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Towards a More Effective Use of Irregular Migration Data in Policymaking

MIRreM Working Paper No. 12/2024

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Co-funded by:



Deliverable Information:

Project Acronym:	Measuring irregular migration and related policies (MIrreM)
Project No.	101061314
WP	WP2 - Data needs and usage: Monitoring, scoping, assessing policy effects and effectiveness
Deliverable Type:	Working Paper
Deliverable Name	D2.2 Towards A More Effective Use of Irregular Migration Data in Policymaking
Version:	1
Date:	05/11/2024
Responsible Partner:	Migration Policy Institute Europe (MPI Europe)
Contributing Partners:	University of Milan, University of Maastricht, Universität für Weiterbildung Krems, Complutense University Madrid, University of Leicester, Vrije Universiteit Brussel, Hellenic Foundation for European and Foreign Policy, Instituto Universitário de Lisboa, University of Oxford, Toronto Metropolitan University, University of Warsaw
Authors	Jasmijn Slootjes and Ravenna Sohst (MPI Europe)
Reviewers:	Maegan Hendow (ICMPD)
Dissemination Level:	Public

Revision History:

Version	Date	Author	Organisation	Description
1	02/09/2024	Jasmijn Slootjes and Ravenna Sohst	Migration Policy Institute Europe (MPI Europe)	Initial draft
1	08/09/2024	Albert Kraler and Maegan Hendow	Universität für Weiterbildung Krems and ICMPD	Reviewer feedback
1	30/10/2024	Jill Ahrens	Universität für Weiterbildung Krems (UWK)	Editing and Formatting
1	04/11/2024	Jasmijn Slootjes and Ravenna Sohst	Migration Policy Institute Europe (MPI Europe)	Submitted Version 1

Executive Summary

Concerns around irregular migration have dominated media headlines across Europe, shaped recent elections, and influenced historical policy initiatives such as the new Pact on Migration and Asylum. Discussions and policymaking related to irregular migration are often heavily influenced by the latest numbers and estimates of quickly changing irregular migration trends, such as the number of border crossings or apprehensions of migrants without legal status. Such data also play an important role in advocacy, the evaluation of policies, operational planning, and efforts to foster dialogue and policy innovation.

But before policymakers, practitioners, researchers, nongovernmental organisation staff, and other actors use data on irregular migration, datasets are shaped by many different stakeholders, each with their own objectives and priorities. The first step in this pathway involves defining irregular migration, after which data are collected, shared, accessed, interpreted, and disseminated. In each step—from definition to dissemination—different obstacles emerge that can hinder the effective collection and use of data to help manage migration, support communities in which irregular migrants live, and reach those migrants with essential services. Obstacles that arise earlier on in this process, for example unclear or inconsistent definitions of irregular migration or issues related to data sharing and access, can create problems down the line for data users.

These obstacles' causes and impacts are many and varied. However, EU-level and national workshops and expert interviews conducted for the MIRreM project, as well as a comprehensive literature review, point to certain common challenges: Most data collection is a byproduct of ongoing operations or reflects political priorities on issues such as border security. Available datasets therefore often do not match the data needs of policymakers and other end users, and they often have data gaps that limit policy development. Unclear and inconsistent definitions of irregular migration, meanwhile, increase the risk of data being misinterpreted and limit comparability over time and across geographies. Datasets on irregular migration also frequently do not include key information about how the data were collected and any associated data quality issues. At the same time, many actors using data on irregular migration lack the data literacy and expertise to properly assess a dataset's quality and to interpret its contents. Many actors may also struggle to access existing data because of unclear legal regulations, technical and practical obstacles (such as a lack of interoperability between data systems), and informal data-sharing practices that heavily rely on trust and institutional relationships. Finally, even when data are available, potential data users may opt not to use them because they do not view them as suited to their needs, because they do not trust their quality and neutrality, or because they are simply not aware the data exist.

Efforts to address these challenges could begin from several starting points. These include strengthening local-level data collection, separating data collection from law enforcement functions, harmonising definitions of key concepts, and investing in users' capacity building and data literacy. Additionally, improving the interoperability of data systems—with proper safeguards in place—and formalising data-sharing agreements could help enhance the accessibility and reliability of irregular migration data. Ultimately, while the increasing

availability of data provides hope for more accurate estimates and more evidence-informed policymaking, it remains essential to approach data use with care and safeguards. Recognising the limitations of current datasets and taking steps to manage data users' expectations will be necessary to help ensure that data serve as a tool for constructive dialogue and effective policy development, rather than a source of misinformation, fearmongering, and human rights violations.

Table of Contents

Executive Summary	3
THE MIRREM PROJECT	6
1. INTRODUCTION	7
2. METHODOLOGY	8
3. MAPPING IRREGULAR MIGRATION DATA USAGE	10
4. CHALLENGES TO EFFECTIVE DATA PRACTICES	14
4.1 DATA GAPS AND COLLECTION BIAS	14
4.2 UNCLEAR OR INCONSISTENT DEFINITIONS AND A LACK OF DATA LITERACY	17
4.3 OBSTACLES TO DATA ACCESS AND SHARING	18
4.4 DATA NON-USAGE AND UNDERUSAGE	21
5. LEARNING FROM BEST PRACTICES AND INNOVATION IN IRREGULAR MIGRATION DATA	23
5.1 SCALING UP LOCAL EFFORTS TO FILL DATA GAPS AND IMPROVE UNDERSTANDING OF THE CHARACTERISTICS OF IRREGULAR MIGRANT POPULATIONS	23
5.2 TO PURSUE SOCIAL POLICY OBJECTIVES, CONSIDER SEPARATING DATA COLLECTION AND LAW ENFORCEMENT	25
5.3 HARMONISING DEFINITIONS AND MEASUREMENT METHODOLOGIES TO IMPROVE DATA COMPARABILITY AND SHARING DATA MANUALS TO PREVENT MISINTERPRETATION	25
5.4 INVESTING IN BUILDING KEY ACTORS' CAPACITY TO COLLECT AND USE IRREGULAR MIGRATION DATA AND IN BROADER DATA LITERACY	26
5.5 STRENGTHENING DATA PRIVACY SAFEGUARDS WHEN IMPROVING INTEROPERABILITY BETWEEN DATABASES	27
5.6 FINAL REFLECTIONS	28
REFERENCES	28

MIRreM examines estimates and statistical indicators on the irregular migrant population in Europe as well as related policies, including the regularisation of migrants in irregular situations.

MIRreM analyses policies defining migrant irregularity, stakeholders' data needs and usage, and assesses existing estimates and statistical indicators on irregular migration in the countries under study and at the EU level. Using several coordinated pilots, the project develops new and innovative methods for measuring irregular migration and explores if and how these instruments can be applied in other socio-economic or institutional contexts. Based on a broad mapping of regularisation practices in the EU as well as detailed case studies, MIRreM will develop 'regularisation scenarios' to better understand conditions under which regularisation should be considered as a policy option. Together with expert groups that will be set up on irregular migration data and regularisation, respectively, the project will synthesise findings into a Handbook on data on irregular migration and a Handbook on pathways out of irregularity. The project's research covers 20 countries, including 12 EU countries and the United Kingdom.

TO CITE:

Slootjes, J. & Sohst, R. (2024). *Towards a more effective use of irregular migration data in policymaking*. MIRreM Working Paper No. 12. Krems: University for Continuing Education Krems (Danube University Krems). <https://doi.org/10.5281/zenodo.14038617>

KEYWORDS

Irregular Migration; Data; Migration

FUNDING ACKNOWLEDGEMENT

Funded by the European Union. Views and opinions expressed are, however, those of the author(s) only and do not necessarily reflect those of the European Union or the Research Executive Agency. Neither the European Union nor the granting authority can be held responsible for them.

In addition, MIRreM benefits from funding provided by UK Research and Innovation (UKRI) under the UK government's Horizon Europe funding guarantee. The Canadian research component of this project is undertaken, in part, thanks to funding from the Canada Excellence Research Chairs Program of the Government of Canada.

