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From Forced Migration to People Smuggling: Clandestine Transit Migration from Cuba to Chile

De la migración forzada al tráfico de migrantes: la migración clandestina en tránsito de Cuba hacia Chile

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ABSTRACT

This article takes up the critical discussion that has taken place at an international level by considering people smuggling as a crime. It focuses on clandestine transit migration of Cubans to Chile, associated with the trafficking of migrants, the latter understood as forced migration. From a collaborative ethnographic follow-up, the experience of clandestine transit migration is collected while reconstructing the motives, routes, the lack of a coyote figure, the abuses, the risks, the crossing of Chilean borders, and the denial of refuge. It is concluded that emphasizing the voluntariness of being smuggled contributes to the irregularization of migrants, which is why we consider it necessary to stop perceiving this phenomenon from a criminal perspective and consider the density social, cultural, political, and economic dimensions of people smuggling.

Keywords: 1. people smuggling, 2. forced migration, 3. clandestine migration, 4. Cuban migration, 5. Chilean borders.

RESUMEN

Este artículo retoma la discusión crítica que se ha dado a nivel internacional sobre la consideración del tráfico de migrantes como un delito. Se enfoca en el caso de la migración clandestina en tránsito de cubanos y cubanas hacia Chile, asociada al tráfico de migrantes, entendido este último como migración forzada. A partir de un seguimiento etnográfico colaborativo, se recoge la experiencia de esta migración y se reconstruyen los motivos, las rutas, la indefinición de la figura del coyote, los abusos, los riesgos, el cruce de las fronteras chilenas y la negación del refugio. Se concluye que poner énfasis en la voluntariedad de ser contrabandeado/a contribuye a la irregularización de las personas migrantes, motivo por el cual es necesario que se deje de observar este fenómeno desde la óptica penal y se considere la densidad del tránsito que implica el tráfico de migrantes, constituido por dimensiones sociales, culturales, políticas y económicas.

Palabras clave: 1. tráfico de migrantes, 2. migración forzada, 3. migración clandestina, 4. migración cubana, 5. fronteras chilenas.

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INTRODUCTION[4]

Human smuggling or trafficking is defined by the Protocol Against the Smuggling of Migrants by Land, Sea and Air[5] as: "enabling the illegal entry of a person into a State of which said person is not a national or permanent resident in order to obtain, directly or indirectly, a financial or other material benefit" (UN, 2000, p. 2). However, the person who pays to be smuggled, in the best of cases, enters the countries of transit and/or the country of destination as a clandestine migrant, joining the ranks of *irregularized* migration. We use the term irregularized migration to emphasize that both clandestine crossing and living in hiding in the destination country, are involuntary situations within a legal framework, which result in administrative irregularity and irregular permanence (Liberona, 2020).

In Chile, migrant smuggling[6] is a crime that is very rarely proven by means of a judicial process. Instead, a transgression of the law is committed by administratively decreeing the expulsion order from the country (Jara Bustos, 2018) of the person who entered through unauthorized transit, that is, clandestinely. Clandestine entry into Chile is considered a crime both by the executive order 1094 on Immigration and by Law No. 20.507 of 2011, which defines the crimes of migrant smuggling and human trafficking. Under this logic, smuggling becomes a phenomenon in which migrants who have been "an object of smuggling" upon entering the country are penalized, as we will see in this analysis of the Cuban case.

Likewise, in 2012 a decrease in refugee applications was detected in Chile, while South American and Caribbean immigration to the country increased (Departamento de Extranjería y Migración del Ministerio del Interior y Seguridad Pública, 2016), which was interpreted as an administrative problem (Courtis, 2012) when analyzing the case of Colombian women seeking asylum (Liberona & López, 2018). We hypothesize that there is a link between smuggling and asylum, which lies in the obstacles to achieving asylum when requests from a specific group become massive at the border, making it difficult to or directly preventing entry (Liberona, 2015). That was what began to happen in 2017 with the Cuban population, who resorted to migrant smuggling networks to gain entry to Chile.

After verifying the lack of empirical research that would make it possible to understand why people are pushed into migrant smuggling despite all the risks it entails, we asked ourselves the following: what is it that drives people to undertake risky and costly migration projects? What is the role of the border in the irregularization of migrants? What are the implications of clandestine entry? In this way, we are now interested in highlighting the process by which this migration makes use of migrant smuggling in order to carry out its migration project in Chile, and what its consequences are. This process has been identified as clandestine migration in transit.

[4] We would like to thank ANID, FONDECYT *Iniciación* Project, Folio 11170568.
[5] "Protocol Against the Smuggling of Migrants" hereafter.
[6] "Smuggling" hereafter.

The theoretical elements presented here will allow us to understand how the association between migration and security is established in the international order, and how the law tends to be applied to the detriment of migrant rights. Likewise, briefly touching upon the concept of forced migration will allow us to realize that such is not only a characteristic related to the reason for emigration but also a way of migrating. Next, we will address the clandestine migration in transit of Cubans to Chile as an object of study, which has been associated with the increase in migrant smuggling into Chile since 2017.

To reconstruct the phenomenon, we will first reveal the context of origin and the conditions that encourage migration. Then we will present evidence of a complex (social, economic, and political) process based on the stories of the people who participated in this research, to understand the reasons for their migration via smuggling, and establish the routes and strategies to advance *clandestine migration in transit.* It is interesting to highlight how the loss of control over the situation and the absence of voluntariness appear throughout the process, even in clandestine entry, determined by the denial of entry into Chile and of the refugee request at the political-administrative border. Our questions will be answered with this evidence, pointing out that this Cuban migration into Chile is a paradigmatic case of forced migration, and we will demonstrate *the density of transit* implied in smuggling, taking into account the social, political, and economic dimensions of this uneven mobility (Heyman, 2012).

