

BACKGROUND NOTE

Irregular Migration

Disclaimer

This Background Note was established to inform the intergovernmental consultations held in summer 2021. The consultations served the update of the Prague Process Action Plan and its six thematic areas. The fourth Ministerial Conference in October 2022 shall endorse a new Action Plan, which shall frame the Prague Process cooperation throughout 2023-2027.

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According to a survey carried out among all Prague Process states in 2020, the thematic area of *'preventing and fighting illegal migration'* represents the second most important policy priority for the Prague Process states, trailing only marginally behind the thematic area of readmission, return and reintegration. In comparison, the [evaluation carried out in 2015](#) saw the prevention of irregular migration as most relevant by participating states. Unsurprisingly, this is also the most complex and comprehensive thematic area of the Prague Process Action Plan, covering the widest scope of policy issues, such as awareness-raising campaigns, human trafficking and smuggling, border management, data collection and information sharing, identification, document security or the exchange of analytical methods.

Key Developments across the Prague Process region

The past decade saw major population movements across the immediate neighbourhood of the Prague Process, directly affecting many participating states. The rising numbers of people arriving into Europe exposed major weaknesses in the migration policy setup at the national and regional level. **Turkey** has been the country most affected by the immense numbers of people fleeing the war in neighbouring Syria and Iraq, as well as Afghanistan. Hosting nearly four million migrants and refugees, Turkey has played a key role in considerably reducing the further migration to Europe.

The **Western Balkan countries** equally played an important role, closely cooperating with the EU on migration and security aspects. Of the almost one million refugees who found shelter in Germany in 2015, over 80% passed through the Western Balkans. This period also saw an increase in the arrival of irregular migrants from within the Western Balkan region to the EU. The 'closure' of the Western Balkan route proclaimed in 2016 intensified migrant smuggling and left many transit migrants stranded across the Western Balkan countries. Moreover, the route remains frequented until present, with the respective flows on the rise again since 2019. While the policy response of the countries along the route has predominantly been a national one, the challenges faced require a coordinated approach.

Within the **European Union**, the crisis of 2015-2016 revealed major shortcomings, as well as the complexity of managing a situation, which affects different Member States in different ways. The main challenges included the management of the external border, overpopulated reception centres or high numbers of unauthorised secondary movements. The 1.82 million illegal border crossings recorded along the EU external border in 2015 decreased to 142.000 by 2019. In legislative and normative terms, the EU amongst others put forward and adopted the European Agenda on Migration, the European Agenda on Security, the EU Action Plan against Migrant Smuggling, the European Multidisciplinary Platform against Criminal Threats, including the crime priority Facilitation of Illegal Immigration. Whereas irregular movements from third countries have represented a great deal of concern for the EU and its Member States, most irregular migrants in the EU originally enter legally on short-stay visas, but then remain irregularly after their visa expired.

Similarly, the visa-free regime established among the countries of the **Commonwealth of Independent States (CIS)**, Ukraine and Georgia (with some exceptions) allows regional migrants to enter the CIS territories legally for employment purposes. The irregular employment of labour migrants remains quite common across the Prague Process region, especially among seasonal and domestic workers. The **Eurasian Economic Union (EAEU)**, established in 2015, has tried to tackle this issue through targeted agreements but remaining administrative barriers and substantial financial expenses incurred by migrants restrain these efforts. All across the region, employers have strong incentives in hiring labour migrants informally, thereby contributing to the existing problem.

Driven by greater security concerns, the technological development of **artificial intelligence**, mass surveillance and cutting-edge innovation applied for identity checks, border controls or return facilitation has also accelerated in the past decade. The spread of modern technology, however, creates new challenges. The recent trend in developing complex interoperable databases, where millions of personal data are collected, stored and processed for a variety of purposes, and especially in the context of irregular migration, is both a benefit and a point of growing concern. This is especially evident against the background of an overly politicized public discourse on irregular migration, which consolidates the negative attitudes towards migrants.

The **trafficking in human beings** in mixed migration contexts has highlighted the need to identify factors of vulnerability that may lead to exploitation, human trafficking and other types of abuses. Among the people on the move in 2015-2018 most trafficking cases went unidentified and trafficked people rarely sought help. Common challenges for the national authorities included: high numbers of people transiting within a short time, making it difficult to assess individual cases; lack of capacity among asylum and border authorities to identify potential trafficking cases; and gaps in protection systems for trafficked people.

Finally, the ongoing **COVID-19 pandemic** has provoked major disruptions to cross-border mobility, bringing down both irregular and regular migration. The longer-term implications for migration, visa policies, entry conditions and border management are yet to be assessed by policy makers across the Prague Process region and beyond.

The EU's New Pact on Migration and Asylum

The **Communication on a New Pact on Migration and Asylum**¹, issued by the European Commission in September 2020 and currently negotiated between EU Member States, provides new instruments to tackle irregular migration. The Pact aims at establishing faster, seamless migration processes and stronger governance of migration and border policies, supported by modern IT systems and efficient EU agencies. It entails robust and fair management of external borders, a new solidarity mechanism for situations of pressure and crisis, as well as a stronger foresight, crisis preparedness and response. Ultimately, the Pact shall rebuild Europeans' trust in migration management in an effective, yet humane way.

