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# The New Trend in the EU's Migration Policy: Is Externalization Any Better?

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Abstract: *The highly dynamic security environment, characterized by numerous disturbances such as armed conflicts, civil wars, and political and social instability in various parts of the world, has led millions of people to flee their countries of origin – as of 2023, this number is 117,3 million. Against this background, the EU's migration policy has shifted from predominantly "open-door" during the 2014-2016 migration inflows to more restrictive measures to secure external borders. Part of these actions were the agreements with third countries as an alternative to effectively combatting irregular immigration. This paper aims to identify gaps in these EU agreements and suggest a more comprehensive approach. Comparative analysis, documentary analysis, and statistical data analysis were used in this respect.*

Keywords: *EU Migration Policy; Migration Agreements; Externalization; Irregular Migration; Migrant Smuggling*

## INTRODUCTION

The importance of better managing migration processes has become increasingly relevant these days due to many factors that stimulate the international movement of people, which, in recent years, has reached unprecedented rates since the Second World War. According to the 2024 World Migration Report by the International Organization for Migration (IOM), as of 2020, there are approximately 281 million international migrants worldwide, which equates to 3.6% of the global population. Of these, 117 million were forcibly displaced in 2022 due to conflicts, violence, political or economic instability, climate change, and other disasters (IOM 2024). In this regard, among the events on the international scene that have contributed to the increase in migration inflows to the EU over the past decade were the anti-government protests, mass uprisings, and armed rebellions that spread across the Arab world in the early 2010s (and the subsequent European migration crisis of 2014-2016), the Taliban takeover of Afghanistan after the North-Atlantic Treaty Organization's (NATO) withdrawal in 2021, and the Russian invasion of Ukraine in 2022, to name a few.

The disturbances mentioned above directly impact the European Union (EU) because the EU Member States, with their comparatively better economic and social conditions, are quite an attractive destination for migrants (Luyten 2023, 2). Forced to find the best decision for the overall management of these processes, the EU decision-makers have changed their position from a predominantly "open-door policy" to a more restrictive "fortress Europe" approach (Cymbranowicz 2018, 53-70), which is not only visible in the EU Member States but also in Türkiye, the second largest migrant host-country globally (UNHCR 2023a), as indicated by some

studies (Olejárová 2018, 117-133). In its attempt to shift to the new approach, however, the EU faced another challenge - irregular migration[1]- a problem especially for the EU Member States at external borders, such as Bulgaria, Greece, and Italy.

Migratory flows and migrants are not intrinsically regular or irregular: that nature will only stem from the fulfillment (or not) of the legal requirements set for the legal entry or stay into a state's territory (Cardoso 2023, 487-488). As such, the status of a migrant can oscillate between regular and irregular over time, depending on whether they respect the legal requirements of the territory they are entering or staying in (Carrera and Guild 2016, 3). However, this phenomenon significantly impacts Member States at the forefront of migratory flows. For instance, the issue of irregular migration was one of the reasons for Austria's veto on the entry of Bulgaria and Romania into the Schengen area (Schengen News 2024).

To reduce the number of illegal border crossings and to address irregular migration, the EU switched its foreign policy, especially following the so-called migration crisis of 2014-2016. This shift resulted from the New Migration Partnership Framework, which reinforced cooperation with third countries to manage migration better (European Commission 2016), announced by the European Commission (EC) in June 2016. Since then, the EU has struck many deals with third countries in an attempt to curb irregular migration, such as the EU-Türkiye Statement and Action Plan, EU-Tunisia agreement, the EU-funded Libyan cost-guard, and the most recent EU-Egypt agreement, signed in March 2024.

However, after 2021, there has been a new influx of newcomers to the EU due to the latest military conflicts worldwide. Despite the agreements, many people continue to enter the EU irregularly. In this regard, the main objective of this study is to assess the overall effectiveness of these cooperation agreements with third countries in reducing the flow of irregular migrants into the EU's territory. This will be achieved through document analysis, comparative analysis, and critical statistical data analysis, including data on the number of irregular border-crossing entries at the external borders of the EU Member States, aggregated by routes and nationality. Upon entering the EU territory, many people are sent back because they fail to meet the requirements for obtaining protection (asylum) or other legal statuses that permit them to remain in the Member States, which will also be examined in this study. Given the close connection between irregular migration and migrant smuggling, the number of suspected and arrested persons involved in smuggling activities will also be explored, as this is one of the critical issues at the forefront of the EU's "fight" against this phenomenon. Finally, the study will conclude with reflections and recommendations based on identifying gaps in current research.

[1]The authors wish to emphasize that the terms "irregular" and "illegal" used throughout the article to characterize the nature of the entry of migrants into the EU's territory should in no way be interpreted as introducing a moral judgement into the topic. These terms are used solely in order to effectively convey the non-compliance with pre-established requisites for lawful entry into the territory of the EU.

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## LITERATURE REVIEW

Migration and refugee studies have been popular among researchers for decades. However, interest in the topic has increased since WWII, leading to unprecedented human displacement. That is also when the foundations are laid for the legal and normative regulation of migration, with the adoption of the 1951 Refugee Convention and its 1967 Protocol. On the other hand, the services provided by smugglers and their use by migrants only garnered the (successful) attention of international legislators much later, in 2000, with the adoption of the Protocol Against the Smuggling of Migrants by Land, Sea, and Air, supplementing the United Nations Convention Against Transnational Organized Crime. This protocol was historically the first legislative document to define this phenomenon (Gallagher 2018, 21), following the intention of many individuals from the former Soviet Union in the 1990s to migrate west, often with traffickers who presented false work-related prospects (Mai 2013, 107). These documents, in addition to shaping the work of the UNHCR, have been incorporated into the national legislation of many countries and continue to influence these issues to this day. Over the past 70 years, the situation has undergone significant evolution, driven by the emerging challenges faced by the world.

The current security environment places the EU in a situation where it is under pressure to accept a growing number of people seeking asylum. Due to the urgent need to rapidly flee their countries of origin, many of these people attempt to enter the EU through irregular means, thus bypassing restrictions on leaving or the complicated procedures. In response to this challenge, the EU has recently endeavored to address irregular migration by concluding agreements with third countries to prevent irregular migrants from reaching the Union's borders.

