



# **IRREGULAR AND ILLEGAL MIGRATION – POLITICAL CHALLENGES FOR EUROPE AND THE WEST**

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## ABSTRACT

There is no patent remedy for the chronic refugee and irregular migration crisis. War and instability in regions neighbouring Europe – often involving European powers – led to a spike in the number of refugees and irregular migrants trying to reach the continent since 2015. In response, overall EU policy, especially in recent years, has been to try to push people back from the EU’s external borders and to enhance and improve external border protection. In the 2010s, the irregular and illegal mass migration of refugees escalated into a political crisis in Europe; segments of societies lost patience as more migrants arrived illegally in European countries. In the UK, the brutal killing of a Labour MP publicly praised for her work with refugees shocked the nation in 2016. Ten years after the wave of illegal migrants into Europe, there is still a dysfunctionality in trying to tackle irregular illegal immigration and create a common asylum policy system. Several attempts to achieve this goal have already failed. Therefore, the EU is trying to strengthen early warning systems, both internally and through partnerships with third countries. The increase of severe terrorist attacks in 2015 and 2016, and the lethal stabbings and gang fights caused by young migrants in Europe, are still being exploited by extreme right and left-wing political parties that try to link illegal migration with terrorism and Islamic fundamentalism. The aim of this contribution is to outline the challenges of irregular and illegal migration for European stakeholders and to analyse the difficult path taken by European politicians in dealing with this complex situation.

## INTRODUCTION

More people are on the move worldwide than at any other time since the Second World War. The reasons for this phenomenon are manifold. One reason is wars and conflicts – e.g. between Russia and Ukraine in Eastern Europe, as well as those in the Middle East (Israel/Palestine, Syria and Yemen) and in Africa (Sudan, South Sudan and Ethiopia). Another is disastrous social and economic conditions that cause people to emigrate (such as in Afghanistan, Bangladesh, Eritrea, Iran, Myanmar, Nigeria and Ghana). An additional reason for large-scale migration is the increasing impact of climate change, which threatens to make many regions of the world uninhabitable. Increasingly, the fear of irregular and illegal immigration is poisoning Western politics. Societies and some political parties have become split on this issue. In the United Kingdom in 2016, Jo Cox, a Labour MP who had been “praised for work with refugees”, was “shot and stabbed to death” (Guardian reporters, 2016, p. 15). It was the first killing of a serving MP since Irish republicans murdered Ian Gow in 1990 (ibid). Furthermore, in the UK, one cause of Brexit was overwhelming opposition to irregular and illegal migrants (Rath, 2016, p. 5) and even to the fact that European Union member states like France, Italy, Germany and Austria were allowing them to travel across Europe. Strident nationalists wielded power in many European states and in the United States, and in the meantime, they are gaining influence elsewhere – e.g. via social media. Irregular and illegal migration became a hot issue in the EU and in the US, where in 2018, President Donald J. Trump argued that immigration was “very bad for Europe, it’s changing the culture” (Rachman, 2018, p. 9). Trump’s conception of “the West” is based not on shared values but on culture or even race. In the EU, many people expect the Union to be stronger when it comes to big questions, especially by tackling illegal migration together with member states. Therefore, a key element of a sustainable migration policy is to ensure effective control of European external borders and stem illegal flows into the Union.

In general, both refugees and irregular migrants cannot choose their destinations. War and instability in regions neighbouring Europe, often involving European powers, led to a spike in the number of refugees and irregular migrants trying to reach the continent. In response, overall EU

policy has been to try to push people back from external borders and to enhance and improve external border protection.

Parts of European societies were already losing patience as more migrants arrived illegally in EU member states. Thus, populist political parties have gained influence as they promise simple solutions to that complex issue. Furthermore, as far-right politicians reach positions of power, their influence is coming to bear: “Their aim is to deliberately stoke a sense of crisis and panic; to frame this form of migration as an existential threat” (Trilling, 2018, p. 18). Populists in the UK, Germany and France demand that ruling governments “regain the mastery of our borders” (Foreign Affairs, 2016, p. 7). The increase of severe terrorist attacks in 2015 and 2016, and the lethal stabbings and gang fights caused by young migrants in Europe, are still being exploited by extreme right and left-wing political parties that try to link illegal migration with terrorism and Islamic fundamentalism. In France, for example, Marine Le Pen demanded “to stop the arrival of migrants, whom we know terrorists infiltrate. It [France] has to put an end to birthright citizenship, the automatic acquisition of French nationality with no other criteria that created French like [Amedy] Coulibaly and [Chérif and Said] Kouachi [the terrorists behind the Paris attacks of January 2015], who had long histories of delinquency and were hostile toward France” (Foreign Affairs, 2016, p. 7).

