

Chapter 2

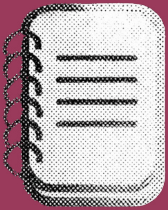
What is irregular migration?

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What is irregular migration?



Key points

- This chapter explores how ‘irregular migration’ is defined and why the concept is contested, showing the tension between using existing categories for measurement and critically interrogating them.
- It highlights that terms such as ‘irregular’, ‘illegal’, or ‘undocumented’ are not neutral but historically and politically charged.
- The chapter explains that ‘irregular migration’ may denote different phenomena, legal status, border crossings, or policy violations, and stresses the need for precise definitions.
- It shows that irregularity is not fixed but shaped by laws, administrative practices, and political contexts, varying between states and over time.
- Understanding irregular migration requires both snapshots of populations and trajectories of status change. The MirreM taxonomy maps pathways into and out of irregularity, while making visible the limits of classification.

This chapter addresses an irresolvable challenge: how to discuss ‘irregular migration’ in a reflexive way, whilst necessarily using language and terminology that reproduces contested narratives and categories. It is in itself an area of study in need of the ‘demigrantization’ advocated by Dahinden (2016). The chapter addresses this challenge by exploring how ‘irregular migration’ is conceptualised, used, and measured and by proposing an approach that allows quantifications without falling into the pitfall of reifying problematic categories.

At first glance, it appears to describe a clearly defined phenomenon, often equated with ‘undocumented’, ‘clandestine’, ‘unauthorised’, ‘unlawful’ or ‘illegal’ migration (see on the terms used Box 2.1 below). Yet, in practice, the term is used in divergent and often ambiguous ways. It features prominently in academic, policy, and media discourse, but rarely with consistent meaning.

Box 2.1: “Words matter”¹ – Terms used to describe irregular migration.*Albert Kraller*

A wide range of terms are used to speak about ‘irregular migration’. Until the 2010s, ‘illegal migration’ – and related terms such as ‘illegal migrant’ or ‘illegal alien’ (the latter predominantly used in the United States) – were the most widely used (Paspalanova, 2008). In years since, they have been criticised for their association with criminality and the harmful effects of these associations on migrants (PICUM, 2017). As far back as 1975, a UN General Assembly Resolution recommended that UN agencies instead use terms like ‘non-documented’ or ‘irregular migrant workers’, reflecting the focus at the time on labour migration. Similar language has been adopted in subsequent international fora.

The 1994 International Conference on Population and Development in Cairo spoke of ‘undocumented or irregular migrants’, while the International Labour Conference and later the European Union Agency for Fundamental Rights (FRA) used terms such as ‘irregular status’ and ‘migrants in an irregular situation’ to draw attention to the legal dimension of status without stigmatising individuals (European Union Agency for Fundamental Rights, 2011). In 2009, the European Parliament passed a resolution calling on EU institutions and Member States to stop using the term ‘illegal immigrants’, pointing to its negative connotations, and instead to refer to ‘irregular’ or ‘undocumented’ migrants or workers. Since then, the European Commission has started to use ‘irregular migration’, although ‘illegal migration’ is also still used. In legal contexts, the more precise term ‘unlawful entry and stay’ is used at the European level (European Migration Network 2025). Other language, such as ‘clandestine migration’, ‘clandestine migrants’, ‘unauthorised migration’ and ‘unauthorised migrants’ remain in circulation. Unlike most terms that either convey a negative or neutral connotation, the French term ‘sans papier’ (migrants without papers) has a pro-migrant and activist connotation, reflecting the lasting legacy of the French sans-papier movement of the 1990s (Freedman, 2008).

Researchers have drawn attention to a shift in media and academic discourse towards terms seen as more neutral, such as irregular, undocumented² or unauthorised – as opposed to clandestine or illegal (Spencer & Triandafyllidou, 2022:192). Yet even these more neutral terms are contested. Their meanings and uses can shift over time, particularly when they become politicised. For this reason, it is important to use terms with care. While they may appear straightforward, their meanings are not fixed and can vary depending on the context and audience.

In this Handbook, ‘irregular migration’ or ‘irregular migrants’ are used, as the currently most widely used terms. Whilst considered the most neutral terms (cf. Squire 2010:4), their use still reproduces narratives that in themselves ‘irregularise’ and ‘other’ people defined as migrants. ‘Migrant irregularity’ is used when referring to the condition of lacking a legal status (cf. Chauvin Garcés-Mascareñas 2012 speaking of “migrant illegality” in a similar way). We recognize that migrant irregularity is not a fixed trait, but is produced by state driven processes, captured by the term ‘irregularisation’. We prefer the term ‘irregular migrant’ or ‘irregular migration’, as the Handbook is primarily concerned with the measurement of outcomes of processes of irregularisation. This said, we are also interested in processes, even in the more limited perspective of legal status trajectories, that is changes of legal status over time (see in particular chapter 7 and 10 for such perspectives).

