

MIRREM

Measuring Irregular Migration

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MIRREM Taxonomy

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Summary

This document provides an initial taxonomy of migrant irregularity for measurement purposes. Conceived as a companion to MIrreM Working Paper 2 ("Conceptualising migrant irregularity for measurement purposes, <https://doi.org/10.5281/zenodo.7868237>), it sets out how the classification scheme developed in MIrreM Working Paper 2 can be used, how the classification system accommodates process-oriented questions involving one or multiple status changes, and how existing indicators and estimates can be mapped onto the scheme. Finally, the taxonomy provides an initial classification of key types of statistical indicators relating to migrants in an irregular situation.

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THE MIRREM PROJECT

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.

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1. INTRODUCTION

This document provides an initial taxonomy of migrant irregularity for measurement purposes. Conceived as a companion to M^{IRreM} Working Paper 2 (Kraler & Ahrens, 2023), it sets out how the classification scheme developed in M^{IRreM} Working Paper 2 can be used, how the classification system accommodates process-oriented questions involving one or multiple status changes, and how existing indicators and estimates can be mapped onto the scheme. Finally, the taxonomy provides an initial classification of key types of statistical indicators relating to migrants in an irregular situation.

The M^{IRreM} classification system of migrant irregularity provides a comprehensive classification of migrant irregularity. It distinguishes between different ‘classes’ of migrants in an irregular situation. Distinguishing between stocks of irregular migrants and flow or specific ‘pathways into’ or ‘out of irregularity’, it allows to map specific situations onto a scheme composed of mutually exclusive classes. In addition to identifying classes of migrants in an irregular situation as well as pathways into and out of irregularity, it distinguishes two related classes – migrants with a provisional status and mobile EU citizens (and their family members) whose right to stay under the Citizens Directive (Directive 38/2004/EC) has been revoked. Finally, it also includes legal migrants admitted under the regular legal framework for immigration or under free movements as a reference category.

The rationale for developing the M^{IRreM} taxonomy and the logic guiding the classification scheme and the basis for distinguishing the different classes of migrant irregularity is described in more detail in the M^{IRreM} Working paper 2 (Kraler & Ahrens, 2023). This document describes, how the scheme can be concretely operationalised and how empirical situations of migrant irregularity and associated data or estimates can be mapped onto it.

Two key aspects of the classification scheme need to be highlighted here:

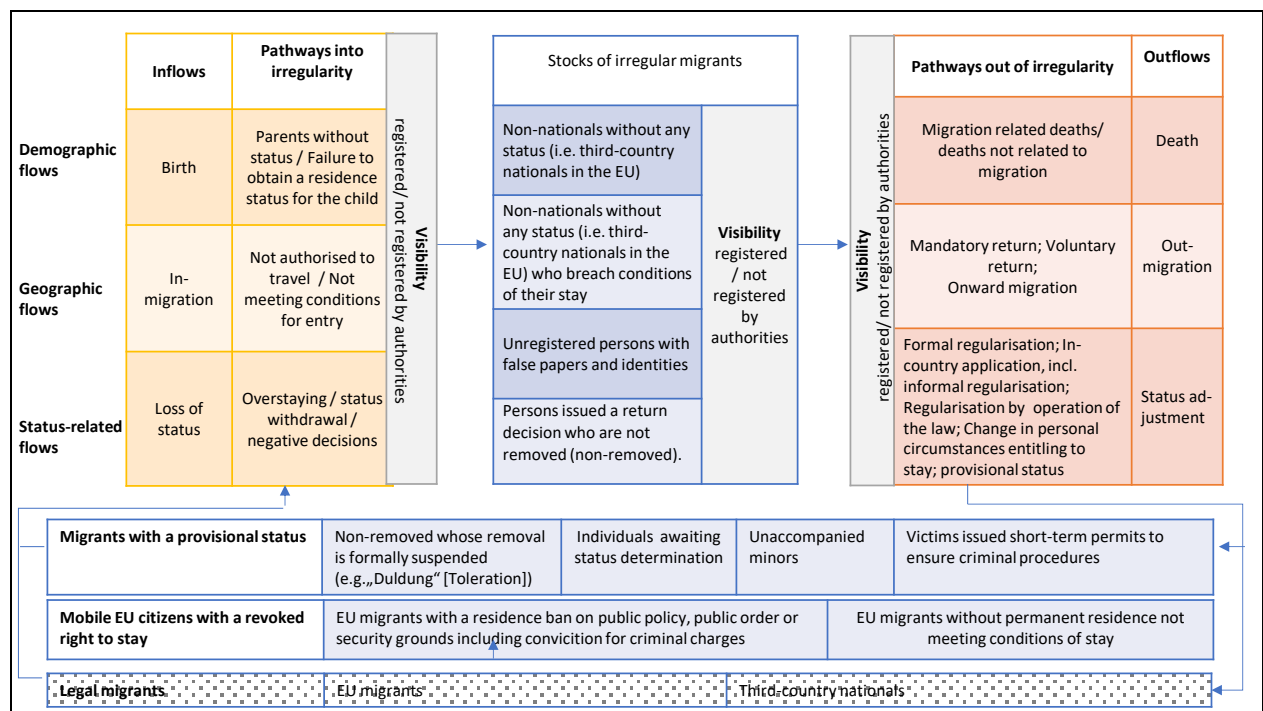
First the classification scheme provides a snapshot of the migrant population in an irregular situation (or in a related status) at a particular point in time. It is not designed to account for trajectories. This said, legal status trajectories of irregular migrants can be accounted for nevertheless, as we will see in the next section. The double concept of ‘pathways into’ and ‘out of irregularity’ does indeed accommodate certain dynamic aspect – but it does so only for one particular point in time.

Second, the classification scheme underlies a strictly territorial logic, usually focused on the national territory, as its main focus is the stock of population in a given territory. In the next section, we will discuss how to use the classification scheme for real life situation, including those involving multiple countries over time.

2. HOW TO USE THE MIRREM CLASSIFICATION

As noted above, the MIRREM classification scheme takes a snapshot to the irregular migrant population in a given territory at a given time. Figure 1, below presents the MIRREM model of irregular migrant stocks and flows. The model shows how different types of inflows (‘pathways into irregularity’) relate to the stocks of irregular migrants and these in turn are affected by outflows that via status related flows may affect the stocks of migrants with a provisional status or the stocks of legal migrants.