1. INTRODUCTION

Across Europe, concerns around irregular migration levels have dominated media headlines and shaped recent elections. Politicians have frequently used statistics on how many migrants arrive by boat or cross land borders as key talking points, including to justify sweeping migration policy changes (European Migration Network, 2024a). Tackling irregular migration also features prominently in the EU Pact on Migration and Asylum, adopted by the Council in May 2024, with its focus on securing the European Union’s external borders and preventing irregular departures from other countries through international partnerships (European Commission, 2020a). And in May 2024, 15 EU Member States sent a letter to the European Commission calling on the bloc to go beyond the pact and ‘think out of the box’ in its efforts to counter irregular migration (European Migration Network, 2024b).

Discussions and policymaking on irregular migration are often a numbers game, fuelled by the latest estimates on changing migration trends and populations. Beyond shaping policymaking, policymakers, academics, and civil society use data on irregular migration for decision-making, advocacy, and strategic and operational planning, such as allocating budgets and hiring staff, understanding the situation and needs of people with irregular status and the communities in which they live, evaluating whether policies are effective and where gaps exist, and fostering dialogue, innovation, and research (Slootjes, Sohst & Kokkelmans, 2023).

But despite playing such an important role, data on irregular migration are often inadequate. Some types of data are lacking altogether, and the limited data available are often collected and published for specific purposes (Bircan et al., 2020; Heller & Pécoud, 2020). This results in discrepancies in how different sources define who counts as an irregular migrant (see Box 1), how accessible datasets are, and what their quality is, with considerable consequences for policymakers, service providers, and other stakeholders that would benefit from better access to robust data.

This working paper explores obstacles that hinder the effective collection and use of irregular migration data, how this affects policymakers and other actors, and some potential avenues for strengthening the evidence base, drawing on concrete examples. The analysis presented in this working paper is based on research conducted as part of the MIRreM project: a comprehensive literature review; input from policymakers; subject matter experts; practitioners; nongovernmental organisation (NGO) representatives; and other key stakeholders at 12 workshops (11 country focused and 1 EU level); and insights shared in interviews, including by representatives from the European Commission’s Directorate-General for Migration and Home Affairs, the European Union Agency for Asylum, the European Union Agency for Fundamental Rights, Eurostat, and the European Border and Coast Guard Agency (Frontex).

Box 1**Who is an irregular migrant?**

Despite widespread usage of terms such as ‘illegal’, ‘undocumented’, ‘unauthorized’ or ‘irregular’, differences persist in how irregular migrants are understood. The most influential definition is based on IOM’s glossary, describing an irregular migrant as a person whose movement ‘takes place outside of the laws, regulations, or international agreements governing the entry into or exit from the State of origin, transit, or destination’ (IOM, 2019, p.116). In the European Union, the 2008 Return Directive provides a common definition of ‘illegal stay’, defining it as ‘the presence on the territory of a Member State, of a third-country national who does not fulfil, or no longer fulfils the conditions of entry [...], stay or residence in that Member State’ (Mariani, 2021). However, Member States vary in how they sanction unauthorized entry and stay, and practices diverge in whether and how these migrants are recorded in official statistics (Vogel & Jandl, 2008). In addition, the term is often connected to broader concepts than just entry or stay, such as informal work or legal precarity.

Defining and measuring irregular migration is further complicated by the fact that migrants can shift between legal statuses and categories over time. For instance, the European Commission notes that most irregular migrants originally enter the EU on visas but remain in the EU once their visa expired, leaving them without legal basis for their stay (European Commission Directorate-General for Migration and Home Affairs, 2024). Others remain in a state of limbo, like rejected asylum seekers who cannot be returned but also will not be granted long-term residence. As a result, several scholars have turned to labelling these migrants as ‘quasi’ or ‘semi-legal’ since their status is highly instable and subject to frequent renewals and requirements.

The MIrreM classification of migrant irregularity builds on the model developed by the Clandestino project (2008-2009) but proposes several refinements to this classification: First, it takes a broad understanding of irregularity and focuses on three groups (i) irregular migrants, (ii) migrants with a provisional status or a reasonable claim to a provisional status, and (iii) mobile EU citizens with a revoked right to stay (Kraler & Ahrens, 2023). In addition, MIrreM offers a typology of pathways in and out of irregularity, underscoring its temporality.

2. METHODOLOGY

This working paper builds on research conducted as part of the MIrreM project: a comprehensive literature review, 11 national and one EU level workshops with policymakers, experts, practitioners, NGOs, and other key stakeholders, and 11 expert interviews.

The country workshops took place between June and December 2023 and brought together a range of stakeholders working on irregular migration (public authorities, government agencies, NGOs, practitioners, experts, etc.) in 9 EU Member States (Austria, Belgium, Greece, Ireland, Italy, the Netherlands, Poland, Portugal, and Spain), the United Kingdom and Canada to discuss challenges and opportunities with using data on irregular migration and were organized by the respective country rapporteurs of MIRreM. The findings from the country and EU-level workshops were used to analyse the patterns of the usage, needs, obstacles, and opportunities with respect to irregular migration data both across types of stakeholders and across geographic regions.

Country rapporteurs were provided with a concept note to share with participants a structured list of topics and questions to address during the workshop, an instructional guide on organizing the workshop including information about the format and audience of the workshops, a template participant tracking list, a template for submitting results, and an agenda template (Slootjes et al., 2023). All country rapporteurs were invited for a training session in May 2023 on how to implement the workshop and a second in-person workshop methodology session was held in October 2023 in Milan at the in-person MIRreM consortium meeting. In addition to the country-level workshops, MPI Europe also conducted 11 expert interviews and organised an EU-level workshops with 28 participants including representatives from BAMF, the Committee of the Regions, DG Home, ECRE, the European Commission's Joint Research Centre, the European Union Agency for Asylum, the European Union Fundamental Rights Agency, Eurostat, Frontex, ICMPD, the IOM Global Migration Data Analysis Centre, the Jesuit Refugee Service Europe, the Migration Policy Centre, PICUM, UNHCR, and multiple universities.

There were multiple methodological challenges that hampered the implementation of the country-level workshops. Due to reluctance to participate in the workshops among some stakeholders, most country workshops were delayed and ultimately three country templates were not received (Finland, France, and Germany). Some country rapporteurs, for example for Austria, organised two workshops (one in person and one online), providing multiple opportunities to maximise input and participation. To reduce pressure on stakeholders to attend multiple workshops and ensure a larger and more diverse group of key stakeholders participating in the workshops, most country rapporteurs decided to integrate different workshops planned under the MIRreM project and organise them simultaneously. While this indeed helped with gathering a diverse set of stakeholders, the combination of different objectives sometimes resulted in less time to address the topics and research questions relating to data usage and needs. This resulted, in some cases, in limited results for some of the country level workshops. For the preparation of this working paper, we identified recurrent themes within the WP2 workshop summaries and selected particularly illustrative examples. This means that not all information collected in these workshops is included in this working paper. Furthermore, other references to 'data usage' included in WP3 country reports and the contextual information included in the flow database served as background information but is not specifically referenced here.¹

¹ Although many MIRreM partners contributed to the WP2 data collection, only those country teams whose material was used in this working paper are acknowledged as contributing authors.

MPI Europe also conducted a literature review of academic and grey literature exploring examples and trends in irregular migration usage, the obstacles and limitations of irregular migration data and their implications, and potential opportunities and innovations to overcome limitations.

3. MAPPING IRREGULAR MIGRATION DATA USAGE

While data on irregular migration remains scarce overall, estimates of irregular migrant populations and indicators related to irregularity – such as border crossings – are being used across diverse contexts and stakeholders. For instance, the operational and financial planning of public and civil society initiatives requires monitoring of irregular migrant arrivals or uptake of essential services such as health care, housing, or education. Demographers and other researchers use data on irregular migration to establish population estimates, and expand the evidence base around the drivers, characteristics, and impacts of irregular migration.² And policymakers use data on irregular migration at all stages of the policy making cycle, including during the design, implementation, and evaluation of policies.

Despite the inherent challenges of quantifying irregular migration, capturing the current landscape of how irregular migration data is being used is useful not only to showcase examples of current usage but also to provide insights into potential missed opportunities and challenges.

² For more information about the research-policy nexus see also: Kraler, A. (2024). Policy-relevant migration research: How to create impact. In R. Zapata-Barrero & D. Vintila (Eds.), *How to Do Migration Research* (pp. 188–196). Cheltenham, UK: Edward Elgar Publishing.