1 “Words matter” was the motto of a campaign by the Platform for International Cooperation and Undocumented Migrants (PICUM) launched in 2010, see <https://picum.org/words-matter-2/>.

2 In the United Kingdom, for instance, the term ‘undocumented’ has come to be seen as appropriate in the context of the Windrush scandal, which involved people with a legal residence, but no documentation to prove it (The authors thank Peter Walsh for this observation).

Importantly, terms such as ‘irregular’, ‘illegal’ or ‘undocumented’ are not neutral descriptors. They are embedded in historical legacies of statecraft, border control, and postcolonial governance. The production of migration categories has often served to reify racialised boundaries of belonging and to legitimise differential access to rights. Even more ‘neutral’ alternatives, such as ‘undocumented’ must be used reflexively, acknowledging that terminology can both reflect and reproduce the hierarchies it seeks to name.

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We use the term here not to suggest it is an analytically clear category, or to affirm its supposed normative neutrality, but because of its widespread institutional use across statistical, legal, and public domains. Crucially, we do not treat irregularity as a fixed category. Rather, we understand it as a politically constructed condition, shaped by legal frameworks, administrative decisions, enforcement practices, and the broader discourses that surround migration.

Different actors invoke the term to refer to different things. Demographers may use it to denote

population segments not captured in official records. Lawyers focus on violations of entry or stay conditions. Policymakers and civil servants use it to delineate eligibility for return or regularisation programmes. Meanwhile, politicians and media figures often mobilise the term symbolically, to invoke crisis, disorder, or humanitarian need. These usages reflect not only different operational logics but also shifting political agendas. They reproduce the concept and narratives without necessarily clarifying or explaining the material realities of human mobility.

Public perceptions of irregular migration often draw on powerful visual imaginaries. A simple image search using the term ‘illegal migration’³ yields predictable results: crowds of racialised individuals, people in boats or crowded along border fences. Search for ‘refugees’ or even ‘migration’ show similar patterns, the resulting images being little different. Results for ‘migration’ are perhaps a little more varied but still show significant overlaps. These representations align with what De Genova (2002) called the ‘border spectacle’, a dominant imaginary in which different legal categories are blurred, and irregular migration is primarily associated with visible, racialised mobility. Recent studies confirm that media and political narratives often conflate terms like ‘asylum seeker’, ‘refugee’ and ‘irregular migrant’, reinforcing a stereotypical figure of the ‘unauthorised other’ (Rheindorf et al., 2025; Smellie & Boswell, 2024).

Such narratives are not only visual and discursive, but are embedded in how data are produced, reproduced and communicated. As discussed in Chapter 1 of this Handbook, widely cited indicators such as apprehension figures or asylum statistics are shaped by a logic of securitisation and humanitarian concern. These indicators, even

when presented as neutral metrics, contribute to the framing of irregular migration as a problem of control or protection.

The ambiguity of the term ‘irregular migration’ also spills over into legal, policy and scientific debates. Its everyday use tends to blur important distinctions, applying casually to a wide range of situations. In scientific contexts, this ambiguity is particularly problematic, as it undermines efforts to define and measure the ‘phenomenon’ with precision. Any attempt to quantify irregular migration therefore requires clear conceptual foundations and careful definitions that acknowledge the fluidity and diversity of legal statuses

This chapter aims to provide such a foundation. It does so in three steps. First, it introduces three demographic and sociological concepts: flows, stocks and trajectories, that help us understand how legal status changes over time. Second, it examines how migrant irregularity can be defined and classified. Third, it presents the MIRreM conceptual framework: a structured taxonomy for identifying and analysing different ‘classes’ of migrants in precarious legal situations and for tracing the pathways into and out of irregularity.

Flows, stocks and trajectories

In narrow administrative terms, ‘irregular migration’ is typically defined as the cross-border movement or presence of individuals outside the authorised channels established by states. However, this view risks oversimplifying what is, in reality, a complex and often reversible condition. Migrants do not simply enter or remain ‘irregularly’; rather, they may move through a range of legal statuses over time, including lawful, provisional, suspended, or ambiguous forms of stay. Legal status is fluid, and its boundaries are shaped by administrative decisions, legal uncertainty, and institutional practices.

To account for this complexity, this chapter adopts an analytical framework based on three interrelated concepts: flows, referring to movements into or out of a legal status; stocks, denoting the population with a given status at a particular point in time; and trajectories, which capture transitions across different statuses over time. These are familiar terms in demographic and statistical analysis, yet they are far from neutral. The very notion of a stock of irregular migrants, for example, draws on a population logic historically rooted in the nation-state and has been critiqued for its tendency to objectify migrants and reinforce racialised imaginaries of mobility.