In Germany, too, the populist AfD (Alternative für Deutschland) is exploiting the political situation to highlight examples of failed integration and asylum policies for migrants. These include a lethal knife attack in Solingen on 23 August 2024, which was carried out by a young Syrian. Additionally, on 31 May 2024, a young police officer was brutally murdered with a knife in Mannheim by a 25-year-old Afghan who came to Germany as a teenager in 2014. Thus, the success of the AfD – particularly after the September 2024 federal state elections in Thuringia (where the AfD gained 33% of the vote) and Saxony (where the AfD gained 30% of the vote) – prompted the governing parties to react. The coalition government in Berlin is calling for migrants who have committed crimes to be more rapidly deported – e.g. to Afghanistan and Syria (Middelhoff, 2024, p. 3; Die Zeit, 2024, p. 1).

The aim of this contribution is to outline the challenges of irregular and illegal migration for European stakeholders and to provide a comprehensive analysis of the difficult path taken by European politicians in dealing with this complex situation. It is based primarily on academic studies and on media contributions to public debates and will provide a better understanding of this challenging issue. This chapter focuses primarily on the political and social challenges of irregular and illegal migration and their consequences for democratic societies.

## **1. THE PERMANENT IRREGULAR MIGRATION CRISIS IN EUROPE**

Migration encompasses the movement of people as refugees, economic migrants or displaced persons, or for family reunification or any other purpose. A migrant is a person who chooses to leave his/her country not due to the direct threat of persecution or death but mainly to seek a better life elsewhere. Unlike refugees, migrants are free to return home at any time. In 2015 and 2016, more than a million undocumented refugees and migrants landed in the EU, mainly escaping conflicts in the Middle East, and made their way through Turkey and Greece and continued through North Macedonia, Bosnia and Herzegovina, Serbia, Hungary and Austria to reach Germany, France and the United Kingdom. The 1.3 million irregular migrants and refugees who reached the EU in 2015 represented only 0.2% of the EU's total population. Thus, this irregular migration flow should have been manageable. Germany alone took roughly 800,000 people. That was equivalent to 1% of its own population and is the same number it absorbed in 1992, when people were fleeing the wars in the Balkans and ethnic Germans left the former Soviet Union (Nougayrède, 2016, p. 19). Demographers pointed out that the pivotal migration year for Europe in this period was 2014. That was when, for the first time, Europe surpassed the US as a destination for immigrants, according to French demographer François Héran. In 2014, around 1.9 million legal immigrants came to the EU (population 508 million) and 1 million to the US (population 319 million). With that, the European ratio became 3.7 legal immigrants per 1,000 inhabitants, while the US's was 3.1 (ibid).

In August 2015, Bulgaria began building a new fence along its border with Turkey. In September 2015, Hungarian prime minister Viktor Orbán ordered a fence topped with razor wire along the 175-kilometre border with Serbia. This led to an increase in the flow of asylum-seekers across the Croatian border, so Hungary constructed another fence along the border (Murray, 2017, p. 183). The flow moved farther along, concentrating on the Slovenian border (ibid). In September 2015, Germany introduced temporary controls along its borders with Austria. On 13 September 2015, Germany's then-interior minister Thomas de Maizière announced that his country would reintroduce border controls. In the middle of September 2015, Hungary declared a state of emergency due to the huge number of asylum-seekers and closed its border with Austria. Then Croatia closed its border with Serbia. Soon Austria began the construction of a barrier along its border with Slovenia. The border fence was "a door with sides" (according to Austria's then-chancellor Werner Faymann) (Bastaroli, 2016, p. 3). Soon Slovenia was constructing a fence along its border with Croatia, while North Macedonia began constructing a barrier along its border with Greece. Austria began to introduce the upper limit for refugees on 20 January 2016 (37,500 refugees). In parallel, irregular migrants from Africa repeatedly tried to reach EU soil by entering the exclaves of Ceuta and Melilla. The border fortifications consist of two six-metre-high fences, with a network of difficult-to-cross steel cables in between, which is why people are repeatedly injured when climbing over the barriers. At the beginning of December 2016, 400 migrants had already managed to enter the territory of Ceuta. On New Year's Day 2017, more than a thousand people again tried to scale the barrier fence but were pushed back by the security forces (Die Presse, 2017, p. 5).

Governments in EU member states have still failed to create a common asylum policy to help frontline nations such as Italy, Greece, Bulgaria and Romania tackle illegal migration efficiently. The EU debate initially focused on how to fairly distribute hundreds of thousands of new arrivals. However, the European Agenda on Migration, including an initial package of implementing measures, was presented by the European Commission in May 2015. This agenda took a comprehensive approach intended to improve the management of migration on all levels. It included relocation and resettlement measures, as well as an action plan against the smuggling of irregular migrants. When the EU drew up the

first recommendation in May 2015 on how to handle the refugee and irregular migration crisis and included a distribution key, it was met by stiff opposition from many states. The concept was revised at the beginning of September 2015. Thus, the EU at least had guidelines as to how the initial 160,000 refugees and irregular migrants, as well as future arrivals, could be distributed. The distribution key took into account the given country's population size, economic power, unemployment rate and the number of qualified asylum-seekers who were already in that country. The refugees and irregular migrants were to be distributed to countries that best suited them, based on whether they had family, relatives or friends there and whether the migrants spoke the local language.