METHODOLOGY

The bibliography reviewed shows the methodological challenges faced by this type of research, which concerns a group of "hidden" population (clandestine migrants). There are at least two problems: the first is that its quantity cannot be estimated, so it is not possible to establish a sampling; and the second is that this population does not want to be interviewed, or provides unreliable information to protect their privacy (Tyldum & Brunovskis, 2005). The literature highlights that no source is perfect and that a combination of sources is needed if meaningful information is to be obtained.

Taking these considerations into account, we carried out collaborative ethnographic monitoring between January and October 2018, which consisted of a progressive and gradual collection of information in order to establish a relationship of trust with the people who acknowledge having been "objects of smuggling."

This relationship was built mainly on legal and social support, the derivation in the regularization process, or the search for social rights. In addition, in-depth interviews were conducted, and observation was carried out in different contexts: in places of residence, work, socialization, and leisure, as well as at the border of Chacalluta (in Peru-Chile) and that of Colchane (in Bolivia- Chile).

For this paper, we considered two women who were contacted through the Asamblea Abierta de Migrantes y Pro Migrantes de Tarapacá (AMPRO, acronym in Spanish for Open Assembly of Migrants and Pro Migrants of Tarapacá), as well as the information obtained in a meeting held together with AMPRO with a group of approximately 10 people of Cuban nationality, who needed to report how their request for refugee was denied at the border. A Cuban couple who requested help was also included.

Likewise, a search for complementary sources was carried out to contextualize and compare information, thus learning about immigration policy. Key informants, immigration officials, and civil society organizations were interviewed.

For the same purpose, immigration legislation and news from the local, national and international press referring to migrant transit in the northern borders of Chile were reviewed. Data systematization was carried out by means of the qualitative analysis software Nvivo 10, developing conceptual nodes to arrange the information according to the dimensions proposed in this research.

A CRITICAL APPROACH TO THE STUDY OF MIGRANT SMUGGLING

The literature on migrant smuggling shows a strong association with human trafficking, a fact that makes the specific analysis of the phenomenon difficult. This association has been promoted by international organizations advising States on the matter, such as the United Nations (UN), the International Organization for Migration (IOM), among others.

Likewise, research has shown two crucial aspects to analyze in our case study: first, that in the international political debate there is a strong opposition between a rights-based approach and another that promotes the enforcement of the law, managing so that the victim protection measures is overshadowed by the fight against immigration (Krieg, 2009); second, that looking upon smuggling as criminal behavior favors the production of "illegal" migrants (Aradau, 2004; Cornelius & Rosenblum, 2005; De Genova, 2002).

Authors such as Álvarez Velasco (2009, 2016), Mezzadra and Nielson (2014), Chávez and Arcentales (2016), and Mansur Dias (2017) have developed a critical approach towards traditional perspectives on migrant smuggling, centering on the debate on the responsibility of the capitalist production system that, through irregular migration, has generated a new regime of flexible accumulation (Ramírez & Álvarez, 2009).

When it comes to the association between "human trafficking" and "migrant smuggling," Mansur Dias (2017) reports that these issues passed from the human rights agenda to the UN criminal structure during the signing and ratification of the United Nations Convention against Transnational Organized Crime in 2000. This has allowed States to systematically interpret cross-border migration from a criminal perspective, addressing it as a security problem. Chávez and Arcentales speak of "the perverse construction of the Illegal Smuggling of Migrants crime" (2016, p. 78), as they understand smuggling as a "social fact"

that is experienced by a migrant and that cannot be considered a crime. Why so? because since the "crime" of Illegal Smuggling of Migrants exists, clandestine entry is interpreted only as a dynamic or migratory flow that does not conform to normative parameters (Chávez & Arcentales, 2016), looking upon cross-border social practices that occur outside the norm as if they were security attacks.

In this sense, Álvarez criticizes the foundation of the *Protocol Against the Smuggling of Migrants*, stating that it is based on a binary perspective whose sharp line marks a distinction between legal and illegal activities; between smuggler and migrant; between trafficking and smuggling (Álvarez, 2015, cited in Mansur Dias, 2017). The reasons for clandestine migration are this way is kept unknown and made invisible.

That is why in this article we take the concept of "clandestine migration in transit" by Ramírez and Álvarez (2009), understood as the mobility of those people unable to access a visa, who enter the countries of transit and destination through irregular routes as an alternative, with the help of third parties. We picked up the concept as it emphasizes the arbitrariness of the migration policies that produce clandestine migration in transit; a political nuance rescued by the authors, who understand this transit in its social, political, and economic dimensions (Ramírez & Álvarez, 2009).

Migration in transit, according to an exhaustive bibliographic review carried out by Rodríguez, Fernández Calleros, Luna González, and Rodríguez García (2016), has not yet consolidated as an area of knowledge; however, it is of great interest due to its growing magnitude, geographic diversification and risks involved. The contributions refer to migration trajectories through different countries without the required documents, highlighting issues pertaining to the human rights of migrants, their vulnerability, "humanitarian crises" and government policies.

"This 'transit' is understood as the temporary stay or the journey from one country to another" (López & Wessel, 2017, p. 20). However, López and Wessel suggest that definitions of transit require further analysis and propose the need to demonstrate the non-existence of a linear and dichotomous emigration-immigration process, highlighting how a third "transit" country is involved. They also highlight the impossibility of defining a fixed duration for this transit, and that the arbitrary use of the category "transit country," referring to countries crossed by migration flows, is ambiguous and excessively politicized. Seeking to contribute to this debate, we will refer to the *density of transit,* which in the case studied is reduced to the concept of smuggling.

