Borders Start with Numbers: How Migration Data Create 'Fake Illegals'[1]

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Abstract

Sudden rises in migration across the borders of the Global North have persistently attracted substantial media attention and fuelled hostility towards "irregular migrants" and "bogus refugees." While existing qualitative studies have extensively criticised the migrant-refugee distinction, we offer unique quantitative evidence of how migration numbers and labels construct impressions of increased irregular migration while in fact creating "fake illegals." We conduct a two-stage mixed-method analysis, demonstrating first that data on "irregular/illegal border crossings" (IBCs) published by Frontex have become an authoritative source of information on irregular migration flows cited in a corpus of mainstream news media articles. We then posit that while persecutions and violence in countries of origin may trigger migration, it is policies in destination states that determine who "is" and "isn't" a refugee. We therefore develop a novel method to divide IBCs into those who would likely obtain asylum in 31 European destination states ("likely refugees") and those who would not ("likely irregular migrants") across time given asylum acceptance rates by nationality. We estimate that between 2009-2021 most border crossers labelled as "irregular/illegal" (55.4%) were actually "likely refugees," a proportion we estimate to be 75.5% at the peak of arrivals in 2015. We thus find that sudden and large increases in border crossings concentrated in space likely concern forced rather than irregular migrants. Our constructivist approach thus unveils how migration data and categories both influence and are influenced by securitized border policies and reveals that, in this respect, borders start with numbers.

Keywords: irregular migration, refugees, data, border, Frontex, Europe

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1. Introduction

Sudden rises in human movements across the borders of the Global North have drawn extensive media attention and fuelled public anxieties. From repeated peaks of unregulated arrivals across the United States (US)-Mexico border to the influx of over a million individuals into Europe by sea and on foot in 2015, large cross-border migration flows have inspired compassion and humanitarianism alongside anti-migrant backlashes and border militarisation policies. As permitted by international and national law, refugees cross borders without prior authorization and request asylum. This poses a challenge to destination states of the Global North that seek to control their borders to stymie "irregular" migration while simultaneously upholding their commitments to international conventions protecting refugees and human rights. Borders thus crystallise a key paradox in migration politics: while migration and asylum policies are grounded on the distinction between categories of migrants, supposedly leading to radically different policy responses, state institutions themselves produce and assign the labels that allow for the triage of refugees from (irregular) migrants. This article explores this paradox through the politics of migration data, understood as both numbers and categorical labelling at international borders.

How can we accurately measure migration in times of crisis?[7] How are migrants counted and labelled in official statistics in times of mass cross-border flows? Why did the number of "irregular border crossings" to Europe spike in 2015 with the mass inflows of Syrians but remain flat in 2022 as even larger numbers of Ukrainians sought asylum on the continent? Characterising,

[7] We acknowledge immediately that the concept of "crisis" is contested both in policy and academic debates. Often deployed in public discourses to describe sudden surges in previously unauthorized migration across borders, the term is the subject of an extensive body of research that analyses these migrations in their historical, (geo)political, and social contexts (for an extensive review, see Menjivar, Ruiz, and Ness 2019). What crises represent is specifically contested; for this reason, modifiers such as "refugee," "migrant," or "political" often precede the term in public discourses. Our focus here is not on the meaning and nature of "crises," which we explore in other work (Cantat, Pécoud, and Thiollet 2023), but rather on the data published by public institutions to describe migration flows and their utilization in media.

locating, and measuring migration during crises can be considered critical for appropriate policy design. Nevertheless, the number of irregular migrants and refugees recorded at the border directly depends upon the politics of migrant labelling: *numbers* depend upon the scale of border enforcement and other efforts in migration control (Hanson and Spilimbergo 1999) while the *distribution across categories* depends upon visa and asylum policies.[8] States as well as supranational or international organisations count border-crossers and adjudicate asylum claims, thereby determining who "is" and "isn't" a refugee.[9] If the distinction between forced and irregular migrations is accepted as reflecting migratory realities, migration control calls for policies that are sensitive to the nature and composition of migratory flows. However, states are trapped in a circular logic: migration and asylum policies determine how many border-crossers are counted and whether they are labelled as "refugees" or "(ir)regular migrants," making states the origin of the distinction that then subsequently requires distinct policies.

While critical insights on labelling, categories, and the migrant-refugee distinction have been extensively discussed in qualitative research (Hamlin 2021; Robertson 2019; Thomaz 2018), they rarely lead to numerical descriptions of migration, and are rarely considered in quantitative studies regarding migration flows or in public discourses during crises. This lessens the impact of critical qualitative research as public discourses and opinion increasingly fetichize (large) numbers in the construction of public issues and in agenda setting processes (Desrosières 2014). Concerns regarding endogeneity in migration data (Fasani and Frattini 2021) have inspired various identification strategies to estimate and characterise mixed migration flows. However, quantitative

[8] Similar endogeneity in the production of numbers and categories is classically spotted in data on crime. Crime numbers reflect the way crimes are recorded, policy efforts to address specific types of offences, or biases targeting over-policed groups (Braga, Brunson, and Drakulich 2019; Nagin 2013).

[9] This is true not only for refugees, but any migration category derived from public policies. For example, an individual may be labelled a "family migrant," "dependent" or "spouse" by public policies despite having multiple motivations for migration and being a worker in addition to a family member. We thank an anonymous reviewer for highlighting this parallel.

studies often focus upon generating valid estimates while overlooking the centrality of *categories* in statistical labelling which both influence and are influenced by securitized border policies. It is therefore necessary to assess the politically constructed nature of migration categories in public statistics in order to critically interrogate the relationship between migration data and policies, and to bridge conversations in a fragmented migration scholarship.

In this article, we apply critical insights usually found in qualitative research to a quantitative analysis of cross-border migration flows and their numerical depiction in crisis contexts, focusing on the case of the 2015 European migration/refugee crisis. We use mixed methods, bringing discourse analysis and critically informed descriptive statistics to reflect on the use of public data to characterise migration flows. Specifically, we examine data published by Frontex, the Border and Coast Guard Agency of the European Union (EU), on "irregular/illegal border crossings" (IBCs) across the period 2009-2021 as well as the referencing of Frontex in news media as an authoritative source of information on migration to Europe. Through a quantitative and qualitative textual analysis of two mainstream pan-European news media sources - *Euronews* and *EurActiv* - we demonstrate that the 2015 crisis led to a sudden and persistent increase in references to Frontex as an authoritative source on migration and its controversial involvement in managing migration/refugee flows. In turn, using Eurostat data on asylum acceptance rates across 31 European destination states, we develop and deploy a novel method that divides Frontex data on IBCs into meta-categories of individuals likely to obtain asylum in Europe ("likely refugees"), and those who would not ("likely irregular migrants"), given their nationality.[10] We find that 75.5% of IBCs during the 2015 crisis and 55.4% across the period 2009-2021 (or 42.4% if 2015 is excluded as an outlier year) concern individuals who would probably obtain asylum in Europe and

[10] We present the method and the reasoning behind it in section 4 below.

could thus be categorised as likely refugees. This finding is unsurprising given that the individuals in question primarily consisted of Syrian and, to a lesser extent, Afghani and Iraqi nationals fleeing violence in their home countries and who were recognized as refugees at high rates. Our statistical analysis nevertheless highlights the contradictions between the asylum policies implemented by EU member states domestically and border policies implemented by the same states with the support of Frontex. While most critiques of Frontex's dataset highlight the fact that individuals can be counted as border crossers multiple times, thereby inflating measures of irregular migration (Sigona 2015), we engage more fundamentally in a critique of media and policy discourses on migration flows which present Frontex data as a measure of *irregular/illegal* migration.