3 The search was performed using a ‘private’ browser window to exclude user specific results.

In line with such demographic framing, the IOM Glossary of Migration defines irregular migration as the “movement of persons to a new place of residence or transit that takes place outside the regulatory norms of the sending, transit and receiving countries” (Sironi, Bauloz, & Emmanuel, 2019). But the term is also frequently used to describe the presence of migrants who have entered regularly and later lost their legal status, raising the question of where irregular movement ends and unauthorised residence begins. This distinction is far from trivial. When do “people on the move” cease to be on the move (Pijnenburg & Rijken, 2021)? Legal status further complicates the picture, especially when migrants’ status changes not as a result of movement, but due to administrative actions, procedural delays, or expiration of documentation.

Moreover, irregular movement itself does not automatically imply irregularity; conversely, lawful movement does not necessarily imply lawful stay. For example, migrants may enter a country on a visa or permit for work, study, or tourism, and later overstay or breach the conditions attached to their stay. Others may cross borders without authorisation but subsequently apply for asylum and be granted protection. In both cases, the boundaries between regular and irregular status are blurred.

The concept of mixed migration articulates this complexity in the context of asylum related migration (see Box 2.2 on mixed migration, below).

Box 2.2: Applying a mixed migration lens to irregular migration

Roberto Forin

The term mixed migration emerged in the 1990s amid growing attention to the Migration-Asylum Nexus and was later adopted as a policy concept during the Global Consultations on International Protection launched by UNHCR in 2000. It was introduced to better capture the reality of overlapping refugee and migratory flows that defy clear-cut categorisation and often move along the same routes using similar means (Van Hear, 2011). These dynamics challenge states’ and mandated UN agencies capacity to apply distinct legal and policy responses and risk leaving people in mixed flows without adequate protection if they do not neatly fit into established legal categories.

MMC definition of mixed migration

According to the Mixed Migration Centre, mixed migration refers to cross-border movements of people including refugees fleeing persecution and conflict, victims of trafficking and people seeking better lives and opportunities. Motivated to move by a multiplicity of factors, people engaged in mixed migration have a range of legal statuses as well as a variety of vulnerabilities. Although entitled to protection under international human rights law, they are exposed to multiple rights violations along their journey. Mixed migration describes migrants travelling along similar routes, using similar means of travel—often travelling irregularly and wholly or partially assisted by migrant smugglers.

Why is a mixed migration lens useful for understanding irregular migration?

The concept of mixed migration is essential for understanding the complexity of irregular and onward migration today, including in the European context. It highlights the reality that people rarely move for just one reason—such as war, economic reasons, or environmental stress—but for a combination of factors that are often intertwined. These motivations defy neat categorisation and reflect the complexity of contemporary mobility.

From a protection perspective, a mixed migration lens shows that regardless of their legal status—whether they are refugees, asylum seekers, or undocumented migrants—people on the move are forced to travel using irregular means and often face similar risks and vulnerabilities. These may include violence, exploitation, detention, and trafficking.

A mixed migration perspective also challenges simplistic distinctions between “forced” and “voluntary” migration. Not all people who are forced to move are entirely without agency, just as those who begin their journeys voluntarily may lose agency along the way. Recognising this continuum between choice and constraint helps us understand the lived realities of migration more fully.

Finally, while it is essential to fully acknowledge the specific rights of refugees under the 1951 Refugee Convention and its 1967 Protocol, the mixed migration lens places equal emphasis on the rights and protection needs of all people on the move, regardless of status. This inclusive framing is vital for developing research, policies, and interventions that reflect the complex and evolving nature of contemporary mixed and irregular migration.

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One way to approach these complexities is through the ‘population balance model’ also referred to as or ‘demographic accounts’ which distinguishes between in- and outflows and the resulting population stocks. As Figure 2.1 illustrates, this model provides a structured way to conceptualise how individuals move into and out of irregularity, whether through border crossings, overstays,

regularisations, or status loss. While inherently simplified and limited by the reproduction of problematic concepts this approach offers an important tool to expose complexities and to clarify the discussion: linking legal definitions, administrative data, and demographic analysis in a more coherent and transparent manner.