Forced Migration

Broadly speaking, migration pertains to a phenomenon driven by an economic factor (International Organization for Migration, 2015), which renders invisible some of the multiple reasons why people make the individual or collective decision to migrate or why

they are forced to migrate (Naranjo, 2015). Likewise, the narrow category of economic migrant, as proposed by Ceriani (2016), hides "diversities and magnitudes of violations of basic human rights that push millions of people to leave their countries" (2016, p. 99). Chuang (2006) attributes this to scenarios of basic economic, social, and cultural rights deprivation, which in some cases is exercised in an authoritarian and violent way, and in others, more subtly and covertly.

These scenarios point at the fact that when the migration flows of a given population become massive, it is possible to speak of forced migration. The definition of the Colombian political scientist Paola Posada helps us framing our statement: "Due to the causes that motivate migration, there are those that are considered forced or involuntary. These migrations are not recognized under International Law, yet some legal mechanisms allow protecting some forced migrants under certain circumstances, who are classified as refugees" (Posada, 2009, p. 136).

There still is no consensus on this regard in the literature available on the subject (Márquez, Zamalloa, & Aragón, 2017), some authors, stating that migration is almost never totally "voluntary" or "free," advocate questioning any restricted interpretation of the "forced migration" concept (Mezzadra, 2016). We will see that there is a relationship between this concept and that of migrant smuggling.

Contemporary Migration from Cuba to Chile and its Relationship with Human Trafficking

In Chile, the figures that raised alarm about the increase in traffic (465% between years 2013 and 2018 according to Barros Sánchez (2018)) are followed by the report of the State Attorney General on the countries of origin; the Dominican Republic, Haiti, Cuba, and Venezuela stand out. These nationalities are also those that have been stigmatized by immigration policy and restricted through the imposition of consular visas.

Between January and May 2018, the Investigations Police of Chile (PDI, acronym in Spanish for Policía de investigaciones) stated having detected 3,182 clandestine entries of foreigners to Chile, of which 2,078 cases corresponded to Cubans, an increase that for the Chilean authorities was related to the ending of the "dry feet, wet feet" policy (El Mostrador, 2018). This trend continued in 2018 with a total of 6,310 clandestine entries, of which 3,574 cases corresponded to Cubans. In 2019, despite the increase in entries from non-authorized crossings, of a total of 8,048, 1,448 corresponded to Cubans (SJM, 2020). In this same period, there was also an increase in refugee requests from this population (Cerna, 2018), which makes one reflect on the link between forced migration and migrant smuggling.

EMIGRATION CONTEXT

During the entire first half of the 20th century, Cuba was, fundamentally, a host country for European and Caribbean migrants. Thousands of Spaniards arrived in the island's cities,

while Haitians, Jamaicans, and Barbadians settled in the sugar cane plantations. Significant Chinese flows also enriched the island society. This situation began to change in the 1950s due to the suffocation of the agro-export economy, and above all, due to the revolutionary takeover of 1959, when emigration not only intensified but also acquired a markedly political hue.

In the early years, emigrants were motivated by their political disagreements with the radical turn of the Cuban Revolution, and emigration was encouraged by the hostile imperialist policy of the United States, which made us of emigration as a battering ram against the revolution. Subsequently, migrant flows were nurtured by popular sectors dissatisfied with the authoritarian evolution of the political system and with the weak economic performance, a result of both the nature of the centralized system and the hostility of the United States expressed in the economic embargo (blockade) imposed since 1960.

Set in this context, the Cuban political class based its legitimizing discourse on the presentation of the emigrant as an 'other' antithetical to "revolutionary and patriotic" values (Dilla, 2018) for decades. And even if as of today this discourse has attenuated its more aggressive formulations —emigrants have become a vital economic factor for popular survival and the balance of payments (Eckstein, 2013)— emigrants still are politically and morally anathematized, and if they do not return to Cuba within two years, they lose all their citizenship rights.

In the first five post-revolutionary decades, emigration was essentially a dominant flow towards the United States, particularly to southern Florida, where emigrants had become an economically prosperous enclave. The 2010 census figures reported a total of 1.8 million Cubans and descendants, of which 1.1 million were born in a place other than the United States. 67% of them lived in Florida (Dilla, 2018).

This enclave was a basic factor for the favorable integration of Cubans, which was also favored by two legal provisions: the Cuban Adjustment Act that allowed them to quickly obtain residency, and the "dry feet, wet feet" policy that provided those benefits without considering the legal status of migrants and how they arrived. Whether they were transiting the border with Mexico or coming in rafts through the dangerous Straits of Florida, Cubans were granted the chance of integrating with ease (Freeman, 2006), a privileged condition that, together with their initial class origins and their aversions to the Cuban regime that they identified as communist, made them a very politically conservative community (Pedraza, 2007).

Starting in the nineties, migration flows intensified as encouraged by the economic crisis that the country went through —as a result of the collapse of the Soviet bloc to which it had been inserted, and the ongoing United States blockade. One feature of this flow has been its greater geographic dispersion, accentuated in recent years due to the restrictions imposed on

Cuban immigration in the United States after the repeal of the Cuban Adjustment Act and the "dry feet, wet feet" policy.

