

A European overview of irregular migration

• Introduction

The issue of irregular migration is clearly a concern for European citizens, according to various Eurobarometer surveys on the subject. It fuels mistrust of immigration itself, including towards asylum seekers: the fact that an unknown proportion of people who have been denied asylum continue to reside in EU countries fuels a feeling of powerlessness. However, irregularity is not synonymous with illegality, as irregular

migrants have fundamental rights (see Box 1). It is therefore important to shed as much light as possible on the diverse realities of irregular migration in the EU over the last decade. This policy brief provides an overview of how EU rules regulate irregular migration (1). It then looks at the diversity of Member States' choices in terms of regularisation (2). The most recent estimates of the volume of irregular immigration are then discussed (3) and compared with the still very limited knowledge of migration flows (4).

BOX 1. Irregular migration does not mean illegal migration

A better understanding of the actual causes of irregular migration and of the very diverse situations it covers, particularly in terms of how it is dealt with administratively, is necessary to help the public form a fair assessment of this issue. Such an in-depth analysis cannot be solely technical or statistical. Given the profoundly human dimension of the issue, it also has an **ethical dimension** that can be summarised in three conditions:

Recognising that irregularity is not a crime, even if States retain the right to end irregularity if necessary through expulsion. Foreign nationals residing irregularly in the European Union are not therefore deprived of their rights. Since the Second World War, these persons have been entrusted to the protection of the countries where they reside, which must ensure that their rights to subsistence and physical safety are respected. These rights are enshrined in the Charter of Fundamental



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MIGRATIONS &
DEMOGRAPHY

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Rights and Principles, on which the very existence of the EU has been based since the Treaty on European Union adopted in Lisbon in 2009.

This first condition gives rise to the need *to use vocabulary that does not disqualify the persons concerned, by referring to an objective definition*. Academic studies and works that have examined this issue thus define as irregular situations in which foreign nationals reside permanently or temporarily in a national territory without a residence permit, even a temporary visa.

Finally, it must be acknowledged that irregular immigration has many negative consequences: destabilisation of social relations in the places where these situations are concentrated, damage to the physical or mental health of the individuals concerned who are victims of various forms of exploitation, and disruption to sectors of activity that employ irregular workers, such as health, commerce, construction and personal services. It was largely to reduce irregular migration within the common area of free movement of persons that the European Migration and Asylum Pact was adopted in May 2024 to be implemented in June 2026.

I • European Union Member States control and regulate irregular immigration

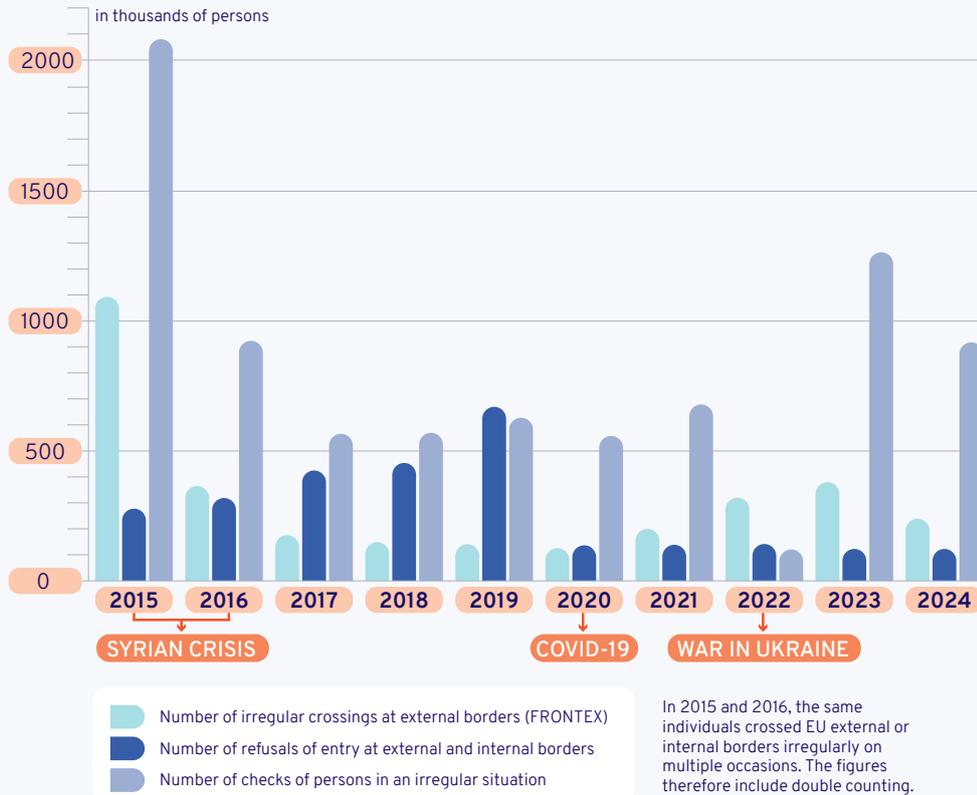
As members of both the Schengen Area (Article 77 of the Treaty on the Functioning of the EU) and the Common European Asylum System (Article 78), EU Member States are required to carry out checks at their external borders, but also within their national borders, to ensure that residents are legally entitled to be there (Table 1). They may also issue “refusals of entry” at external borders¹. They are also required by European law to issue “obligations to leave the territory of the European Union” when, after all remedies have been exhausted, a person who has applied for asylum is not entitled to receive any protection (Table 2). The conditions under which Member States proceed with the return, whether forced or voluntary, of persons subject to this obligation are also governed by the Treaty. These actions are carried out in each country by the police authorities under the supervision of the competent judges. They are the subject of statistical reports either by the Frontex agency or by the national authorities² (Table 3).