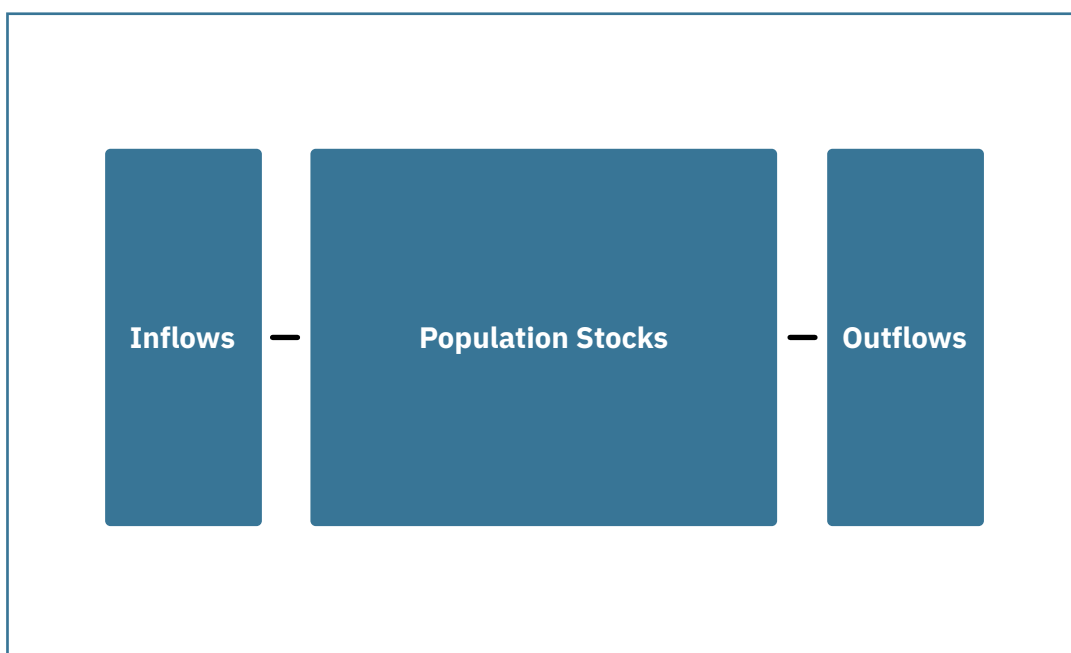


Figure 2.1: Population stocks and flows

Inflows increase population stocks while outflows decrease them. Importantly, a stock and flow perspective focuses on a particular territory (usually a country) and requires a precise definition of the population to be measured, which in turn dictates the flows that are to be considered (and those which are to be disregarded). Time is a key aspect here that determines when an inflow becomes part of the population stocks, or conversely, when an outflow is considered to reduce the stocks.⁴ In the context of international migration, the conventional time criterion for long-term migration is one year (Kraler & Reichel, 2022), although many countries also include temporary migrants in their national population estimates, that is, migrants that have been staying for at least 3 months but less than a year. In relation to irregular migrants, their legal status adds another layer of complexity: Even if they need to be considered part of the resident population according to statistical conventions if they meet the residence requirements, they do not form part of the ‘de jure’ population – that is, [define ‘de jure’]. Change of legal status in turn constitutes also a specific type of flow, complementing natural population movements (births and deaths) and migration (in- and outmigration) as main pathways in and out of the population of migrants in an irregular situation.

Yet many of the regularly collected indicators on irregular migration lack any specification on duration of stay. In a similar vein, oft-used flow indicators record only events (such as a detected irregular border crossing), but do not link those events to a specific person in a given period of time. Both aspects make available measures problematic as measures of population dynamics and lead to higher uncertainty. In relation to irregular migrants, there are also different pathways (see Box 2.3) into irregularity, making an account of population movements even more complex. We will revert to this model of the ‘population balance’ in relation to irregular migrants further below. Suffice it to note here that flow indicators do not necessarily relate to stocks in this context, but even then the model of the population balance helps to clarify population dynamics and the type of robust statements that can – or cannot – be made.

Box 2.3: Pathways in and out of irregularity

Albert Kraler

Flows into and out of irregularity can also be conceptualised as pathways into and out of irregularity. This terminology moves away from a demographic conception and highlights the process of becoming, or ‘unbecoming’ irregular.

Individuals can become part of the population of migrants in an irregular situation by birth (a demographic flow), through irregular entry (a geographic flow), or by loss of a residence status, including (lawfully staying) asylum seekers, whose claim is rejected (a status-related flow). Similarly, individuals cease to be part of the population of migrants in an irregular situation by death (a demographic flow), outmigration (return or onward migration, both geographic flows) or by acquisition of another legal status, for example through regularisations (a status related flows).