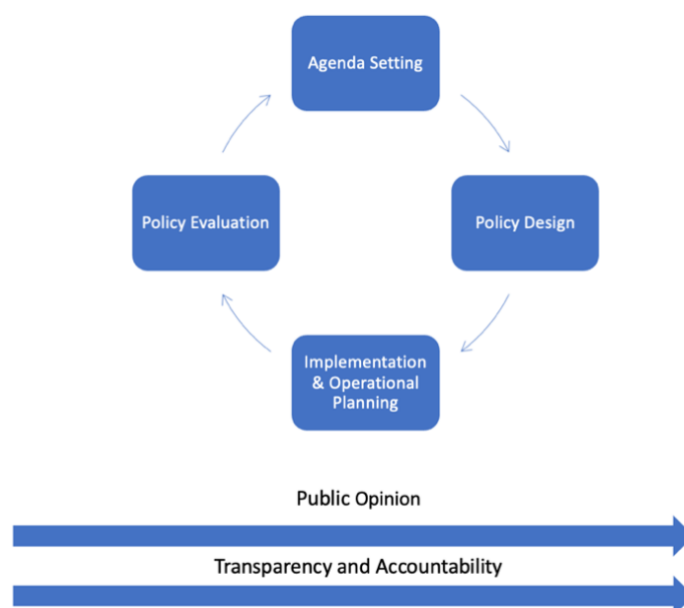


Figure 1: Use of irregular migration data in the policy making cycle (Slootjes & Zanzuchi, 2023)

One area where data on irregular migration is often used is for political agenda setting and policymaking. News about irregular migration is ubiquitous in the media landscape and political discourse of most EU Member States, frequently referencing numbers of irregular border crossings or boat arrivals in the Mediterranean. And even if these statistics only give a partial picture of the complex realities underlying irregular migration, they are frequently used to shape policy agendas. For example, ever since Middle Eastern and African migrants started arriving at Belarus' border with Poland in 2021, Poland has continued to monitor border crossings and increasingly fortified its border (Allik, 2024). At EU-internal borders too, irregular crossings are a sensitive political issue. For instance, a sudden increase of irregular crossings counted at Germany's eastern border in 2023 caused substantial public pressure on the interior ministry which eventually agreed to impose border controls with Poland and Czechia. After controls were implemented, arrivals have declined by around 40% and the German government adopted a new legislative proposal to strengthen police competencies at border crossings (BMI, 2023; Die Zeit, 2023; Kryeziu, 2023). Changes in data trends can also trigger larger diplomatic efforts. For example, the increase of boat departures in 2023 from Tunisia was one of the main motivating factors for the EU in negotiating the Memorandum of Understanding the European Commission President signed with Tunisia on 16 July 2023, as well as other agreements signed with countries in the EU's southern and eastern neighbourhood (European Commission, 2023b; European Commission Directorate-General for Neighbourhood and Enlargement Negotiations, 2024).

In addition, irregular migration data – whether it is the direction or volume of irregular migration flows, or the size and needs of irregular migrant populations already present in a specific country – allow policymakers and practitioners to allocate funding and identify policy priorities. For example, in the Netherlands, data on irregular migration on returns and border apprehensions are included in the State of Migration report, an annual publication co-produced by the Dutch Ministries of Justice and Security, Social Affairs and Employment and

Foreign Affairs. The report is sent to the Parliament to inform the identification of policy priorities and the development of migration policy (Ministerie van Justitie en Veiligheid, 2023).³ And the Jesuit Refugee Service is using data it collects about irregular migrants, specifically migrants in detention, to inform their funding choices.⁴

All throughout the policy cycle, data on irregular migration are also used to provide transparency and accountability of policymakers, national or EU institutions, and NGOs. For instance, following mounting criticism of its practices, Frontex established a Fundamental Rights Office and since 2020 publishes yearly reports that share their assessment and data about their operations.⁵ And in Poland, several NGOs reported a lack of publicly available information regarding the situation of irregular migrants and the border with Belarus. As a result, a group of NGOs formed an informal coalition (named *Grupa Granica*) which now publishes data they collect to increase transparency and inform the media with independent data.⁶

Additionally, data is frequently being used to shape public opinion and make electoral gains. This goes hand in hand with public opinion surveys showing the increasing importance voters attribute to immigration matters, and irregular migration in particular. For instance, polling data collected by Eurobarometer show that the share of voters who regard immigration as an important issue is rising ubiquitously across Europe (e.g., the share of respondents who believe immigration to be salient increased from 7.6 percent in 2004 to 32.0 percent in 2016, and to 41 percent in 2024) (Hatton, 2021; European Commission, 2024). This creates incentives for politicians who advocate for more restrictive asylum and immigration policies to misrepresent data on irregular migration to shape public opinion. An example of this is the leader of the French far-right *Reconquête* party Eric Zemmour who inflated the estimated amount of net immigration by 80,000 during his campaign for the 2022 presidential election (Zagdoun, 2021). And in Italy, the far-right parties tend to overestimate the number of irregular arrivals (Campisi & Sottilotta, 2022).

Finally, there have also been efforts to use a variety of data sources on irregular migration and forced displacement for anticipatory policymaking and preparedness. Following the arrival of over 1.3 million asylum seekers in the EU in 2015, increasing attention and EU funding has been directed to developing forecasts of irregular migration, notably to coordinate operational responses and develop a common strategy between EU Member States (Connor, 2016; Sohst et al., 2020; ITFLOWS, n.d.). In 2020, the European Commission therefore adopted the Migration Preparedness and Crisis Blueprint with the aim of developing a forecasting system at the EU level, followed by a feasibility study on forecasting and early warning tools (European Commission, 2020b; European Commission Directorate-General for Migration and Home Affairs, 2021). A 2022 report by the European Commission emphasizes how the Blueprint Network helped with bringing about a coordinated response

³ Maastricht University. (2023, August 2). MIRreM roundtable workshop on irregular migration data needs and usages, the Netherlands.

⁴ Migration Policy Institute Europe. (2023, July 11). Virtual interview with Jesuit Refugee Service Europe.

⁵ University of Warsaw. (2023, September 15). MIRreM roundtable workshop on irregular migration data needs and usages, Poland.

⁶ University of Warsaw. (2023, September 15). MIRreM roundtable workshop on irregular migration data needs and usages, Poland.

among Member States to the crisis ensuing from the Russian invasion of Ukraine (European Commission, 2023a). Several other stakeholders also set out to develop ambitious early warning, forecast, and foresight mechanisms, including the EU Agency for Asylum's forecast of asylum applications DynENet, UNHCR's Jetson Project, Save the Children's Predictive Displacement project, or the Danish Refugee Council's Global Displacement Forecast (EUAA, 2022; UNHCR, n.d.; Save the Children, 2021; Danish Refugee Council, n.d.).

As the above examples show, there are increasing efforts to collect and use data on irregular migration. Some indicators of irregular migration are collected by almost all EU Member States and shared via Eurostat. This includes data on refusals to enter the EU, on migrants who are found to be present on the EU territory without a valid residence permit, and migrants who are either ordered to leave or returned to their origin countries (Eurostat, 2024). Yet, efforts to collect more data on irregular migration are not equally successful in all countries, and there are also variations across institutions and stakeholders. For instance, in this research, Spain stands out by providing more detailed data on regularization of its irregular migrant population at the national level than any other EU country included in this study. It recently launched a dashboard on the website of the *Ministerio de Inclusión, Seguridad Social y Migraciones* with detailed time-series data about the scale, nature, and composition of the stock of migrants regularised via one of the four *arraigo* streams available in Spain (Observatorio Permanente de la Inmigración, 2023). Among others, it shows the total stock of regularised immigrants that is registered in Spain via its *arraigo* system (210,000 as of December 2023), the average time migrants have spent in irregularity before regularisation (2.9 years as of December 2023 compared to 5 years in December 2021 and 7.3 years in December 2019) and a breakdown by gender and nationality (see Box 2). The data also show the share of regularised migrants who contribute social security payments (60%). The linkage of regularisation data with social security data frames regularisation as an issue of public finance. No other EU country has similar data at the national level publicly displayed, even if there may be local initiatives that aim to collect similar data (Delvino, 2017).