Concerning the latter, researchers have shown interest in studying the benefits and drawbacks of these agreements and the possibilities to improve their functioning. For example, Dogachan Dagi conducted a critical review of the EU-Turkey Agreement, analyzing its performance and how Turkey gained strategic leverage in its relations with the EU because of it (Dagi 2020, 197-216). Another study, dedicated to the evidence-based assessment of the agreement between the EU and Türkiye, was performed by Netherlands Utrecht University, which concluded that this agreement has not been successful in turning the tide and should not be seen as a "solution" to a complex multi-layered problem (Liempt et al. 2017, 28). Additionally, this agreement is the focus of another study, which claims that the migratory pressure the EU has long been experiencing is not a challenge that can be solved by asymmetric cooperation with third countries, characterized by an ignorance of divergences in perceptions and expectations which can only lead to the instability of the region (Yilmaz-Elmas 2020, 161-177).

The study by Florian Trauner and Stephanie Deimel concludes that the EU began establishing such collaborations after the mid-2010s, and they examine the impact of EU migration policies on African countries as of 2013. The authors argue that in the absence of official policy responses, civil society organizations have stepped in to provide returned migrants with primary care upon reception (Trauner and Deimel 2013). In 2018, Annelies Zoomers, Femke van Noorloos, and Ilse van Liempt presented another study on this issue, where they suggest that more attention should be given to providing legal pathways for migration instead of trying

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to stop migratory movements by investing billions of Euros in border controls (Zoomers, Noorloos, and Liempt 2018*,* 105-130).

The restriction of the right to free movement, which to some extent and in various forms is present in the EU's agreements with third countries, raises questions about the respect for the human rights of migrants. Röhlk's 2022 scientific essay focuses precisely on this aspect, and therein, it is concluded that migration deals do not respect the rights of migrants (Röhlk 2022).

In addition to the agreements aimed at preventing immigration, particularly irregular migration, the EU has other arrangements that directly impact this topic - e.g., the Economic Partnership Agreements, which have harmful repercussions on jobs in specific sectors in Africa and may therefore stimulate migration from the continent to the EU, as noted by some scholars (Langan and Price 2021, 505-521).

Bojan Janković, Saša Marković, and Aleksandar Ivanov propose a partial solution to the issue of irregular migration along the Western Balkan Route. In their study, they suggest that an adequate criminal strategy needs to be adopted, an effective fight against smugglers has to be waged, and the use of modern technical resources coordinated by a single management body should be implemented (Janković, Marković, and Ivanov 2024, 119-136).

Despite the significant interest and critical importance of agreements between the EU and third countries to address irregular migration, comprehensive studies in this field remain uncommon. Most existing research focuses on specific agreements, which makes the findings of this study particularly noteworthy.

## METHODOLOGY

Due to the research's multidisciplinary nature, this paper applies three main tools - document analysis, comparative analysis, and statistical data analysis. In order to examine the effectiveness of EU-third country agreements in the field of migration when it comes to managing the flow of migrants into the EU's territory, which is the main scope of the present study, document analysis is employed as a primary instrument. By analyzing the implementation of the agreements mentioned above with third countries, this study aims to identify critical deficits and gaps in practice by presenting and comparing statistical trends in the EU throughout the years.

However, merely identifying those agreements and pinpointing some of their deficiencies is insufficient to determine their (in)effectiveness. For that purpose, in addition to the document analysis, this study will apply two other methods in parallel: the interpretation of research-relevant data and comparative analysis, with the examination of several indicators from EU Member States, such as the number of illegal border-crossing on entry at the EU external borders, where these are aggregated by routes, nationality of migrants, number of expelled third-country nationals by country and suspected and convicted persons involved in migrant smuggling.

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## EU MIGRATION DEALS OVERVIEW

Externalization, which for this article is understood as the carrying out of states' functions outside of their borders (Gkliati 2024), is one of the key strategies the EU has employed to manage immigration into Europe in recent years – particularly irregular immigration. Without taking into account individual Member States' initiatives, such as the most recent agreement between Italy and Albania to externalize asylum, the main partners of the EU when it comes to controlling immigration into the EU's territory are African states. These agreements display a two-pronged approach to migration control: on the one hand, these origin or transit countries try to deter migration by keeping the migrants within their territories, and on the other, they agree with facilitated returns for the migrants who have managed to reach Europe.

Following a significant increase in migration towards Europe around 2015, the EU sought to address migratory flows at the source to establish a "buffer zone" (Moorsel and Bonfiglio 2024) regarding migrants. The first initiative took place with the widely known "EU-Türkiye deal", or statement of cooperation, signed in March 2016. The main components of this deal focused on preventing migrants from entering Greece from Türkiye, facilitating speedier returns from Greece, and providing incentives for migrants who waited for authorization to come to the EU. These points can be drawn from the main clauses of this deal: 1) irregular migrants crossing the Turkish border into Greece would be returned to Türkiye; 2) for every Syrian returned to Türkiye, one Syrian would be accepted into the EU; 3) Türkiye would undertake any necessary measures to prevent irregular migration into the EU, be it through land or sea routes; 4) a Voluntary Humanitarian Admission Scheme would be activated once irregular crossings between these countries had substantially been reduced; 5) all irregular migrants detected in Turkish waters would be taken back to Türkiye, as well as the ones not in need of international protection.

In exchange for implementing these measures, Türkiye would also be given specific benefits: 1) a speedier process to achieve visa liberalization for Turkish nationals wanting to come to the EU; 2) Türkiye would also receive €6 billion, in two installments of €3 billion, to address the refugee situation in the country and improve their conditions; 3) continued work on upgrading the Customs Union; 4) and the accession process would be revitalized. Türkiye and the EU would further attempt to improve humanitarian conditions in Syria (European Parliament 2024a).

In 2017, following the signing of a Memorandum of Understanding (MoU) between Italy and Libya, the EU officially endorsed the agreement and prioritized border security, allocating approximately €700 million until 2022 to strengthen cooperation with this African country (European Commission 2022). While the distribution of these funds is said to vary between different objectives, a majority of them are allocated to migration control, particularly concerning preventing departures from Libya and to the interception of migrants at sea and their return to the country (Pacciardi and Berndtsson 2022, 4010f).

In July 2023, another MoU was signed between the EU and Tunisia. While the EU claimed a "holistic approach to migration" (European Commission 2023a), the majority of funds allocated to Tunisia were focused on improving border management, encompassing the identification and return of irregular migrants, search and rescue operations at sea, the return and readmission of Tunisian nationals from the EU, and additional equipment, training and technical support to enhance border security. Between 2014 and 2022, before the MoU was signed, Tunisia had

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already received more than €1.7 billion for bilateral cooperation; once again, a significant part was devoted to migration control (European Commission 2023b).