Altogether, our contributions to migration scholarship are empirical, methodological and theoretical. First, we contribute to the debunking of two empirical myths regarding the nature of migration flows to Europe which remain present in public discourses despite existing research demonstrating their falsity. We uproot the myth of a crisis of irregular/illegal migration to Europe in the 2010s. In doing so, we do not substitute Frontex numbers with yet another questionable accounting exercise of migration flows. On the contrary, our method factors in the constructed nature of migration data to confirm that spikes in border crossings concentrated in specific locations and in time primarily concern likely refugees from war-torn states holding legitimate claims for protection. Smaller numbers of crossings diffused across time and space likewise include a substantial share of likely refugees. We therefore also subvert the myth of widespread "fake" asylum seekers/refugees. This myth emerged in the 1980s (Chimni 1998) to challenge the credibility of asylum claims made by individuals from the Global South who cross borders without prior authorisation and has become pervasive in public discourses across the Global North. The "moral panic" surrounding "bogus refugees" has consistently deconstructed morally positive representations of asylum seekers (Cohen 2011). Such increasingly suspicious representations of

cross-border movements legitimise enhanced border controls by Global North destination states to stymie irregular flows and enforce containment policies (Jaulin et al. 2020). Flipping this logic on its head, we demonstrate that public discourses and Frontex data create "fake irregular/illegal migrants" given that the individuals they label as such are in fact likely refugees considering the asylum policies implemented by the very same destination states engaged in persistent border securitisation.

Second, our method advances scholarship by factoring critical insights into a quantitative analysis, thus bridging an epistemological divide. While social scientists have insisted on the constructed nature of statistical categories in migration and other domains, their input rarely translates to quantitative studies of migration flows. Building upon these insights, we use "the ambiguous and contested nature of the category of refugee and its related category of immigrant" (Castañeda et al. 2016) to highlight the contradictions inherent to the politics and policies of irregular migration management through meta-categories using probabilistic statistics. Our method contrasts with quantitative research which often opposes forced and economic migrations while relying on official status-based data (Dustmann et al. 2017), self-declarations regarding motivations to migrate, or conditions in countries of origin (war, violence, disasters, etc.) (Fasani and Frattini 2021), and in this way *naturalises* policy categories that are politically constructed. Our method both characterises migration flows from a constructivist standpoint and analyses the politics of migration data. In particular, we emphasise that policies define migrant categories and the number of people that fall into them and unveil the contradictions between control policies as reflected by Frontex data and domestic asylum policies of the same governments as reflected by asylum acceptance rates. This is crucial in a context where the production and publication of "large numbers" by public agencies and the labelling of migrations as irregular can shape public perceptions of migration flows.

Ultimately, our analyses call into question whether public policies respond to migration realities that vary temporally and geographically. This concern has already been raised in the US context where Durand and Massey (2019) have shown that US policies have failed to address the evolving nature of previously unauthorised crossings at the US-Mexico border - an unreflective "Fact-Free Immigration Policy" that leads to policy failure and harms vulnerable individuals fleeing violence and persecution. Rather than simply inaccurate or misleading representations of migration flows, our evaluations reveal that data publications are sites of vitally important yet silent politics: Frontex's supposedly solid numerical evidence on "irregular/illegal" migration bolsters securitised policies aimed at limiting unauthorised crossings that are in contradiction with the asylum policies implemented within Europe. In 2015, alternative humanitarian policies could have been prioritised, granting temporary protection to border crossers from war-affected countries and regions, as implemented in 2022 for roughly 4.8 million refugees fleeing Russia's invasion of Ukraine (Gemenne and Thiollet 2022). Instead, the militarisation of border controls diverts border crossers to travel across more perilous and costly routes, often in the hands of criminal networks, and at substantial risk of abuse and death. This is one of (many) ways that the European response to the 2015 crisis was inconsistent and inappropriate (Scipioni 2018). Our work therefore bears policy implications by further challenging the utility of much-criticised policies implemented at the external borders of Europe. We demonstrate that using Frontex data on IBCs simply as a measure of "irregular/illegal" migration is problematic for both scholarly and policy analyses given that so many of the individuals concerned are likely refugees. Data politics not only shape the social construction of irregular and forced migration, they also determine the rights and lives of migrants. Frontex data is part of the various technologies that are politically engineered to govern migration and they have a crucial role "in 'doing' the border" (Kasparek 2010, 121). We thus argue that, in this respect, borders start with numbers.

The remainder of this article proceeds as follows. First, we discuss both quantitatively informed and qualitative critical studies on migration flows, showing how our mixed method approach bridges those research streams. Second, we contextualise the use of data provided by Frontex regarding border crossings and reveal how the agency gained increased visibility in 2015 as an authoritative source of information cited by mainstream news media. Third, we present our novel method for characterising migration flows in times of crisis. Our data show that, rather than "fake" asylum seekers, "irregular" migration data produces "fake illegals" in times of crisis. We conclude that mixed-methods research is equipped to bridge disconnected fields of migration scholarship, and we invite further study of the politics of public data as well as the (dis)connections between migration flows and policies, particularly in crisis contexts.

2. Irregular Migrants and Refugees: Bridging Research on Border Crossings

Although a widely accepted definition of "irregular migration" does not exist, it is generally understood as migration that violates the procedures for entry and/or sojourn established by states for non-citizens (Jordan and Düvell 2002, 15). In this sense, "irregular" is often used interchangeably with the words "illegal," "clandestine," or "undocumented" in various discourses or contexts.[11] While sudden rises in human movements across borders have drawn substantially more media attention and public focus, the most common pathway into irregularity is regular entry followed by overstay after visa expiration or asylum claim rejection (Triandafyllidou 2010; Warren and Kerwin 2021).[12] "Irregular" border crossings thus do not reflect how most individuals end up with an irregular status. Nevertheless, previously unauthorised flows of migrants across borders

[11] It can also mean movement without previous authorization that may or may not be "illegal," causing confusion.
[12] Irregular migration occurs following various forms of irregular entry, regular entry followed by a fall into irregularity (following a visa expiration or a rejected request for asylum), or birth to parents who do not hold a regular status (Cummings et al. 2015).

are spotlighted in public narratives given that they are more spectacular than demographic (i.e. births) or status-related changes (i.e. falls into irregularity) and are typically accompanied with pictures of capsizing boats and lines of individuals along walls and barbed-wire fences. While acknowledging that border crossings represent only a small part of global (irregular) migrations, this article focuses on a socio-politically salient form of migration flows.

The main challenge for research on irregular migration is tied to the fact that the 1951 Refugee Convention permits migration without prior authorization for those who subsequently apply for asylum. Article 31 of the Convention specifically indicates that asylum seekers should neither be counted nor treated as irregular migrants owing to previously unauthorised entry or presence in a state's territory.[13] Refugees are clearly defined by Article 1A(2) which emphasises the individual persecution one faces in countries of origin or habitual residence. Refugee protections can also apply to persons fleeing systematised violence against civilian populations through temporary protection policies, regional conventions, and other national laws.[14] Given that individuals generally cannot obtain a visa prior to fleeing violence, they cross borders without prior authorization before applying for asylum. Unauthorised migration flows thus necessarily include forced migrants. As a result, the UNHCR coined the notion of "mixed migration" to characterise the enmeshing of irregular and forced migration flows (UNHCR 2007).[15] However, the concept

[13] Article 31 states that "the Contracting States shall not impose penalties, on account of their illegal entry or presence, on refugees who, coming directly from a territory where their life or freedom was threatened in the sense of Article 1, enter or are present in their territory without authorization, provided they present themselves without delay to the authorities and show good cause for their illegal entry or presence" (see 189 UNTS 150 (Refugee Convention) and 606 UNTS 267 (Protocol)).

[14] For example, the EU's Directive on temporary protection (see Council Directive 2001/55/EC of 20 July 2001. OJ L 212, 7.8.2001), and "Temporary Protected Status" for citizens of designated countries in the US.

[15] For the UNHCR, "mixed migration" is typically understood as the movement of individuals who can be considered refugees alongside those who may not be eligible for humanitarian protection. This does not consider the mixed motivations individuals may have to migrate. As discussed by Hamlin (2021), UNHCR has played a significant role in "policing" the boundary between those deemed eligible for humanitarian protection and those who are not, flattening the mixed motivations driving individuals to leave their homes. While we do not examine UNHCR adjudications of asylum claims across the Global South, our analysis can be applied beyond the European context

expanded to reflect both the mixed motivations of migrants (fleeing persecution, violence, natural disasters, pursuing economic opportunities, etc.) and the mixed composition of unregulated flows often characterised by smuggling or human trafficking (Van Hear 2011). Mixed migration thus poses challenges to policymakers and scholars alike and creates heated debates within polities (Singleton, Carassco-Heiermann, and Kierans 2016), yet, to our knowledge, quantitative research has not fully considered its implications for data collection and utilisation.