At this time, the Eurosceptic governments in Poland and Hungary had refused to take in anyone under a plan agreed upon by a majority of EU leaders in 2015 to relocate migrants from the frontline states Italy and Greece to help ease their burden. The Czech Republic initially took in 12 people from its assigned quota of 2,691 but said in June 2017 that it would take no more, citing security concerns. The Czech Republic's then-prime minister Bohuslav Sobotka said at this time that the European Commission was "blindly insisting on pushing ahead with dysfunctional quotas which decreased citizens' trust in EU abilities and pushed back working and conceptual solutions to the migration crisis" (Wintour, 2017, p. 12). The three countries were firmly opposed to accepting any asylum-seekers and believed that their populations would not accept large numbers of migrants, especially if imposed by the EU. Prime Minister Orbán emphasised: "We will not give in to blackmail from Brussels and we reject the mandatory relocation quota." Additionally, Poland's then-interior minister Mariusz Błaszczak said: "We believe that the relocation methods attract more waves of immigration to Europe; they are ineffective" (ibid). However, the European Commission launched a legal case against Poland, Hungary and the Czech Republic for refusing to take in refugees, intensifying a bitter feud within the EU about how to deal with migration.

In July 2016, the European Commission proposed to create an EU resettlement framework with a unified procedure and common criteria. Once adopted, the EU resettlement framework was intended to replace the current ad hoc resettlement and humanitarian admission schemes. As the EU Global Strategy 2016 states, the EU must support transit countries

by improving reception and asylum capabilities, and the EU must stem irregular flows by making returns more effective as well as by ensuring regular channels for human mobility (European Union, 2016, para 27). At the EU migration summit in June 2018, EU member states discussed stopping people in Africa in “regional disembarkation platforms”, which had to be constructed before they got anywhere near the Mediterranean. There they would be sorted into refugees and migrants, and only the refugees would be allowed to continue to Europe. Through resettlement schemes, the most vulnerable refugees in need of protection would be enabled to reach Europe through legal and safe pathways.

Better management of legal channels for skilled migrants as part of a structured EU policy on labour mobility will help the EU member states turn illegal flows into needs-based economic migration for non-EU workers. More than ever before, Europe needs to respond to the growing needs of the ageing workforce in its societies and skill shortages in the labour markets while reducing incentives for irregular and illegal migration.

However, the EU’s goal is to permanently dismantle the business model of organised trafficking. For too long, the focus has been on development cooperation and not enough on efficient cooperation. It is also important to create prospects for an economic cooperation mechanism that benefits both sides. This could give people better alternatives than to embark on the dangerous migration journey to the EU. To this end, effective external border protection, faster asylum procedures and rapid repatriation are needed to reduce pressure at the borders. Migrants continue to die at sea. Refugees flee violence in Africa – e.g. in Mali and Nigeria – where the jihadist organisation Boko Haram continues its bloody campaign (Maclean, 2018, p. 8). Migrants have accused border forces in Croatia, Greece, Hungary and Romania of carrying out violent pushbacks. For instance, policemen in Croatia beat undocumented migrants back into Bosnia and Herzegovina. (Kingsley, 2020, p. 1). According to reports from migrants, the Greek coast guard and security forces were brutally forcing asylum-seekers back onto Turkish territory at the country’s border in so-called “pushback operations”, without being allowed to apply for asylum (the Greek government has denied these charges). When the conservative Greek MP Giorgos Kyrtos accused Prime Minister Mitsotakis of



“Urbanising” Greece, he was thrown out of the Nea Demokratia (New Democracy) party (Panagiotidis, 2022, p. 17).

## 2. THE EU DEAL WITH TURKEY

Mass resettlement was supposed to play a large part in the controversial German-inspired agreement struck between the EU and Turkey on 18 March 2016. The deal committed the EU to taking in one Syrian refugee from Turkey for every irregular Syrian migrant sent back from Greece (The Economist, 2016, p. 11). The package was the result of five months of intense diplomacy driven by German chancellor Angela Merkel, who saw Turkey as offering the only lasting solution to a crisis that had brought more than 1 million migrants to Germany, largely via Greece. The deal with Turkey was meant to be a game-changer. When the European Union and Turkey struck a deal in March 2016 to limit the numbers of asylum-seekers coming to Europe, many politicians in Germany felt cautiously optimistic. Merkel claimed it offered a “sustainable, pan-European solution”. In exchange for visa-free travel for some of its citizens, 6 billion euros in refugee aid and revived talks on possible future accession to the EU, Turkey agreed to take back migrants who had made their way to Greece and to try to secure its borders (The Economist, 2016b, p. 21).

In 2020, Turkish president Erdogan announced: “Turkey’s gates to Europe are open”, and severe clashes ensued along the border between illegal migrants and Greek security personnel. At the time, Greek foreign minister Nikos Dendias even spoke of an “asymmetric threat” being provoked by the Turkish leadership. Dendias said on 3 March 2020: “The situation at the border was provoked by the Turkish leadership.” It was a “cynical decision” by the Turkish government to abuse the fate of people to exert pressure on the EU. Therefore, Greece used tear gas and rubber bullets on a massive scale to prevent people from crossing the border. Athens also declared that, for the time being, it would no longer accept asylum applications. The United Nations High Commissioner for Refugees (UNHCR) considered Greece’s measure unlawful. Refugees therefore needed to apply for asylum. According to Foreign Minister Dendias, Greece was merely protecting the EU’s borders (Schneider, 2020, p. 2).