1 Under certain conditions of cross-border cooperation, these refusals are carried out at internal borders.

2 Data transmitted to Eurostat under Council Regulation 862/2007, supplemented by Regulation 2020/851

Table 1

Control and Regulation Activities Related to Irregular Immigration – EU Total, 2015–2024



After the peak of the Syrian crisis (2015-2016), the number of irregular crossings recorded by Frontex stabilised and fell during the Covid pandemic. They subsequently resumed, as did asylum applications, but 2024 saw a decline in irregular entries that continued into 2025, mainly due to the change of regime in Syria. There were numerous refusals of entry after the Syrian crisis, which led to the opening of new migration routes. They subsequently stabilised at a low level, possibly as a result of better control of these routes. Internal controls show a very high number of irregularities in the last two years. The war in Ukraine cannot be the cause, as Ukrainian migrants are granted temporary protection very quickly. Rather, this can be seen as a tightening of control policy. The term “leaky Europe” is not appropriate.

Table 2

Number of "Orders to Leave the Territory" Issued in Five European Union Countries

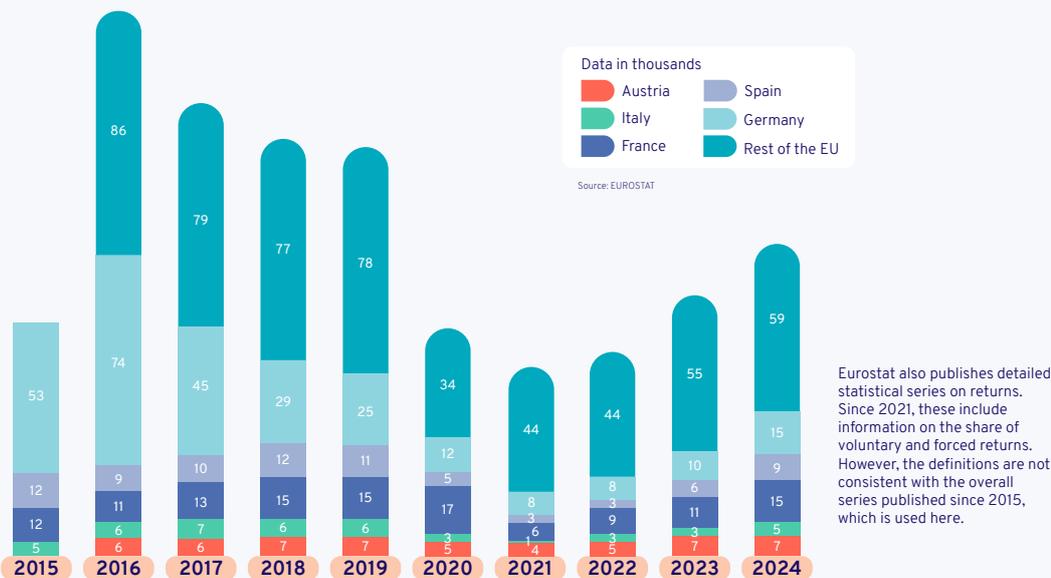


The number of decisions to leave the territory (issued in particular following the rejection of an asylum application) increased in the EU until 2019. This can be interpreted as reflecting the backlog in the processing of asylum applications and appeals following the peak in 2015-2016. They remain at a high level with the resumption of asylum applications from 2022 onwards and the decrease in