Consequently, Cuban migration began to seek other routes, either in order to reach the United States surreptitiously or to other Latin American destinations, always using the very few countries that do not require a visa. At the onset of this period, Ecuador was the choice —until this country imposed a mandatory visa on Cubans— from where they used to cross all of Colombia and Central America on their journey to the Mexico-United States border. Later the South American corridors were activated, mainly directed to Chile, perceived as a country with higher income and more opportunities. The starting point has been English Guyana, although other continental countries such as Suriname are already emerging as choices; the journey migrants undertake is precisely what the people interviewed here talked about.

Finally, even though Cuban government policy has put aside its most aggressive overtones against its emigrants, it continues to be a utilitarian, exclusionary and selective policy. For the Cuban regime, citizenship is not a categorical condition of rights, but rather a militant condition (Dilla, 2018). Consequently, an emigrant —one who remains in another country for more than 24 months, according to current legislation— can only return to reside in Cuba if he or she requests a special permit and such is authorized by the State, which virtually means asking for forgiveness. Consequently, immigrants lack consular protection of all kinds, which places these people at a very high level of vulnerability.

FROM FORCED MIGRATION TO MIGRANT SMUGGLING

The reports of the people participating in this research show that migration is rarely totally voluntary or free, as the literature supposes. Therefore, we take the concept of forced migration, in particular, to explain that the phenomenon of smuggling is part of it. Forced migration is looked upon from the reasons for emigration, as we will see below.

According to the interviews, this Cuban migration responds to multiple factors that intersect, among which the economic crisis caused by the embargo/blockade on the island and the rule of a single party that prevents free labor development stand out. However, it is a country that provides free education, as well as a community perceived as supportive and safe. Yet low wages and a lack of products on the market result in frustration and a dark vision of the future.

> Well, in Cuba I studied till I was 18 when I graduated from Gastronomic Systems and Commerce. Uhm… From there I began to work, I mean when you graduate you get your title at 18, but you are already out there working at 17. I worked for about a year or year and a half […] I worked in different areas, in pizza restaurants, but all was related to foreigners […] after two years they give you your title. Interviewer: did you receive any payment for these practices? Interviewee: yes, my salary was 10

> dollars [laughs] (Personal communication with M., [7] 21-year-old woman, April 7, 2018).
>
> First, I did social work, then I began relating with the population, and I always wanted to interact, to work based on that. But that path didn't provide economically, and so I decided to study Tourism. You expand a little more in Tourism; […] I have two kids here, I want a future for them, over there I have two young nephews and I also want a future for them. I have a degree, but my siblings don't; they left school in the ninth grade, so they don't have a career […] I would have had a salary of 450 in national currency [17 dollars approximately], not even 15 bucks [20 dollars approximately]! (personal communication with Y., 34-year-old woman, April 4, 2018).
>
> Cuba is a beautiful country, very hospitable, and we Cubans are very strong, we are used to, for example, if you visit a Cuban home, they tell you "You stay to eat and that's it." And you eat well. With a bowl of chicken, you get 50 chicken nuggets, and it's maybe more flour than chicken but they will also serve you coffee. And if they don't have anything they'll just tell you "Excuse me for a moment" and they'll ask the neighbor and make up for whatever they need. After all that has happened, it's still a happy country, children playing in the street. Sure, there are bad things, such as not being able to express yourself as an individual; lack of access to information, we still don't have Internet […] We know about food scarcity, chicken for example, but it's not only that; basic products such as cleaning products, you can't find it at the store and you have to go all over Havana if you want to find the product… (personal communication with A., 45-year-old woman, September 14, 2018).
>
> Another thing that characterizes it is security, it's a very safe country, to the point that kids can play out there in the streets and I don't worry about it. Now, what happens in Cuba? The political system in Cuba failed years ago, it doesn't work, what they tried to achieve, it failed, and it will never work; as long as you are for that process and never speak out against it, you'll have no problems, you'll only have financial problems just like every other Cuban. Now, the day you try to speak your mind or if you are against it, then you stop being a person (personal communication with J., 38-year-old man, September 14, 2018).

In the previous extracts, we can read a complex interplay of factors that promote emigration. Thus, the lack of freedom of expression, access to information, products, and work appear as weighty factors creating discontent. Another of the reasons stated for emigration was male chauvinist violence. Such is the case of a woman who was deceived by her husband to leave the country:

> Well, my husband asked me to marry him when I was still working, he told me that we were to spend our honeymoon in Guyana […] so he told me: "let's bring our clothes with us so that we can keep traveling if we feel so," and so on, and as the days went by he told me: "if once we are in Guyana we find a way into Brazil, will you go with me?" … "No, I said, Brazil is too much for me"; and when I got to Guyana he already had everything figured out to cross over to Brazil… he was in

[7] For confidentiality purposes, only the initials of the first names of interviewees are used.

> contact with… and everything, so I had to follow him… (personal communication with M., 21-year-old woman, April 7, 2018).

A glimpse of the consequences of political persecution is also given to us here; in the following extract, a woman recounts her impotence when she was unable to work, as well as her appreciation of her work:

> I have always worked, I have never been a housewife, even if we managed to make it I wanted to work, I wanted to practice my profession. So these things… they were also a violation of my right to work, even if I don't get paid, but getting up and going to work and providing my expertise, that made me feel good as a human being (personal communication with A., 45-year-old woman, September 14, 2018).