Since 2015, Turkey has been home to the largest refugee community in the world, numbering around 4 million people. This number includes 3.6 million registered Syrian refugees and 330,000 registered refugees from other countries. Since 2015, the EU has mobilised 9.5 billion euros for refugees and host communities in Turkey. A key component of the 2016 EU-Turkey Statement is the 6-billion-euro Facility for Refugees in Turkey, of which 3 billion euros comes from the EU budget and 3 billion euros from EU member states (Europäische Kommission, 2022, p. 1).

The EU deal with Turkey seems to be working well, especially from the EU's point of view. The Turkish government is taking back people who fled to Greece before (Ferstl, Peternel & Emminger, 2024, p. 4).

### **3. THE POLITICAL IMPLICATIONS OF IRREGULAR MIGRATION AND FAILED POLICY CONCEPTS**

According to UNHCR estimates, in 2011, around 1,500 people died trying to reach Europe from Africa via the Mediterranean and the Atlantic off the coast of Morocco. Due to a series of protests and uprisings in North Africa (the Arab Spring), the number of boat people, most of whom came from Africa, had risen to 58,000 in the meantime. According to Human Rights Watch, smugglers supposedly had passengers thrown off board as soon as land was in sight. The aim was to reduce the weight of the boat so that it could escape more quickly if discovered by the coast guard (Bischof, 2012, p. 7).

Racist and anti-immigrant sentiment grew in Greece in 2012 when a 21-year-old Pakistani man confessed to raping a 15-year-old girl on the island of Paros. At the same time, the operation Xenios Zeus was launched against illegal immigrants. More than 6,000 foreigners were arrested in Athens. The minister for citizen protection and public order, Nikos Dendias, commented: "The country is coming to an end. We are facing an invasion" (ibid). Illegal immigration seemed to be a bigger problem than the budget deficit at this time. Between 2002 and 2012, more than 1 million people sought refuge in Greece, mainly from Africa and Asia. According to the Greek authorities, in 2010 alone, there were 128,000 irregular migrants, hundreds of whom were homeless and destitute in

Athens and other cities. At the time, Greece had an unemployment rate of 23%, and immigrants were increasingly becoming scapegoats for the crisis in the heavily indebted country. Ninety per cent of illegal immigrants entering Europe at this time did so via Greece. In Greece, the Chrysi Avgi (Golden Dawn) party won almost 7% of the vote in the May and June 2012 elections, making it into the Greek parliament for the first time. Its party members distributed food in front of parliament – but only to those who could identify themselves as Greek (ibid).

In 2020, violent clashes broke out between residents of Lesbos and the police over new refugee camps being constructed. “Our voice must be listened to,” said Tasos Balis, adviser to the mayor of Mytilini (capital of Lesbos). Since 25 February 2020, there had been strikes on the five Aegean islands most affected by the irregular migration crisis. The Greek administration stopped working. This was because new migrant camps were to be built on the islands – each camp was to accommodate 7,000 migrants. It was feared that a further 15,000 migrants would then camp in random spots in the wild. In the Moria camp, 19,000 migrants were living in trash and mud and in self-constructed plastic tents without adequate provisions. Initially, the camp had been set up for just 2,800 irregular migrants. The new camp – around 30 kilometres from Mytilini – was supposed to be a closed camp. The citizens of the islands demanded that the islands be relieved. Athens had previously sent 180 special police officers on 12 trucks to Chios to act against 5,000 demonstrators who had protested a new migration centre. Police officers wanted to remove roadblocks set up by the islanders. Lesbos was overwhelmed by the situation. At the end of February 2020 alone, 700 migrants arrived on the island. Between 2015 and the beginning of 2020, more than 1 million people arrived in Greece via Turkey, mainly from Syria, Afghanistan and Iran (specifically, the Hazara people, who are denied basic rights in Iran). Many residents feared that Lesbos would be turned into a veritable “prison island” (Wölfl, 2020, p. 7). When prime minister Kyriakos Mitsotakis took office in July 2019, he announced that it was his goal to close the country’s “open borders”. The Greek government’s policy since then has been to speed up the deportation of people without the right to asylum back to Turkey and thus deter new arrivals. Defence Minister Nikolaos Panagiotopoulos proposed floating fences in the sea to deter boats carrying migrants and refugees (Gonsa, 2020, p. 4). The government of Prime Minister Mitsotakis had further refurbished the border

facilities. As early as 2019, security measures at the fence and along the Greek riverbank of the Evros were reconstructed and equipped with thermal imaging cameras and even more barbed wire (Martens, 2020, p. 8).

