of stay/deported has also gone down from 47.8% to 29.02%. Thus, despite the fact that detention is aimed to facilitate deportation, it seems not to fulfill that aim; a person detained for removal stands a 1 in 3 chance ending in his/her country of origin.

One of the reasons for the decrease of those with criminal records who stay in a detention centre is that they can be deported directly from the prisons. From that total of 6.869 irregular immigrants deported in 2015, 81% (5.539) was due to legal and criminal provisions and only 19% (1.330) was deported due to irregular stay. These data also show a trend confirmed in the interviews with the chiefs of Centers of Detention and the former Chief of Strategy and Repatriations in Spain. They are trying to avoid filling Detention Centers with “irregular stayers” and prioritizing the detention of those with criminal records. Nevertheless, 2015 and 2016 seem to question what interviewees said with a decrease in the percentage of those who had previous criminal records.

**Table 2.** Number of persons who stay in a detention center, those with criminal reports and those effectively deported. Spain 2016.

Year	Stay in a detention center	Criminal records	Deported	% stay/deported
2012	11,325	4,892 (43.2%)	5,924	52.31%
2013	9,020	4,092 (45.4%)	4,726	52.39%
2014	7,286	3,302 (45.3%)	3,483	47.80%
2015	6,930	2,415 (34.9%)	2,871	41.43%
2016	7,597	1,662 (21.9%)	2,205	29.02%

*Source:* Data from the Ommusband report on torture 2015 and CGEF 2017.

Therefore, the idea that once in Spain irregular immigrants have a good chance to stay seems to be true, provided that only 19% of those who enter irregularly in the country are expelled. This panorama shows that detention is not an effective instrument in Spanish policy of removal. The use of detention and removal in order to deter future immigrants (if that is possible) needs to be effective to send the deterrence message, and the message sent by Spain is that despite an irregular entry, if a person does not commit a crime the chance of staying is 81%.

### **Alternatives to detention and problems of Spanish authorities to fulfil European desires**

In general terms, in Spain too, figures and strategy show that using deportation, and particularly detention in order to enforce returns, is not an effective instrument to deter smuggling and irregular migration.

Carrera analyses the alternatives proposed by the EU Commissioner in his letter of June 2015 to MS and in different Council meetings during 2016 (Carrera, 2016). Following Commissioner's recommendations, the measures to improve include: "immediate identification of migrants upon arrival" and obtaining the necessary travel documents for readmission; the more systematic use of Joint Return Operations organized and/or coordinated by Frontex; bettering IT systems and interconnected databases; boosting cooperation in returns and readmission with main countries of origin and transit with EURAs; the issue of a commonly accepted travel document for expulsion procedures.

One important point is whether an alternative to detention could be implemented. The EU is currently calling for alternatives. Previously the Commission had analyzed some. The EU Commission indicated that "a large number of Member States now provide for alternatives to detention in their national legislation". Research has shown that alternatives to detention can have several benefits compared to detention and can also, under certain conditions, lead to significant cost savings. In practice, however, several Member States





only apply alternatives to detention in rare cases. The main alternatives applied in practice seem to be requiring ‘regular reporting to authorities’ and an ‘order to take up accommodation in premises specified by the authorities’. The ‘obligation to surrender passports and documents’ is also among the most frequently applied alternatives to detention (COM 2014, 199 final: 15).

Spanish authorities assure that legally they can apply “residence restrictions”, “regular reporting to authorities” or the “obligation to surrender documents”, but there is only information about the use of the “obligation to surrender documents”. They are not allowed by law to ask for “the deposit of financial guarantee or electronic monitoring”<sup>7</sup>.

Those measures need to be aimed at avoiding detention but not deportation. Peers (2014) analyses the Zaizoune case of more favorable conditions like a fine to irregular migrants but the CJEU ruled “that this went beyond MS’ power of discretion to set more favorable conditions for irregular migrants, since it contradicted the basic objective of securing removals as long as the Directive oblige MS to issue a return order and carry out a removal. That kind of fines “thwart common standards and delay return”. In practice, Spain did not expel all irregular migrants, but chose to fine some of them as an alternative.

Instead of using some of those options, some Spanish officers argue for the reform of detention. One of the problems, frequently repeated during the interviews, is the length of detention. As for the maximum length of detention, the Commission indicates that 12 Member States reduced their maximum period to the 18-month maximum in the Directive after it was adopted, while another 8 Member States increased their detention period up to 18 months. Five Member States left their detention periods unchanged, while another three have apparently provided for detention where it did not exist previously (Peers 2014).