The ‘population balance’ is a static concept: it allows for the definition of population stocks and in- and outflows within a given time period. Yet as scholarship on migrant irregularity has emphasized, irregularity is not a “static condition, but a dynamic space” in which the legal status is negotiated (rephrasing Chauvin Garcés-Mascareñas, 2012, 253 see also; Kraler & Ahrens, 2023, 21f). Other scholars have described migrant irregularity as ‘fluid’ (see for example Triandafyllidou & Bartolini, 2020). This dynamic and ‘fluid’ nature can only be captured by explicitly considering legal status trajectories over time (cf. Beauchemin, Descamps, Dietrich-Ragon, 2023; Descamps, 2024; Goldring, 2022; Jasso et al., 2008, see also chapter 7). A trajectory perspective sheds light on changes of legal status over time, on pathways into and out of irregularity as well as repeated cycles of irregularity and how this is linked to (im)mobility, employment or housing trajectories, or indeed other aspects. A trajectory

⁴ See the UN Recommendations on Statistics on International Migration and Temporary Mobility on using this framework for the collection of migration statistics more generally (United Nations Secretariat. Department of Economic and Social Affairs, Statistics Division 2025).

perspective also helps to overcome the limitations of a “presentist” perspective. For example, Jasso et al. (2008) were able to demonstrate that almost a third of all persons granted permanent residence in the United States in 2016 (around 900,000 persons) had experienced periods of irregularity previously, suggesting a considerable regularity of irregularity, but above all demonstrating the extent to which irregular migrants were able to regain a legal status even in the absence of an explicit regularisation policy.

Yet we also acknowledge that our analytical framework misses important quantifiable aspects

of irregular migration, that are nevertheless relevant to assess policies addressing irregular migration. The issue of migrant deaths in transit is a case in point: while not relevant to describe the population of migrants with precarious legal status, and pathways into or out of a precarious legal status in Europe, it is an important measure of mortality risks, and more broadly, violence at the EU's external borders (See Carling, 2007). Yet, how migrant deaths are conceptualised is also contested: which deaths should be considered, and which should not? (see Box 2.4).

Box 2.4: Defining “missing migrants”

Julia Black

Since 2014, the International Organization for Migration's Missing Migrants Project has documented more than 75,000 deaths and disappearances during migration worldwide, but many more remain undocumented and largely invisible. The population of “missing migrants” is challenging to define, given the politicization of the topic and the lack of visibility of the largely irregular movements in which deaths and disappearances during migration occur.

IOM's Missing Migrants Project was created in response to the October 2013 shipwrecks off the coast of Lampedusa which claimed more than 300 lives. Perhaps because of its inception in the trans-Mediterranean space, it includes only deaths which occurred in the process of international migration, as well as those who go missing during maritime crossings and who are presumed dead. This definition is aimed at identifying the risks that occur during transit, but necessarily excludes many other types of missing migrants, such as deaths of labour migrants, deaths in detention or reception centres, and deaths related to internal displacement. It also excludes the hard-to-measure population of missing persons who have lost contact with their families during their migration journey.

Other datasets, including those from UNITED (UNITED for Intercultural Action, 2025), ICRC (IRC, 2022), and the Border Deaths Database (T. K. Last, 2015; see also T. Last et al 2017), use different definitions in the production of their data that include or exclude these sub-groups of missing migrants. Much of the variance in these definitions stems from the interpretation of state boundaries. A narrow definition of “missing migrants” includes only those deaths that take place at state border crossings as viewed on a map. A broader definition includes those that are linked to any “manifestation of state-made boundaries in any space,” (Cuttitta Last 2019) such as suicides linked to lengthy asylum application processing times.

The production of data is key to policymaking—notably, the word “statistics” is derived from “state”—as well as forming public opinion on migration and many other topics. Different definitions of “missing migrants” make certain population groups visible, while skipping over others entirely. Different definitions of “missing migrants”, and the data they entail, illuminate specific aspects of the risks of migration. These different definitions may be used constructively by data producers and users to illustrate how policy and practice contribute to preventable deaths and disappearances of migrants.

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Defining irregular migration and precarity of status

What is migrant irregularity? From a legal perspective, irregular migration is defined by its opposite – what in a given state and at a given point in time is defined as legal migration, or more precisely, what the conditions are for admission and residence. Irregular migration thus is a residual category whose meaning may vary considerably over time and space.

During the period of 'guest worker' recruitment, for example, post-entry regularisation was quite common across Europe, as the majority of labour migrants were recruited through informal channels outside the formal frameworks established by labour recruitment agreements and entered on tourist visa or in fact lacked any authorisation. For instance, in 1968, 82 per cent of residence permits issued in France were issued to migrants already present in the territory, highlighting both the massive scope of informal recruitment and the scale of post-entry regularisations (Descamps,

2024:5). Today, this option is no longer available or used in most countries and application from abroad has been established as the default requirement for obtaining a residence permit.