The fear of irregular immigration has contributed to the rise of right-wing nationalist politics in both the EU and the US and was a major factor in the UK's 2016 vote to leave the EU. Countries like Germany also faced many cultural challenges in resettling "galvanic waves of migrants" (Lyman & Eddy, 2017, p. 1). The rapid influx shook European social structures, accelerating a rise in right-wing nationalism in many European nations. Germany led the way in the numbers of refugees it accepted and the programmes it launched to support them. In 2016, the German government spent 14.5 billion euros on refugees, and nearly as much was earmarked in 2017 (Gonsa, 2020, p. 4). Furthermore, the German Interior Ministry released figures showing that the number of criminal suspects classified as immigrants had surged more than 50% during this time. Nearly 175,000 newcomers to Germany were charged in 2016, accounting for 8.6% of all crimes, up from 5.7% in 2015. "Those who commit serious offenses have forfeited their right to stay here," warned then-minister of the interior Thomas de Maizière. Another big challenge of irregular migration is how to educate the growing number of children when reuniting families. Schools face shortages of space, especially when many children arrive in a very short time. For instance, in Vienna, Austria, in spring 2024, an average of 300 to 400 children showed up each month. Children are enrolled in local schools and adults in government-paid classes to learn the basics of the language and laws and customs.

In 2015 and 2016, the refugee and irregular/illegal migration crisis began to strain governing coalitions in Austria and Germany. In Germany, then-minister of the interior Horst Seehofer demanded that "upper limits" be fixed for numbers of migrants to be received in Germany. Additionally, Seehofer and Germany's then-chancellor Angela Merkel were split over "secondary" migrants: those who enter the EU through a country such as Italy or Greece and who then travel across the Union's open borders into Germany. Although a core tenet of the EU remains keeping borders open among member states, Seehofer demanded that Germany's borders be closed to secondary migrants (Hauser, 2022, p. 253). If Merkel refused,

he said, he might do so himself or might resign. Therefore, in early July 2018, Chancellor Merkel announced a compromise: Germany would set up camps along the Austrian border to house secondary migrants while their status was reviewed (Fisher & Bennhold, 2018, p. 5). The Social Democrats in Germany (SPD – Sozialdemokratische Partei) had criticised plans to construct “mass internment camps”, which the party claimed marked an end to Europe’s open-borders era: Thus, border-free travel within the EU, which has been the rule, not the exception, could become the exception and not the rule. Thus, German authorities set up checkpoints at every rail and road crossing with Austria (ibid).

In 2017, Austria’s then-defence minister Hans Peter Doskozil called for a pan-European approach on migration, external application centres for refugees and “protective zones” to hold and deport illegals from the EU. According to then-minister Doskozil, the plan to fix migration problems in the EU needed to involve establishing limits on migration numbers and effective protection of the EU’s external borders. The European asylum policies have all failed and need to be discontinued (Kopeinig, 2017, p. 52). During this time, the EU has shown a limited capacity to absorb more irregular migrants and thus has to stop irregular migration. The total EU migration ceiling would be based on limits set by the member states. Doskozil has been a vocal critic of the “open door” policy of Germany’s then-chancellor Merkel since the beginning of the refugee crisis. “We must completely rethink the asylum system. There is a strong need for the implementation of a united EU asylum system in order to deal with the crisis,” Doskozil emphasised. According to then-minister Doskozil, there should be only an orderly system of legal entry for asylum-seekers. Asylum applications should only be received outside the EU in the future (ibid).

A core tenet of the EU is to maintain open borders among member states. On the other hand, the EU has to stem irregular migration flows, together with non-EU nations. Therefore, the defence ministers of the Central European Defence Co-operation (CEDC), which comprises Austria, Croatia, Czech Republic, Hungary, Slovakia and Slovenia, and the Southeast European nations Montenegro, North Macedonia and Serbia met on 5 April 2016 to discuss control of the outer Schengen borders, the “closing of the Balkan route” (Bundesheer, 2016) and the broadening of information exchange on irregular migration flows. The

current solution to irregular migration is the effective protection of the outer Schengen borders. The CEDC participating states all agreed that closing the Balkan route and returning migrants to their countries of origin were key parts of solving the irregular migration crisis. It is essential to establish a common view of the irregular migration crisis and to continue to explore ways to cooperate and improve information exchange. If Plan A, which contains the agreement between the EU and Turkey to ease migration, fails, a Plan B will be required, especially relating to protecting the North Macedonian borders, said the Czech Republic's then-minister of defence, Martin Stopnicky, after the meeting. A remaining question might be: What specific measures to handle the refugee and irregular migration crisis can be recommended as part of a unified approach? Italy's then-interior minister Matteo Salvini called for reception centres to be set up on Libya's southern borders. He has sought to align himself with Hungary's prime minister Viktor Orbán and Austria's then-chancellor Sebastian Kurz, who called for "an axis of the willing against illegal migration" between Italy, Germany and Austria. Austria's then-minister of the interior Karl Nehammer pleaded for landing platforms: "These were decided by the heads of government in 2018; this must have fallen asleep at some point and must now be reactivated" (Purger, 2021, p. 3). Italy intended the EU to adopt a quota system for refugee settlement, while Austria was against this proposal. Thus, politicians in Austria threatened to close the Schengen borders. Egypt, Tunisia, Morocco and Algeria have turned down the idea of establishing "regional disembarkation centres" – holding camps for migrants (Hauser, 2022, p. 250). Salvini refused permission for rescue boats to dock at Italian ports. One of his first acts as minister was to visit Sicily and declare that the island "cannot become Europe's refugee camp" (Hauser, 2019, p. 181).