Table 3 contains some relevant countries’ length of detention. The differences in terms of length are surprising: only France and Spain count their periods in days. The short period of time that can last a detention is the first problem in order to be efficient denounced by Spanish police forces. (Official 1. interview May 2015).

Most of analyses points to low performance of detention but do not pay much attention to the cost of detention. Detention Centres in Spain were said to cost 8.8 million euros per year, approximately<sup>8</sup>. But after the reform of the Centres Rules in 2014, the Government increased the budget in 3 million euros to better

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<sup>7</sup> Interviews with the Head of strategy and the police officer in charge of Detention Centres in Spain. May 2015.

<sup>8</sup> [http://www.eldiario.es/tribunaabierta/Presupuestos-incluir-excluir\\_6\\_642595760.html](http://www.eldiario.es/tribunaabierta/Presupuestos-incluir-excluir_6_642595760.html) (access 27 dec 2017)

health assistance, translators and interpreters, social services and provisions<sup>9</sup>. That is the budget without the cost of personnel and it should be considered that 3 new Centres will be built in 2018.

**Table 3.** Length of detention in some European countries

<b>Country</b>	<b>Maximum time of stay in detention</b>
<b>ITALY</b>	18 MONTHS
<b>GREECE</b>	18 MONTHS
<b>FRANCE</b>	45 DAYS
<b>MALTA</b>	18 MONTHS
<b>AUSTRIA</b>	10 MONTHS
<b>UNITED KINGDOM</b>	NO MAXIMUM TIME IS STATED
<b>GERMANY</b>	18 MONTHS
<b>SPAIN</b>	60 DAYS

*Source:* CGEF (Ministry of Interior).

Another relevant problem is what happens with all those individuals who are not expelled and are free from the detention centres. COM 2014, 199 final states that “in most Member States, there is a lack of public support structures for irregular migrants who are released from detention because no reasonable prospect of removal exists. In the absence of a concrete legal obligation on Member States to provide for material subsistence to this group of people, they find themselves in a ‘legal limbo’ situation, left to rely on the private or voluntary sectors, or potentially being forced to resort to non-authorized employment for subsistence. A few Member States are currently setting a good example, providing a monthly allowance and helping these people to find accommodation” (p.16). No official data is available in the case of Spain, but some NGOs cooperate with detention centers and take care of them after their exit.

## **Conclusion**

Nowadays, the policy of returning and deporting irregular/smuggled migrants in Spain, but also in the European Union, can be considered ineffective and slow due to different problems that need to be tackled. At the same time those shortcomings are considered an incentive for irregular migration. Detention is

<sup>9</sup> [http://www.interior.gob.es/prensa/noticias/-/asset\\_publisher/GHU8Ap6ztgsg/content/id/1757127](http://www.interior.gob.es/prensa/noticias/-/asset_publisher/GHU8Ap6ztgsg/content/id/1757127) (access 27 dec 2017)



one of the instruments proposed by European authorities to better the rate of irregular immigrants sent back to the countries of transit or origin.

As it has been seen, detention is regulated as a last resort measure with many limits that makes its enforcement very difficult. The above analysis and data show that Spanish policy of using detention as an effective measure to secure removal of irregular immigrants is not successful: 81% of those detained and deported in 2016 were criminal offenders. That makes its secondary intention of preventing “might-be” immigrants to come to the country impossible. Detention for removal, instead of an effective instrument to fight against smuggling and irregular migration, seems to be a new source of problems including: money expenditure and low performance.

Some reports focus on that expenditure and loss of time. If European countries are only able to deport around a 40% of individuals, or less, why are governments still using and, currently promoting, that kind of measures? This piece of research has shown that it cannot be a deterrent measure as long as it seems to be a deficient instrument of public policy. More information and practices are required to counter irregular migration in terms of prevention and disruption of human smuggling.

More research is needed about a secondary effect. “Reception and detention centers (e.g. in Italy, Hungary or Greece) are also important and are where migrants not only get in contact with potential smugglers but also collect and exchange information on potential transit points on costs and routes. Migrants who have tried before also pass on their knowledge to new arrivals” (EU Commission 2015: 56)

In Spain, but also in other countries, cases of individuals who stay in a center for around two months and who are released after that time are frequently portrayed in the newspapers. Those individuals focus their complaints at: being hold in a place deprived of liberty of movement, sleeping and living with unknown people, visits of half an hour, too many people in small places or bad treatment. Sometimes, human rights violations are also claimed.

In conclusion, it has to be said that despite the use of detention, the number of individuals effectively deported, not at the borders but inside the countries, is a small proportion of the total: less than half of those detained are effectively sent back to the country they came from. Those removed are mainly individuals who are serving a criminal conviction not irregular stayers. Detention increases the high cost of removal as long as special centers for detention are needed so, and do not better the rates of removal, so new measures need to be studied.