Political dissent has an impact on the loss of work and the difficulty of finding a new one, as the following story shows:

> I left Cuba because of the situation there, not only economic but […] I was the head of the office of the second Chief General of the Republic. My sister came over because of my father's death. My sister is a citizen of the United States and there is an article that when you occupy a position in the Ministry of the Interior you cannot meet with anyone coming from the United States, but she's my sister and I received her in my home because she is family, and even though I tried to hide the fact, they found out and the first thing they told me was that I could no longer work there. They downgraded me and told me that the best I could do was requesting to be removed from working there, and as a consequence of that, I could not find a job, because when you apply for a job you have to provide a reference from the previous one (personal communication with A., 45-year-old woman, September 14, 2018).

> As of 2016, I stopped voting, I did not want to vote, it was a waste of time, as I understood that what we were doing made no sense, we were giving salary to someone I don't know, so that person would vote for another one and then that one voted for the president. From there problems started, I had to leave my job […] I was head of security, a militant, and it was unthinkable that someone in that position and a militant would stop voting (personal communication with J., 38-year-old man, September 14, 2018).

At this point, it can be seen that the complex interplay of factors influencing the decision to migrate reveals economic, social, and political problems that allow this migration to be conceptualized as forced. However, the accounts of our interviewees reveal a tendency to politicize the specific reasons for their migration for practical purposes. We understand this discourse, at least in part, as a strategy to address the need for regularization in the destination country. Arguing based on the political situation -which affected them personally- is used many times as a formula to obtain asylum.

The Willingness to Migrate Precedes the Destination

We also notice that, regarding the life projects of the participants, the willingness to migrate was present long before considering coming to Chile: "We wanted to go to the United States, but Obama put that law, I mean, that dry feet law, that it was not possible to enter the United

States" (Personal communication with M., 21-year-old woman, April 7, 2018). "…we were claimed for the year 2015 by family unification, because of her sister in the United States, we always had that in mind, I did want to stay in Cuba but the kids didn't, so we had that planned" (personal communication with J., 38-year-old man, September 14, 2018).

> My mother passed away and I saw myself a little tighter, in need, lacking things that I was no longer able to achieve there. So, mentally I got fixated in that I didn't fit in anymore, I wanted to go either this or that place, whatever place, but I had to leave my town so that my people and myself could be fine (personal communication with Y., 34-year-old woman, April 4, 2018).

The intention to migrate reflected in the narrative of her life projects shows that, in a strict sense, there is no voluntariness in deciding where to migrate to. This fact also contributes to thinking about forced migration and helps understanding why one would associate with the smuggler or "coyote" for clandestine border crossing.

The Importance of "Open Visa" on Smuggling Routes

The narratives show that Chile is not presented as an attractive option, but that when migrating, the first thing to consider is going to a transit country wherein Cubans have *open visas*:

> […] in Cuba, if you want to leave for any country that asks for a visa, you to apply for that visa, and have the money for it […] you have to provide the letter of invitation. If you have the letter of invitation then you can leave, when you have everything needed, your criminal record, yet if they muddy the waters for you […] Let's say you were fined 10 years ago riding a bicycle, the fine is tripled by now, so now you have a penalty and you can't leave because of that fine. So almost everyone takes advantage of open visas, that's how most people leave (personal communication with Y., 34-year-old woman, April 4, 2018).

It can be seen how the routes are conditioned by the "open visa" and are articulated as people see a possibility of moving towards a destination that is considered moderately favorable to live in:

> Yes, in Guyana there is an open visa: Guyana, Haiti, Russia, because they closed Ecuador now. In Haiti, there's no open visa anymore but they have these monthly packages for 900 pesos, for a week in Haiti, to buy or for consumption expenses in the hotel, so people go and then leave with an open visa (personal communication with Y., 34-year-old woman, April 4, 2018).

In this way, a fairly defined route is outlined both in the stories collected and in what is published by the press, such as the following headline: "From Guyana to Chile: the new route for smuggling in Cuban immigrants" (Velasco, 2018, w/o page number). The route is Guyana-Brazil-Peru-Chile or Guyana-Brazil-Bolivia-Chile. The Head of Immigration of Iquique confirms this information: "Their route starts from there to Brazil; oftentimes they

do not settle due to economic or language issues, and thus they migrate to Peru, Bolivia, and Chile as a final destination" (Personal communication with the Head of Immigration, May 29, 2018). The same route is also detailed in the following testimony:

> From Cuba to Panama, from Panama to English Guyana, from Guyana to Brazil, from Brazil to Bolivia, and from Bolivia to Chile, here […] from Boa Vista we went to Manaus, from Manaus to Porto Belo and then to Guayamerin, which is Brazil's border with Bolivia, then we got our passports stamped and got our visa. The Bolivian consulate gave us a one-month visa and we crossed that same day […] and we left for La Paz by plane and then from La Paz to Oruro, and we got here from Oruro (personal communication with M., 21-year-old woman, April 7, 2018).

However, we noticed that the Bolivian policy lacked continuity: Woman: […] "you cross to Bolivia, you are illegal in Bolivia because they wouldn't give you a visa, you leave Bolivia and enter Chile, and you're still illegal. We, for example, entered through the border, through one side of the border at night" (personal communication with a participant of a Cuban migrant group meeting, January 10, 2018).

This same route is confirmed by the coordinator of the Migration and Refugee Roundtable of Amnesty International Chile, who brings the issue of asylum request as one of the benefits supposedly included with paying to the smuggling network:

> …when facing the case of Cuba, one of the comments we often make is that they sell them the idea […] when they arrive, we feel that the asylum matter was included in the network, why so? Because of their attitude when they get to FASIC (acronym in Spanish for Foundation for Social Aid of Christian Churches), the attitude of Cubans is like "hello, good day, I'm here to leave my application and I would like to know about the benefits I have" […] the phenomenon as I was able to intuit is that they sell them the idea of asylum and everything pertaining the asylum institution with the smuggling network, from there my anger, well the anger is really experienced by receptionists, but the point is that the anger is because you paid an amount of money when they told you "don't worry! When you get to Chile you'll have asylum, you qualify for the FASIC program and they give you money" (Personal communication with the coordinator of the Migration and Refugee Roundtable of Amnesty International Chile, July 13, 2018).