Between 2016 and 2020, 30,000 to 40,000 irregular migrants arrived in Serbia every year, according to Radoš Durović, director of the Asylum Protection Center in Belgrade. "The increased border fences have diverted and slowed down but not stopped the migration movements; fences do not stop refugees," said Durović (Roser, 2021, p. 5). But these specially designed barbed wire fences endanger lives. Croatian border guards had beaten illegal migrants in order to push them back, and illegal migrants still try to cross the Hungarian border fence with ladders or through tunnels. On the other side of the border fence, there are often

station wagons waiting to take the refugees further. In the summer of 2015, Hungarian prime minister Viktor Orbán's government began to construct barbed wire fences. In 2020, Hungary's border police discovered half a dozen tunnels dug under the fence. In December 2020, the European Court of Justice declared Hungary's deportation practice illegal, and since then, the Hungarian NGO Helsinki Committee has registered more than 15,000 cases of so-called pushbacks of illegal migrants. Between 2016 and 2020, Hungary deported more than 71,000 people to Serbia without checking them. Smuggling networks try to undermine the long border fence either by digging tunnels or by bribing border guards and bypassing Romania altogether. One of the cab drivers put the smuggling fees for the passage from Hungary to Austria at between 4,000 and 5,000 euros (Roser, 2021, p. 5).

The increased border controls that Austria has implemented since May 2016 have led to many refugees arriving via Italy and then attempting to travel to northern EU countries via Switzerland. According to a report by the European Border and Coast Guard Agency (Frontex), *Risk Analysis 2017*, many migrants began to bypass Austria, making Switzerland an increasingly important transit country for illegal migrants. The irregular migrants coming from Africa arrived in Italy via Libya on smugglers' boats. France was also affected; there the number of migrants who arrived illegally via Italy or applied for asylum elsewhere in the EU in 2016 rose by 156% over 2015, to 11,000 (Bitzan, 2017, p. 5).

Due to stricter controls within the Canary Islands, smugglers chose riskier routes to other Canary Islands instead of Gran Canaria. More refugees, ever larger boats, ever more fatalities – never before did so many migrants land on the Canary Islands as in 2023. That year, more than 38,000 people arrived on the Canary Islands in fishing boats and rubber dinghies. Most of the boats reached El Hierro (which has 11,000 residents). In 2023, over 13,000 migrants and refugees arrived in El Hierro (around 500 kilometres from the African coast). “We can't take in that many people,” said Alpidio Armas, the island president of El Hierro. “We don't have the means to provide for them. Not even the baker is prepared to suddenly bake 1,000 loaves of bread a day instead of 100.” A tent city in the farming village of San Andrés served as a temporary reception camp. Spain is monitoring the situation in cooperation with Morocco, Mauritania, Senegal and Gambia, so smugglers avoid the “landing

routes” to Gran Canaria and Fuerteventura. According to an official from the Spanish Maritime Rescue Service, smugglers try to avoid border controls by sailing as far from the coast as possible. Most migrant ships are currently setting sail from Senegal. Spain has stationed coast guard ships and aircraft in Senegal and Mauritania to monitor the sea borders with the local security forces. In all, 12,500 people were prevented from continuing their journey in 2023, according to Spanish interior minister Grande-Marlaska. According to the UNHCR, 868 irregular migrants died during this time (Schulze, 2023, p. 4).

Irregular migration is also abused as a bargaining chip in diplomatic relations, e.g. between the EU and Turkey and between Australia and Nauru, and can also be used by state leaders to destabilise states. Therefore, threats to “flood” the European Union with migrants have been frequent. At the end of 2015, Turkish president Erdogan said to then-European Commission president Jean-Claude Juncker and EU Council president Donald Tusk: “We can open the gates to Greece and Bulgaria at any time and we can put the refugees on buses” (Martens, 2020, p. 8). Thus, Erdogan asked what the EU would do if it did not come to an agreement with him: “How will you deal with the refugees if you don’t get a deal? Kill the refugees?” (ibid). The answer seemed to be to construct more fences and to use tear gas. The situation was similar in 2021, when the Belarusian government decided to instrumentalise irregular and illegal migration towards the European Union.