## References

- Altai Consulting (2015). Irregular migration between West Africa, North Africa and the Mediterranean, prepared for IOM Nigeria, ABUJA, December 2015
- Bosworth, M. (2014). *Inside Immigration Detention*, Oxford: Oxford University Press.

- Carrera, S. (2016). "The EU and the Ineffectiveness of Expulsion Policies", Implementation of EU Readmission Agreements, SpringerBriefs in Law pp. 7-12. [http://link.springer.com/chapter/10.1007/978-3-319-42505-4\\_2/fulltext.html#copyrightInformation](http://link.springer.com/chapter/10.1007/978-3-319-42505-4_2/fulltext.html#copyrightInformation)
- European Migration Network (EMN) (2014). The use of detention and alternatives to detention in the context of immigration policies. Synthesis Report for the EMN Focussed Study 2014, European Commission.
- European Commission. DG Migration and Home Affairs (2015). A study on smuggling of migrants. Characteristics, responses and cooperation with third countries. Final report. September 2015. [http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european\\_migration\\_network/reports/docs/emn-studies/study\\_on\\_smuggling\\_of\\_migrants\\_final\\_report\\_master\\_091115\\_final.pdf](http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/docs/emn-studies/study_on_smuggling_of_migrants_final_report_master_091115_final.pdf)
- Europol (2016). *Migrant smuggling in the EU, February 2016*. Europol, Hague. Available from [www.europol.europa.eu/sites/default/files/publications/migrant\\_smuggling\\_europol\\_report\\_2016.pdf](http://www.europol.europa.eu/sites/default/files/publications/migrant_smuggling_europol_report_2016.pdf)
- Europol and Interpol (2016). *Joint Report Migrant smuggling networks, Executive summary*, May 2016
- IOM (2016). Migrant Smuggling Data and Research: A global review of the emerging evidence base,
- González, C. (2010). "Spain: Irregularity as a Rule". In: Anna Triandafyllidou (ed.) *Irregular Migration in Europe. Myths and Realities*, Ashgate Publishing, pp.247-266.
- Morehouse, C. and Blomfield, M. (2011). 'Irregular Migration in Europe' for the Migration Policy Institution, available at: <http://www.migrationpolicy.org/pubs/TCMirregularmigration.pdf>
- Nair, S. (2016). *Refugiados. Frente a la catástrofe humanitaria, una solución real*. Ed. Crítica.
- OECD (2007). "International Migration Outlook 2007", available at: [http://www.oecd-ilibrary.org/social-issues-migration-health/international-migration-outlook-2007\\_migr\\_outlook-2007-en](http://www.oecd-ilibrary.org/social-issues-migration-health/international-migration-outlook-2007_migr_outlook-2007-en).
- Peers, S. (2014). "The EU's Return Directive: Does it improve or worsen the lives of irregular migrants?", 28 march 2014. <http://eulawanalysis.blogspot.com.es/2014/03/the-eus-returns-directive-does-it.html>
- Peers, S. (2015). Irregular Migrants: Can Humane Treatment be Balanced against Efficient Removals? *European Journal of Migration and Law*, 17(4), pp. 289-304. [http://repository.essex.ac.uk/15874/1/Irregular\\_migrants\\_Can\\_humane\\_treatment.pdf](http://repository.essex.ac.uk/15874/1/Irregular_migrants_Can_humane_treatment.pdf)
- Ruete, M. (2016) "Foreword" in Carrera, S., & Guild, E. (eds) *Irregular migration, Trafficking and Smuggling of Human Beings: Policy dilemmas in the EU*, *Centre for European Policy Studies (CEPS)*, pp. i-v.
- Spencer, S. (2016). 'Managing Irregular Migrants within the EU', in Carrera, S., & Guild, E. (eds) *Irregular migration, Trafficking and Smuggling of Human Beings: Policy dilemmas in the EU*, *Centre for European Policy Studies (CEPS)*, pp. 41 – 46
- UNODC (2011). *Smuggling of migrants. A Global Review and Annotated Bibliography of recent publications*, Vienna. [https://www.unodc.org/documents/human-trafficking/Migrant-Smuggling/Smuggling\\_of\\_Migrants\\_A\\_Global\\_Review.pdf](https://www.unodc.org/documents/human-trafficking/Migrant-Smuggling/Smuggling_of_Migrants_A_Global_Review.pdf)
- Vogel, D. et al. (2011). "The size of irregular migrant population in the European Union-counting the uncountable?" *International Migration*, 49 (5) pp. 78-96.