Furthermore, there is variation across the type of stakeholders that collect or use data on irregular migration. While national governments tend to collect aggregate data on border apprehensions or returns, local and regional governments as well as civil society organizations often have more detailed micro-level data that they collect about their target groups and beneficiaries (see also Cherti et al., 2024). This can be useful especially since these civil society organizations tend to bring a deeper understanding and frequently case management knowledge about their beneficiaries. Yet, their databases tend to be comparatively small and quite specific, making it difficult to draw conclusions about the broader population of irregular migrants.

Finally, some data related to irregularity remain scarce and even the uptake of existing data is hindered by an array of challenges related to the way these data are collected, shared, and presented.

4. CHALLENGES TO EFFECTIVE DATA PRACTICES

Before policymakers, practitioners, researchers, NGO staff, and other actors have a chance to use data on irregular migration, a variety of different stakeholders—each with their own objectives and priorities—shape the data as they move through what can be viewed as a ‘data pathway’ (Heller & Pécoud, 2020). Before data can be collected, key concepts such as ‘irregular migration’ must first be defined, after which the data collectors decide how to measure this quantitatively, how the data are collected, shared, accessed, interpreted, and disseminated (see Figure 2).

Throughout this process—from definition to dissemination—different obstacles emerge that stand in the way of the effective collection and use of irregular migration data. Obstacles that arise earlier on, for example unclear or inconsistent definitions of irregular migration (see Box 1) or issues related to data sharing and access, create problems down the line for actors using the data. This section outlines the challenges surrounding the collection and use of irregular migration data, including those related to data gaps, inconsistent definitions, sharing and accessing data, and data non-usage.

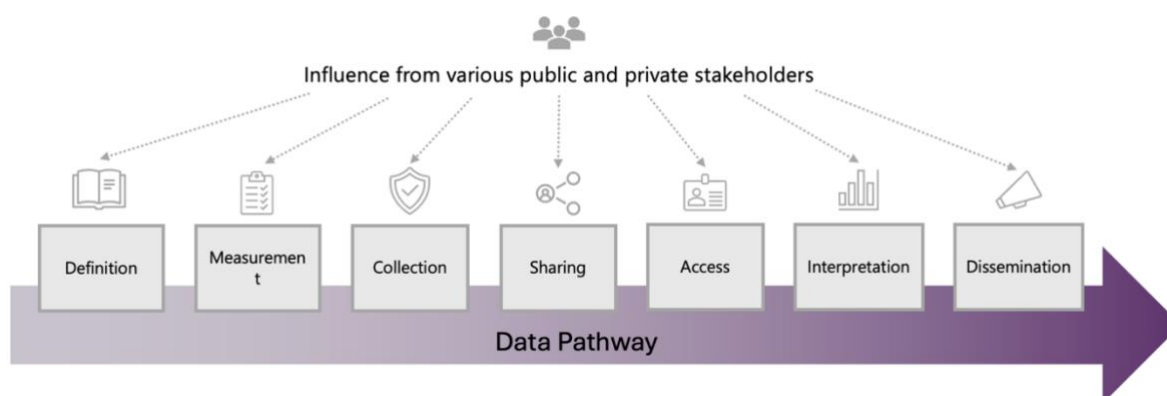


Figure 2: The data pathway (authors’ illustration)

4.1 DATA GAPS AND COLLECTION BIAS

While countries generally collect some indicators of irregular migration, gaps in data availability—sometimes linked to the selective collection of indicators—are one of the main challenges for policymakers, researchers, and civil-society entities seeking to use such data. For instance, datasets often focus on a specific set of irregular migrants, such as rejected

asylum seekers in the European context.⁷ Information on irregular border crossings is also relatively widely available, due to data collected by national police, border guards, and Frontex. Yet, crossings are only an indicator of the overall inflow of irregular migrants; because a single individual may cross a border more than once, some border crossings are not detected, and some migrants who cross a border later leave or are removed from the country, it is very difficult to extrapolate the number of irregular migrants in a country based on detections at border crossings alone (Siruno et al., 2024). Moreover, border crossings represent only one of the many routes into irregularity for migrants. Thus, estimates that rely solely on crossings data can exclude other segments of the population, such as those born into irregularity or those who lose their status by overstaying a visa.

In addition, other groups are regularly undercounted in data on irregular migrants. These include visa overstayers, children born to irregular migrants, victims of trafficking, and migrants in informal work (Salihoğlu & Vargas-Silva, 2024). Reforms such as the European Union's new Entry Exit System may improve data collection on visa overstayers, but some of these gaps will likely remain.⁸ Furthermore, data on secondary movement—that is, when third country nationals move from the EU country in which they first arrived to another—are almost completely unavailable, even though most officials and civil-society actors know from experience that such mobility can be substantial among irregular migrants.⁹ Information on the size and characteristics of the irregular migrant population are also rare across the European Union. The lack of data on the sociodemographic characteristics of irregular migrants prevents the disaggregation of data or analysis of key subgroups, such as women or children residing irregularly in the European Union. Finally, longitudinal data able to shed light on irregular migrants' trajectories over time are extremely rare.

Two key challenges contribute to these gaps in data. First, data gaps may arise because the priorities of actors collecting data do not always match the needs and priorities of data users. In fact, most data related to irregular migration are collected as a byproduct of ongoing operations (e.g., border controls) or with the aim of improving operational planning (e.g., staffing or budgeting), rather than to establish an evidence base for research and policymaking, as household surveys or census data would. In Ireland, for example, an official noted during a MIRreM workshop that most of their department's information on irregular migrants stems from the national police's enforcement activities. As a result, the available information on irregular migrants in Ireland only "skims the surface" they said, since it overlooks those who typically do not come into contact with the police, such as domestic workers with irregular status.¹⁰

A second contributing factor for these data gaps is the context in which irregular migration takes place. For instance, it is difficult to collect data on secondary movement in Europe because most movement between EU countries happens within the Schengen free

⁷ Maastricht University. (2023, August 2). MIRreM roundtable workshop on irregular migration data needs and usages, the Netherlands.

⁸ Maastricht University. (2023, August 2). MIRreM roundtable workshop on irregular migration data needs and usages, the Netherlands.

⁹ Maastricht University. (2023, August 2). MIRreM roundtable workshop on irregular migration data needs and usages, the Netherlands.

¹⁰ University of Leicester. (2023, October 2). MIRreM roundtable workshop on irregular migration data needs and usages, Ireland.

movement zone. However, some information can be drawn from existing databases; for example, the Eurodac database stores the fingerprints of asylum applicants and information on their country of first entry into the European Union, which makes it possible to trace secondary movement if they are later apprehended in another Member State. The revised legal framework for this database could further improve the evidence base on secondary movements by introducing a requirement to collect data on all third-country nationals who have been found irregularly on EU territory and on changes in their legal status (Radjenovic, 2024). For fear of deportation, irregular migrants also tend to be hesitant about contact with public authorities, even when they face hardship or abuse. As a result, most of the civil-society stakeholders interviewed for this research said that they do not register the immigration status of the individuals they serve unless it is necessary (whether stipulated by funding requirements or related to research and advocacy work).¹¹ These types of more or less formalised ‘firewalls’ are often meant to separate the delivery of essential services from immigration law enforcement (Cherti et al., 2024).

The most obvious implication of these data gaps and collection biases is that the evidence base on irregular migration is incomplete, limiting policy development or forcing policymakers to be creative. For example, in Canada, some city-level regularisation initiatives have been designed despite an absence of data on the size and characteristics of the irregular migrant population. Instead, they rely on either predetermined caps for how many immigrants can enrol or are open programmes that can be modified after their launch to reflect the level of uptake.¹² While such flexibility can enable policymakers to move ahead with important initiatives, despite a lack of relevant data, these gaps nonetheless complicate planning and can lead to uneven or inequitable policy impacts. In a regularisation campaign, for example, some groups may be more aware of and likely to participate in the programme than others, and a lack of solid data can hinder outreach to the latter group and leave potentially eligible individuals in irregular status.