On the one hand, critical researchers have long examined how states or international organisations label people who cross borders without prior authorization (Bommes and Sciortino 2011; Boswell 2014; Castles et al. 2012; Zetter 1991), raising two prominent critiques regarding the distinction between refugees and irregular migrants as well as the use of data compiled by governments. First, they have demonstrated that migrant motivations are composed of a "continuum of experiences" between pure fear of persecution and search for economic opportunities which may vary across life-cycles (Erdal and Oeppen 2018). Scholars have thus questioned the legal dichotomy between forced and voluntary migration (Crawley and Skleparis 2018; Hamlin 2021), while nevertheless acknowledging its "stickiness" (Erdal and Oeppen 2018). Second, they have shown how data and discourses can portray migration as a threat to the societies of the Global North, thereby engendering "securitization." Securitization refers to shifting perspectives on an issue as a security threat and the subsequent deployment of coercive policies to minimise that supposed threat (Huysmans 2000) with quasi-military bordering practices (Andersson 2014). It is characterised by the persistent reinforcement of controls and surveillance (Andreas and Snyder 2000) across the frontiers of the Global North, including the construction of fences and barriers by numerous countries. Altogether, securitization policies result in "crises" of

which is our focus here. In any situation, we emphasize that the determination of refugee status is based on the policies of the adjudicating authority, be that a national asylum agency, UNHCR, or other institution.

asylum in host countries unprepared to fulfil their legal obligations towards newcomers (Calabrese, Gaboriaux, and Veniard 2022). In these contexts, the presentation of numerical evidence on supposedly "irregular" or "illegal" migration plays a role in advancing securitisation policies (Bigo 2001). Taken together, fluidity between categories and increased securitization is a combination that can engender policy incoherence and cause harm to vulnerable individuals.

On the other hand, positivist scholarship seeks to estimate the number of irregular migrants and refugees and use that data to analyse the effects of migration, the drivers of migration, the impacts of policies on migrants, and beyond. Given its inherently clandestine nature, specifically quantifying both the number of irregular migrants present in a state (stocks) or entering a state (flows) is impossible to do with precision, (Jordan and Düvell 2002; Koser, 2010). A variety of statistical methods have nevertheless been developed to estimate the size of irregular migrant stocks and flows (Cummings et al. 2015; Connor and Passel 2019; Kraler and Reichel 2011; Morehouse and Blomfield 2011; Triandafyllidou 2010; Vespe, Natale, and Pappalardo 2017). These include using data on regularisations of migrant statuses, apprehensions of irregular migrants at the borders or within states, as well as public surveys. Apart from data on border identifications, most estimates evaluate stocks as opposed to flows. Notably, they all assume that the number of irregular migrants is calculable.

Positivist studies examining refugees have often focused on how they can seek asylum safely and how they integrate into host societies and their labour markets (Hatton 2011; Bevelander 2011). In particular, these studies seek to "distinguish between refugee crisis and challenges associated with irregular migration" (Aksoy and Poutvaara 2021). While many studies have attempted to evaluate the effects of policies on irregular migration (Casarico, Facchini, and Frattini 2015; Czaika and Hobolth 2016; Holland and Peters, 2020; Massey, Durand, and Pren 2016), they largely occult the fact that the distinction between irregular migration and forced migration is itself

a product of those policies, bypassing an important endogeneity issue. For example, in their estimates of the "unauthorised immigrant population" in Europe, Connor and Passel (2019, 3) "include asylum seekers waiting for a decision on their case," together with those who "overstayed a visa or did not leave after being ordered to do so." This amalgamation advances representations of migration crises as mass inflows of irregular migrants, even when border crossers may claim asylum and obtain refugee status in compliance with the 1951 Refugee Convention.

Quantitative studies of refugees typically rely on three types of data in their research. First, there are official statistics on forced migrations provided by UNHCR and national statistical and/or refugee agencies (Hatton 2011; Hatton 2016; Moore and Shellman 2007; Brell, Dustmann, and Preston 2020). These data often indicate the number of individuals recognized as refugees by UNHCR or national governments and their demographic characteristics. It is important to note that, while the UNHCR grants refugee status to asylum seekers across the Global South, in the Global North distinguishing between forced and irregular migrants largely depends on the asylum policies implemented by destination country governments. Second, economists often rely on the declared motivations of individuals to determine who can be considered as a refugee. For example, the EU Labour Force Survey (EULFS) offers data on self-reported reasons for migration which has been exploited in studies (Ruiz and Vargas-Silva 2020; Fasani and Frattini 2021; Fasani, Frattini, and Minale 2022). Third, scholars use country of origin and/or entry cohort data to characterise flows as refugees or economic migrants (Cortes 2004). In particular, levels of violence in countries of origin can be deployed as an indication of the motivation to leave (Aksoy and Poutvaara 2021; Fassani and Frattini 2021). Altogether, whether through statutory distinctions or through declared or supposed motivations, the identification of who is a refugee lies with the migrant or the context from which they are coming from.

In this article, we apply a constructivist perspective on legal and statistical categories to examine migration flows and policies during peaks in unauthorised border crossings, focusing specifically on Europe and the 2015 crisis. In order to reconcile critical insights on migration labelling with scholarly and policy imperatives to measure migration flows, we argue that being a "refugee" or "irregular migrant" is entirely determined by the asylum policies implemented by states or the UNHCR. These policies determine who can be granted refugee status and their implementation defines individuals, regardless of their motivations for migrating (which are multiple and vary over time and space) or conditions in countries of origin (which likewise vary and have different meanings for individuals). Through this lens, we can analyse how migration crises are portrayed in discourses and data and offer a critical description of migration flows given the policies that define them.

3. Frontex as Data Politics

In this section, we examine the growing role of Frontex in the management of the external borders of the EU and Schengen Area[16] and its centrality as a source of information on migration. We also discuss the broader context in which Frontex was established and has grown as an agency. Through textual analysis, we collect novel data on the content of publications from two mainstream pan-European news sources: *Euronews* and *EurActiv*.[17] We selected these two sources given their wide reach and broad audience base; as of this writing, they publish European-focused reporting in 17 and 13 languages, respectively, and, according to some surveys, *Euronews* represents the

[16] Henceforth, for simplicity we will only say EU even though the Schengen Area encompasses Liechtenstein, Iceland, Norway, and Switzerland, which are not EU member states.

[17] *Euronews* is a multilingual international news channel covering world news from a European perspective. *EurActiv* is a website dedicated to reporting on the European Union. Transcripts of online articles from both sources are provided daily.

most watched international news and business channel in several European markets (Euronews 2022). These sources offer a useful metric of pan-European understandings of certain news-worthy events, freed in part from national political contexts. Through the Factiva database, we constructed a corpus of news articles with references to key migration related terms as well as to Frontex between 2012 and 2022.[18] Our corpus allows us to identify both aggregate trends as well as particular references in relevant news reports.

Following the partial communitarization of migration policies in the wake of the 1999 Treaty of Amsterdam, the EU has been a growing focal point of European cooperation on migration issues. In this vein, Frontex was initially established in 2005 as a cooperation tool between EU member states, and its size and competences have expanded dramatically since then. In 2016, it officially became the European Border and Coast Guard Agency and its mandate was significantly expanded (D'Alfonso, Killmayer, and Sabbati 2021). By 2021, its budget became the largest of any EU agency at €544 billion, with uniformed border staff set to expand to over 10,000 persons (Kuschminder 2021). As of this writing, ongoing negotiations regarding an EU "Pact on Migration and Asylum" which started in 2020 propose that Frontex's role in migration management grow even further (Pichon 2021). As Kasparek (2010, 120) argues, Frontex's role as a border agency seems to be almost entirely devoted to "bar migrants and refugees from entering EU territory."