the rates of international protection granted. Compared to its neighbours, France issues a relatively high number of obligations to leave the territory, particularly in relation to Germany, a situation that can be explained by the specificities of the treatment of rejected applicants.

Table 3

Third-Country Nationals Who Left the Territory Following an Order to Leave



Across the European Union as a whole, actual departures (voluntary or forced) following an obligation to leave the territory have fallen by around 40% since the Covid crisis. This decline is largely attributable to Germany, where there have been few departures since 2018. Forced or voluntary departures have remained more or less stable in the other countries in our sample.

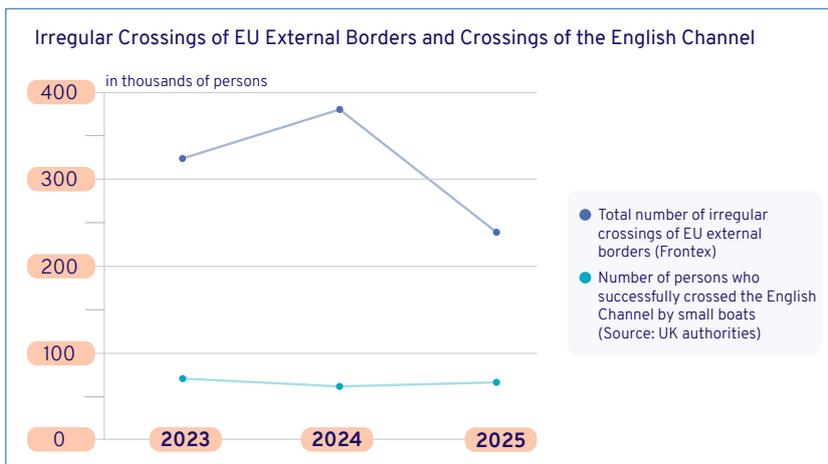
Comparing obligations to leave the territory with actual departures following these obligations, we see that departures represent only a small proportion of obligations to leave: around 15% for the European Union as a whole for the period 2020-2024. The rejection of asylum applications and continued presence on the territory constitutes a risk of irregular migration, but it is not the only one (Box 2).

The failure to enforce obligations to leave the territory is a matter of concern. There may be several reasons for this: either it is legally impossible to proceed with the return in the absence of consular documents to be issued by the country of origin; or there are humanitarian reasons that must be taken into account, at least temporarily, relating to the vulnerability or state of health of the person concerned; or the risk of damaging family ties deemed essential; or the estimated risk of ill-treatment in the country of origin. European rules allow national authorities to assess on a case-by-case basis how to implement an OQTF, which in some countries, such as Germany and Austria, can lead to their suspension³.

BOX 2. How does irregular migration arise?

Irregular entry can result from three processes:

1. Irregular border crossing with passage through the asylum procedure not leading to protection or temporary residence authorisation. (Asylum seekers whose applications have been rejected)
2. Irregular border crossing without applying for asylum or completing the asylum procedure. This situation may be long-term (irregular workers in the country of entry or in another EU country). It may also be temporary in the case of persons whose aim is to travel outside the EU, typically to the United Kingdom. In 2025, successful crossings to the United Kingdom from Calais accounted for a quarter of the irregular crossings of the EU's external border recorded by the FRONTEX agency (table).
3. Upon expiry of a regular residence permit. This can happen in two circumstances: by choice of persons who entered with a short-stay visa; as a result of administrative delays in the renewal of residence permits.



³ These rules are defined by the Qualification Directive, which was revised in 2011. They will be replaced by a regulation adopted under the European Pact on Migration and Asylum 2024/1347, which is expected to restrict this leeway from June 2025 onwards.