Driven by concerns about the potential increase in the number of migrants attempting to reach the EU due to the war in Sudan, a new agreement was reached with Egyptin March 2024: €200 million, part of a larger billionaire deal (Politico 2024) is to be invested in migration programs, including the combat to migrant smuggling, border management, and returns (Pacciardiand Berndtsson2024). This new agreement, which closely follows the terms of the understanding between the EU and Tunisia, allocates €7.4 billion from EU funds to Egypt, with €5 billion provided as soft loans to support the Egyptian economy (Moorsel and Bonfiglio 2024).

Although cooperation with Morocco is already longstanding, dating back to 2004 and with over €2.1 billion allocated for various purposes up to 2022, including migration support (European Commission 2023c), it was only in 2023 in this path to reinforcing the role of third countries in stemming the migratory flows into the EU, that an agreement was signed, thus initiating a new program with Morocco. Once again, in the migration department, the focus was maintained on border management, migrant smuggling, and facilitated returns. At the same time, a key aspect for Morocco was the EU's support of their claim on Western Sahara (Pacciardi and Berndtsson 2024).

Finally, in response to the increasing number of migrants arriving on the Spanish coast (Phillips, R. 2024), the EU struck another deal in March 2024 with Mauritania. While based on five pillars (European Commission 2024a), three of them are designed to keep migrants out of the EU's territory: 1) increasing Mauritania's capacity to deal with asylum requests; 2) prevention of irregular migration; 3) strengthening border management. The other two pillars are directed at creating jobs in the region and developing legal pathways to migrate into Europe. In total, for 2022 to 2027, the EU assigned €12.5 million to this effect (Phillips 2024).

## DATA ANALYSIS AND DISCUSSION

The lack of security in certain countries and regions around the globe forces millions of people to flee their country of origin. The disproportionate ratio between migratory intention and legal possibilities to access the territory of another country (van Liempt 2016, 2) and the need to move quickly, which is sometimes necessary, drives people to skip the required bureaucratic procedures or restrictions on leaving and resort to illegal means of emigration. During the ten years between 2014 and 2023, events such as human rights violations, wars, and political persecution have led to 7,605,655 first-time asylum applications in the EU, according to Eurostat (2024a). As mentioned earlier, two distinct peaks can be observed during these years: between 2014 and 2016 and again in the years after 2021. Depending on the prevailing migration pressure, EU policy has undergone multiple adjustments. Despite contradictions among Member States—some supporting immigration and others remaining skeptical of its potential benefits—they reached a consensus in the mid-2010s on the necessity of specific arrangements with third countries to limit irregular migration.

The strategic goal of these agreements is to prevent irregular border crossings and the creation of new migration routes. Their effectiveness can be assessed by analyzing data on illegal entries into the EU. Figure 1 below shows the total number of irregular migrants who entered the EU between 2014 and 2023 via main routes.

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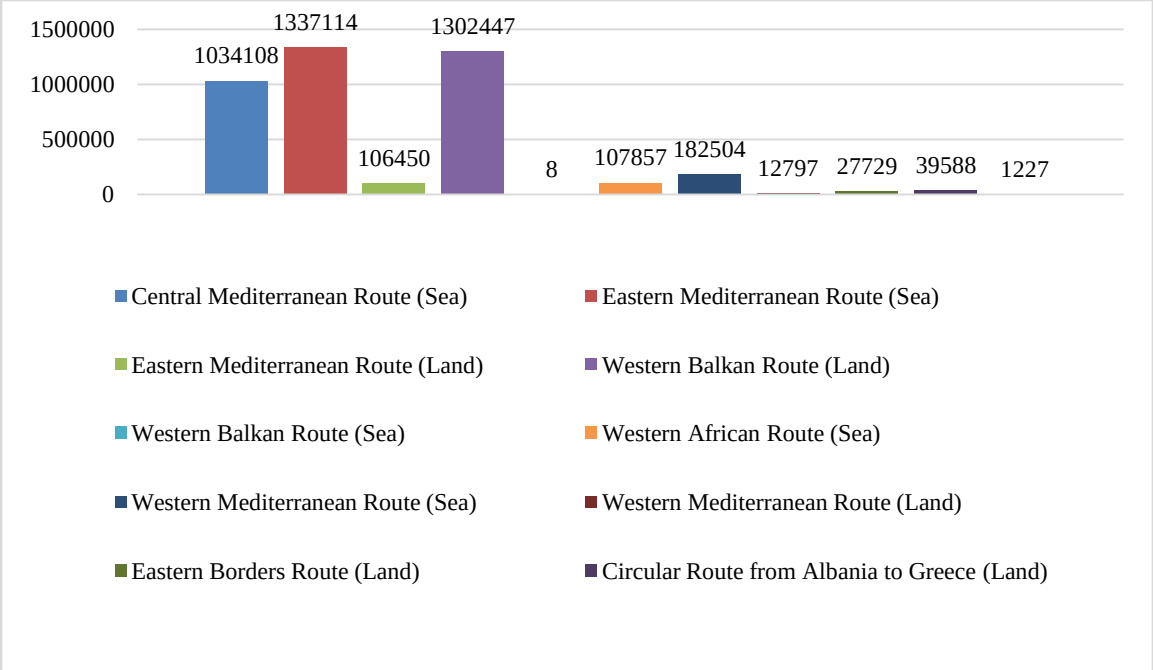



**Figure 1: Illegal Border Crossing at the Entry Points of EU Member States and Schengen Associated Countries: Aggregated Data by Routes (2014-2023)**
**(Source: Frontex 2024 and own calculations)**

According to the European Border and Coast Guard Agency (Frontex), eleven migration routes to Europe have been used for irregular entry by more than 4.2 million people between 2014 and 2023.

An analysis of the available data, as shown in Figure 1, reveals that three of these eleven routes are significantly more active than the others. These routes are, in order of relevance, the Eastern Mediterranean Sea Route, with 1,337,114 illegal border-crossings, followed by the Western Balkan Land Route, with 1,302,447, and the Central Mediterranean Sea Route, with 1,034,108 during the same period. According to a study, multiple factors can influence the increase or decrease of migratory pressure along these routes: "border controls, geopolitical developments, emerging or evolving conflicts", among others (Luyten 2023, 2). It is worth mentioning that these three routes cover a significant portion of the EU territories. For instance, the Eastern Mediterranean Sea Route impacts the EU countries on the Mediterranean seacoast, such as Cyprus, Greece, and Bulgaria, due to its land border with Türkiye. On the other hand, the next busiest route, the Western Balkan Land Route, directly affects Bulgaria again, Romania, Hungary, and Croatia. The third route, likely due to the proximity between the lands, compels many migrants to attempt entry into the EU through Malta and Italy.