Figure 1: MIRREM model of irregular migrant stocks and flows



Source: Kraler & Ahrens (2023), p.31

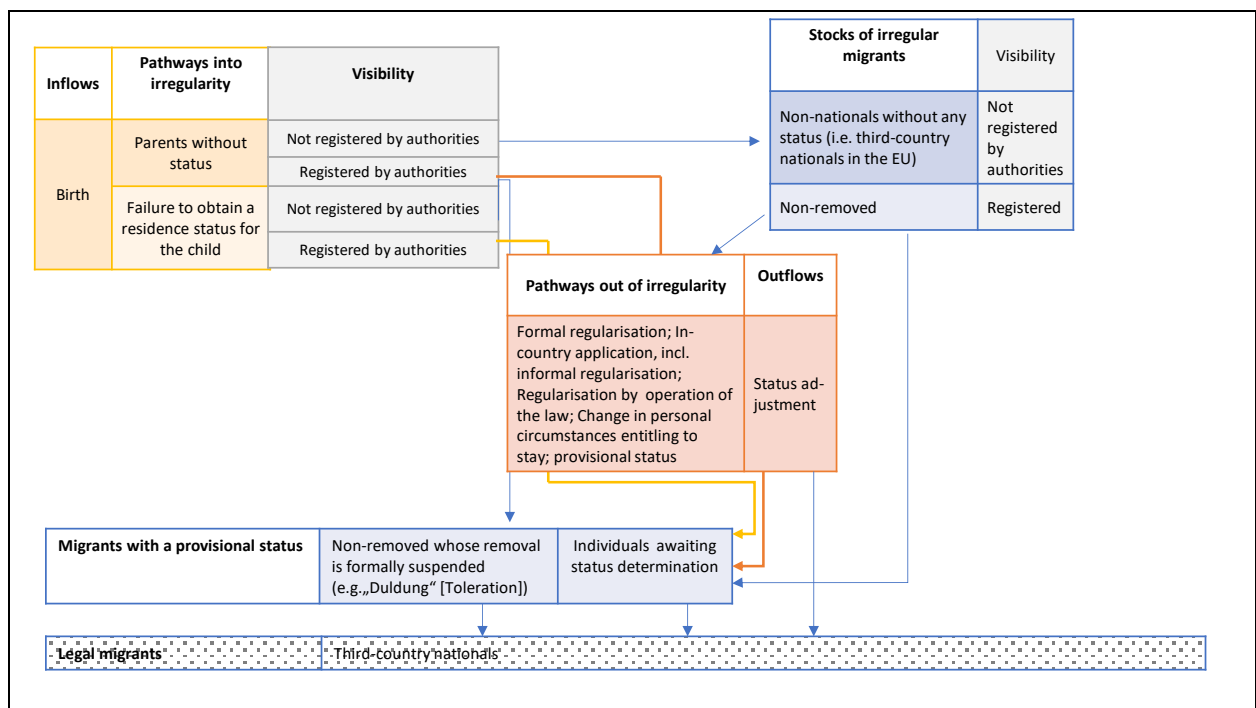
The broad direction of the relationships between pathways into and out of irregularity, irregular migrant stocks and ‘related classes’ (i.e. migrants with a provisional status and mobile EU citizens with a revoked right to stay) and stocks of legal migrants is indicated by arrows.

In the schematic overview of the scheme the precise relationship between specific pathways into irregularity and ‘classes’ of migrants in an irregular situation or migrants with a provisional status or a reasonable claim to a provisional status is not further elaborated, nor is it immediately clear what data could provide evidence on either pathways or classes distinguished in the stocks.

2.1 Birth into irregularity

To demonstrate the relationship between particular pathways and the stock of migrants in an irregular situation, I consider two examples, the first of which focuses on birth into irregularity. The MIRreM model distinguishes two situations that could lead to a child being born into an irregular status, depicted in figure 2, below.

Figure 2: Trajectories of children born into irregularity



Source: Own presentation based on Kraler & Ahrens (2023)

2.1.1 Classes involved

First, and presumably most typically, a child may not have a legal status at birth when it is born to parents or a mother in an irregular situation, except in case of *ius soli* (birth right) acquisition of citizenship. The principle at play here is that children usually inherit the legal status of parents or a derived status as a minor family member. If birth does not take place in a hospital or the hospital is not obliged to check the legal status of parents or the child

upon issuing a birth certificate¹ the child will simply enter the stock of irregular migrants without any status.

Birth may, however, also lead to immigration authorities being informed. This could involve initiation of a return procedure of the parents, although it is unlikely that return would be immediately effected (therefore, it is not included in the figure above). Instead, a return decision is likely to be not implemented and possibly also formally suspended. In these cases the child would either belong to the class of non-removed migrants (without a formal suspension of the removal) or the class of non-removed migrants whose removal is formally suspended.