#### **4. THE INSTRUMENTALISATION OF MIGRATION**

The instrumentalisation of migration to exert pressure to achieve various goals has become a recent trend. In autumn 2021, Belarusian president Alexander Lukashenko used state resources to enable irregular migrants – mainly Kurds from Iraq and Syria, as well as some Afghans – to head to the EU. These irregular migrants were first flown to Minsk airport on special visas, then bused to Belarus’s western border with Poland and Lithuania, “where they were left in large, unprotected encampments as winter approached and temperatures plunged” (Greenhill, 2022, p. 155). On the border with Poland, Lithuania and Latvia, violence ensued. Border guards from these three nations pushed those attempting to



enter their territories back to Belarus, employing tear gas, water cannons and rubber bullets. Leaders of several EU member nations announced that they were being confronted by an entirely new security threat: “weaponised migration” (ibid). Ylva Johansson, the EU commissioner for home affairs, suggested that Lukashenko’s strategy was a novel way of “using human beings in an act of aggression” (ibid, p. 156). In this context, Lithuania’s foreign minister, Gabrielius Landsbergis, spoke of the misuse of illegal migrants as a “hybrid weapon” (ibid). Lukashenko orchestrated a televised humanitarian crisis on the doorstep of the EU. A key objective “appeared to have been to discomfit, humiliate, and sow division within the EU for failing to recognise him as the legitimate winner of the flawed 2020 Belarusian presidential election and for imposing sanctions on his country after he brutally suppressed the pro-democracy protests that followed” (ibid). Thus, Belarusian authorities carted thousands of illegal migrants to the western border there to put pressure on Poland and the Baltic states. The EU supported Lithuania in funding reception centres but not in taking border security measures in the form of a border fence (ibid).

In using travel agents to lure migrants to Minsk, Lukashenko seemed to have stolen a page from the playbook of the leaders in the former German Democratic Republic (GDR). In the mid-1980s, the GDR placed advertisements throughout the Middle East and Vietnam promising comfortable flights to East Berlin and “quick and smooth transit” into the West. This was part of a “successful scheme to extract economic and political concessions from West Germany” (ibid).

In the second half of the 2010s, Turkish president Erdogan repeatedly threatened to “flood” the EU with migrants from the Middle East and farther afield unless the EU made certain concessions. In late February 2020, Erdogan declared the land border with Greece open. Thousands of migrants were brought to the border in buses, and for weeks, they besieged the Greek border crossing point of Kastanies. Greece defended the border with Frontex. After four weeks, Erdogan called the siege off (Höhler, 2021, p. 10).

Since 2011, the EU “has directed close to” 10 billion euros “to assist refugees and host communities in Türkiye” (European Commission, 2024, p. 1). Australia has also paid Nauru and other remote islands in

its vicinity to detain would-be asylum-seekers and keep them away from Australian shores. These “warehouse” countries, however, can become weaponisers themselves, as Nauru has demonstrated on multiple occasions, demanding ever larger payment from Australia for doing its bidding (Greenhill, 2022, p. 160).

Turkey became a hub for smuggling activities via Belarus. Poland’s then-prime minister Mateusz Morawiecki accused Turkey of being involved in migrant transports “in full coordination with Belarus and Russia”. The European Commission was considering sanctions against Turkish Airlines, which is close to 50% state-owned, until the airline company promised to stop selling one-way flights to Minsk. Additionally, Turkey has not allowed migrants to fly from its territory to Belarus since November 2021. In this way, Turkish Airlines averted a threatened flight ban from the EU. The Belarusian airline Belavia has not transported citizens of Iraq, Syria or Yemen from Turkey to Belarus since 12 November 2021. Now this airline is banned from European airspace, as Russia launched a full-scale war on Ukraine in 2022 and Belarus is a Russian ally. Since 2021, Poland has erected a well-fortified fence on the border with Belarus.

The Strategic Compass of the EU, adopted by the EU heads of state and government in March 2022, mentions the “instrumentalisation of migration” four times and mentions migration itself seven times. For example, in the chapter “Our Strategic Environment” (European Union, 2022, p. 8):

Today, the EU is surrounded by instability and conflicts and faces a war on its borders. We are confronted with a dangerous mix of armed aggression, illegal annexation, fragile states, revisionist powers and authoritarian regimes. This environment is a breeding ground for multiple threats to European security from terrorism, violent extremism and organised crime to hybrid conflicts and cyberattacks, instrumentalisation of irregular migration, arms proliferation and the progressive weakening of the arms control architecture.

On page 9, the Strategic Compass document emphasises that the instrumentalisation of migration is directly linked to events in the Eastern Mediterranean:

Tensions in the Eastern Mediterranean remain, due to provocations and unilateral actions against EU Member States and violations of sovereign rights in breach of international law, as well as the instrumentalisation of irregular migration, and have the potential to escalate quickly; ensuring a stable and secure environment as well as a cooperative and mutually beneficial relationship, in line with the principle of good-neighbourly relations, is in the interest of both the EU and Turkey.

