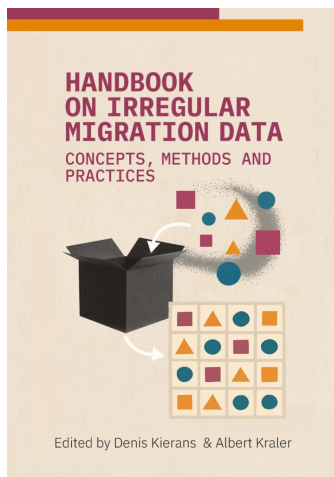




Textbox taken from D.Kierans & A.Kraler (eds),
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Box 2.4: Defining “missing migrants”

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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.