The 2015 crisis was a turning point in the development of Frontex and its public profile. This is made evident by the number of references to Frontex in news media. In Figure 1, we indicate the number of *Euronews* and *EurActiv* articles between 2012-2022 that pertain to issues of migration (using the search terms migr* or immigr* or emigr*) as well as the proportion which refer to Frontex. We find that the initially rather unknown EU agency became both a source of

[18] Our search started in 2012 as that is when both sources became available in Factiva. We only identified articles in English.

numerical information and an important part-taker in public narratives regarding migration and border policies during the 2015 peak in migration flows. Following a spike in references in 2015, reporting subsequently continued to refer to Frontex at much higher rates than before the crisis. After a relative drop in 2016 and 2017, Frontex increasingly features in migration-related news both as a data provider and as the object of political controversies concerning pushbacks of migrants across borders.

[FIGURE 1 ABOUT HERE]

A review of the content of the identified news articles referring to Frontex reveals that the agency is persistently cited as a source of information on "irregular" or "illegal" migration. Data references may refer to specific nationalities, as in an article regarding Moroccan border closures on *EurActiv* where it is stated that "according to the European Union border security agency, Frontex, Guineans in recent years have been among the largest groups trying to reach Europe via Morocco."[19] More broadly, a *Euronews* article entitled "EU reports overall drop in illegal migration, but sharp rise in sea crossings" is entirely dedicated to describing Frontex's data on border crossings.[20] During the Covid-19 pandemic, articles provided visual depictions of "border crossing paths of illegal migrants" as identified by Frontex.[21] Frontex has also been cited as a source of information on deportations, standing in contrast to Eurostat in reference to concerns regarding the "encouragement of illegal migration" raised by the European Court of Auditors.[22] In general,

[19] "Morocco border clampdown thwarts Europe-bound migrants." 7 February 2020. EurActiv.com. Source: Factiva.
[20] "EU reports overall drop in illegal migration, but sharp rise in sea crossings." 8 January 2021. Euronews. Source: Factiva.
[21] "Pandemic has prevented many migrants from reaching Europe." 23 April 2021. EurActiv.com. Source: Factiva.
[22] "EU policy snags are 'encouraging illegal migration.'" 14 September 2021. EurActiv.com. Source: Factiva.

reporting tied to Frontex data is frequently associated with "illegal migration" and "irregular entries" while the agency is often referred to as the embodiment of the EU as a whole. This is clear from the title of the article "EU sounds the alarm over rise in illegal border crossings via Serbia and abuse of visa-free travel," where it is stated that "106,396 irregular entries were detected in the Western Balkans route [in 2022], a 100% increase compared to the same period in 2021, according to the latest data released by Frontex."[23] Even reporting that is purely about the actions of particular EU member states refers to Frontex data; for example, a *EurActiv* article regarding Czechia's reinforcement of border controls indicates that "irregular migration flows [in 2022] saw a 70% year-on-year increase in the EU between January and the end of September, according to Frontex figures."[24] Altogether, across time and contexts, Frontex is referenced as an authoritative source on supposedly "irregular/illegal" migration flows to Europe, and is often referred to as "the EU."

Most of the reporting which cites data from Frontex refers specifically to its dataset on IBCs, which, since 2009, records the number of times individuals have been detected crossing the external borders of the member states of the EU without prior authorisation on a monthly basis. By extension, the agency has played a role in framing previously unauthorised border crossings as *irregular/illegal* migration. Remarkably, in 2022, Frontex shifted from referring to *irregular* border crossings to *illegal* border crossings, therefore entrenching the negative and criminal connotation associated with numbers of IBCs. It does so contrary to analogous organisations such as the US Customs and Border Protection Agency which has adopted terminologies such as "undocumented migrants" or "border encounters" in recognition of the fact that such terms are

[23] "EU sounds the alarm over rise in illegal border crossings via Serbia and abuse of visa-free travel." 14 October 2022. Euronews. Source: Factiva.
[24] "Czechia extends border controls due to irregular migration." 28 October 2022. EurActiv.com. Source: Factiva.

"more descriptive than value-laden" (Crépeau and Vezmar 2021).[25] Frontex's semantic change to "illegal" reflects the growing role of the agency in mainstreaming a narrative that Europe faced substantial "irregular/illegal" migration throughout the 2010s.

Importantly, even beyond the articles published by *Euronews* and *EurActiv*, this dataset has come to be viewed as a reliable source of information on migration flows to Europe. It has become a reference for international institutions such as the International Organization for Migration (IOM 2021), the World Bank (2019) and the International Centre for Migration Policy Development (ICMPD 2021), as well as for think tank policy researchers (Cummings et al. 2015; Morehouse and Blomfield 2011). In these cases, it has often been adopted uncritically as a count of "irregular" or "illegal" migration. As such, it has advanced a particular understanding of the 2015 crisis as a "surge in irregular migration"[26] and promoted discourses that emphasise the need for reinforced migration controls as opposed to humanitarian assistance.

Ultimately, across the news media we identified, as well as the publications of other authoritative international institutions and entities, border crossings are often labelled as "irregular" or "illegal" migration in line with how Frontex presents its data. There are significant reasons, however, to be highly sceptical of this characterization of what occurred in the 2010s generally and during the 2015 crisis specifically.

[25] Human rights advocates and international organisations such as the UN and the IOM have adopted linguistic guidance regarding migration, insisting that "words matter" and shape public perceptions. For example, the European Platform for International Cooperation on Undocumented Migrants (PICUM 2023) "uses the terms 'undocumented' or 'irregular' migrant" and recommends that "the term 'illegal migrant' should never be used as it implies criminality…[while] the term 'illegal entry' automatically implies that certain people have no right to seek protection."

[26] On its website, the IOM (2021) describes the 2015 "migration crisis" in Europe as "a relative surge in irregular migration flows into the region in 2015, compared to previous years, with over 1 million people arriving to Europe by sea."

Perceptions of "Fake Refugees" and the 2015 Crisis

The 2015 mass increase in migration across the EU's external borders happened in a broader context of policy backlash against immigration and asylum across the Global North (Hatton 2011). While refugee protection was relatively consensual during the Cold War, particularly with respect to individuals fleeing communist regimes, from the late 1980s, states began to persistently implement restrictions to asylum in conjunction with enhanced border controls (Akoka 2020). At that point, the term "asylum seeker" became increasingly conflated "with migration for reasons other than persecution and with illegal entry" (Hatton 2011, 124), with suspicious representations of asylum seekers as "fake" refugees (Chimni 1998) stoked by media and public attitudes. As a result, despite "generally positive attitudes towards *genuine* refugees" (Hatton 2011, 61, emphasis added), public opinion also contained a "strong desire to clamp down on illegal immigrants" (ibid.) which reinforced the adoption of restrictive asylum policies.

In this vein, in our corpus of news articles, we can identify these discourses at the supranational EU level. In 2012, references to "fake asylum seekers" circulated in EU policy discussions and in public debates, referring particularly to ethnic minority groups from Serbia and Macedonia who used visa-free entry into the EU to seek asylum after arrival.[27] With respect to this concern, and perhaps most strikingly, a *EurActiv* headline states that "EU ministers to curb 'fake asylum seekers,'" indicating that "the interior ministers of Austria, Belgium, France, Germany, Luxembourg and the Netherlands recently wrote a letter to the European Commission complaining about fake asylum-seekers from the Western Balkans."[28] In 2013, following an initial inflow of individuals fleeing war in Syria, concerns regarding "fake asylum seekers" from the Western

[27] "Serbia offers to pay costs of 'fake' asylum-seekers."15 October 2012. EurActiv.com. Source: Factiva.
[28] "EU ministers to curb 'fake asylum-seekers.'" 25 October 2012. EurActiv.com. Source: Factiva.

Balkans resurged.[29] In 2015, as mass inflows hit Europe and particularly Germany, controversies around "fake asylum seekers" expanded, particularly in far-right discourses associated with the German PEDIGA movement.[30] Although perhaps not dominant in mainstream reporting on migration, the notion of "fake asylum seekers" had clearly become a fixture within the European public sphere and was present in the halls of the EU's institutions by the early 2010s. While focused on certain nationalities, it nevertheless called into question the legitimacy of asylum seeking more broadly, and specifically by individuals who entered states without prior authorization.