Map 1. Examples of Cuba to Chile routes

Route 1 (in red): Cuba-Panama-English Guyana-Boa Vista-Manaus-Porto Belo Gauyaramerin-La Paz-Oruro-Iquique.
Route 2 (in blue): Cuba-English Guyana-Lethem-Boa Vista-Iñapari-Cusco-Arequipa-Tacna-Iquique (own elaboration).
Source: own elaboration based on ethnographic research.

The Importance of Expectations

When trying to understand why Chile becomes a destination country for this Cuban migration, it is interesting to highlight the expectations that this country raises, linked to obtaining asylum and the promises of the "coyote":

> [we imagined that] our legalization here in the country would be faster, that it was a short process, and that we would be able to reunite, which was the essential thing, but it has been entirely different (personal communication with a Cuban migrant couple, 45-year-old A. and 38-year-old J., September 14, 2018).

They usually arrive in Chile without much knowledge of the country and with high expectations that are quickly unfulfilled. In Y.'s case, her destination was not Chile, but she had to detour on the way:

> I wanted to reach Uruguay, Chile was the way through, and I ran out of money and had to detour, but the aim was Uruguay. There I have a sister in the saints, of religion and so on… who was waiting for me there. Not here, Chile was not an option, because I actually have no one here […] over there in Cuba we are all family, anybody can knock on the door and we are available, it's not like that here in Chile […] here you

> knock, and no one will open the door unless they know you… I had my mind made, that I was going there to work, work, work (personal communication with Y., 34-year-old woman, April 4, 2018).

In order to understand this detouring, we will see below how the density of transit is expressed, based on the loss of control of the situation when you depend on a "coyote" or a traffic network to migrate.

FROM SMUGGLING TO CLANDESTINE MIGRATION IN TRANSIT

At the international level, the literature shows that migrants and/or transmigrants (Ramírez & Álvarez, 2009) who cross one or more borders clandestinely are treated as criminals after having in most cases experienced dehumanizing and risky situations during their transit. It has also been identified that the most extreme consequence is the possible death of smuggled individuals. In Chile, despite the fact that the number of deaths resulting from smuggling is small, there is evidence that when occurring they have been caused by the victim being abandoned in the middle of the journey or by severe dehydration (Barros Sánchez, 2018).

Two elements caught our attention when following up the people interviewed: first, the experiences of abuse and insecurity, and second, the deception and dispossession of which they were victims:

> We got there about two days later, they put us in a truck, eleven people, the driver, and his helper were armed, we crossed the entire Amazon back there and at every stop Guyanese officers asked for money […], there was even this truck that they riddled with bullets, killing everyone inside. I mean, it was risky because they know that every family there carries at least 2,000 or 3,000 dollars with them. We arrived in Brazil, and it took a whole day, 24 hours through inaccessible roads, and then the fear whenever the truck stopped and the officers with long guns approached because what I saw could happen to us: they could kill everyone and take their money… It's a country where, you know, anything can happen. We finally got to Brazil, they were waiting for us there, and they took us to the house of this person who had arranged everything […] It was about three days […] non-stop (personal communication with a Cuban migrant couple, 45-year-old A. and 38-year-old J., September 14, 2018).

> […] we came from Oruro and didn't know they closed the border, and in that bus, they told us that the border would be open by seven in the morning, that if we wanted to get a visa for our passport we had to wait for the next day, and we already […] they tell us to leave your things there, we're giving you blankets and everything for you to cover and spend the night… that was at about eight or nine, at night, we got out to buy food and it was really cold, we went to sleep. At four or five in the morning…. It was late, and we heard "cover up well, we are having control" and that was to enter Chile […] they dropped us before getting to the bus stop, and there they asked us for money… and we had to pay […] my idea was to get a visa, that was the best way to get in, but no (Personal communication with M., 21-year-old woman, April 7, 2018).

The description of migrant transit is crucial to understand that when we talk about smuggling, we are actually talking about clandestine migration in transit. Ramírez and Álvarez (2009) argue that this transit, which can include several border crossings, constitutes in itself a border, in this case, marked by abuse and dispossession. The bodies become the object of the people who are paid for transportation and/or border crossing. We can see how control of the situation is lost, and bodily suffering is also noticed, resulting from transit in terrible conditions and which may be longer than expected due to various inconveniences.

What is a Coyote?

Legally, a coyote is a person who commits the crime of migrant smuggling "intentionally and with the aim of obtaining, directly or indirectly, an economic or other material benefit" (United Nations, 2000, p. 3). A multiplicity of characters appear in the stories that meet this definition.

First, border police forces appear as the main agents who charge for the clandestine crossing: "Guyanese officers asked for money, and we said no, we could not pay more money, because we had already paid for that trip" (personal communication with A., 45-year-old woman, September 14, 2018). Discomfort regarding the actions of the police is also expressed in the following testimony:

> It annoyed me throughout the trip, all the way from Guyana to Chile, it was all complete corruption. Everything, wherever you were stopped, at any immigration point; they stopped your bus, they asked for your papers, and if they saw a Cuban passport on you, it was a money sign for them (personal communication with Y., 34-year-old woman, April 4, 2018).