It is important to note that sea routes pose a higher risk to the lives of migrants, as the means of transportation they typically use are not suitable for the harsh conditions they will face. The EU has operational patrols in the Mediterranean aimed at securing EU borders, targeting migrant smugglers, and rescuing migrants, which, nonetheless, require the allocation of considerable resources, with costs reaching tens of millions of euros per operation in emergencies such as the migration crisis of 2015 (Frontex 2015). Three Frontex operations

support these actions: Operation Themis (formerly Triton), covering the Central Mediterranean; Operation Poseidon, covering the Eastern Mediterranean; and Operation Indalo, covering the Western Mediterranean. While more than 629000 lives have been saved, approximately 25000 people have died or gone missing in the Mediterranean and Atlantic since 2015 in their attempt to reach Europe (European Council 2024). Nevertheless, the objectives set in these operations can be viewed as additional EU measures to increase the effective execution of the EU agreements with third countries since many will fulfill the conditions for migrants to be redirected to where they have just left or for migrants to fall under one of the readmission agreements.

Another way to assess the effectiveness of these agreements is to examine the number of illegal border crossings annually. Such a representation could indicate whether adopting and implementing these strategic documents and other EU actions have positively, negatively, or neutrally affected irregular entry into the EU.

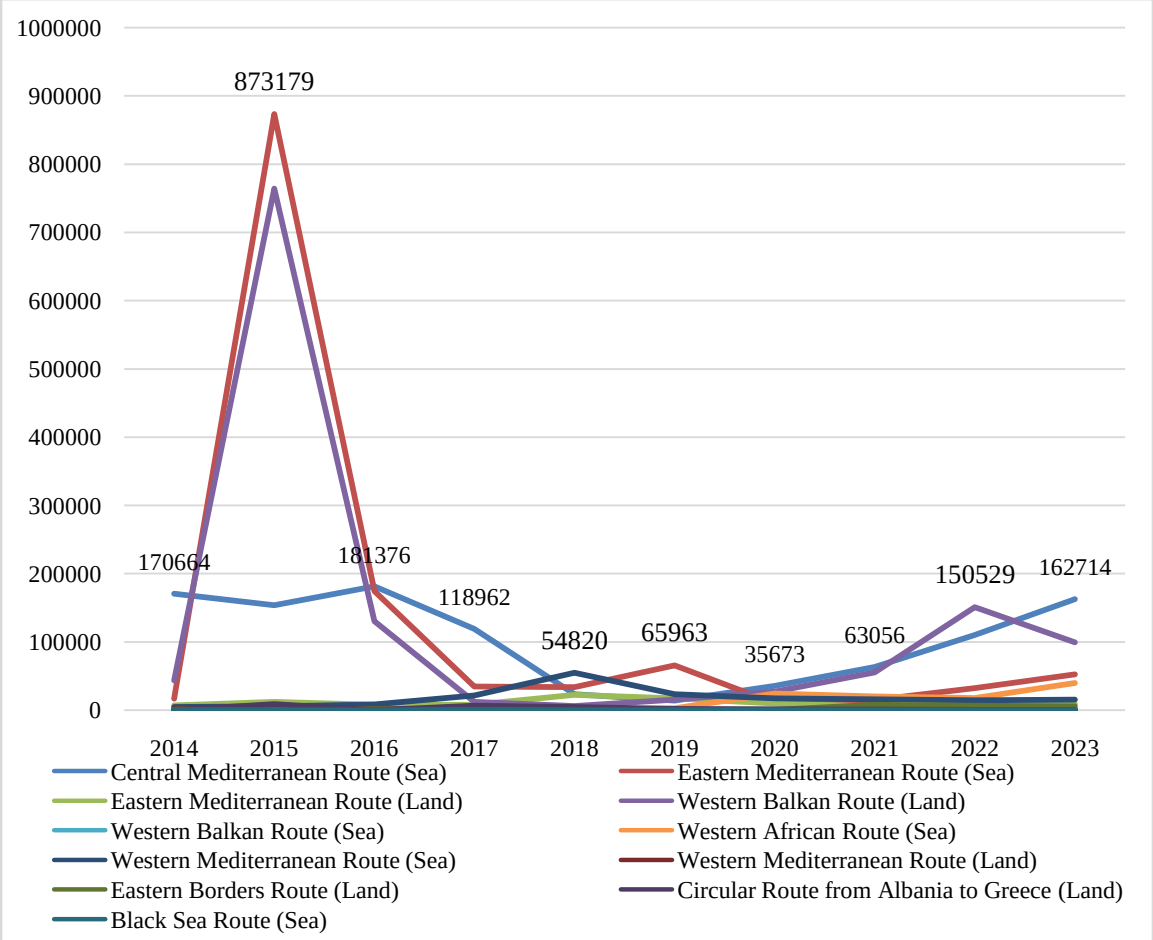



**Figure 2: Illegal Border-Crossing: Aggregated Routes from 2014 to 2023, Presented Annually (Source: Frontex 2024 and own calculations)**

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As shown in Figure 2, the highest rate of illegal migrant-inflow towards Europe occurred in 2015. At that time, two main routes – the Western Balkan Land Route and the Eastern Mediterranean Sea Route – served as the primary entry points to the EU, with over 1.6 million people entering the Union through them. Compared to the total number of irregular entries for the whole 10-year period, it could be stated that approximately 38% of the newcomers entered the EU in 2015 only.

The significant influx of migrants in 2015 can be attributed to various factors. Chronologically, a disruptive event typically precedes such large-scale migration flows, prompting individuals to flee their countries of origin. These events usually precede the migration flow by several months or even years since the journey, organization, and progress take time. In the case of 2015, the Arab Spring, which sparked anti-government protests, mass uprisings, and armed rebellions across the Arab world in the early 2010s, was the first reason for that irregular mass entry into the EU. As a result, around 360,000 Syrians, 175,000 Afghans, and 119,000 Iraqis applied for asylum in the EU in 2015 alone, according to Eurostat.

However, another recognized reason for the comparatively higher number of illegal entries in 2014-2016 is the overall EU "open door policy", which has significantly changed since 2018-2019 (Schain 2019, 45-73). This research also indicates that this shift in immigration policy towards a predominant focus on border controls is not unique to Europe but is also observed in countries such as the United States. It could thus be admitted that this phenomenon is not limited to a regional level but is evident across the Western world.

While it is admitted that most migrants come to the EU through legal means, with only 15% of residence permits issued to non-EU citizens in 2022 corresponding to asylum requests (European Commission 2024b), many resort to illegal paths to reach the EU's territory, as not all individuals fleeing their country of origin can comply with the Union's immigration policies. In order to compare the number of illegal entries and the number of asylum applications, the data related to the latter is presented in the line chart below.