Policy design and implementation may similarly be limited when data exist but were collected for other purposes, often due to the divergent objectives of central government agencies and regional or local authorities or other data users. For instance, in Austria, MIRreM workshop participants representing the country’s federal states reported frustration with having to rely on data provided by the Ministry of the Interior that lack crucial information for their work. This stems from a disconnect between the federal data available on asylum applications, which specifies high-level, quantitative statistics on the acceptance or rejection of applications, and the data needs of stakeholders in the country’s reception system, who require more in-depth, qualitative data related to the composition of target groups and the social aspects of integration. This misalignment makes it hard for regional and local authorities to plan ahead, estimate how many persons they should expect to settle in their jurisdiction, and forecast the needs of this population.¹³

¹¹ Migration Policy Institute Europe. (2023, July 18). Virtual interview with European Food Bank official.

¹² Toronto Metropolitan University. (2023). Virtual interview with NGOs, CSOs, Government officials and other stakeholders, Canada.

¹³ Universität für Weiterbildung Krems. (2023, June 12). MIRreM roundtable workshop on irregular migration data needs and usages, Austria.

4.2 UNCLEAR OR INCONSISTENT DEFINITIONS AND A LACK OF DATA LITERACY

In this already data-scarce landscape, the varied definitions of who is an irregular migrant; a lack of awareness of data quality; and other data literacy issues, can easily result in misinterpretation. For example, national border guards often count the number of attempted crossings, but if those data are taken as counts of irregular migrants, this then produces inflated estimates because multiple attempts may be made by unsuccessful border crossers or the same irregular migrant may be crossing several national borders.¹⁴ Without a solid understanding of why such proxy indicators are being used (lack of population data) and what risks they carry (overestimation), policymakers and the public may falsely interpret these rough estimates as facts.

The first issue here, inconsistent and unclear definitions of irregular migration, complicate not only data collection but also data use and comparability. Irregularity has long lacked a consistent definition (see Box 1), and from a legal perspective, it has often been defined as a residual category. No definition is given for irregular migration in international agreements such as the Global Compact on Migration. And at the EU policy level, irregularity was not defined until the 2008 Return Directive (Directive 2008/115/EC, 2008). More recently, despite the EU Pact on Migration and Asylum's multiple references to irregular migration, for instance in the Screening Regulation which focuses on border crossings, no comprehensive discussion of what constitutes irregularity is included in the Pact (Regulation (EU) 2024/1356, 2024). This is also an issue at the national level, with many countries—including major destination countries such as Canada—lacking a legal definition of irregularity.¹⁵ Even among EU Member States, which can rely on the EU definition via the Return Directive, various definitions of irregularity are used for data collection and measurement. This lack of clarity can also extend to other key concepts, such as when it is not clear what different categories of irregular migration data represent. Polish border guards, for example, report on detected, detained, and disclosed attempts by migrants to cross the border, but there is no formal definition of 'detected', 'detained', and 'disclosed' cases. As a result, NGOs and other data users do not know with certainty what is being reported and, thus, cannot use the data.¹⁶

Second, a lack of information about data collection and quality (metadata) can prevent the effective interpretation, use, and comparability of irregular migration data. For example, border-crossing data are often collected by border guards who lack a formal means to provide contextual information on how they collect the data. When data are then shared with a country's authorities or statistical offices, important information about the exact nature of their measurement, the local conditions in which they were collected, and potential data quality issues can get lost and, thus, cannot be taken into consideration by end users. And

¹⁴ University of Warsaw. (2023, September 15). MIrreM roundtable workshop on irregular migration data needs and usages, Poland.

¹⁵ Toronto Metropolitan University. (2023). Virtual interview with NGOs, CSOs, Government officials and other stakeholders, Canada.

¹⁶ University of Warsaw. (2023, September 15). MIrreM roundtable workshop on irregular migration data needs and usages, Poland.

even when metadata exist about the quality and comparability of irregular migration data, it may be difficult to find. Eurostat, for example, offers metadata for its migration data, and this explanatory information flags issues with cross-country comparability (Eurostat, n.d.). Yet, the specific comparability issues are discussed not in the main metadata but in methodological annexes, which can make this information difficult to locate and it is often outdated (Eurostat, 2015a; Eurostat, 2015b).

A third challenge is that many actors lack the data literacy and expertise to properly interpret and use irregular migration data. Policymakers are interested in hard facts and clear numbers that can be used to inform policy decisions. However, they often lack a common language with the entities producing data on irregular migration, which can hinder their understanding of data categories and quality issues. For example, actors working directly with data at the EU level have reported struggling to communicate with other stakeholders about the uncertainties surrounding their estimates of irregular migration stocks and flows. Beyond the risk of misinterpreting data, a lack of expertise and staff capacity can also lead some actors to simply not use available data, even when having the latest information is essential, such as in forecasting. For example, a representative of an EU institution noted in a MIRreM workshop that data on wars, natural disasters, protests, and other indicators relevant to the prediction of (irregular) migration flows are available and regularly updated as part of the GDELT project, but also that most organisations lack the resources to analyse these real-time data (The GDELT Project, n.d.).¹⁷ Moreover, public institutions, such as the Office for Foreigners, Job Centres, and Ministry of Family and Social Issues in Poland, possess large amounts of data that could shed light on irregular migration trends but are unable to process or use the data effectively due to a lack of in-house expertise and staff capacity, often reflecting tight public funding.¹⁸

4.3 OBSTACLES TO DATA ACCESS AND SHARING

Even when data on irregular migration stocks and flows are available, they can be difficult to access due to unclear legal regulations, technical and practical obstacles, and a lack of trust and institutional relationships between entities that produce and use data.

The first set of obstacles, unclear legal regulations, often reflect a tension between legal requirements to protect the rights of irregular migrants and a lack of certainty about how exactly these regulations may limit whether and by whom data on irregular migration can be shared and accessed. Across the MIRreM national workshops held in various European countries, national authorities and experts mentioned that even though the EU General Data Protection Regulation (GDPR)¹⁹ plays an important role in protecting individuals' rights, it can

¹⁷ Migration Policy Institute Europe. (2023, September 12). MIRreM roundtable workshop on irregular migration data needs and usages, EU-Level.

¹⁸ University of Warsaw. (2023, September 15). MIRreM roundtable workshop on irregular migration data needs and usages, Poland.

¹⁹ The EU General Data Protection Regulation (GDPR) protects the rights of irregular migrants through prohibiting the processing of personal data beyond what is strictly needed to achieve the purpose for

at times be an obstacle to data sharing (or be perceived as one). Workshop participants said it is often unclear what GDPR requires in certain circumstances, and in fear of noncompliance, many reported taking a ‘better safe than sorry’ approach and avoiding data sharing altogether, even when it may well be legally possible under the GDPR.²⁰ On the flip side, even when data protection guidelines exist, they are not always respected, and this can result in grave violations of fundamental rights. Research by the European Union Agency for Fundamental Rights, for example, has found that authorities collect personal data on irregular migrants without providing easy to understand information on the purpose of the data collection, as is required by the GDPR (European Union Agency for Fundamental Rights, n.d.). This can be seen in how some countries implement the EU Employers Sanctions Directive, which aims to curb informal employment of irregular migrants while also protecting irregular migrants from exploitation. The European Union Agency for Fundamental Rights found that the personal data of irregular migrants identified during labour inspections were being shared with immigration authorities and the police in 20 out of 25 countries (European Union Agency for Fundamental Rights, 2021). However, in such cases firewalls or other safeguards would be useful to ensure that measures to protect against exploitation are not used for immigration enforcement (Bouvier, 2021).