II • Specific features of the treatment of irregular migration in five EU Member States

Temporarily suspending the application of an obligation to leave the territory and granting a limited-term residence permit are two forms of regularisation that put an end to a situation of irregularity. All the Member States in our sample use a regularisation process. They take into account the difficulty of carrying out returns in the precarious situations in which rejected persons and often their de facto employers find themselves. However, the principles of regularisation vary greatly from one country to another, depending on whether they favour integration through work by adopting a general principle of granting the right of residence, as in Germany and Spain, or whether they opt for a case-by-case approach, as in France and Austria. These choices may vary over time, as shown by the example of Italy.

I IN GERMANY AND AUSTRIA, THE TOLERANCE REGIME (“DULDUNG”)

In Germany, the Residence Act adopted in the 2010s provides that migrants who have been ordered to leave the country may, under certain legal or factual conditions, benefit from a temporary suspension of the application of this decision and thus remain in the country. Several types of exemption are applicable, associated with varying degrees of rights, with the most severe restrictions applying when the persons concerned do not cooperate with the authorities (low tolerance regime).

The suspension of the obligation to leave applies legally when there is a risk in the country of origin, in cases of vulnerability or excessive risk due to possible family separation. It also applies in cases where it is practically impossible to return to the country of origin: lack of identity documents or refusal of consular authorisation. At the end of 2023, 242,000 people in Germany were covered by the tolerance regime, including 133,000 following the rejection of an application for protection. The majority of these people had access to the labour

market, German language courses or vocational training. However, these individuals must be housed in collective accommodation provided for this purpose, and not in private accommodation⁴. Under the tolerance regime, migrants are no longer in an irregular situation, as they have a form of status. Nevertheless, their situation remains precarious, with no guarantee that they will not be required to leave the country.

All foreign nationals residing in Germany, whether legally or illegally, must be registered in the National Register of Foreigners (AZR). This registration allows the federal administration to maintain contact with beneficiaries of “tolerance”. Surveys and studies are regularly conducted among those concerned, making it possible to monitor their living conditions and adaptation to their environment⁵. The demand for and hope of regularisation have evolved over the last ten years. While in the years 2013-2016 the majority of those concerned were from the Western Balkans, with frequent effective returns to their country of origin within two years, the new nationalities of origin under the regime have changed (notably Russia, Turkey, Afghanistan and Nigeria). For the latter, the solution of return has proved much more difficult and the duration of the tolerance regime has been extended.

The question of systematic regularisation, rather than a case-by-case approach, was therefore examined, taking the form of an “opportunity residence permit” obtained since 2022, entitling the holder to a temporary residence permit for 18 months, then possibly a permanent residence permit depending on various integration conditions. This new regime ends in January 2026. However, it reflects what has been the philosophy of “tolerance” up to now: to avoid creating dead ends where certain human lives are permanently blocked, with the risks that this entails for these individuals and for public order.

Austria has a similar tolerance policy, but with much stricter conditions than in Germany. The philosophy is not to move towards possible regularisation under certain conditions,

4 See the BAMF 3/2024 study conducted on the basis of the IAB-BAMF-SOEP survey.

5 See the study by R Stacher, study by Tolérance on living conditions and life satisfaction BAMF 3/2024.

but to temporarily ensure legal residence in the country while waiting for the possibility of return or a review of the decision not to grant protection to materialise.

I IN SPAIN, A PERMANENT REGULARISATION REGIME

Since the 1990s, Spain has experienced a significant migration deficit, partly offset by irregular migration. A major source of this is the liberal regime of relations with Latin American countries, which are not subject to visa requirements, in derogation from the Schengen Area, and as such are freely admitted for short stays with the risk of overstaying. After a wave of case-by-case regularisations in the early 2000s, Spain introduced a permanent regime known as “Arraigo”, which gives access to a permanent residence permit under three conditions: a previous stay of three years (now reduced to two), exceptional circumstances relating to family, work or education. In 2024, approximately 224,000 authorisations were granted under the Arraigo scheme (42% of which were for family ties), an increase of 9.5% compared to 2023.

Given that legal labour immigration is relatively limited, the Arraigo regime appears to be the main tool for regulating immigration in Spain, benefiting so far from a cross-party consensus, with the support of employers and churches. The prevailing view is that if migrants are destined to settle permanently, particularly when return is impossible, it is better to facilitate their integration, both socially and economically, in particular to avoid the dumping that illegal work constitutes.