Birth may also be an incentive to make up for missing documents by using forged documents or using different a different identity. Regularising the situation of migrant children in an irregular situation has also repeatedly been the stated goal of regularisation programmes or permanently available regularisation mechanisms, thus providing an exit from irregularity and a pathway to legality (PICUM, 2018). What the temporal sequence of events will be is ultimately an empirical question. Unlike in the case of adults, where regularisation is usually available only after a certain number of years of proven stay stay, regularisation or a provisional status adjustment is usually available for newborn children and other small children more immediately. Newborn children without a legal residence status registered by authorities thus may never enter the stock of irregular migrants, but immediately upon registration by authorities benefit from a provisional status or residence permit. But again, this may differ from country to country and there may be long time-lags between different events. Overall, children born to parents without any legal status may pass several 'classes' distinguished in our classification scheme.

The second, and presumably less frequent situation occurs when the (legally staying) parents of a child fail to obtain a residence permit for the child. There may be different reasons for such a situation to occur. In the light of the right to family reunification and a rich body of jurisprudence related to the right of family life, such children would never be considered as unlawfully staying in a full sense and be under the threat of expulsion. Rather, they would be considered as entitled for a residence status derived from their parents' right to stay. Nevertheless, a failure to obtain a permit may imply quite significant consequences, notably in terms of access to family related benefits and other entitlements linked to legal residence. Such children could thus be considered as *de facto* without a residence status, even if there is a legal presumption of legal residence.

From the perspective of our taxonomy, such children are thus best conceived as awaiting status termination.

¹ I should stress that how authorities deal with birth certificates is in itself an important empirical question and is by no means clear. In addition, even if a right to a birth certificate may exist, implementation may be a different matter.

2.2.1 Data Traces

But what data traces may exist on birth into irregularity and related trajectories?

In the case of children born to parents in an irregular situation will depend on whether birth takes place without any medical support and ‘clandestinely’ and therefore by default, is not registered or, conversely, whether the parents (the mother) draws on available support at least for parts of the process. Whether birth is eventually recorded or not will depend on the legal rules on birth registration as well as actual practices. If the registration policy is indeed universal and also implemented that way, it may be possible to estimate the number of migrant children without a residence permit at birth. In those cases parents become subject to removal procedures children are likely to be added to the file, but may not be distinguishable from other small children implicated into return procedures. Status adjustment following birth similarly are likely to be documented.

In the case of legally staying parents whose children do not (yet) have a residence permit statistical data may exist, but it may not be directly obvious. In countries with systematic register linkage possibilities, it might be possible to identify the number of new-born babies with a third-country nationality who have not received a residence permit and have not given birth in the country for reasons of medical treatment or just happened to be on the territory. If those without a known or stated place of residence on the territory can still be taken away, the resulting number may still involve children not entitled to a residence permit, in other words children born into irregularity. Other estimation options may also be available in countries with established register-linkages, depending on the way registers are built and how they can be used.

In sum, however, identifying ‘data traces’ requires a detailed examination of pathways into and out of irregularity and any registration procedures in place that may lead to a record of such persons. While such data may in some contexts be of a systematic nature and of broad coverage (such as in the case of persons issued a removal order whose removal is suspended) more often than not available statistical indicators will only be partial, but may still serve as a useful input for an estimate.

2.2 In-Migration

I will now consider in-migration into irregularity as a second example to illustrate how the MIrreM classification can help to think through pathways into irregularity, how or whether particular pathways contribute to irregular migrant stocks and what data traces there might be. Importantly, when considering in-migration, we actually only look at in-migration directly into irregularity, thus leaving aside legal in-migration and subsequent overstaying which, in a temporal perspective, may be relatively closely connected.