Technical and practical obstacles present a second set of challenges to data sharing. Most notable in this regard is the common a lack of interoperability between databases (that is, the ability of computer systems to exchange and make use of each other’s information). At the EU level, a 2016 European Commission impact assessment on the establishment of the EU Entry/Exit System, for example, flagged the need for increased interoperability between this planned system for monitoring third-country nationals’ movement into and out of the bloc and the systems used during border crossings—findings that have led to current efforts to improve interoperability, such as by establishing a common identity repository (European Commission, 2016). Interoperability is also important at the national level. Linking datasets across government departments was recognised by officials participating in MIRreM workshops as a tremendous technical and bureaucratic challenge in the United Kingdom, but one necessary to address to shine a light on population subgroups and to provide more

which the data were initially collected (purpose limitation), and it limits data collection (data minimisation) and the length of data storage (storage limitation) to only what is required for the initial purpose (Art. 5). The regulation also requires data subjects, such as irregular migrants, to be informed about the purpose of the data collection (Art. 5) and to consent (Art. 7). It also prohibits the profiling of individuals, for example identifying irregular migrants, through automatic processing (Art. 22). See Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the Protection of Natural Persons with Regard to the Processing of Personal Data and on the Free Movement of Such Data, and Repealing Directive 95/46/EC (General Data Protection Regulation) (Text with EEA Relevance). (2016). *Official Journal of the European Union*, 2016/679. <https://eur-lex.europa.eu/eli/reg/2016/679/oj>

²⁰ Maastricht University. (2023, August 2). MIRreM roundtable workshop on irregular migration data needs and usages, the Netherlands; Universität für Weiterbildung Krems. (2023, June 12). MIRreM roundtable workshop on irregular migration data needs and usages, Austria; University of Leicester. (2023, October 2). MIRreM roundtable workshop on irregular migration data needs and usages, Ireland.

information on how migration journeys play out over time.²¹ In Ireland, meanwhile, the Department of Justice has access to multiple databases relevant to its work, such as the country's visa and immigration databases, but these databases are not linked and cooperation and communication between the people managing them appears limited at times.²² Effective data sharing also requires sufficient resources and staff, particularly to make data collected for a specific operational purpose accessible and useful to actors seeking to use it for other purposes, such as long-term analysis.

A third and final set of obstacles to data sharing relates to the trust and institutional relationships that exist between entities producing and seeking access to irregular migration data. These issues, and a related fear of backlash, featured prominently in both the EU and national-level MIrreM workshops. Because many public authorities share data on an as-needed or case-by-case basis, trust and strong institutional relationships often shape whether data are shared and with whom. In Austria, for example, federal states and organisations can request (additional) data on irregular migration from the Ministry of the Interior, but it is up to the ministry to decide whether to respond to the request, and existing trusted relationships and cooperation reportedly play an important role in this decision.²³ Political priorities also shape whether and how data are shared. A salient example comes from Poland, where news about potential abuses of the visa system drew attention to the immigration statistics published by the Ministry of Family, Labour and Social Policy. Once journalists started using and analysing the data, the datasets were removed from the ministry website and the ministry stopped publishing new data.

Box 2

The General Data Protection Regulation – Effective Protection or Obstacle to Data Sharing?

The EU General Data Protection Regulation (GDPR), introduced in May 2018, has been heralded for establishing the EU as a global trailblazer in data protection and applies to everyone in the EU and the European Economic Area (EEA), including migrants with an irregular status, whose data is processed by state authorities, private actors, and public service providers (GDPR Article 1), even though these rights were already protected by article 8 of the EU Charter of Fundamental Rights (European Union Agency for Fundamental Rights, n.d.).

The GDPR protects, amongst others, the rights of irregular migrants through prohibiting the processing of personal data beyond what is strictly needed to achieve the purpose for which the data was initially collected (purpose limitation) and limits data collection (data minimisation) and length of data storage (storage limitation) to only what is required for the initial purpose (Art. 5) (Regulation (EU) 2016/679, 2016). The regulation also requires data subjects, such as migrants with an irregular status, to be informed about the purpose of the data collection (Art. 5) and to consent (Art. 7) (Regulation (EU)

²¹ University of Oxford's Centre on Migration, Policy and Society (COMPAS). (2023, December 8). MIrreM roundtable workshop on irregular migration data needs and usages, UK.

²² University of Leicester. (2023, October 2). MIrreM roundtable workshop on irregular migration data needs and usages, Ireland.

²³ Universität für Weiterbildung Krems. (2023, June 12). MIrreM roundtable workshop on irregular migration data needs and usages, Austria.

2016/679, 2016). It also prohibits the profiling of individuals, for example identifying migrants with irregular status, through automatic processing (Art. 22) (Regulation (EU) 2016/679, 2016).

While the GDPR protects the fundamental rights of vulnerable groups such as irregular migrants, it is not always properly applied or enforced. Research by the European Union Agency for Fundamental Rights (FRA) found that authorities collect personal data on irregular migrants, for example, without providing easy to understand information (European Union Agency for Fundamental Rights, 2021).

Furthermore, with the ongoing optimisation and expansion of IT systems to combat irregular migration, there is a tangible risk of function creep, meaning that data may be used for purposes that were not initially envisioned. For example, if the Eurodac IT systems are made interoperable, personal data stored in one system will be used across multiple systems to ensure that the identification of an irregular migrant is correct. CSOs and human rights organisations have expressed concern about whether the GDPR safeguards the data privacy rights of irregular migrants with the expansion of the Eurodac system (Statewatch, 2021). These organisations have argued that irregular migrants cannot effectively give informed consent for data processing for a particular purpose, because the purpose is constantly changing in an unpredictable way.

Furthermore, a lack of clarity on how to apply the GDPR for different irregular migration stakeholders means that they may be reluctant to share personal data even if they are permitted to do so.

The GDPR demonstrates the importance of coherent and extensive data protection regulations for safeguarding the fundamental rights of vulnerable groups, such as irregular migrants. With clear guidance on the exemptions and obligations of the GDPR, irregular migrants would be better informed of their data privacy rights which could prevent abuses. Furthermore, a better understanding of the provisions of the GDPR, could also mean that stakeholders such as medical practitioners, CSOs, and labour inspectorates, may be more willing to share data with other actors, without violating the trust or legal rights of irregular migrants.

4.4 DATA NON-USAGE AND UNDERUSAGE

Even when data exist and are accessible in principle, they are not always used to inform policymaking and operational decision-making. In interviews and workshops, officials, civil-society representatives, and other stakeholders pointed to several contributing factors: data users may view the available information as not suited to their needs, they may see it as unreliable or politically motivated, they may simply be unaware of it, or they may have concerns about the potential impacts of its use.

Data non-usage is particularly common when decisionmakers do not view the available data as relevant or optimised for the specific policy decisions they are grappling with. This is especially the case when data are made available only with lengthy time lags, or when they report aggregate numbers but do not allow for an analysis of subgroups. In some cases, data users have unrealistic expectations for the nature and robustness of irregular migration data. For instance, participants in the EU-level MIRreM workshop described policymakers sometimes disregarding available datasets because they are not representative of the entire

irregular migrant population.²⁴ Yet, given that the composition of the irregular migrant population is unknown and that sampling strategies are limited, irregular migration data sources typically cannot claim representativeness but may nonetheless have valuable insights to offer.

The second factor limiting the uptake of data on irregular migration is that potential data users may perceive available datasets as politically tainted and thus untrustworthy. Often, such views reflect concerns about potential data manipulation or selective reporting to serve a specific political agenda. For instance, in Spain, data on irregular migrant stocks created by Spain's official migration observatories are reportedly underused in policymaking because some policymakers view the data as lacking objectivity.²⁵ In some cases, concerns about data politicisation—and associated data non-usage—are rooted in a lack of transparency surrounding publicly available data. In particular, when explanations of data collection and calculation methods are not sufficiently comprehensible for practitioners to verify the reliability of the data, or at least not without investing significant effort and time, they may simply decide not to use the data.

Furthermore, some data may go unused simply because potential users are unaware of them. This was described as a challenge in MIrreM workshops, with one participant noting that gaps in end user knowledge about available data are especially common at the local government level. Some departments, such as social services, are important producers of data on the irregular migrant population using their services. However, because policymakers are unaware of the availability of such data, these sources of information are often not fully utilised.²⁶

Finally, some actors may deliberately limit their use or dissemination of irregular migration data if they believe that the potential risks outweigh the benefits of doing so. For example, representatives of civil-society organisations have reported that the political context in which they operate sometimes influences their data usage, noting that they strive to find a balance between respecting the rights of irregular migrants and the desire for more and better publicly available data.²⁷ Even anonymous data and reporting on irregular migrants can heighten the vulnerability of such migrants and influence public narratives. Furthermore, data producers may feel that they have insufficient control over how their data are reproduced and interpreted, raising concerns about data being used without important contextual information or being misinterpreted. As a result, service providers and civil society may opt not to use data they collect for secondary purposes, and not to publicize that they have such data.

²⁴ Migration Policy Institute Europe. (2023, September 12). MIrreM roundtable workshop on irregular migration data needs and usages, EU-Level.