Another example of the changing meaning of irregularity is the expansion of free movement rights within the European Union since the Treaty of Rome in 1957, its extension to family members, students and other categories and its geographical extension by successive waves of EU enlargement. While EU citizens also need to comply with certain residence requirements when moving to other EU Member States, they enjoy a wide-ranging right to movement and settlement in other EU Member States, until Brexit exposed the consequences for those citizens who had not obtained permission to stay. Otherwise non-compliance with rules is usually only sanctioned with mild penalties, for example with a fine in the case of the requirement to obtain a 'registration certificate'⁵ (a type of

⁵ See for a summary of rules for EU citizens moving to another EU Member State https://europa.eu/youreurope/citizens/residence/documents-formalities/registering-residence/index_en.htm.

residence permit that documents, rather than authorises lawful residence). , only under certain circumstances – notably lack of means, a criminal conviction or on grounds of public security can – EU citizens be expelled or issued with a residence ban.

A third example concerns the differential conditions of entry based on visa regimes. Citizens from some states may enter visa-free, thus avoiding the risk of unlawful entry, while others require prior authorisation, making them more vulnerable to irregularisation. These distinctions are not merely technical, and reflect deeper global hierarchies of mobility rooted in postcolonial relations and geopolitical inequalities.

These examples are striking reminders of the importance of context. They also highlight that irregular migration cannot be understood as a simple binary (regular vs. irregular), as migrant irregularity is often debated in public and policy debates. The binary approach often masks the complex and diverse experiences of migrants who do not easily fit into legal categories (Triandafyllidou & Bartolini, 2020). Moreover, immigration policy itself is highly differentiated within and between countries, foreseeing different rules for different categories of people, for example between those requiring a visa and those who do not, or EU citizens and third country-nationals. Some of these distinctions are fundamental in terms of migrants' legal status. EU citizenship is one of these key distinctions within the European Union and associated states.

Another important distinction is between irregular migrants 'known to authorities' (in the sense that identities and address are known) and 'undetected' irregular migrants (European Union Agency for Fundamental Rights, 2011). Irregular migrants known to authorities are migrants who have been apprehended, whose asylum claim was rejected or whose permit has been withdrawn and currently are awaiting return. Some of these migrants may be in a situation of unlawful stay and being known to authorities only for very brief periods of time until their return is effected. In other cases, return may be suspended and they may remain in this limbo situation of receiving some legal recognition

of their stay, but in principle obliged to return for years, such as in the case of persons receiving a 'Toleration' (Duldung) status in Germany (see chapter 7). In other cases, migrants may abscond , thus turning into irregular migrants not known to authorities again.

Among individuals in irregular residence situations who are not known to the authorities, further distinctions can be drawn. Crucially, it is not the person who is 'irregular', but rather their legal status, an administrative condition produced through state processes. Irregularity arises from specific legal and procedural determinations, often shaped by gaps in documentation, delayed decisions, or breaches of immigration conditions. Referring to individuals as 'irregular migrants' risks essentialising a status that is contingent, contested, and often temporary. Within this group, we can differentiate between those who lack any authorisation of stay and those who violate the conditions of an otherwise valid permit. The latter may include, for instance, tourists or students who engage in unauthorised employment or who overstay their permitted duration of stay (see Chapter 9). In both cases, the condition of irregularity is not automatic: It is formally established only once a legal process has identified an individual being in breach of immigration rules.

Another category of interest are asylum seekers. In public debates, asylum related migration has long been associated with irregular migration. Indeed, given the absence of legal pathways for admission for refugees, the large majority of asylum seekers enter European states irregularly. Yet according to Article 31 of the Geneva Refugee Convention, unlawful entry is irrelevant in the case of refugees. Also, asylum seekers' stay is lawful during the time their claim is assessed. At the same time, if their claim is rejected, they become unlawfully staying.

The status of asylum seekers therefore is of a special kind. In the MirreM project, we have included asylum seekers in a broader category or 'class'⁶ of 'provisionally staying migrants', alongside other categories of migrants, notably migrants with a suspended return decision, or migrants awaiting the outcome of the regularisation procedure. This

6 In MirreM we use the term 'class' as we have sought to define mutually exclusive groupings of migrants within a broader taxonomy of migrant irregularity (Kraler and Ahrens 2023).

category reflects the fact that the residence rights of migrants subsumed in the category are limited and that there is a strong link to migrant irregularity, despite a temporary lawful stay. A key conclusion that we have drawn from this reflection on different types of irregularity and associated phenomena is that it is useful to place irregularity within a wider concept of legal status precariousness as an overarching category of analysis comprising irregular migrants narrowly speaking, those with a provisional right to stay, and finally, in the EU, EU citizens who have lost free movement rights (Vargas-Silva et al., 2025).