Another figure that emerges as a smuggling agent is that of the hostel owner or that of someone who works in connection with the person providing accommodation:

> Now sure, you have to have the hostel where you will stay already booked when you leave Cuba because when you leave the airport the car is already there and it takes you to the hostel, and when you are there at the hostel then you find out […] They took us to the house of this person who arranged everything, they kept us there for two or three days, we bathed, ate (personal communication with M., 21-year-old woman, April 7, 2018).

People who transport migrants either in minibusses (*van*, *guagua*), taxis, or buses also become "coyotes," as in the case of M., who found herself forced to pay to get off the bus once in Chile, this way running out of money to live:

> […] we finally gave him $900, which is all we had, we didn't make the $1,000; it was $500 each, and we worked hard here, as we had to pay the rent […] we had to pay for the first 10 days; I even had to send someone for money… because we didn't have any (personal communication with M., 21-year-old woman, April 7, 2018).

Thus, we see that there is a plurality of actors exploiting the vulnerability of migrants. If from the legal point of view all those people who facilitate the crossing of borders clandestinely in exchange for money are considered as a link in the smuggling network, both the police and those who provide accommodation and even those who drive the vehicles would form the "smuggling network." However, we can also see that they do not always work in a network, relate to each other, or even agree, and in the testimonies presented here, very few are the cases in which an actual smuggling network is constituted. What often happens is that migrants are forced to transit clandestinely.

How Much Money is Paid?

The amounts charged vary, there are payments only for crossing a border, and others that cover part of the transit and can also include accommodation and food. However, what is charged is never what was agreed or expected before starting the trip, and new charges are made that leave migrants without money. In the case of the couple interviewed, they had considered only two payments, one for crossing Brazil (800 dollars), everything included, and another one from Brazil to Peru (530 dollars). The problem arose when they first crossed into Chile, as some "officers" asked them for money twice in a row:

> We were already walking away, not even ten- or fifteen-minutes walking, and two guys showed up, who we had supposedly already paid. They pick us up and ask us 200 dollars each, telling us that they will help us cross to the other side, that it was closer to Chile that way […] Well, everyone accepted, we accepted and it was 200 each for eight people, so it is 16,00 dollars they made right there charging us […] then we were taken to the other side of the border center […] they told us to go over there, that some people were coming in to tell us what to do, and these people showed up and asked us for money again (personal communication with A., 45-year-old woman, September 14, 2018).

In the group meeting it was pointed out that the charge only for entering Chile varies, taking into account the payment for transportation and to the border police:

> Interviewer: How much are they charging you, more or less?
>
> Man 1: From 100 dollars and up, 200, 150 dollars.
>
> Man 2: This man told us: "I have my truck there in the garage, 200 dollars for you people, and then 200 dollars that I will charge you only when we get to Iquique."
>
> Man 3: At the border, practically on the side where officers can catch you and […] I had to pay him to let me continue, I had to pay him 100 pesos [sic]. When I got to the highway, I took one of the buses that get to Iquique, I had to pay again, it was almost 200 dollars in that transit.
>
> (Personal communication with three participants of a migrant group meeting, January 10, 2018).

Working to Cross

Y.'s account includes the fact that he had to work twice during the journey in order to continue, as he ran out of money since they charged him higher than expected:

> I left Cuba with 5,000 dollars […] I arrived in Guyana, they charged me 1,250 dollars, they had told me that there was no charge for the children, so I had enough money for the entire trip. But no, it was 250 for the children all the way to Brazil, Guayana-Brazil […] In Lethem, the payment was supposedly all done, which is 250 dollars and 30 extra for the taxi to Boa Vista […] in Boa Vista, 1,000 dollars for me and the charge for the two children were left for 600 dollars, so I had to pay 1,600 dollars, and there the journey was made all the way to Guajara Mirim in Peru (sic). […] I got there to rent, a hostel […] there you paid in soles, so it was not expensive, it was 10 soles the night. So I paid one week, I stayed there one week waiting and the owner let me work there, I would clean rooms until I managed to talk to Juan the driver, he recruited people to keep them moving forwards, and he moved me on for way less money […] I paid only 50 dollars, they brought me all the way to Arica, Tacna that is, […] in Tacna I worked in front of the terminal. I stayed in a hostel there and worked there for an extra week. I saved 120 dollars and then I entered here (personal communication with Y., 34-year-old woman, April 4, 2018).

Another element pertaining to the dispossession experienced is that even the charge for local transportation is blown out of proportion:

> I was trying to save money, I asked how much it was for the children and it was 150 dollars for all of us, 150 only to the terminal, which was really not far, as it were from here to the park, and the ticket was 10 soles I think, quite affordable, not even 5 dollars […] So they were ripping us off with almost 100 dollars because the entire journey was only 20 dollars, we were eight Cubans, the rest were able to continue since they had money (personal communication with Y., 34-year-old woman, April 4, 2018).

We noted that the *smuggling network* figure as associated with *international organized* crime does not appear as such in the stories. Only in some cases can it be deduced that an organization is transporting migrants and claims to bear all expenses during the journey, which is not necessarily fulfilled. This is why we are interested in questioning the *Protocol Against the Smuggling of Migrants in* its approach to the matter of consent granted by the migrant to whom their clandestine transit and entry is facilitated by means of an economic transaction.