In September and October 2023, every day, about 100 refugees reached the German town of Eisenhüttenstadt in the state of Brandenburg on the Polish border. According to the authorities, half of the people were arriving via Moscow and Belarus. These were deliberate manoeuvres by Russia to destabilise the EU, said Rolf Mützenich, head of the SPD parliamentary group at the German Bundestag. This influx of irregular migrants had once again led to an extremely sharp increase in asylum applications in Germany. Mützenich noted: “We are experiencing a consequence of hybrid warfare on the part of Russia, in which refugees are being flown in directly from Syria and other war zones and smuggled through with the aim of destabilising Europe” (NTV, 2023). The head of the immigration office in Eisenhüttenstadt, Olaf Jansen, thought the situation in terms of capacity utilisation was similar to that of the refugee crisis of 2015/2016. However, more than 220,000 asylum applications from other nationalities were registered across Germany between January and August 2023, which was already far more than in 2016. In Eisenhüttenstadt, half of the refugees came to Germany via Moscow and Belarus, said Jansen. The other half came via the so-called “Balkans route”, which now also runs through Poland via Hungary and Slovakia. Smugglers demanded 3,000 to 15,000 dollars (2,800 to 14,000 euros) from each refugee, depending on how comfortable the journey was (ibid). Thuringia’s then-interior minister Georg Maier also once again accused Russia and Belarus of instrumentalising refugees. According to Maier, Syrian refugees were systematically being flown from Turkey to Russia in order to then reach Germany via Belarus and Poland. According to consistent reports from migrants, they are receiving very specific help from Belarussian state authorities in overcoming the relatively well-fortified EU border barriers. For example, migrants were given ladders and equipment to cut holes in the fence. In view of the rising number of arrivals, federal minister of the interior Nancy Faeser has agreed on more joint controls with Poland and the Czech Republic (ibid). But how

can the instrumentalisation of migration be prevented? On the EU level, the Union has to strengthen early warning systems and awareness, foster partnerships with third countries, combat smuggling activities, raise the issue of instrumentalisation in international fora, manage sustainable migration policy in order to ensure effective control of the EU's external borders and to stem illegal flows into the EU, and enhance crisis reaction and coordination.

## CONCLUSION

The numerous examples above show the challenges that Europe continues to face in dealing with irregular and illegal migration. Uncontrolled migration can overburden numerous state institutions and jeopardise the stability of democracies. Moreover, the powerlessness of democratically elected governments in tackling this important issue can lead to societies becoming divided. Consequently, so-called “illiberal” parties backed by large segments of society could gain more political influence by promising to restore “law and order”. Thus, the policy of welcoming irregular migration, based on the example of former German chancellor Angela Merkel (who repeatedly promised, “We’ll manage it”), has strengthened extreme political parties in state and federal elections during the last ten years. In the meantime, the EU tried several times to create an effective common European asylum system but has thus far failed.

On 10 April 2024, the European Parliament finally adopted a long-negotiated migration and asylum package (with ten legislative texts in all), which had previously been agreed upon by the European Parliament and the EU member states (the EU Council) in December 2023. This overall package is likely to be applied by mid-2026 and is intended to:

- ensure faster examination of asylum applications (including in so-called fast-track procedures lasting up to seven days at the EU's external borders by means of newly established pre-screening centres) and more effective returns;

- enable improved identification on arrival, mandatory security and health checks and vulnerability assessments for people entering the EU irregularly.

In addition, EU member states can choose whether to take responsibility for asylum-seekers, make financial contributions in the form of compensation of 20,000 euros for each refugee not accepted, or offer operational support.

However, one of the trickiest questions remains: How many of the asylum-seekers who have been rejected can be returned to their countries of origin or to safe third countries immediately? Such a step requires sustainable repatriation agreements, and “this won’t happen any time soon,” said Michael Spindelegger, former Austrian vice-chancellor and head of the think tank ICMPD (International Centre for Migration Policy Development) in Vienna (Kramar, 2024, p. 6). EU priorities remain focused on faster asylum procedures, strong external border protection and repatriations. Specifically, the goals are the following:

- Combating the causes (push factors) of irregular migration in partnership with the countries of origin.
- Support for overwhelmed target countries close to the countries of origin.
- Optimisation of legal immigration opportunities in partnership with the countries of origin, considering the self-determined priorities of the receiving states.
- Combating human smuggling/trafficking.
- Saving lives and providing humanitarian aid along migration routes.
- Optimisation of EU external border protection.
- Establishment of a Common European Asylum System with common standards.
- Coordinated repatriation of those not entitled to remain.

- Supporting affected EU member states with distribution (relocation).

Thus, Schengen countries are obliged to deploy sufficient staff and resources to ensure a high and uniform level of control at the external borders of the Schengen area. Those countries must also ensure that border guards are properly trained. EU and Schengen countries also assist each other with the effective application of border controls via operational cooperation, which is coordinated by the EU agency Frontex. Thus, Frontex is also mandated to assist EU countries in raising and harmonising border management standards with the aim of combating cross-border crime while making legitimate passage across the external border of the EU faster and easier. The Schengen border is only as strong as its weakest link. However, the Schengen Border Code clearly states that the primary responsibility for border control lies with those Schengen countries that have an external border – including land and sea borders and international airports. One key requirement is that EU member states that have an external frontier must ensure that proper checks and effective surveillance are carried out there.

The EU is currently trying to implement long-lasting and sustainable agreements with third countries based on the model of the 2016 EU-Turkey agreement, but with only moderate success. Following the EU-Turkey agreement, the EU concluded similar agreements with Tunisia (2023), Egypt (2024) and Lebanon (2024). NGOs reported that Tunisian authorities forced migrants at the border to leave the country on foot. Not every agreement with third states remains promising.

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