



Textbox taken from D.Kierans & A.Kraler (eds),
Handbook on Irregular Migration Data. Concepts,
Methods and Practices. Krems: University of Krems Press

ISBN: 978-3-903470-24-8

Box 8.1: Frontex data on “illegal border crossings” and the political construction of “illegal” immigration

Filip Savatic

To cite: Savatic, F. (2025). Frontex data on “illegal border crossings” and the political construction of “illegal” immigration. In D. Kierans and A. Kraler (eds), *Handbook on Irregular Migration Data. Concepts, Methods and Practices*. Krems: University of Krems Press. <https://doi.org/10.48341/g31s-vq79-box8.1>

Keywords: Border apprehension statistics, refugees, construction of illegal migration

Box 8.1: Frontex data on “illegal border crossings” and the political construction of “illegal” immigration*Filip Savatic*

Since 2009, Frontex, the Border and Coast Guard Agency of the European Union (EU), has published a dataset on “illegal border crossings” (IBCs) into the EU and Schengen Area which is publicly accessible through the institution’s website.⁴ This dataset was initially labelled “irregular border crossings” until 2022, with the change reflecting a striking shift. Over time, particularly after the so-called “migration crisis” of 2015, this dataset has been increasingly referenced by mainstream media, researchers, international organizations, and other actors as a measure of “illegal” migration to Europe.

However, the use of these data as an indicator of irregular migration is problematic for several reasons. First, they capture only detected entries, and may, depending on type of border and context, represent an undercount of actual crossings. Second, they represent crossings and not people and thus may record repeat crossings made by the same individual multiple times, leading to an overcount of movements. Most importantly, the database does not consider valid protection claims of those detected while irregularly crossing a border. As article 31 of the Geneva Refugee Convention states, irregular entry is permitted when individuals are fleeing persecution (United Nations, 1951/1967). Given the absence of legal pathways for refugees to reach Europe, most asylum seekers reach the continent without any prior authorization, with many subsequently obtaining refugee status.

Deploying a novel method, Savatic et al. (2024) use data on asylum adjudications across 31 European states to divide Frontex data on IBCs into those who would likely obtain refugee status (or not) given their nationality. The average acceptance rate is weighted given the number of first instance asylum decisions by nationality made in each of the 31 states. First instance data are used to ensure comparability given that asylum appeals procedures vary across states; using these data generates a conservative estimate of asylum acceptances as only rejections are overturned. This division of IBCs reveals that, between 2009-2021, 55.4% can be considered “likely refugees,” a proportion that rises to 75.5% at the peak of arrivals in 2015. With most IBCs representing forced migration flows considering the asylum policies implemented domestically within Europe, the use of data on border crossings as an objective measure of “illegal” migration is misplaced.

Overall, this analysis exposes how data can be – and are – deployed to further certain public narratives and thereby represent political constructions rather than objective truths. In the case of data on border-crossings collected by law enforcement agencies such as Frontex, narratives of “illegal” migration flows construct an understanding of border crossings as something which requires a securitized response – one that law enforcement bodies can provide. Alternative labelling such as “forced” migration would imply that humanitarian responses to migration flows would be more appropriate. Thus, it is imperative for news media, researchers, and all other public authorities to adopt a critical approach to data, questioning what they represent and what purpose they serve for those who collect and publish them.

References

Savatic, F., Thiollet, H., Mesnard, A., Senne, J.-N., & Jaulin, T. (2024). Borders Start With Numbers: How Migration Data Create “Fake Illegals”. *International Migration Review*, 59(3), 1432-1463. <https://doi.org/10.1177/01979183231222169> (Original work published 2025)

United Nations (1951/1967). Convention relating to the status of refugees and protocol relating to the status of refugees. *United Nations Treaty Series*, 189 U.N.T.S. 137; 606 U.N.T.S. 267. <https://www.unhcr.org/media/1951-refugee-convention-and-1967-protocol-relating-status-refugees>

4 See <https://www.frontex.europa.eu/what-we-do/monitoring-and-risk-analysis/migratory-map/>