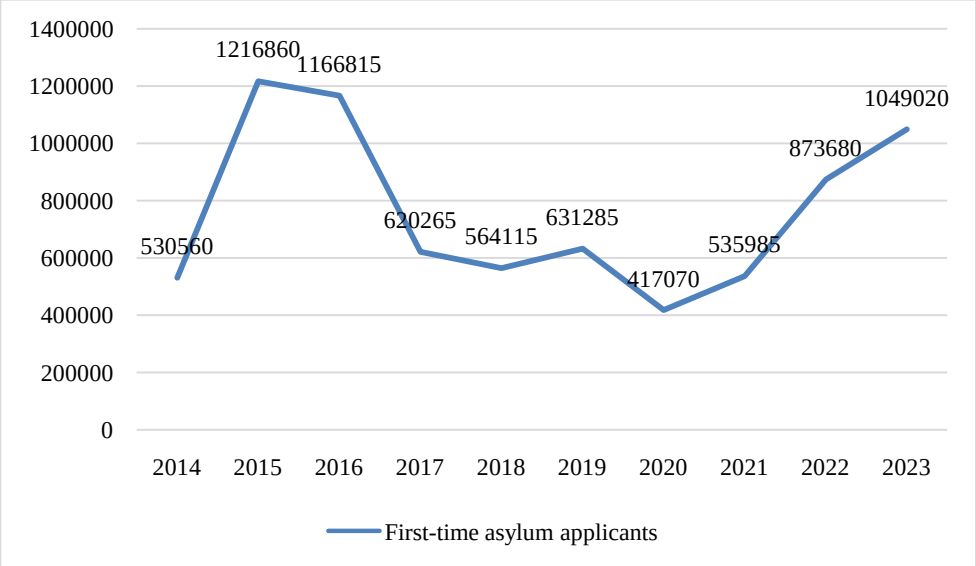



**Figure 3: First-Time Asylum Applicants in the EU from 2014 to 2023: Annual Data (Source: Eurostat 2024a)**

Against this background, when comparing the data from Figure 2 with Figure 3, the conclusion is that there were nearly 7.7 million first-time asylum applications in the EU during the same period, which indicates that 54,5% of the migrants seeking asylum entered the Union illegally.

The comparison of the two indicators reveals a similar trend. The number of first-time asylum applicants and irregular entries shows two distinct peaks – the first in 2014-2016 and the second after 2021. While there was an increase in the number of irregular immigrants during the second peak, it should be noted that it was significantly lower compared to the mid-2010s, which suggests that the shift in European policy from 2016 onwards has had some impact, reducing the number of migrants reaching the EU's territory irregularly. However, this should not be seen as a sustainable, long-term solution, as in 2023, there are still 36.8% of all asylum seekers who continue to enter the EU irregularly.

In order to determine which events on the international scene have the most significant effects on immigration into Europe, an alternative approach is to analyze the most common nationalities per route. This aggregation, by route, can be observed in Figure 4.

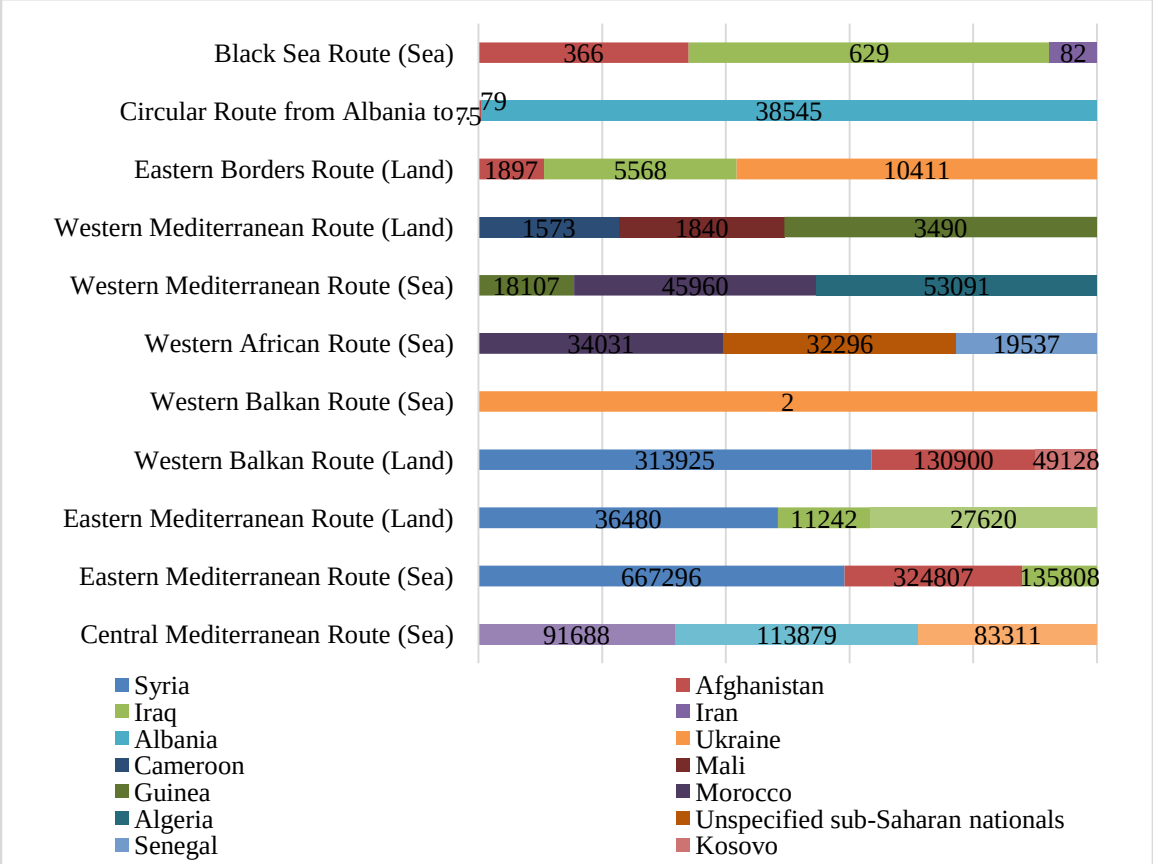



**Figure 4: Top Nationalities of Irregular Immigrants per Route from 2014 to 2023 (Source: Frontex 2024 and own calculations)**

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Starting with the busiest route, Syrians, Afghans, and Iraqis predominantly use the Eastern Mediterranean. The total number of individuals from these three nationalities alone between 2014 and 2023 accounts for nearly 27% of all illegal border crossings during the same period. The most commonly used route, the Western Balkan Land Route, attracts people from Syria, Afghanistan, and Kosovo. Notably, Syrians accounted for 313,925 over the 10 years analyzed, representing 57% compared to the other two main nationalities. A likely reason for this is the lower risk associated with land travel.