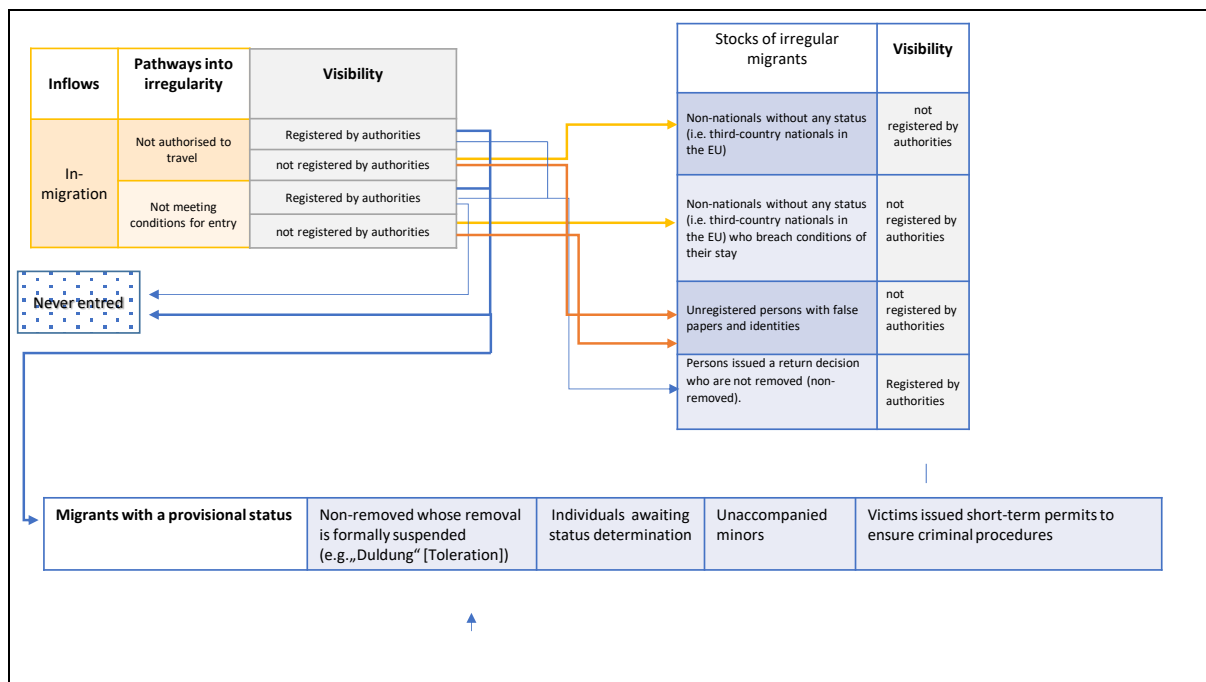
Figure 3, (overleaf) shows an excerpt of the MIrreM classification scheme, focusing only on in-migration and the different linkages that connect pathways into irregularity, stocks of

migrants in an irregular situation and stocks of migrants with a provisional status. It shows key connections that can be distinguished, without claiming to be comprehensive. Indeed, as with births, ultimately, it is an empirical question, how different ‘classes’ and pathways into and out of irregularity are connected

To further simplify the example, pathways out of irregularity have been left out in this figure.

Suffice is to stress here too that relating inflows to outflows would have to involve a consideration of time, that is the duration of a persons’ stay. From a policy perspective, even persons in transit might be of interest, but they cannot be considered a part of the irregular migrant population in any meaningful way. In that they are no different from other comparable ‘classes’ of mobile persons with only a short term stay on a territory – commuters, tourists, and various categories of workers with a limited perspective of staying on, such as seasonal workers, posted workers, or intra-company transferees.²

Figure 3: trajectories of in-migrants entering irregularity through irregular entry



Source: Own presentation based on Kraler & Ahrens (2023)

2.2.1 Classes involved

For In-migration the MIrreM classification system distinguishes two basic classes: migrants who are not authorised to travel and migrants not meeting the conditions for entry. We distinguish between the two ‘classes’ mainly in view of supplementary conditions that

² From an (official) statistical point of view there are two cut-off points: after 3 months or more, after which short term mobility turns into ‘temporary migration’ and after 12 months or more, after which temporary migrations becomes ‘permanent migration’ (Cf. Kraler et al., 2015)

travellers have to fulfill, even if they are in principle authorised to enter a country, for example as visa-free traveller or as a visa-holder.