The interview excerpts exemplify how it is not always an agreement between coyotes and migrants; the implications are unknown and the conditions of transit undergo changes. Therefore, the abuses, the dispossession, and the risks cannot be imputed as their responsibility. However, some readings affirm that, for the United Nations, the migrant who pays to be transported and provided entry into a country "illegally" is an accomplice and should not be treated as a victim (Iselin & Adams, 2003). The solution is not found in this

deal either; the work of Mansur Dias (2017) explains that re-victimization simplifies the migrant experience, making it into a trap since one can only access the legal status of the victim being "witness" or "complainant" in these criminal cases.

Likewise, the absence of a smuggling network in our material invites us to make a theorizing effort. Under this logic, we see that what actually exists are clandestine mobility strategies, which imply a capacity for agency in migrants and a plurality of actors that exploit their vulnerability, so that the phenomenon analyzed is rather a system of clandestine mobility exploitation.

Denied Entry and Asylum

The last barrier to enter and stay in Chile is the denial of the asylum request by the Investigations Police of Chile (PDI) or the Immigration Police. Although migrants generally do not even try to request asylum at the border, once in the city, at the group meeting they state that the denial of asylum occurs at the border immigration control:

> Man: You see, they are forced to cross the border irregularly, so once they are here I think, they are… they are being denied the right to… what is it called? To asylum…
>
> […]
>
> Woman: They are not granting it, we entered the same day and from Bolivia, they won't let you in.
>
> (Personal communication with two participants of a Cuban migrant group meeting, January 10, 2018).

> […] I went to the Ministry of the Interior instead of asking for asylum, I wanted them to interview me about why I entered Chile, what was I after, why I wanted asylum. From what I said, she wrote down what she wanted. Then I asked "why was I denied if I come looking for asylum just like everybody else," and she showed me want she sent to Santiago; from what I told her, it had nothing to do with what she wrote down […] She put there that I came with my children, that I entered the country on this date, she put there where I had entered at, and that I was coming in looking for a job like everyone else, and I never mentioned the word job (personal communication with Y., 34-year-old woman, April 4, 2018).

Denial of entry on the grounds of asylum strengthens the system of clandestine mobility exploitation. Likewise, entering Chile instead of culminating with the completion of the migration project marks this migration with the consequences of becoming "undesirable" migrants.

> What bothers me the most is that you get here where the problem is supposedly over, you think, and it is here where you find these things […] that they tell you that you have send a letter, that they are no accepting anyone anymore, that's what they tell them at the PDI and it's true […] but you get here and you are immediately treated as lumpen, as a criminal, and at least in my country I was not treated like that

(Personal communication with an informant in a Cuban migrant group meeting, January 10, 2018).

Cuban Clandestine Migration in Transit as "Unwanted Migration"

The denial of asylum confirms that the *refugee* category impacts the causes of forced migration. This idea has been developed by Posada, who states that the international community controls *unwanted* migrations through legal mechanisms, such as the definition of a refugee: "in which other causes such as generalized violence, armed conflict, repeated violation of other human rights, for example, are not taken into account" (Posada, 2009, p. 136).

People who do not meet the legal definition of a refugee lose the right to request asylum from the international community, Posada points out. Following this logic, we affirm that Cuban clandestine migration in transit in Chile has been treated as an "unwanted" migration, since arbitrary mechanisms are used that deny the possibility of qualifying for soliciting asylum, on the grounds of the migrants' clandestine entry or their desire to work, as has been studied with other groups asylum seekers (Liberona & López, 2018).

For the Cuban people we interviewed, arriving in Chile then becomes a long and cumbersome process of administrative and later judicial procedures, seeking to enforce the right to asylum, and which is opposed to the promising future that "coyotes" sell to migrants. Fortunately, this right has been realized in some cases thanks to protection resources, as indicated by a news item through the following headline: Court of Appeals ruled in favor of 23 Cubans and orders the Arica Government recognize them as refugees (El Mostrador, 2019).

CLOSING REMARKS

After an arduous transit in which Cuban migrants are stripped of control of their situation and their money, they take risks, feel pain and fear. At the Chilean border, they are arbitrarily denied entry into the country or are not admitted to the asylum request process. In this way, they are left in the administrative limbo that is irregularity. The border thus plays a fundamental role as a mechanism for irregularization, by denying the right to human mobility and asylum.

We were able to verify that migration narrowly classified as "economic" is not exempt from being forced, as in the case of Y., and that forced migration also has an economic background, as in the case of A. and J., therefore they are not exclusive. In any case, "smuggling" is an alternative. Consequently, clandestine migration in transit can also be considered a variant of forced migration, as pointed out by Chávez and Arcentales, "not in

the sense of pressuring their departure, but by imposing the way to do it" (2016, p. 72), by means of clandestine border crossing.

It is important to bring into question what is stated in the Protocol Against the Smuggling of Migrants (UN, 2000) because in no case should the migrant be considered an accomplice of the crime for their act of paying. This fact accounts for the injustice of emphasizing the willingness of being smuggled, which is why criminal justice is involved. This narrow vision has meant that internationally, and particularly in this case, in Chile the phenomenon is analyzed only from a criminal perspective, in which the person who is smuggled in is not considered a victim, but rather jointly responsible for clandestine border crossing, even erroneously referring to "illegal" migrants who commit a transnational crime against State law (Barros Sánchez, 2018).

By perpetuating this binary legal/illegal perspective, the density of transit implied in smuggling is not considered, which is made up of social, political, and economic dimensions that are in turn reflected in different clandestine mobility strategies that require significant agency capacity in the face of the plurality of actors that exploit the vulnerability of migrants. Therefore, the phenomenon that the international community should address in order to avoid risks and abuses in the system of clandestine mobility exploitation, for which States should begin by rethinking their restrictive migration policies.

Translation: Fernando Llanas.

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