However, insecurities within the European continent impact irregular immigration into the EU's territory as well. A specific example is Kosovo, the third most common nationality on the Western Balkan Land Route, with 49,128 irregular border crossings. Moving southwest to the third busiest route, the nationalities detected change significantly. While primarily people from the Near and Middle East use routes along the eastern borders of the Union, the Central Mediterranean Sea Route is mainly used by migrants from Africa. The three most common nationalities are Nigerians (91,688), Eritreans (113,879), and Tunisians (83,311). Other nationalities attempting to enter the EU irregularly include Albanians, Cameroonians, Guineans, Algerians, Senegalese, Iranians, Ukrainians, Maltese, Moroccans, and individuals with unspecified sub-Saharan citizenship.

As previously mentioned, part of the EU's strategy to address the challenges posed by such a large number of irregular migrants entering its territory is the implementation of an active return policy. In this regard, it should be anticipated that Member States would be effective in returning migrants who do not meet the legal requirements for obtaining asylum or any other legal basis for remaining within the Union's territory. Whether Member States are effectively returning migrants can be seen from the data in Figure 5.

The return of migrants is subject to a harmonized legislation adopted in 2008, known as the Return Directive (EUR-Lex 2008). Despite the Directive raising various issues and leading to numerous preliminary requests, Article 6 establishes the conditions under which a return decision can be reached concerning a third-country national staying illegally in the territory of a Member State. The data above shows the number of returns effectively performed: along with Germany, surpassing all other Member States, the other EU countries with large numbers of returned migrants are Sweden, Spain, Poland, Greece, and France.

Nevertheless, despite the large numbers, entering the EU irregularly is challenging, leading migrants to seek assistance from third parties often. It is estimated that 90% of the migrants that enter the EU's territory irregularly have done so through the services provided by migrant smugglers (Europol 2024a). This data could not be verified, as it lacks specific numbers (of irregular migrants in total and irregular migrants who have resorted to such services) to support that claim. However, this assumption is often quoted as hard evidence (e.g., European Parliament 2024b, 2). Nonetheless, migrant smuggling is a recognized and criminalized phenomenon. The following two tables show the number of suspected and imprisoned persons involved in migrant smuggling annually from 2016 to 2022. A comparison of these indicators may, to some extent, help assess the judiciary's effectiveness and the progress made in achieving the goals set in international agreements in the field of migration, particularly when it comes to the fight against migrant smuggling.

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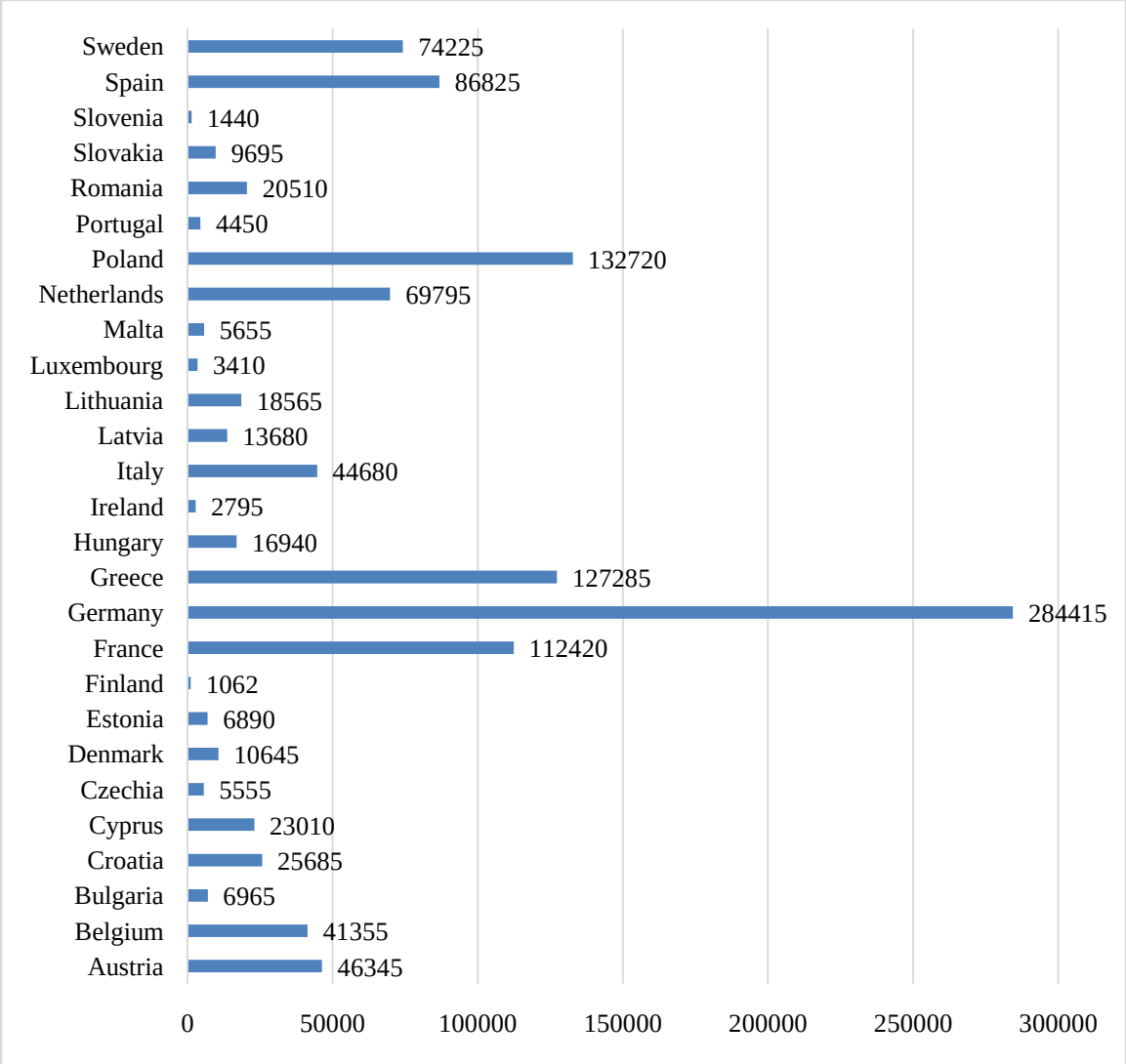



**Figure 5: Third-Country Nationals Returned Following an Order to Leave: Summarized Annual Data Between 2014 and 2023 (Source: Eurostat 2024b and own calculations)**