²⁵ Complutense University Madrid. (2023, September 14). MIrreM roundtable workshop on irregular migration data needs and usages, Spain.

²⁶ Migration Policy Institute Europe. (2023, September 12). MIrreM roundtable workshop on irregular migration data needs and usages, EU-Level.

²⁷ Complutense University Madrid. (2023, September 14). MIrreM roundtable workshop on irregular migration data needs and usages, Spain.

5. LEARNING FROM BEST PRACTICES AND INNOVATION IN IRREGULAR MIGRATION DATA

Improving data practices in the domain of irregular migration is of paramount importance—not only to refining understanding of migration dynamics but also to empowering stakeholders to make informed decisions and to implement targeted interventions, thus contributing to more balanced and potentially more humane migration management. Despite the many obstacles, there are also promising innovations and best practices that can inform efforts to improve data collection and fill data gaps, clarify definitions and make data more consistent, improve data access and sharing, and reduce non-usage of available data. These include:

5.1 SCALING UP LOCAL EFFORTS TO FILL DATA GAPS AND IMPROVE UNDERSTANDING OF THE CHARACTERISTICS OF IRREGULAR MIGRANT POPULATIONS

Among the many persistent gaps in irregular migration data, there is a particular lack of information on the profiles and circumstances of irregular migrants, data that would make it possible to better adapt the provision of essential services and improve outreach to this population, e.g. for counselling on return or regularisation options, and key subgroups. Valuable lessons can be learnt from efforts undertaken at the local and municipal levels to counteract these shortcomings.

Many of these initiatives stand out because they take a practical, pragmatic approach to engaging with persons staying in a country irregularly. For instance, the city of Utrecht in the Netherlands has taken a proactive approach by working with local NGOs to provide irregular migrants with cards that give them access to health care. As a result, the city now has a relatively comprehensive overview of its irregular migrant population as well as more detailed data about their medical needs, which is particularly useful for public-health monitoring, such as during the COVID-19 pandemic.²⁸ In Belgium and France, the EU-funded Reach Out project has piloted a new approach by working locally with a network of cities and civil-society organisations to reach irregular migrants in transit with counselling services. In its first phase, the project team established 3,500 counselling meetings in Brussels, Calais, and Dunkirk and worked to create a better understanding of irregular migrants' movements in the region (Reach Out Project Team, 2021). And in Spain, the *padrón municipal de habitantes* (municipal register of inhabitants) is an example of a proactive policy that allows

²⁸ University of Oxford's Centre on Migration, Policy and Society (COMPAS). (2023, December 8). MIrreM roundtable workshop on irregular migration data needs and usages, UK.

residents to register irrespective of their migration status and can help facilitate access to social services (see Box 3 for details). In addition, by comparing *padrón* records and the number of residence permits issued, it is possible to estimate the irregular migrant stock in Spain (González-Enríquez, 2008).

National and EU-wide initiatives can learn from these locally tested approaches and support efforts to scale up those that are successful. In doing so, national governments could play an important part by helping to establish standardised frameworks for collecting and sharing information, to ensure consistency in data collected across projects and geographies.

Box 3

Spain's *padrón municipal de habitantes*

The Spanish *padrón municipal de habitantes* (municipal register of inhabitants) is an example of a registration system that promotes inclusion and facilitates the collection of data on irregular migrants present in municipalities across the country (Serrano Sanguilinda et al., 2017). All inhabitants have a duty to register with the *padrón*, which gives them access to municipal resources and public services regardless of immigration status (Serrano Sanguilinda et al., 2017). The only requirements for registration are that an individual provide a form of identification and an address, and even these requirements can be flexible. The systematic nature of the *padrón* and the way it is separated from other policy functions (such as immigration enforcement) is unique in Europe, and it enables the country to collect valuable information about all of its residents, including their age, countries of origin, nationality, gender, and family/marital information (Fernández-Suárez & Espiñeira, 2021).

Public trust in the register is facilitated by the work of civil-society and nongovernmental organisations that inform migrants about both the need to register and the benefits of doing so. Once registered, migrants have access to social services, including language courses, sport classes, libraries, education, some emergency social benefits, and health care (Fernández-Suárez & Espiñeira, 2021). Municipalities can use these data in combination with data collected about the uptake of these services to allocate resources accordingly. The greatest benefit to irregular migrants of registering in the *padrón* system is that they can obtain legal residence—*arraigo social*—if they provide proof that they have lived in Spain for at least three years (COMPAS, 2014).

The *padrón* system has, however, faced some challenges. A first major challenge relates to the considerable variation in different municipalities' documentation requirements for registration. For example, the city of Barcelona encourages irregular migrants to register even if they have no fixed address, with city officials making on-the-ground visits to confirm the residence and location of individuals unable to provide proof of address (COMPAS, 2014). And in Madrid, the City Council has established agreements with civil-society organisation at whose headquarters homeless people can register through the Neighbourhood Cards initiative (Fernández-Suárez & Espiñeira, 2021). In contrast, municipalities such as Badalona require migrants to have both proof of a fixed address and a residence permit, and Ceuta and Melilla refuse to register irregular migrants altogether (Fernández-Suárez & Espiñeira, 2021). Questions have also been raised about the reliability of the *padrón's* data, and specifically the extent to which irregular migrants and other residents de-register when they leave the country, because municipalities have an incentive to overestimate how many inhabitants they have in order to receive more resource appropriations for services (González-Enríquez, 2009). Spain has tried to address these issues through legislation that removes the names of individuals who have

left municipalities and that harmonises registration processes, but questions about data reliability remain (Delvino, 2017).

5.2 TO PURSUE SOCIAL POLICY OBJECTIVES, CONSIDER SEPARATING DATA COLLECTION AND LAW ENFORCEMENT

Migrants with irregular status often avoid accessing services or reporting crimes because of fears of deportation, leaving them vulnerable for exploitation (Delvino, n.d.). This subsequently results in lacking sufficient data on irregular migrant stocks and their characteristics. To overcome this, some authorities have recognized the need to separate data collection from law enforcement and to avoid collecting information on migration status to pursue certain social policy objectives. For instance, ‘sanctuary cities’ across North America prohibit local law enforcement officials from coordinating with federal immigration enforcement authorities; similar practices have emerged in several European cities, including Barcelona, Zurich, and Sheffield (Cherti et al., 2024, p.11). In the EU, the 2020 Strategy on Victims’ Rights aims to strengthen protections of victims of crime, particularly those in situations of vulnerability, such as irregular migrants, who may be hesitant to report crime and access justice systems (Cherti et al., 2024). In the United States, for example, 16 of the 50 states allow irregular migrants to apply for a driver’s license or state identification card irrespective of their migration status, which in turn gives them access to essential services such as banking and housing (Police Executive Research Forum, 2021; BMI, 2023). In Europe, the Spanish *padrón municipal de habitantes* is one example of a proactive policy that allows registration in municipal registers irrespective of migration status and can help facilitate access to social services (see Box 2). In addition, comparisons between the *padrón* and the number of residence permits allow to make estimates about the irregular migrant stock in Spain (González-Enríquez, 2009).

5.3 HARMONISING DEFINITIONS AND MEASUREMENT METHODOLOGIES TO IMPROVE DATA COMPARABILITY AND SHARING DATA MANUALS TO PREVENT MISINTERPRETATION

Promising initiatives are underway to untangle and clarify the murky definitions of irregular migration. The MIRreM project, for example, has developed a taxonomy of migrant irregularity and will publish a handbook covering data on migrant irregularity (Kraler, 2023). Stakeholders will undoubtedly continue to have different goals when using irregular migration data and will therefore continue to use different definitions to some extent, but by communicating clearly about which definition is being used and why, other stakeholders will be better able to assess and use data for their own purposes.

Beyond the clarification of definitions, increased consistency of definitions across countries and stakeholders would help make data more comparable. The European Commission’s Directorate-General for Migration and Home Affairs, for example, has tried to combat

definitional inconsistency by switching from using Member State-provided data to using Frontex data to monitor trends in irregular migration. However, Frontex still depends on data provided by Member States, somewhat limiting the impact of this switch. The European Union could champion a clear and consistent definition of irregular migration and promote its uptake across Member States and their institutions, for example by leveraging the European Migration Network to develop more harmonised definitions and measurement methodologies.