In turn, since August 2015, large numbers of border crossings across Greece and the Western Balkans, as well as Italy, Malta and Spain, triggered a policy and media frenzy across the EU that contributed to shaping perceptions of migration as a "crisis" and a "security problem" (Heidenreich et al. 2019; Tazreiter 2019). On the one hand, right-wing media insisted that Europe was reaching its "breaking point" regarding migration and asylum flows (Yardley 2015) and that irregular migration was "flooding" Europe (Devecchio 2020). On the other hand, mainstream media, human rights activists, and scholars have contested the portrayal of migrant inflows as a surge in irregular migration, highlighting the humanitarian causes behind increased border crossings (New York Times 2015; Human Rights Watch 2015; Trilling 2018). Some journalists even challenged the use of the term "migrant" in media (Malone 2015) and pushed to label what was happening a "crisis of protection" (Almustafa 2022), denouncing "crisis" discourses as a political artefact (Collyer and King 2016; Lindley, 2016).

In this context, Frontex's decision to label all previously unauthorised border crossings as "irregular/illegal" raises several concerns. Seen in the light of institutional incentives and public scandals implicating Frontex in illegal pushbacks of individuals seeking asylum in Europe, such a

[29] "EU experiences surge of asylum-seekers from Syria." 10 July 2013. EurActiv.com. Source: Factiva.
[30] "Anti-Islam PEGIDA gets boost from refugee crisis." 20 October 2015. EurActiv.com. Source: Factiva.

choice should be viewed with scepticism. With respect to the former, Frontex is incentivized to depict border crossings as a problem that calls for securitized solutions as this could lead to the allocation of additional resources. If border crossings represent "irregular/illegal" migration rather than forced migration, then Frontex should by extension be provided more funding for its surveillance and control operations. With respect to the latter, since the late 2010s, Frontex has been increasingly denounced by journalists and nongovernmental organisations as involved in illegal pushbacks of asylum seekers across the borders where its personnel assist national governments in control activities (Aulsebrook, Gruber, and Pawson 2021; Fallon 2022; Radjenovic, 2021; Stefan and Cortinovis 2021). The pushback scandals ultimately led to the resignation of Frontex's Executive Director, Fabrice Leggeri, following the launch of investigations by the European Anti-Fraud Office (OLAF), which continue as of this writing.[31] What these scandals ultimately reveal is that the agency views previously unauthorised border crossings as it labels its data - namely as "illegal" activity. Conflating border crossings with "illegal" migration and undermining the right of asylum seekers to cross borders without prior authorization is thus consistent with practices of refoulement which have been implemented either directly or indirectly in collaboration with state agencies.[32] In other words, IBCs are framed as flows that must be stopped through coercion as opposed to forced migration that calls for a humanitarian response. But what do such border crossings actually represent?

[31] "Frontex interim director under investigation." 16 December 2022. EurActiv.com. Source: Factiva

[32] In Greece, pushbacks of Syrians and other asylum seekers were reported to involve Frontex agents. In Malta, local authorities and Frontex engage in the refoulement of border-crossers alongside the Libyan Coast Guard operating with the financial and technical support of the EU. Pushbacks with the support of Frontex were also documented by NGOs and OLAF in Poland and Lithuania in 2021 as Afghan and Iraqi asylum seekers tried to enter the EU from Belarus. See "Frontex interim director under investigation." 16 December 2022. EurActiv.com. Source: Factiva.

4. Unveiling 'Fake Illegals' in Frontex Data

The border policies implemented across Europe are tied to the production of (large) numbers in discursive and institutional ways: the number of "irregular/illegal" border crossings reinforces the securitisation of border control, feeds populist discourses against migration, and provides reasonable cause to further empower Frontex. Analysing migration politics in general thus requires critical engagement with the politics of numbers and migrant labelling. Data politics reflect practices of triage implemented at various points of the migration process by national or EU agencies and legitimise these strategies. To give one example of the politicisation of data produced by Frontex, we can compare data on IBCs in 2022 as relates to the mass exile of Ukrainians with the 2015 inflows of Syrian asylum seekers. Contrary to 2015, the 2022 mass displacements across the EU's eastern borders were neither counted as IBCs[33] nor as asylum seekers in national data reported to Eurostat given that Ukrainians were automatically granted temporary protection. While Ukrainian asylum seekers and (irregular) migrants were consistently reported in Frontex and other public statistics before 2022, the political decision to open the EU to Ukrainians erased them from public records and labelled them at first sight as "true refugees."

Novel Method to Critically Analyze Data on Border Crossings

To offer a critically informed statistical analysis of data on IBCs in the 2010s, we develop a novel method which considers the politically constructed nature of migration categories and reveals the way data labelling serves to reinforce certain narratives regarding migration flows, particularly during "crises." We ground our statistical contribution upon the contradictions that can exist between policies implemented domestically by states and those implemented at state borders.

[33] Frontex (2023) identified only 5150 IBCs on the "Eastern Borders" migration route in all of 2022.

Specifically, we divide data on IBCs into those likely to receive refugee status given their nationality. In the European case, we confirm that border policies translated into data on IBCs are in tension with the domestic asylum policies of EU member states, generating conflicting labelling of individuals crossing borders. Empirically, we find that individuals who cross borders without prior authorization encompass both those who would likely obtain asylum in EU member states (likely refugees) and those who would not (likely irregular migrants). Alternative representations of migration flows are offered by asylum data tied to policies implemented domestically where states have granted protection to large numbers of applicants. Our purpose here is to identify contradictions in policymaking and highlight the dangers of the uncritical use of public databases.

To apply our method and divide data, we couple Eurostat (2023) data on asylum decisions across Europe with Frontex's (2023) dataset on IBCs, which represent individuals who have been identified crossing the external borders of the EU without prior authorization and then released or detained. While Frontex data are provided monthly, we aggregate by year given that asylum data are only available annually. It is important to note that Frontex data refer to border *crossings* and not to individuals, meaning that one who attempts to cross into Europe multiple times could appear in the data each time. Moreover, the data itself is compiled by Frontex based on counts provided by national governments which partner with the agency. Although governments have been asked to compile data using a similar methodology, Frontex cannot confirm whether this request is systematically respected.[34] Despite these concerns, however, the data constitute a useful proxy measure of attempts at entry broken down by the nationalities of origin of individuals seeking to enter Europe. Further details regarding the data are provided in supplemental Appendix A.

[34] This was confirmed by the agency following an inquiry by email.

To distinguish between likely refugees and likely irregular migrants among IBCs, we compute the weighted average acceptance/rejection[35] rate of asylum applications across Europe for all nationalities identified as IBCs and across time. Specifically, we rely on Eurostat (2023) data regarding first instance asylum decisions by nationality across 31 European destination states.[36] We first calculate the percentage of all decisions pertaining to a particular nationality adjudicated in each destination state. We then multiply the percentage of *decisions* with the percentage of first instance asylum *acceptances* per nationality in each destination state and sum the results together to obtain the weighted average acceptance rate for each nationality across Europe. Our method thus accounts for differences in acceptance rates between destination countries and their evolution over time. Finally, we use this weighted rate to split the number of IBCs of each nationality into the number of likely refugees and likely irregular migrants. Given the divisions by nationality, we can aggregate up to obtain the overall number of IBCs who are likely refugees or likely irregular migrants across both time and space. Further details on the weighted average acceptance rates are provided in supplemental Appendix B.

We use data on first instance decisions as opposed to final instance decisions. If we considered final instance decisions regarding appeals of asylum rejections, our percentage of likely refugees would be higher given that only rejections are appealed and potentially reversed. The fact that appeal procedures vary across European states and induce further time lags makes cross-national comparisons of appeals data more problematic relative to first instance decisions. Moreover, final decisions do not provide an overall rate of acceptance of asylum applications by nationality, but only indicate acceptances following overturns of appealed rejections. Overall, first instance decisions offer a conservative estimation of the likelihood that a national of a given

[35] Henceforth, for simplicity we will only say acceptance rate, the rejection rate being the inverse.
[36] The EU-27 plus Iceland, Norway, Switzerland, and the United Kingdom.

country of origin will obtain asylum. Ultimately, we use first instance decisions as a baseline measure closest to border crossings in time and policy logics.