The New Pact does not anticipate the impact its provisions and follow-up actions will have on **vulnerable groups**. For that end, it is important to consider how the proposed pre-entry screening procedure, detention periods, as well as returns and relocations, will impact the most vulnerable including potential victims of trafficking. Meanwhile, the European Commission is moving closer to finalising new EU Strategy towards the eradication of trafficking in human beings.

Integrated border management is an indispensable policy instrument for the EU to protect its external borders. Another building block lies in the improved interoperability that shall connect all European systems for borders, migration, security and justice, providing national authorities with complete, reliable and accurate information. This will also bring a major boost to the fight against identity fraud. The Schengen visa procedure shall be fully digitalised by 2025, with a digital visa and the ability to submit visa applications online.

The new 2021-2025 EU Action Plan against **migrant smuggling** will boost cooperation by introducing new measures and strengthened inter-agency cooperation in the areas of document fraud, as well as new phenomena such as digital smuggling. The EU plans to improve information exchange with third countries and action on the ground, through support to com-

¹ See: <https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1601287338054&uri=COM%3A2020%3A609%3AFIN>

mon operations and joint investigative teams, as well as information campaigns on the risks of irregular migration. Europol will strengthen its cooperation with the Western Balkans with similar agreements also expected for Turkey and others in the immediate neighbourhood.

The EU will further strengthen **cooperation with countries of origin and transit** to prevent dangerous journeys and irregular crossings. Addressing the root causes of irregular migration and combatting migrant smuggling are valuable objectives in this respect. Strands of work such as creating economic opportunity or increasing stability can reduce the number of irregular arrivals to the EU. The New Pact explicitly acknowledges the important progress made at the regional level within the Prague Process, which shall be further built upon in the future.

Stepping up the cooperation

The dialogue between EU and non-EU countries has deepened in recent years. Due to their geographical location, the EU envisages a **tailor-made approach** to migration management for the Western Balkan, Eastern Partnership and – albeit to a lesser extent - Central Asian countries. By developing their capacities and border procedures, these countries should not only become closer to the EU standards but also better equipped to respond constructively to common security challenges. Closer cooperation with Russia and Turkey is also needed. The 2016 EU-Turkey Statement has already reflected a deeper engagement. The Facility for Refugees in Turkey continues to respond to the essential needs of millions of refugees and is likely to retain this role. This makes continued and sustained EU funding equally essential in the future.

The **root causes of irregular migration** and the immediate migration drivers are complex. Trade and investment policies may contribute to addressing the root causes by creating jobs and opportunities. The COVID-19 pandemic has already caused massive disruptions, once again underlining the need to build strengthened, resilient economies delivering growth and jobs for local people, thereby reducing the pressure for irregular migration. Economic opportunities, particularly for young people, are essential in this context.

Supporting the development of **effective migration governance systems** is another key element. Partner countries can support mutual efforts and learn from each other in managing irregular migration and combatting migrant smuggling and human trafficking networks. Targeted campaigns providing information on legal migration opportunities and explaining the risks of irregular migration, while countering disinformation, remain valuable instruments for the future.

Visa policy can also be used to curb unfounded asylum applications from visa-free countries. The EU Visa Suspension Mechanism provides for the systematic assessment of visa-free countries against criteria including irregular migration risks and abusive asylum applications. This can ultimately result in the removal of third countries from the visa-free list. At the same time, developing legal pathways and multilayer assistance tools on the ground should contribute to the reduction of irregular migration, undeclared work and labour exploitation.

Further advancement in **border technology** is inevitable. The current coronavirus crisis might fuel the move from the traditional paper passport to a digital one, which would allow integrating sensitive medical records, such as the vaccination history. Given the growing numbers of smartphone users and the broad mobile coverage, this could be feasible. Furthermore, the need for digitalisation and automatisisation in border control processes and in view of border security, allowing to simplify border guards' workload and to reduce administrative burdens, has been present for several years. This is also reflected in the substantial research and various innovative projects carried out, aiming at achieving new instruments in the light of automated and digitalized border control. The targeted use of artificial intelligence in border management could further help avoid physical contacts, tackle repetitive tasks and quickly process high

volumes of information. Increased use of contactless equipment such as fingerprint scanners or facial recognition cameras could enhance the health security of both border guards and travellers and might reduce the risks of abuse (e.g. stolen fingerprints). Automated border controls have already proved valuable at some air borders, being widely accepted by travellers with access to certain types of identity documents due to their intuitive and user-friendly setup. Additional infrastructure development, capacity building, equipment supply and progress with the issuance of new generation identity documents is a joint interest. Furthermore, by opening the door to cutting-edge technology more measures on data protection and protection of human rights shall see the light in legislation and practice.

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