I IN FRANCE, WIDESPREAD USE OF THE OBLIGATION TO LEAVE THE COUNTRY FOR A WIDE VARIETY OF SITUATIONS

In France, obligations to leave the country are issued quickly after the final rejection of an application for protection, or, where applicable, in the event of an irregular situation (overstaying a visa) that cannot be regularised. However, there are numerous conditions for granting an OQTF, which are subject to multiple appeals, to the point of giving rise to significant judicial and administrative litigation. One of the challenges

of the latest immigration law adopted in January 2024 was to reduce these administrative delays, in particular by reducing the number of categories of obligations to leave the territory.

With regard to regularisations, French practice has been codified in an administrative text adopted in 2012 (Circulaire Vals), which gives the prefectural administration discretionary power in examining applications. Applications must be justified by three conditions: length of stay on French territory, de facto employment or a job offer in a sector of activity where the labour market is under pressure, and proficiency in French. Throughout the 2016-2024 period, the conditions for regularisation tended to become stricter in terms of requirements and timeframes. After the Covid period in 2020-21, which had shown the importance of the presence of workers employed in so-called “front-line” sectors (health, personal services, retail, healthcare), consideration was given to making regularisation automatic based on objective criteria, a view that was not adopted in the law of January 2024. Overall, the number of “exceptional admissions to residence” granted by the Ministry of the Interior remained stable between 2020 and 2024, at around 30,000 per year (Table 4).

Table 4

Number of exceptional admissions to residence in France



I IN ITALY, A MIX OF MEASURES INCLUDING RESTRICTIONS ON ACCESS TO RESIDENCE, REGULARISATIONS AND QUOTAS

Even more than Spain, Italy had to deal with a severe demographic deficit at an early stage. With legal immigration channels for labour being limited and essentially reserved for large employers on a case-by-case basis, small and medium-sized enterprises sometimes resorted to undeclared work on a large scale. An initial remedy for this situation consisted, on the one hand, of opening up “fast-track” asylum procedures to people already present on the territory and, on the other hand, of granting, under certain conditions, in cases where protection was refused, “special protection” applicable to people who, for various reasons, could not be returned to their country of origin. The special protection system was restricted at the same time as the capacity of administrative detention centres was increased to enable the practical preparation of the expulsion of persons without residence permits. The number of such expulsions remained modest and departures from the CPR (Centri di Permanenza per il Rimpatrio) tended to increase irregular immigration.

It is in this context, in order to prevent further irregular entries across external borders, that the Italian government attempted in 2024 to outsource the examination of asylum applications for persons arriving by sea (agreements with Albania), an attempt still subject to opposition from the Italian judiciary, even in cases where these centres would only take in people whose asylum applications had been rejected in Italy (2025). In practice, the two centres envisaged are still very little used.

The growing social and economic difficulties arising from the importance of irregular immigration in the world of work have in the past led the Italian government to resort to exceptional and massive regularisation laws. This was the case, for example, with the “2020 amnesty” focused on the agriculture, domestic work and healthcare sectors. The option chosen today by the Italian government on the basis of the Cutro Decree (DL 20/2023) to reduce irregular immigration is different: on the one hand, it involves reducing special regularisations for the workforce already present and opening up the Italian labour market through a quota system that could cover up to 452,000 entry permits for foreign workers between 2023 and 2025, divided into three annual quotas averaging 150,000 over the period.

III • Is it possible to measure the extent of irregular migration?

Since the beginning of 2010, irregular migration has attracted the attention of academic researchers in the OECD, both as a symptom of the dysfunctional migration systems between North and South, and as a de facto instrument for regulating supply and demand in labour markets constrained by demographic change. Two series of studies have attempted to compile statistical estimates in a consistent manner for all EU countries: the Clandestino study⁶, published in 2012, which focused mainly on the year 2008, and more recently the study published in 2024 by the MirreM university consortium⁷, set up in response to a call from the European Commission as part of the European research programme “Horizon”.