Our approach breaks away from the usual methods employed to estimate refugee numbers and raises several concerns that we fully acknowledge. First, it assumes that IBCs are all potential asylum seekers even though many individuals may have no intention of applying for asylum in Europe. Although that is true, irregular migrants who are unlikely to obtain asylum can - and often do - apply for protection. Second, our estimation of the weighted average acceptance rate is entirely based on the nationalities of IBCs, setting aside the individual dimension of asylum procedures which primarily assess the risk of personal persecutions. Nevertheless, our method adopts a pragmatic standpoint which is not without legal grounds. Considering the likelihood of obtaining asylum based on one's nationality echoes the legal principle of *prima facie* or group determination of refugee status.[37]

Moreover, considerations of the likelihood that certain nationals will obtain asylum given their nationality is part of certain public policies adopted or considered by EU institutions and member states. In particular, at the EU level, European Council Decision 2015/1523 of 14 September 2015 introduced humanitarian support for Italy and Greece only for nationalities which had an average asylum acceptance rate above 75%.[38] A similar threshold is mentioned in the 6th report of the EU regarding relocalisation and resettlement in 2016.[39] The draft of the proposed Law on Immigration and Asylum presented to the French *Assemblée nationale* in February 2023 also proposes that access to labour markets be granted to asylum seekers holding nationalities which

[37] The UNHCR defines *prima facie* protection as "a practice by which all persons forming part of a large-scale influx are regarded as refugees on a *prima facie* basis. Group determination ensures that protection and assistance needs are met without prior individual status determination" (UNHCR 2006).

[38] See Council Decision (EU) 2015/1523 of 14 September 2015. OJ L 239, 15.9.2015, pp. 146–156.

[39] See Communication from the Commission to the European Parliament, the European Council and the Council: Sixth report on relocation and resettlement. COM(2016) 636 final, 28 Sept. 2016, p. 4, note 3

typically obtain asylum.[40] In all of these cases, a probabilistic approach to protection considering the nationality of asylum seekers is utilised as a basis for policy decision-making and the allocation of public resources. This is a significant, yet surprising development given the emphasis on proof of individualised persecution in the adjudication of asylum requests. Nationality and the probability of asylum acceptance are thus two factors which shape how governments understand the granting of refugee status. Here we essentially apply this logic to analyse data provided by public institutions. Thus, we argue that our method provides a generally accurate depiction of the nature of mixed migration flows represented by data on IBCs considering the politically constructed nature of the categories in question.

Third, our method can be considered problematic insofar as it implies that if states rejected more asylum claims, the nature of migration flows would thereby change. Given that we posit that migrant categories are political constructions, however, that is central to our argument. Our objective is not to reveal the "true" number of refugees or irregular migrants, but to highlight the contradictions in European public statistics and policies. To these ends, our method is effective in two ways. It demonstrates how the asylum policies implemented by states domestically are in contradiction with the data labelling deployed by Frontex. It also provides empirical indications to identify the likely political labelling of migration flows in contexts of (large) spikes of geographically concentrated border crossings. Our "meta-categories" of likely refugees and likely irregular migrants are the *least inaccurate* vector of distinction between forced and irregular migration. While conditions in countries of origin may trigger migration, it is policies in destination states that determine who "is" and "isn't" a refugee. This of course means that any change in policies can change the numbers and distribution of migrants across constructed categories of

[40] See *Projet de loi n° 304 (2022-2023)* presented at the French Senate on 1 February 2023.

measuring. That said, for the purposes of analysing migration flows, our method should only be deployed retroactively on historical data and would certainly be problematic should states begin to directly manipulate domestic asylum policies in order to change the perceived nature of flows across borders. Importantly, there is no evidence that this occurred during the 2015 crisis or otherwise.

Results: Counting Likely Refugees as "Fake Illegals"

Our analyses reveal the aggregate representations of our two categories on an annual basis across the period 2009-2021. Figure 2 and Table 1 indicate the total number of IBCs identified by Frontex each year along with our estimates of likely refugees and likely irregular migrants. Most notably, our method reveals that the 2015 crisis consisted primarily of likely refugees who were mistakenly labelled as "irregular/illegal" border crossers. In that year, we estimate that approximately 75.5% of IBCs would have likely obtained asylum in Europe. This is unsurprising given the nationalities - Syrian, Afghan, and Iraqi - represented by most IBCs that year. Moreover, both before and after 2015, we estimate that between one-fifth and one-half of all IBCs are likely refugees. Migration flows represented by IBCs are thus persistently mixed flows with a substantial minority of persons likely to obtain asylum in Europe during "non-crisis" periods, while "crises" primarily constitute forced migrations.

Table 2 delineates the specific number of individuals identified as IBCs holding the respective nationalities of the 25 most common countries of origin, representing over 20,000 individuals, as well as the share of IBCs estimated to be likely refugees and likely irregular migrants.[41] Thus, for example, of the 924,188 IBCs identified as Syrians between 2009-2021,

[41] The top 25 nationalities represent 96.1% of all IBCs across 2009-2021.

872,681 or 94.4%, are classified as likely refugees while 51,507 or 5.6% are classified as likely irregular migrants. The table ranks nationalities by the total number of IBCs, which reveals that the largest numbers across this period originated from countries facing generalised violent conflict such as Syria, Afghanistan, Iraq, Eritrea and Somalia. In contrast, while Albanians represent a sizable contingent seeking protection, often on the grounds of blood feuds or homophobic persecutions, their likelihood of obtaining asylum is low.

[FIGURE 2 ABOUT HERE]

[TABLE 1 ABOUT HERE]

[TABLE 2 ABOUT HERE]

It is important to emphasise that Tables 1 and 2 present aggregated data between 2009 and 2021, which occults temporal variations. The underlying estimations, however, take into consideration changes in the annual weighted average asylum acceptance rates across the period. As detailed in supplemental Appendix B, acceptance rates are highly consistent for several nationalities - including Albanians, Kosovars, Algerians, and Somalis - associated with either persistently low or persistently high rates. Some nationalities, however, are associated with variation in acceptance rates throughout the period, reflecting changing appreciations of critical situations in countries of origin by asylum-granting institutions. Variations in acceptance rates are also tied to policy developments between EU member states and the countries of origin of border crossers. For instance, as diplomatic ties between EU member states and origin countries of migrants strengthen, migrants are less likely to obtain protection (Sahleyan and Rosenblum 2008). For example, Afghans were less likely to obtain asylum after the Cooperation Agreement on Partnership and Development between the EU and Afghanistan in 2015 and the EU-Afghanistan

Joint Way Forward on Migration Issues in 2016 which sought to implement returns and prevent emigration. Diplomatic cooperation between the Afghan government and the EU minimised the pervasive violence and increasing attacks by the Taliban as a cause for migration and asylum seeking. Similarly, Nigerians were unlikely to be granted asylum by EU member states despite extensive violence by Boko Haram in 2016 (Human Rights Watch 2017).

Locating "Fake Illegals" and Policy Contradictions

In addition, our results consider IBCs identified across all nine migration "routes" defined by Frontex. In supplemental Appendix C, we provide details on the primary nationalities identified across the primary routes and our estimation of likely refugees and likely irregular migrants. Given variation in the nationalities of IBCs across routes, the percentages represented by likely refugees and likely irregular migrants also vary geographically. Our primary findings, revealing a steady share of likely refugees followed by a heightened share during spikes in migration flows, is refracted when disaggregating geographically.

Figure 3 represents the total number of likely refugees and likely irregular migrants identified on the "Eastern Mediterranean" and "Central Mediterranean" routes (right axis) and the share of all IBCs identified on these two routes and all other seven routes (left axis) on a monthly basis from January 2009 through December 2020. The Eastern and Central Mediterranean routes have been the most traversed by migrants (75.4% of all IBCs from 2009-2021) and were the two most affected by the 2015 crisis. Figure 3 notably reveals that the mass arrivals of likely refugees in 2015 vastly supersedes all other flows across time and space. Although the number of likely irregular migrants also spikes in 2015, it does so to a much smaller extent. The number of both likely refugees and likely irregular migrants is relatively steady across both main routes apart from the 2015 crisis, rising and falling seasonally.