Immigrants who are not authorised to travel are perhaps the classic case of migrants moving irregularly: without authorisation, travelling clandestinely and often using routes outside official border crossing points. If successfully immigrating, they contribute to the stock of non-nationals without any status and won't leave any data-traces. If unsuccessful and apprehended, they will be registered by authorities, moved into a return procedure and/or receive a provisional status because they fall into one of the protected categories of persons. However, if apprehended at the border, unsuccessful immigrants may often be immediately returned, whether through legally established procedures or through unlawful 'pushbacks'. From a legal point of view, they will be considered as never having entered the country. The key point here is that some flows never add to the stock of the irregular migrant population.

The second 'class' we distinguish in the MIRreM classification scheme, migrants not meeting the conditions of stay upon entry, such as having a valid passport or sufficient means of subsistence will in many cases similarly not enter the country but refused entry when border guards detect that conditions are not met.

But the breach of entry conditions may also remain undetected (for example, requirements to carry sufficient cash) and even concerned individuals themselves may not be aware that they have breached conditions and have risked refusal at the border. If persons cannot be immediately returned to the country of last departure, for example when travelling by plane and the fiction of non-entry cannot be upheld, a return decision may be issued. Finally, also persons not meeting conditions of entry may enter the class of migrants with a provisional status.

2.2.2 Data traces

What data traces exist in these cases? Border apprehensions are perhaps the best known and most widely used indicators of irregular migration flows. Their coverage, i.e. whether covering a higher or lower share of irregular entrants not authorised to travel – will vary depending on the situation and the particular type of border. For example, given the distance involved, the speed of maritime travel possible, and the extent of surveillance in the central Mediterranean it is likely that the share of documented arrivals is relatively large. The situation at less policed land borders not presenting physical barriers will be very different.

In case of detections of persons not meeting conditions of entry statistics of refusals of entry is the main data source. Importantly, and as already noted, refusals of entry do not necessarily indicate attempted irregular migration, but rather some other reasons, such as ignorance of certain documentary and other requirements, or simple mistakes. In the UK, for example, US citizens have been the top nationality of persons refused entry at the border (see Eurostat statistics of third-country nationals refused entry at external borders /dataset MIGR_EIRFS, various years). In 2018, three quarters of US citizens were refused entry because of insufficient means of subsistence. This said, statistics on nationals refused entry at the border also indicate lack of residence permit or visa as a relevant refusal ground.

But what about flows that span several countries? As noted in the introduction to this document, the MIRREM classification essentially focuses on a single territory which can be a country, or the European Union or a territory defined in some other ways. Despite this it is possible to consider flows also explicitly across countries. EURODAC, for example provides information on the first country of registration and subsequent countries from which secondary movements can be inferred. Eurodac thus provides information on country of previous residence within Europe and secondary migration from the first to the last country of registration.

If persons are engaged in repeat mobilities, involving circular movements and others, they in a way ‘transit’ the MIRREM classification repeatedly. If the irregular migrant population is to be measured, it becomes all the more important than to clearly delineate who will be counted where and when, emphasizing again the importance of a clear territorial and a temporal reference. Conversely, the MIRREM classification can be used to probe into whether statistical indicators or estimates are clear in terms of their unit of measurement or temporal reference – not always is this the case. A good example of data that are – at the very least . ambiguous in terms of their concrete temporal and territorial reference are the data collected by IOM’s missing migrants project,³ when probed as an indicator in the context of migration. The dataset is undoubtedly relevant, but whether it can serve as an inflow (attempted migration) or outflow (border death, outmigration) indicator and for which country it should be used is debatable.

3. Towards a taxonomy of irregular migrant data

The last section of this this document briefly elaborates how the type of probing into different ‘classes’ of pathways into irregularity, stocks of the irregular migrant population and related ‘classes’ undertaken in section 2 of this paper above can be further systematized and used to build a ‘taxonomy’ of actually existing irregular migrant data.