Lastly, the sharing of irregular migration data sometimes looks like the children's game 'telephone', where at each link in the chain some information may get lost or misinterpreted. To avoid these issues, data should be released with an easy-to-understand and easily accessible data manual that includes not only the definition of irregular migration used in a dataset, but also information on whether the data represent precise population counts versus estimates, warnings for possible misinterpretations (e.g., on why three irregular border crossings do not necessarily equate to three irregular migrants), and a note on data quality.

5.4 INVESTING IN BUILDING KEY ACTORS' CAPACITY TO COLLECT AND USE IRREGULAR MIGRATION DATA AND IN BROADER DATA LITERACY

To tackle skill and expertise gaps and improve data literacy, actors that collect and use irregular migration data require access to training, opportunities for mutual learning, and financial resources to invest in these activities. High-quality training materials are a first, important part of filling these knowledge gaps. For example, a handbook being developed by the MIRreM project, in addition to clarifying definitions, plans to provide resources on how to improve data quality and aims to increase awareness of existing data quality issues. Online training videos could also be an efficient way to make learning resources available to a wider audience.

Communities of practice are another way to build skills and knowledge, notably by fostering more informal mutual learning and knowledge-sharing between stakeholders in the field of irregular migration. This is crucial for building a collective knowledge base that transcends national and stakeholder silos, and it would also contribute to more trusting and effective institutional relationships. Existing platforms such as the European Migration Network, which brings together national-level European policymakers, and the Platform for International Cooperation on Undocumented Migrants (PICUM), a grassroots organisation with 164 member organisations, could play an important role in facilitating such exchanges, though it would also be worth creating platforms that bridge the gaps between different types of stakeholders. EU Member States, research organisations, and civil society could pool resources to support the creation of such communities of practice, along with the development and dissemination of training resources and expert knowledge.

Yet, training and knowledge sharing, on their own, may not be enough. In some contexts, there is simply a lack of funding to ensure that a governmental organisation has the staff capacity to tap into data resources, as was highlighted by participants in the MIRreM

workshop in Poland.²⁹ Sufficient financial resources are crucial to hiring, training, and allocating staff to collect new and leverage available data. This can be part of a vicious cycle. As long as data gaps and data quality issues prevent the effective use of irregular migration data, the benefits of building capacity to effectively collect and use such data remain limited, which disincentivises governments from investing in more staff capacity. This, in turn, limits the quality and availability of irregular migration data. Actions on both ends will be needed to break this cycle and move the field forward.

5.5 STRENGTHENING DATA PRIVACY SAFEGUARDS WHEN IMPROVING INTEROPERABILITY BETWEEN DATABASES

In the interviews and workshops conducted for this project, public authorities called for linking up databases and enhancing the interoperability of data systems related to irregular migration. By linking disparate data sources, authorised users could access more data and construct a more comprehensive and accurate picture of migration patterns, trends, demographics, and needs. Furthermore, improved interoperability could enable the real-time exchange of data, which could enhance these systems and policymakers' responsiveness to emerging challenges related to irregular migration.

Yet, making existing data systems interoperable often means that data collected for one purpose would be used for new purposes, which would violate the GDPR's 'purpose limitation' (the principle prohibiting the processing of personal data beyond what is strictly needed to achieve the purpose for which data were initially collected) (Regulation (EU) 2016/679, 2016). As such, the limited efforts in this area to date have been widely criticized. The European Union, for example, has adopted an interoperability framework that aims to make existing and new migration-related databases interoperable, streamlining and protecting EU agency and Member State authority access to data through the European Search Portal (Regulation (EU) 2019/817, 2019). These efforts have received a lot of criticism from both NGOs and the European Union Agency for Fundamental Rights for lacking sufficient safeguards (European Union Agency for Fundamental Rights, 2018; Jones, 2019). This example highlights the need for EU Member States and other entities considering investments in interoperability to ensure the protection of data subjects' fundamental rights by establishing sufficient safeguards and to guarantee adherence to the principle of purpose limitation.

Box 4

Improving Interoperability and Data Sharing – Innovations at the EU level

Over the years, increasingly more IT systems are being set up to track aspects of (irregular) migration at a European level, starting with the Schengen Information System (SIS), the European Dactyloscopy Database (Eurodac), and the Visa Information System (VIS), and soon to be expanded with the Entry/Exit System (EES), the European Travel Information and Authorisation System (ETIAS), and the

²⁹ University of Warsaw. (2023, September 15). MIrreM roundtable workshop on irregular migration data needs and usages, Poland.

Records Information System on Third-Country Nationals (ECRIS-TCN) (European Commission Directorate-General for Migration and Home Affairs, n.d.). These systems were developed in parallel and for different purposes (e.g. asylum, visa, crime), which made it difficult to link information across these systems and complement each other.

To tackle these challenges and to achieve objectives such as improving border checks at external borders and preventing and combating irregular migration, the EU adopted an interoperability framework (Regulation (EU) 2019/817, 2019; Regulation (EU) 2019/818, 2019). The interoperability framework promises, amongst others, to harmonise data quality requirements across the different IT systems, strengthen data security and data protection, and streamline access to data (European Commission Directorate-General for Migration and Home Affairs, n.d.).

Access to data is streamlined and protected through the launch of a one-stop-shop – the European Search Portal (ESP) - where EU agencies and MS authorities can access data from these different systems, as well as from Europol and Interpol, in line with their access rights (Bunyan, 2018). To link data across IT systems, a Common Identity Repository (CIR) is introduced that creates a unique file for each individual registered in the EES, VIS, ETIAS, Eurodac, or ECRIS-TCN. Each file will contain biographic and biometric data, the latter are stored separately in the shared Biometric Matching Service (sBMS).

While these changes will increase the range of data that will be collected and improve data access, civil society organisations have warned that ‘the new rules lack the necessary safeguards to protect people from the arbitrary, unjustified or excessive exercise of state power’ (Jones, 2019). They also warn that anti-discrimination safeguards are too weak and the use of data for new purposes not originally foreseen are contrary to the principle of purpose limitation in the GDPR (European Union Agency for Fundamental Rights, 2018). Despite legislation being amended to incorporate new objectives, it is questionable whether it is necessary and proportional to do so. EU institutions, such as the European Union Fundamental Rights Agency and the European Data Protection and the European Data Protection Supervisor (European Union Agency for Fundamental Rights, 2018). The EU interoperability framework shows that collecting more data (e.g. biometric data in the sBMS), linking data (through the CIR), and increasing access to data (through the ESP) may negatively impact fundamental rights and risks discrimination and misuse (Jones, 2019). The elaborate feedback of the FRA in its opinion on the interoperability framework, as well as the feedback by civil society organisations cited above, highlight the need for EU MS and other organisations that consider expanding data collection and interoperability to deeply reflect about issues such as establishing access conditions to avoid abuse and compliance with the principle of purpose limitation (European Union Agency for Fundamental Rights, 2018).

5.6 FINAL REFLECTIONS

Data on irregular migration comprise a complex landscape, with many actors, purposes, and gaps and with both opportunities and obstacles for better policymaking. On the one hand, advancements in data collection and new legislative tools, such as the EU Pact on Migration and Asylum, offer avenues for enhancing understanding of irregular migration and formulating better policy responses, significant hurdles and risks remain. Persistent data gaps, varying definitions of key terminology, and inconsistencies across data sources highlight the need for more harmonised approaches and improved data practices. On the

other hand, more data collection and sharing may result in mission creep, which could infringe on the rights of irregular migrants.

Addressing these challenges could involve several starting points, as this working paper has highlighted. It may involve, for example, strengthening local-level data collection, separating data collection from law enforcement functions, harmonising definitions, and investing in capacity building and data literacy. Additionally, efforts to improve the interoperability of data systems—with proper safeguards in place—and to formalise data-sharing agreements could help enhance the accessibility and reliability of irregular migration data.

Ultimately, while the increasing availability of data provides hope for more evidence-informed policymaking, it will remain essential to approach data use with care and safeguards. Recognising the limitations of current data and managing data users' expectations will be critical to efforts to ensure that data serve as a tool for constructive dialogue and effective policy development, rather than a source of misinformation, fearmongering, and human rights violations.

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