In addition, Figure 3 reveals that spikes in flows are highly concentrated in time. Thus, during the peak in flows in 2015, over 90% of IBCs were recorded on the Eastern Mediterranean route. Subsequent shifts to the Central Mediterranean route in 2016 were likewise highly concentrated. In "non-crisis" periods, the relative share of other routes rises substantially. Thus, when the overall number of border crossings drops, their concentration on a particular route also drops and alternative routes are associated with larger shares of IBCs. Even relatively smaller spikes in IBCs, when compared to 2015, are tied to significant geographic concentrations, while other periods reflect crossings across numerous routes.

[FIGURE 3 ABOUT HERE]

Altogether, our division of Frontex's data generates several critical insights. First, it reveals that the 2015 crisis was an overwhelming humanitarian one, with the vast majority of individuals who crossed Europe's borders "irregularly" bound to obtain asylum. This reflects the labelling of migrants as lawful refugees by national asylum procedures. Second, throughout the 2010s and across migration "routes," previously unauthorised border crossings persistently contained substantial populations of individuals likely to obtain asylum, yet with substantial variations across routes and time. Whether these variations reflect the diversion of migrants who had attempted to cross at one point in time and space or new inflows of border crossers remains to be analysed further (Mesnard et al. 2022).

Finally, and most significantly, our results support a strong critique of Frontex's data labelling and not only unveil how it inaccurately describes the nature of cross border flows but also how it contradicts national asylum policies. Frontex consistently labelled border crossings as "irregular" and, since 2022, as "illegal" when they in fact constitute forced migrations of likely

refugees. As discussed above, individuals who cross borders without prior authorization to seek asylum from war and violence are not "illegals." Individuals fleeing violence and persecution do not have time to apply for a visa and EU policies hardly offer humanitarian pathways for regular access to asylum in Europe.[42] Given that a vast proportion of the individuals identified in the Frontex dataset would likely obtain asylum, their border crossing should not be considered "irregular/illegal" migration. Ultimately, instead of identifying "fake asylum seekers," Frontex data is constructing "fake illegals" through the publication of inaccurately labelled statistics on border crossings.

Taken together, these conclusions highlight the contradictions between policies implemented domestically within European states and those implemented at their borders. While states grant refugee status to numerous asylum seekers who make it into their territories, they deploy restrictive policies at borders which aim to stymie entry and, in certain cases, push back individuals who would be recognized as refugees. Such contradictions have devastating consequences for migrants and asylum seekers alike, increasing the costs and dangers of border crossings and leading many to be abused and die at the borders of Europe. These contradictions do not only derive from multi-level discrepancies in policymaking within the EU but also stem from the conflicting dynamics observed in EU migration policies, between the upholding of liberal norms in national asylum institutions and the exceptionally securitised management of EU borders. During crises, perceptions of IBCs as "irregular/illegal" migration tend to supersede perceptions of IBCs as a path for asylum seeking, legitimising extraordinary and extra-legal practices which

[42] The European Commission has indicated that only a few thousand refugees have been resettled in Europe since the EU-Turkiye Declaration of March 2016, a relatively insignificant number compared to IBCs. Source: https://home-affairs.ec.europa.eu/policies/migration-and-asylum/legal-migration-and-integration/resettlement-and-other-pathways-protection_en

subsequently endure in border policing. We thus conclude that data produced by an ever growing and increasingly powerful border agency feed the securitisation of border governance in Europe.

5. Conclusion

Repeated migration "crises" across the Global North have generated substantial public concern and driven policymakers to adopt increasingly coercive policies to stymie "irregular/illegal" migration. These responses are justified in part by the collection and distribution of supposedly "objective" data on migration flows. In this article, we unpack the politics of irregular migration numbers. We show that Frontex's growing capacity to count and apprehend IBCs poses a classic problem of endogeneity for assessments of how border enforcement impacts migration flows. In other words, the more IBCs Frontex counts, the more money and personnel it gets, and the more IBCs it can count. Our empirical findings demonstrate that data on IBCs in fact contain include large shares of individuals who would likely obtain refugee status in Europe, contrary to Frontex's incentives to depict previously unauthorized border crossings as a problem which requires a securitised response - a response that it can provide if given more resources.

Consequently, our results contradict public discourses around surges in "illegal migration" and the rise of "bogus refugees" which have become pervasive in the Global North. These discourses remained prevalent during the 2015 crisis in Europe, and, as we have shown, have been bolstered by the publication of data on supposedly "irregular/illegal" migration. By demonstrating that roughly 75.5% of border crossers could have obtained refugee status in 2015 given their nationalities of origin and asylum acceptance rates across Europe, our findings directly challenge "bogus refugee" discourses and, in turn, reveal that large majorities of IBCs are in fact "fake illegals" in times of high previously unauthorized inflows. Moreover, in "non-crisis" years, between 25-50% of IBCs can also be considered likely refugees. In other words, individuals

recognized as refugees by destination states in Europe are present across migration routes and time. Frontex's numbers and labels of border crossers as "irregular/illegal" therefore advance misleading depictions of migration flows which are in contradiction with the asylum policies implemented domestically by EU member states. Our study thus exemplifies how data may reinforce political narratives regarding what is occurring at Europe's borders and the types of responses that are necessary to respond to them. Altogether, our analyses directly challenge common discourses regarding "irregular/illegal" migration flows and "crises" across the Global North.

More broadly, we hypothesise that our findings are generalizable to alternative contexts. Thus, sudden spikes in human movements across borders which are geographically concentrated and temporally limited are likely to primarily include forced migrants of individuals who would likely obtain asylum in destination states. Our method could be deployed to unveil the nature of migration flows around the world and reveal potentially persistent contradictions between policies implemented at borders and asylum policies implemented domestically.

Epistemologically, we demonstrate the utility of wedding critical insights with quantitative methods for migration research and beyond. The bridging of such scholarship not only offers alternative measures of social realities that are consistent with constructivist premises but also shows the potential in deploying statistical data to advance critical arguments. Looking forward, our findings point to the need for further examination of the relationship between policies and migration. In contexts where numbers are often fetishized in both media and political discourses, our method foregrounds the politically constructed nature of migration data to provide more accurate numerical descriptions of migration in public debates. We anticipate that migrant labelling is at the core of both crisis-making and solution-finding. We thus promote a novel method to produce critically informed data which can foster better informed debates in the public sphere and eventually lead to reshaping border policies as a result. The development of heightened border

controls to halt migration entirely during peaks in flows has clear detrimental impacts on border crossers who are vulnerable individuals with legitimate claims to protection. Highlighting how numbers are where borders begin offers a new understanding of securitization and migration management.