Migrants with a precarious legal status can be defined as those “individuals who lack regular immigration or residence status or, having a conditional or temporary status, are vulnerable to the loss of that status. They are therefore deprived of or run the risk of losing the most basic social rights and access to services.” (Homberger et al., 2022). Table 2.1 provides an overview of the three main types of migrants with a precarious legal status we have distinguished in the MirreM project, how we defined these, and concrete examples.

The MirreM taxonomy of migrants with a precarious legal status

Table 2.1, below, focuses on stocks. Combining this perspective with a flow perspective, provides a scheme for analysing pathways into and out of irregularity and how these relate to different types of legal status precariousness, presented in Figure 2.2, overleaf. Importantly, this scheme only provides a snapshot at a given point in time – and within a given period of time in relation to flows. Nevertheless, it also provides a basis for

conceptualising legal status trajectories over longer periods of time by considering how individuals move through different pathways and obtain or lose particular statuses, in a reiteration of the ‘static’ snapshot. The main purpose of the MirreM taxonomy is a systematic mapping of available statistical indicators and estimates – and providing a conceptual framework for the collection of original data.

	Class	Definition	Examples
Irregular Migrants	Migrants without residence rights	Non-nationals (i.e. third-country in the EU) without any legal residence status in the country where they reside, including those whose presence in the territory – if detected – may be subject to termination through an order to leave and/or an expulsion order because of their activities.	• Non-nationals (i.e. third-country nationals in the EU) without any status • Non-nationals (i.e. third-country nationals in the EU) Persons engaged in an activity that violates the terms of their permission to remain in the country, which, if detected could result in the revocation of their permission to remain in the country and/or their expulsion from it. • Unregistered persons with false papers and identities • Persons issued with a return decision who do not return
	Migrants with a provisional residence status or a reasonable claim to a provisional status	Non-nationals (i.e. third-country in the EU) who enjoy a provisional right to stay subject to a review of their case	• Persons whose removal has been formally suspended • Individuals awaiting status determination • Unaccompanied minors whose asylum claim has been rejected • Third-country nationals in the EU who are victims of trafficking or exploitation with a provisional permit to stay
Related classes to irregular migrants	Mobile EU citizens with a revoked right to stay	Mobile EU citizens who have lost residence rights and no longer enjoy the right to movement and/or settlement in the EU and are liable to be removed	• Mobile EU citizens with a residence ban on public order or security grounds or criminal charges • Mobile EU citizens without a long-term residence and without sufficient means

Table 2.1: Migrants with a precarious legal status (Source: Kraller and Ahrens 2023, p.23f)