The MirreM study covers not only the European Union but also the United States. It brings together stock and flow estimates for some 20 EU countries for the period 2016-2023, benefiting from numerous methodological and statistical advances made since the Clandestino study. The MirreM research results as a whole thus represent a significant improvement on the knowledge available since 2010⁸. In particular, the national rapporteurs and university teams involved in MirreM were required to meet quality criteria that were far stricter than those applied in previous studies. However, as the coordinators themselves admit, measuring the extent of irregular situations remains a challenge: not only can it only be perceived indirectly by its very nature, but the situations we are trying to identify are volatile, subject to constant and unpredictable change.

However, the main results of the MirreM study for the period 2016-2023 are presented here (Table 5). Two limitations should be borne in mind, which call for caution in interpretation: the quality criteria focus on regularity and methodological transparency, but not on the relevance of the indicators used; the methods accepted by each country are not uniform and the results cannot therefore be rigorously compared. The answer to the question posed in this paragraph is therefore only positive if we focus solely on orders of magnitude.

6 www.clandestino.eu, a database coordinated as part of an EU research project by Dita Vogel (European Migration Network) and Vesela Kovachova (Hamburg University of International Studies).

7 www.mirrem.eu.

8 See in particular the detailed user guide published on how statistical data is compiled and the limitations of its use, which was written by more than 20 researchers: Handbook on Irregular Migration Data, Concepts, Methods and Practices, by Professors Denis Kierans and Albert Kraler, University of Krems Press, 2025, research funded by the EU, the UK Research and Innovation Fund, and the University of Toronto Research Excellence Fund.

Table 5

Estimated Size of Irregular Migration Between 2016 and 2023



Source: The Irregular Migrant Population in Europe, MirreM Working Paper No. 11, 2024, p. 31

The authors of this study, Denis Kierans and Carlos Vargas Silva, point out that the estimates presented in the table above are not directly comparable, in particular because they use different methodologies, make different assumptions and cover different types of population, “which affects the aggregation” carried out for the 12 EU countries for which sufficient data was available in terms of the required quality criteria.

Subject to this considerable caution, it can be seen that the orders of magnitude of the estimates for EU countries, even when reduced to the total population or the foreign population of each country, are comparable: around 0.8% of the total population and 9% of the foreign population originating from countries outside the Schengen Area. Again with caution, and subject to the problems posed by the concentration of irregular migrants in certain areas of the territory, these estimates suggest that the difficulties in reducing or better managing irregular migration are not insurmountable. In the United States, where estimates of irregular migration are closely monitored and documented, the estimated figures for the reference year 2022, in the order of 11 million people, are incomparable with the estimates for the European Union.

This table also shows that the estimates for France are significantly lower than those for the four other countries observed and those obtained for all 12 countries in the MirreM study. In fact, the method used for France, developed by the PEW Institute, a US-based research centre that regularly conducts demographic studies on migrant and foreign populations, appears to be systematically biased towards underestimation. PEW’s work for France is based on the difference between the Population Census and statistics on residence permits of more than one year. It seems more reliable to refer to estimates based on monitoring users of State Medical Aid, which gives an estimate of around 430,000 for 2017, or 0.7% of the total population (see box No. 3).

BOX 3. Estimated number of undocumented migrants 2017-2020:

The specific case of France

The MirreM-Pew estimate

The group of researchers working within the framework of MirreM⁹ has used the results published in 2019 by the PEW Demographic Centre in a large-scale study covering 32 European countries for France and Germany.

Consulting the PEW methodological note, it appears that the so-called residual method was applied for France for the years 2014 to 2017. This method consists of estimating the number of people in an irregular situation as the difference between:

- The total number of people with third-country nationality (non-members of the EU or the European Free Trade Area) as estimated through the annual population census conducted by INSEE between 2014 and 2017. (Number A)
- The estimated number of persons of the same nationalities who hold a residence permit valid for more than 12 months, reported annually by the French Ministry of the Interior to EUROSTAT. (Number B)

However, the PEW Institute acknowledges that this approach underestimates the actual number of people being measured. People in an irregular situation, who may be subject to an OQTF¹¹ or at risk of receiving one, do not necessarily come forward to investigators, or are not declared by the third parties who are hosting them, especially if this accommodation is itself undeclared. This systematic bias led PEW to use $A-B=C$ as a low estimate. The high estimate is obtained by increasing C by 10%, a coefficient defined a priori.