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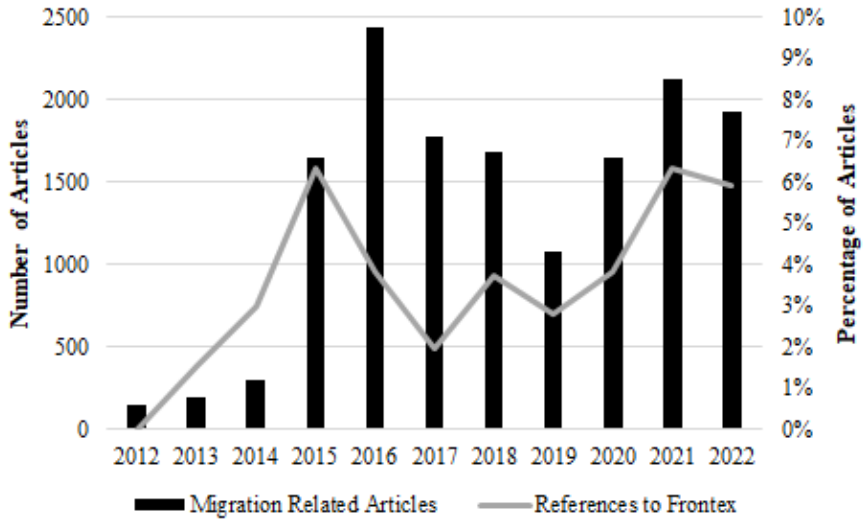
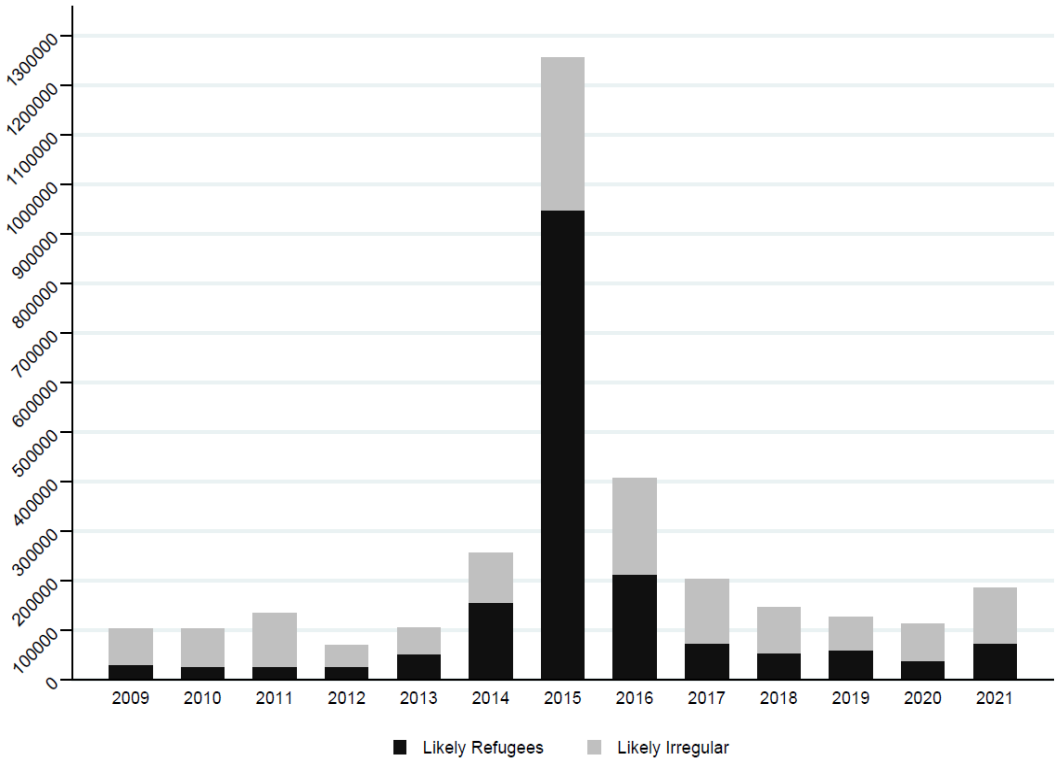
Figures and Tables

Figure 1: Proportion of Migration-Related Articles mentioning Frontex, 2012-2022



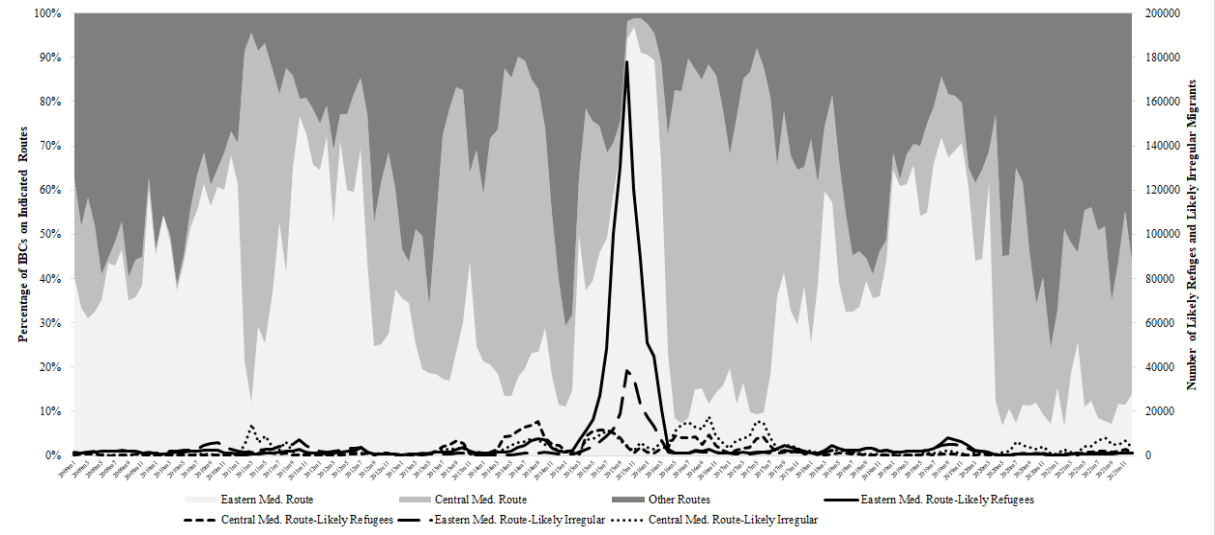
Sources: **Articles published online in English by *EurActiv* and *Euronews* available in © Factiva.**

Figure 2: IBCs as Likely Refugees or Likely Irregular Migrants



Note: *Frontex (2023) data on IBCs split by weighted average asylum acceptance rates calculated from Eurostat (2023) data.*

Figure 3: Share of Total IBCs and Number of Likely Refugees and Likely Irregular Migrants across main Migration Routes (2009-2021)



Year	Total IBCs	…of which Likely Refugees		…of which Likely Irregular Migrants	
2009	103419	29278	28.3%	74129	71.7%
2010	102399	25839	25.2%	76559	74.8%
2011	133681	27113	20.3%	106563	79.7%
2012	70296	26680	38.0%	43594	62.0%
2013	103849	51653	49.7%	52194	50.3%
2014	256223	155738	60.8%	100479	39.2%
2015	1257147	949275	75.5%	307860	24.5%
2016	407091	213119	52.4%	193968	47.6%
2017	203144	72339	35.6%	130801	64.4%
2018	145855	52820	36.2%	93035	63.8%
2019	127105	60194	47.4%	66908	52.6%
2020	112914	38361	34.0%	74553	66.0%
2021	184713	73830	40.0%	110878	60.0%

Note: *Frontex (2023) data on IBCs split by weighted average asylum acceptance rates calculated from Eurostat (2023) data.*

Table 2: Categorising the Top 25 Nationalities of IBCs (2009-2021)

Nationality	Total IBCs	...of which Likely Refugees		...of which Likely Irregular Migrants	
Syria	924188	872681	94.4%	51507	5.6%
Afghanistan	511339	307606	60.2%	203733	39.8%
Iraq	183847	129823	70.6%	54024	29.4%
Albania	132870	11278	8.5%	121592	91.5%
Eritrea	131028	114497	87.4%	16531	12.6%
Pakistan	121435	22757	18.7%	98678	81.3%
Nigeria	107652	22710	21.1%	84942	78.9%
Morocco	100696	10308	10.2%	90388	89.8%
Tunisia	84398	6515	7.7%	77883	92.3%
Algeria	83176	4248	5.1%	78928	94.9%
Somalia	74790	47719	63.8%	27071	36.2%
Bangladesh	68790	8438	12.3%	60352	87.7%
Guinea	57767	16749	29.0%	41018	71.0%
Kosovo	57696	2963	5.1%	54733	94.9%
Mali	57167	18620	32.6%	38547	67.4%
Côte d'Ivoire	51825	13511	26.1%	38314	73.9%
Iran	48557	27006	55.6%	21551	44.4%
Gambia	47435	13314	28.1%	34121	71.9%
Palestine	46664	28673	61.4%	17992	38.6%
Sudan	39728	21380	53.8%	18348	46.2%
Senegal	34904	8328	23.9%	26576	76.1%
Egypt	34525	7528	21.8%	26997	78.2%
Turkey	32796	14642	44.6%	18154	55.4%
Ghana	24357	5193	21.3%	19164	78.7%
Cameroon	23845	6240	26.2%	17605	73.8%

Note: *Frontex (2023) data on IBCs split by weighted average asylum acceptance rates calculated from Eurostat (2023) data.*