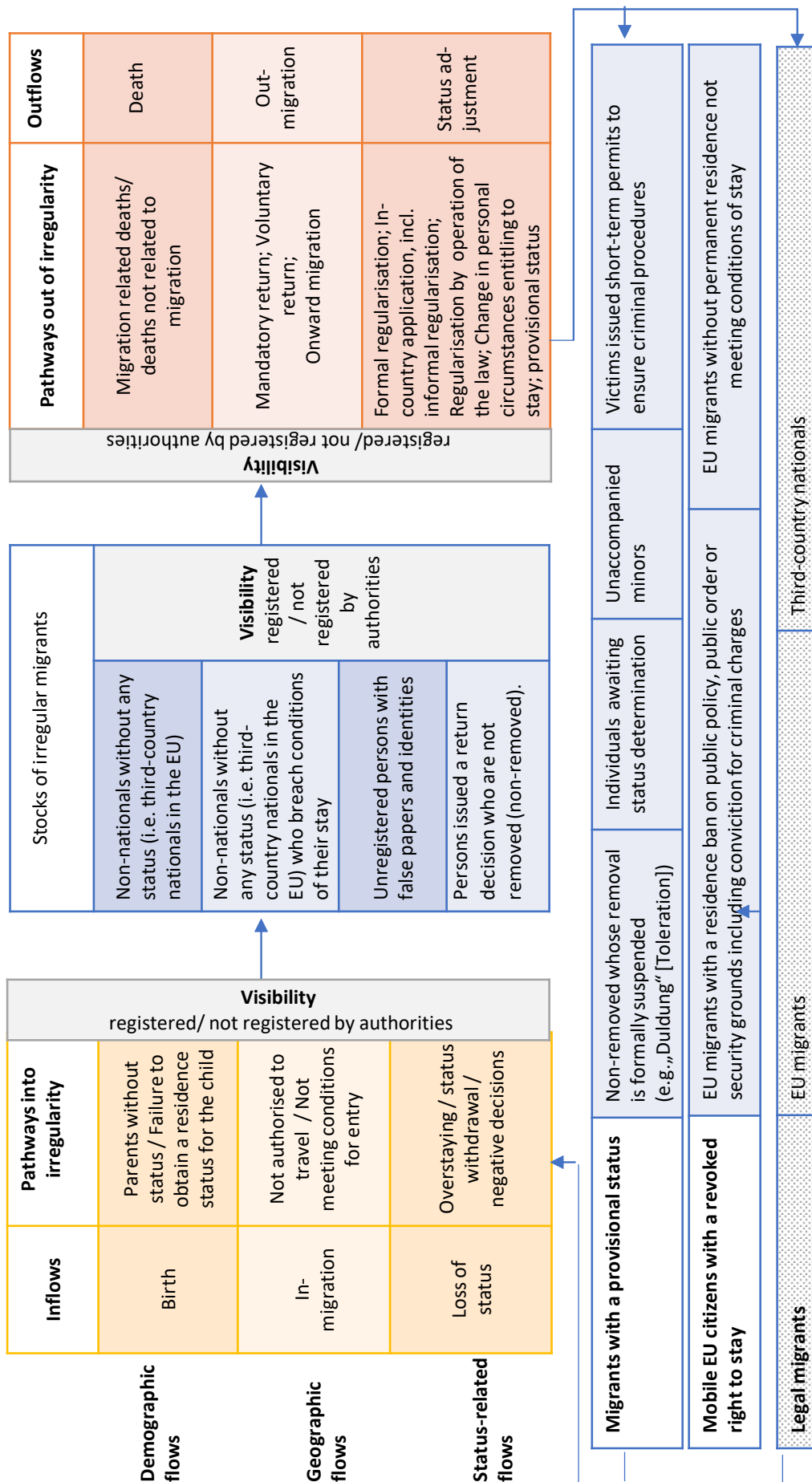


Figure 2.2: MirreM taxonomy of migrants with a precarious legal status and pathways in and out of irregularity (Source: Kraller and Ahrens 2023, p.31.)

Conclusion

The term irregular migration occupies a central position in contemporary migration debates, yet its meaning is anything but settled. As this chapter has shown, it is a contingent, politically loaded, and administratively unstable construct. Its usage varies across institutional, national, and disciplinary contexts, often conflating legal status with racialised and gendered assumptions about social worth, deservingness, or security risk. It remains a term of operational importance for statisticians, demographers, and policymakers tasked with monitoring population movements, allocating resources, and designing policy responses.

From a scientific standpoint, treating irregular migration as a discrete, countable population is both analytically problematic and ethically fraught. People move in and out of irregularity through a range of legal, administrative, and life-course events. Their status may be ambiguous, temporary, or contested, conditions that are poorly captured by static categories. For this reason, this chapter has argued for a shift away from binary framings toward a trajectory-based understanding of legal status. This approach not only reflects the empirical realities of status transitions but also aligns with a more nuanced, longitudinal perspective on migration dynamics.

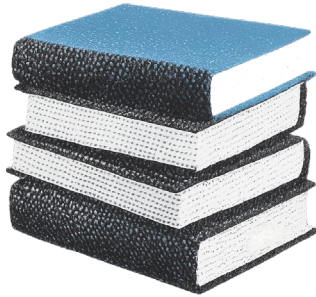
Equally important is the recognition that categories such as ‘irregular’, ‘unauthorised’, or ‘undocumented’ are not neutral descriptors. They are produced and reproduced within legal systems, institutional logics, and discursive fields that are themselves shaped by imperial and colonial histories of inequality, racialisation, and state power. The very effort to define and measure

irregular migration thus becomes entangled with the politics of boundary-making, between citizen and non-citizen, insider and outsider, legitimate and illegitimate mobility.

At the same time, it is necessary to acknowledge the use of legal categories in migration governance. States regulate entry and residence, and these regulations inevitably generate distinctions, which in turn generate concrete outcomes. Scientific integrity requires that we do not take these distinctions at face value. Instead, we must interrogate the assumptions on which they rest, examine the consequences they produce, and remain attentive to their evolution over time.

The MirreM framework proposed in this chapter is intended as a tool for navigating these tensions. It provides a structured yet flexible taxonomy that allows researchers, officials, and civil society actors to engage with the various phenomena of legal status precariousness in a more systematic and transparent way. It is not a final answer, but a starting point for methodological development, dialogue, data improvement, and policy reflection.

In short, irregular migration is not a property of individuals, but a product of institutional arrangements and political decisions. Measuring it (if this is possible) demands methodological rigour, definitional clarity, and above all, critical awareness. As social scientists, our task is not only to describe the world as it is but to understand the dynamics of social phenomena and make visible the ways in which categories, measurements, and narratives shape that world—and, in turn, to question whether they ought to.



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