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**Table 1: Suspected Persons Involved in Migrant Smuggling per EU Member State Between 2016 and 2022 (Source: Eurostat 2024c and own calculations)**

| Country/ Year | 2016 | 2017 | 2018 | 2019 | 2020 | 2021 | 2022 | Total Number of Suspected Persons |
|---|---|---|---|---|---|---|---|---|
| **Austria** | 7 | 69 | 35 | 50 | 48 | 19 | 1034 | 1262 |
| **Belgium** | - | 353 | 93 | - | 138 | - | 201 | 785 |
| **Bulgaria** | 364 | 323 | 48 | 87 | 190 | 391 | 1398 | 2437 |
| **Croatia** | 167 | 321 | 620 | 983 | 692 | 885 | 774 | 4442 |
| **Cyprus** | 19 | 14 | 8 | 17 | 19 | 22 | 88 | 187 |
| **Czechia** | 47 | 48 | 34 | 57 | 60 | 52 | 277 | 528 |
| **Denmark** | 279 | 124 | 151 | 90 | 36 | 49 | 69 | 798 |
| **Estonia** | - | - | - | - | - | - | - | - |
| **Finland** | 452 | 116 | 44 | 92 | 196 | 82 | 80 | 1062 |
| **France** | - | 4395 | 4219 | 4639 | 3976 | 6626 | 6277 | 30132 |
| **Germany** | - | - | 2342 | 2441 | 2761 | 3283 | 3468 | 14295 |
| **Greece** | 950 | 1399 | 1653 | 1533 | 1112 | 1092 | 1478 | 9217 |
| **Hungary** | 745 | - | - | - | 362 | 789 | 1828 | 3724 |
| **Ireland** | - | - | - | - | - | - | - | - |
| **Italy** | 4711 | 4127 | 4131 | 3676 | 2925 | 2560 | 3941 | 26071 |
| **Latvia** | 52 | 26 | 25 | - | 7 | 20 | 20 | 150 |
| **Lithuania** | 163 | 95 | 77 | - | 48 | 328 | 361 | 1072 |
| **Luxembourg** | - | - | - | - | - | - | - | - |
| **Malta** | 0 | - | - | 0 | 2 | - | - | 2 |
| **Netherlands** | 378 | - | 63 | - | 29 | - | - | 470 |
| **Poland** | 220 | 194 | 132 | 82 | 87 | 427 | 801 | 1943 |
| **Portugal** | 71 | 82 | 98 | 102 | 89 | 144 | 183 | 769 |
| **Romania** | 101 | 283 | 261 | 322 | 660 | 1090 | 746 | 3463 |
| **Slovakia** | 128 | - | 99 | - | 79 | 108 | 286 | 700 |
| **Slovenia** | 650 | - | 414 | 1021 | 472 | 413 | 431 | 3401 |
| **Spain** | 663 | 685 | 900 | 370 | 662 | 1204 | 1175 | 5659 |
| **Sweden** | 226 | 100 | 136 | - | 104 | 150 | 124 | 840 |

Considering the geographical alignment of the three busiest routes, it is reasonable to pay special attention to the suspected individuals involved in migrant smuggling in countries such as Cyprus, Greece, Bulgaria, Romania, Hungary, Croatia, Malta, and Italy. However, given the large inflow of migrants and the strategic location of these Member States, it is striking that some countries, such as Bulgaria, Cyprus, and Malta, report very low numbers of suspected criminals involved in smuggling. On the other hand, Italy, Greece, Germany, France, Spain, and Romania have reported several thousand suspected individuals between 2016 and 2022. Whether these results are due to ineffective judiciary systems in those Member States or because migrant smuggling is not as widespread as assumed in official documents remains unclear, and it is difficult to draw any definitive conclusions from the data.

Looking at the data annually, it can also be observed that more persistent efforts against smugglers have been made in the years following 2018-2019. Possible reasons for this include, first, the unpreparedness of the EU for the first migration crisis from 2014-2016, during which many of the common policies were not clearly defined and specified (even though migrant smuggling has been criminalized in the EU since 2002 and internationally since 2000 with the Palermo Protocol against the Smuggling of Migrants by Land, Sea, and Air, supplementing the

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United Nations Convention against Transnational Organized Crime). Second, and most likely, the shift in European policy from a predominantly "open-door" policy to a more stringent "secure border" policy.

However, as the number of suspects may not correspond to the number of individuals proven to have committed the crime, it is also essential to analyze data related to people arrested for migrant smuggling.

**Table 2: Imprisoned Persons Involved in Migrant Smuggling per EU Member State between 2016 and 2022 (Source: Eurostat 2024c and own calculations)**

| Country/ Year | 2016 | 2017 | 2018 | 2019 | 2020 | 2021 | 2022 | Total Number of Imprisoned Persons |
|---|---|---|---|---|---|---|---|---|
| **Austria** | 1 | 0 | 2 | - | - | 86 | 183 | 272 |
| **Belgium** | - | - | - | - | - | - | - | - |
| **Bulgaria** | 12 | 29 | 54 | 50 | 41 | 89 | 97 | 372 |
| **Croatia** | | | | | | | | - |
| **Cyprus** | | | | | | | | - |
| **Czechia** | 69 | 22 | 48 | 38 | 27 | 31 | 70 | 305 |
| **Denmark** | - | - | - | - | - | - | - | - |
| **Estonia** | 1 | 1 | - | - | - | - | 0 | 2 |
| **Finland** | - | - | - | - | - | - | - | - |
| **France** | - | 730 | - | - | - | 366 | 412 | 1508 |
| **Germany** | - | - | 73 | 69 | 58 | 55 | 52 | 307 |
| **Greece** | 1478 | 1166 | 2001 | 1853 | 1850 | 1467 | 1632 | 11447 |
| **Hungary** | 646 | - | - | 3445 | 870 | 1977 | 1938 | 8876 |
| **Ireland** | - | - | - | - | - | - | - | - |
| **Italy** | 1469 | 1328 | 1194 | - | 919 | 979 | 1138 | 7027 |
| **Latvia** | 24 | 99 | 40 | 12 | 6 | 8 | 18 | 207 |
| **Lithuania** | 7 | 5 | 9 | 3 | 1 | 4 | 7 | 36 |
| **Luxembourg** | - | 1 | - | - | - | - | - | 1 |
| **Malta** | 0 | - | - | 0 | 2 | 7 | 4 | 13 |
| **Netherlands** | - | - | - | - | - | - | - | - |
| **Poland** | 16 | 12 | 19 | 21 | 17 | 23 | 31 | 139 |
| **Portugal** | 11 | 12 | 16 | 16 | 14 | 14 | 2 | 85 |
| **Romania** | 82 | 90 | 82 | 74 | 70 | 66 | 139 | 603 |
| **Slovakia** | 44 | - | 33 | - | 35 | 82 | 50 | 244 |
| **Slovenia** | 50 | - | 203 | 368 | 443 | - | - | 1064 |
| **Spain** | 228 | 246 | 320 | 365 | 367 | 323 | 441 | 2290 |
| **Sweden** | 20 | 11 | 6 | 3 | 1 | 3 | 3 | 47 |

As the data in Table 2 shows, there is a considerable disparity between suspected and imprisoned individuals for involvement in migrant smuggling. On the other hand, the trend of a higher number of suspects in the years following 2018-2019 is consistent with the number of individuals convicted and arrested in most EU Member States. Looking at the results, it should be noted that the countries that have the highest conviction (and imprisonment) rates are Greece, Italy, Spain, and Hungary.