In practice, for France in 2017 (as in 2014), the number C amounted to 200,000. The high estimate therefore amounted in principle to 220,000, which was increased to 300,000 due to the rounding conventions used by PEW. The authors of the PEW study consider the range of 200,000-300,000 to be plausible, referring to data from the statistics on beneficiaries of State Medical Aid (AME¹²), which stood at 316,000 beneficiaries at the end of 2017, i.e. close to the upper end of the range.

Results of the university analysis of State Medical Aid (AME) statistics

However, the data collected by the AME now provides details that make it possible to refine the measurement of irregular immigration. The AME is managed by the National Health Insurance Fund, and the analysis of the resulting statistical data is entrusted to a public research institute, IRDES¹³. The work of IRDES makes it possible to:

- Distinguish between the number of beneficiaries registered with the AME in a given year and the number who actually use it at the end of a given quarter. In 2017, for example, the number of people registered was 316,000, but the number of actual users in the fourth quarter was 221,000. The difference is made up of people who leave the scheme, either as a result of regularisation (they are then automatically transferred to the standard health insurance scheme) or as a result of leaving the country.
- To obtain an indication of the proportion of people in an irregular situation who do not apply for AME and are not included in the AME registrations. To this end, and in cooperation with the associations working with these individuals, IRDES conducted an in-depth survey of the health

9 See MirreM measuring irregular migration, www.irregularmigration.eu, coordinated by Denis Kieran and Carlos Vargas Siva, see the results of the estimates in MirreM working paper No. 11/2024.

10 This database is accessible via the README file referenced in the working paper (note No. 1). The source of the PEW report for France appears there with the link [Methodology from Europe's Unauthorized Immigrant Population Peaks in 2016, Then Levels Off on JSTOR](#)

11 Obligation to leave French territory.

12 The AME, created in 1998, is an allowance intended to finance healthcare expenses incurred by the public healthcare system to cover, under certain conditions, the care provided to persons without residence permits residing in the territory.

13 Institute for Research and Documentation in Health Economics.

situations of the two groups (registered and unregistered), which led to an estimate that the numbers of individuals in the two groups are equivalent¹⁴. In other words, a relevant estimate of irregular migration in France in 2017 leads us to use the figure of 430,000 rather than 220,000. On the same basis, the estimated number of people in an irregular situation in 2020 would be around 500,000.

The PEW source range for 2017 in France should be assessed in light of these results. Not only is the low estimate of 200,000 systematically biased downwards, but the high estimate also seems irrelevant: the application of a 10% underestimation coefficient is arbitrary and conventional rounding calculations do not really correct it.

More recent estimates for France

The estimate of the number of undocumented migrants in France therefore remains dependent on a multiplier of around 2 applied to data collected directly by Aide Médicale d'Etat (State Medical Aid), which itself remains uncertain as it is based on a survey¹⁵. It is therefore useful to examine other recent estimates produced using a different methodology. However, since the publication of the MirreM database in 2024, new estimates have been produced in 2025 covering some 60 countries, including France, by a team of researchers using a new methodology based on data from social networks and bilateral migration statistics compiled regularly by the United Nations¹⁶. This work is described as a “pilot” project, meaning that it still needs to be refined before being incorporated into the MirreM database. Overall, and especially for large immigration countries, these new results, which cover only the year 2020, are consistent with those of MirreM. They indicate a figure of 580,000 “migrants not counted in official statistics” for France, compared to the order of magnitude of 500,000 mentioned on the basis of the AME. A more recent update of the estimates based on the AME would justify repeating the IRDES survey.

IV • The dynamics of flows depend on the regularisation regime

individuals were monitored for ten years after entering this regime.

Measuring the number of people in an irregular situation at a given moment, or on average over a given period, is not sufficient to qualify the situation as irregular. The same number may be the result of different entry and exit flows: high entry flows may be offset by equally high exit flows. However, very little research is available on the issue of flows, except in Germany, where detailed observations are possible thanks to the AZR registration database and surveys conducted among persons admitted to the “Tolerance” regime. Table 6 is taken from a longitudinal panel study conducted on a cohort of people in an irregular situation following the rejection of their application for protection and admitted to the “tolerance” regime¹⁷. These

¹⁴ Survey on first steps in accessing healthcare for foreign nationals without residence permits - Irdes, in “Questions d'économie de la santé” Nos. 244 and 245, Nov. 2019, estimating that 49% of undocumented migrants were not covered by the AME in 2019.