As a test case, I continue delving on ‘inflows into irregularity’ and reproduce the left-hand section of figure 1 as a table instead of a figure, adding a column on statistical indicators and estimates and a column for comments.

³ See <https://missingmigrants.iom.int/>.

Table 1: Exemplary classification of data and estimates concerning 'inflows' into irregularity according to the MIrreM taxonomy

Type of Inflow		Pathways	Statistical indicators (ind.) or estimates (est.)	comments
Demographic	Birth	Parents without status	Ind: none Est: if birth registrations are systematic, estimate of unexplained rest of births	May not allow distinguishing the two classes
		Failure to obtain a residence permit	As above,	
Geographic	In-migration	Not authorised to travel	Border apprehension Statistics on pushbacks Reports on unlawful pushbacks	Only persons apprehended while immigrating. Severe data bias; different definitions of "border apprehensions" Irregular entrants who are apprehended near borders may be immediately returned, based on bilateral or other agreements and without initiating a fully fledged return decision. On some borders, NGOs and others undertake monitoring of enforcement activities and report on pushbacks.
		Not meeting conditions for entry	Persons refused entry at the border	Different definitions may exist. In theory, refusal at the border and border apprehensions should be mutually exclusive.
Status related	Loss-of status	Overstaying	Exit-Entry System (EES) data regarding Schengen and other visa	System planned to be in operation as of 2024
		Status withdrawal (including non-renewal)	National databases of immigration authorities	Practices vary in regard to the documentation of different types of status withdrawal.
		Negative asylum decision	Statistics of negative decisions	Different practices of counting negative decision (in-/excluding closure of files); negative decision may not lead to an irregular status (suspended removal status if return is not effected)

Source: own presentation;

Completed here only for illustration purposes and without having any particular country in mind Table 1 shows how existing indicators and tables can be mapped onto the MIrreM classification scheme. The column statistical indicators and estimates replaces the dimension of visibility included previously and specifies it, notably for (administrative) statistical indicators which always reflect a particular administrative record and activity.

Similar tables can be completed for outflows, stocks of the irregular migrant population, and the two related classes the MIrreM classification scheme distinguishes – migrants with, or a reasonable claim to a provisional status and EU citizens (and their family members) who lost their residence rights, respectively.

The MIrreM taxonomy thus provides a heuristic tool to evaluate available data and estimates, relate them to particular classes distinguished in this scheme and to identify gaps on which no statistical data exists.

The limitations of the taxonomy are as important as its function and use for assessing the size of the irregular migrant population. Thus, the taxonomy only provides a systematic classification of migrant irregularity with a focus on the residence status and population stocks – it does not focus on legal trajectories of migrants or how these are related to broader experiences – and variables (such as gender, employment status, or age, to name but a few).

To answer such broader questions on legal status, employment and other trajectories of irregular immigrants, their social and living conditions survey and other original empirical data is required, some of which is available from past research into the lives of irregular migrants in Europe. MIrreM's method's innovation lab will amongst others also probe into methods that, while perhaps insufficient to quantify the size of the irregular migrant population could provide insights into particular aspects of their life.

References

- Kraler, A., & Ahrens, J. (2023). *Conceptualising migrant irregularity for measurement purposes*. (MIrreM Working Paper 2). University for Continuing Education (Danube University Krems). <https://doi.org/10.5281/zenodo.7868237>
- Kraler, A., Reichel, D., & Entzinger, H. (2015). Migration Statistics in Europe: A Core Component of Governance and Population Research. In P. Scholten, H. Entzinger, R. Penninx, & S. Verbeek (Eds.), *Integrating Immigrants in Europe* (pp. 39–58). Springer International Publishing. https://doi.org/10.1007/978-3-319-16256-0_3
- PICUM. (2018). *Manual on regularisations for children, young people and families*. PICUM. https://www.picum.org/Documents/Publi/2018/Regularisation_Children_Manual_2018.pdf

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