In fact, in 14 out of 27 Member States, the number of suspects far exceeds the number of imprisoned individuals. However, it should also be noted that Eurostat does not provide data for seven countries, leading to missing information in one or both indicators. The exceptions to

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this statistical trend are Greece, Hungary, Latvia, and Malta, where the respective number of suspects to prisoners in relation to migrant smuggling are 9,217 – 11,447 for Greece, 3,724 – 8,876 for Hungary, 150 – 207 for Latvia, and 2 – 13 for Malta. The difference between the two indicators could be attributed to a variety of factors, including, but not limited to, an inefficient judicial system, inadequate implementation of legislation, challenges in gathering evidence, or even an over-representation of the migrant smuggling phenomenon, which does not always translate into criminally relevant conduct. However, it cannot be denied that, as far as the symbolic function of criminal law is concerned, the overall relatively low number of detections and/or convictions may encourage actual smugglers to continue their illegal activities.

Among the risks posed by the continued activity of (actual) smugglers is the endangerment of migrants' lives. The latter, forced to flee armed conflicts, civil wars, climate change, and other distressing events, must trust and pay smugglers in order to have some chance of survival and pursue an everyday life, given the few legal alternatives to enter and stay in the EU's territory. Another incurred risk is that by continuing this presumably extremely lucrative activity (see especially Europol 2024a, Europol 2024b, and Janković, Marković, and Ivanov 2024, 126; but with evidence against Sanchez 2020, 191), the smugglers accumulate capital which they could subsequently use for other criminal purposes, as some scholars point out(Dimitrov and Pavlov 2023, 24-26), in turn further jeopardizing the security of the Member States and the Union as a whole. Moreover, illegally crossing the border and entering the EU without proper screening eliminates the opportunity to identify potential radical elements among migrants, which also brings into the equation the possibility of further criminal activity. However, it should be pointed out that this is a contentious, highly populist, and politicized topic with no empirical data to substantiate those assertions (e.g., Moreno-Lax 2023, 106).

Considering the various factors at play, the inevitable conclusion is that seeking new and more effective solutions at the European level remains necessary. The data shows that nearly 40% of migrants continue to reach the Union's territories irregularly. While there has been a substantial decrease in the overall number of migrants, the recent peaks in migration prevent any definitive conclusion that agreements with third countries have been solely responsible for this outcome. However, these agreements have likely had some impact on the situation.

## CONCLUSION

This study has allowed the authors to draw some conclusions and highlight some topics and assumptions that, while current, lack empirical data to support them. First, it is undisputed that billions of euros (of European funds) have been and continue to be invested in third countries to engage their cooperation in reducing migration to the EU. Many of these countries receiving European support are authoritarian regimes – which immediately raises concerns about whether this European support may exacerbate migration. In addition to the highly reproachable ethical, moral, and legal consequences of lending support to such regimes, it is also logical that through these deals, they acquire capabilities that allow them to oppress their citizens further, which in turn will increase the migratory aspirations of the population (Gkliati 2024). The nationalities of most irregular migrants also suggest that it would be more effective to use European funds to address the root causes for migration in their country of origin through investment in the communities (thus starkly reducing migratory intention) rather than

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investing in temporary solutions to arm third countries with the tools needed to stifle the right to movement of the population (Martini and Megerisi 2023, 3).

It is also apparent that there is a relevant number of returns of irregular migrants being performed and a notable decrease in the number of irregular entries into the EU territory since it peaked in 2015. However, it is not conclusive that the signed agreements with third countries are solely responsible for such a change since there is evidence that, despite these deals, migrants keep finding alternative ways to enter the EU (Martini and Megerisi 2023, 1). The return rates of some of these agreements are negligible. Adding to their (in)effectiveness, these agreements often have the undeniable consequence of violating migrants' most basic human rights despite several assurances of shared commitment to their respect. This can clearly be seen in the case of the EU-Türkiye deal (International Rescue Committee 2023), as well as the agreements with Tunisia and Mauritania, which led to an increase in migratory pressure after they were signed (Schwarz 2024; Moorsel and Bonfiglio 2024). The deal with Egypt is expected to yield the same disappointing results unless certain precautions are taken, such as ensuring an effective right to asylum in Egypt, safeguarding human rights in the territory, channeling EU funds towards promoting social inclusion, and monitoring the situation of migrants in the country (Moorsel and Bonfiglio 2024). The issue of migrant smuggling is also a direct result of poor migration management, as well as the lack of legal pathways for requesting international protection from the EU. The sustainable integration of migrants into the European labor market would also substantially improve the overall situation (Martini and Megerisi 2023, 31).

Moreover, whatever short-term gains the EU manages to achieve with these agreements on the one hand – such as temporarily reducing the pressure on asylum and social systems due to fewer migrants (Luyten 2023, 2) – it ultimately loses on the other hand, giving third-countries the power and political leverage to influence the EU's decisions in ways that benefit their interests (e.g., the deliberate opening of Morocco's borders in order to obtain the EU's endorsement on their claims over Western Sahara, among many other examples of instrumentalization of migration (Pacciardi and Berndtsson 2024). This not only weakens the EU's position but also undermines its international credibility, as it seemingly adopts a high moral stance on the protection of fundamental rights that, in practice, does not fulfill when it comes to migrants, cementing certain hypocrisy in this regard (Moreno-Lax 2023, 107/111).

In light of these challenges, in terms of a simple cost-benefit analysis, it seems that the balance is not tipping towards the EU's side of the deals. It would thus be wiser to invest in other long-term solutions to the migration issue that prioritize sustainability and respect for human rights and uphold internationally assumed obligations that bind the EU Member States.

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All authors have read and agreed to the published version of the article.

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