¹⁵ The “Premiers pas” survey covered 1,062 people eligible for AME met at 63 reception centres.

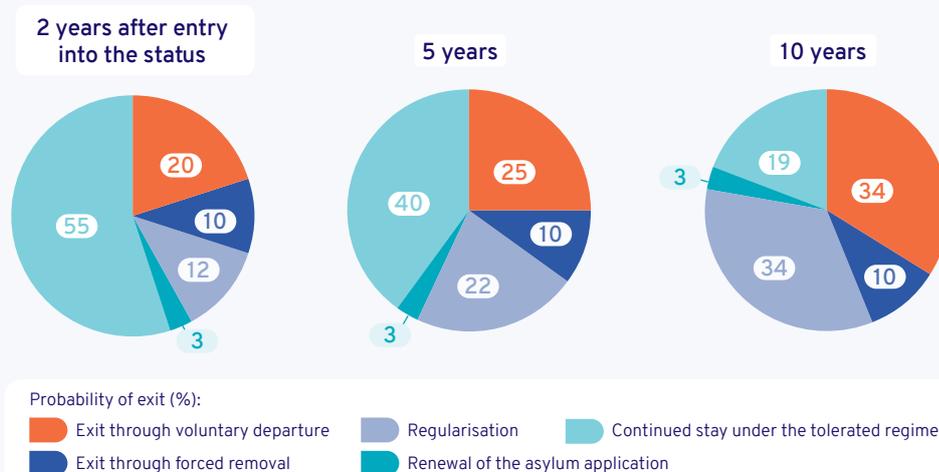
¹⁶ Alejandra Rodriguez-Sanchez and Jasper Tjadev, “Estimating the number of undocumented migrants using social media data and machine learning techniques.” MirreM working paper, April 2025.

¹⁷ BAMF Brief 1 2023 study by Dr Laura Peltz.

Table 6

Exit Dynamics from the “Tolerated Stay” Status in Germany: Ten-Year Follow-Up

Year of exit from the “tolerated stay” status:



Thus, we can see that 81% of a cohort of people who returned between 2013 and 2015 under the tolerance regime in Germany were no longer there after ten years. After ten years, voluntary departures (return to the country of origin or another third country) were equivalent in number to departures through regularisation, each accounting for more than a third of the people in the initial cohort. Departures due to forced departure or renewal of a protection application represent approximately 13% of the total, and these events occur entirely during the first two years. Regularisations and departures due to voluntary departure increase gradually over time, reflecting the acquisition of skills and integration factors that make these outcomes possible.

• **Conclusions**

Although brief, this European overview of situations of irregular migration that occurred during the ten years between 2015 and 2024 allows for a few conclusions to be drawn.

- Firstly, the term “leaky Europe”, often used to criticise the European Union’s migration and asylum policy, is misleading to say the least. The reality is that the common legal framework established in the early 2000s to control the Schengen Area (Article 77 TFEU) and the framework designed to organise a common European

asylum system (Article 78 TFEU) have, broadly speaking, been able to adapt to changing realities. This framework has seen a severe tightening of reception and return conditions enshrined in the European Migration and Asylum Pact, which is due to come into force in June 2026. Overall, regular migration has been kept below 1% of the total population. The situation in the United States, which lacks the equivalent of such a framework organising cooperation between the federal government and the states, speaks for itself, with a rate three times higher.

- The question of the effectiveness of returns for people who have been denied asylum or not is now central to the political agenda of states, no doubt because of its visibility in public opinion. But as the German example shows, it is wrong to pit returns against regularisations. Voluntary returns, which are the most common, develop according to the same processes as regularisations as skills are acquired. In both cases, it is essential to take into account the links that irregular migrants have with their countries of origin.
- Finally, as the Italian and Spanish situations show, explicit and comprehensive consideration of the long-term needs of the national labour market is essential to enable stakeholders, migrants and businesses alike, to anticipate hiring and training decisions: in the Spanish case,

the Arraigo opens up a period of learning for both parties; in Italy, the failure of regularisation under the guise of asylum makes it necessary to experiment with the systematic use of quotas. Such policies could also open up a dialogue with countries of origin and diasporas, a dialogue that is lacking in the European Union. Finally, both of these policies deserve to be coordinated at European level so that European asylum policy can be combined with a European migration policy.

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