

MirreM Data Collection – Country Context

GERMANY

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Instructions:

Reflecting on your deskwork and fieldwork, please provide a brief snapshot (1 – 3 pages in total) of the overall picture of irregular migration data in your country. For each question, please address stocks, flows and indicators (or indicate N/A).

Questions:

1. **What is your overall assessment of the quality of irregular migration data in your country?** (this summary is already provided in the German country profile)

Information on irregular migration is documented in distinct but intersected and overlapping administrative data systems that serve different purposes and apply different rules of data collection, processing and documentation. The Federal Police Statistics (PES) documents each action of Federal Police forces and few other enforcement agencies. The Federal Criminal Statistics (PKS) reports the data of individual suspects delivered after investigation to the criminal justice authorities. The Central Foreigner's Register (AZR) documents information on individual third-country national compiled from notification of several German authorities in contact with and collecting data from third country nationals. In addition, data on clients without regular status is collected by service providers, both public agencies and civil society organizations, in particular in health care and social counselling. While PES serves mainly as monitoring tool for police work, PKS and AZR are also used as sources for statistical inquiries. The Federal Criminal Office and the Federal Administration Office as responsible authorities each provide information on statistical processing (e.g. changes in the definition of categories, modes of collection, inconsistencies and flaws) and discuss the limits and gaps of the data. A particular weakness of PKS and AZR administrative data is the sketchy influence of individual interpretation in the processes of data collection and attribution of features to cases, the indeterminate influence of availability of resources on the length and outcome of police investigations and administrative processing, the diversity of modes of data transfer with respect to promptness and completeness of data sets. While PKS data set is public, AZR data on irregular migration is selectively published by the German Statistics Office (DESTATIS) and other agencies like the BAMF research unit and is for researches available on request. Regarding the utility of administrative data for development of estimates, two research projects provide insights on the quality. Following the CLANDESTINO project, researchers utilized data from Federal Criminal Statistics (PKS) on suspects in an irregular situation for the methodologically controlled development of estimates with a multiplier approach for the period 2008-2014. As another serious attempt, researchers at the German Center for Migration and Integration Research (DeZIM) tested the residual method utilizing administrative data for the development of estimates. However, both initiatives capitulated due to deterioration of the quality of data since 2015 in the case

of the multiplier approach and inconsistencies between data sets in the case of the residual method. To sum up, the available irregular migration data provides limited insights on known cases (Hellfeld) with a low level of quality. In the Germany context, the use of administrative data for the development of estimates of irregular migration requires extensive checks of data sets, systematic processing errors and context conditions with the chance to gain at best a broad minimum-maximum range.

As an overall assessment, the use of the available administrative data on irregular migration for scientific purposes requires a careful screening

Federal Criminal Police Statistics (PKS) and the Central Foreigner's Register (AZR) combine irregular migration data. In Germany, authorities and civil society actors refer to a set of indicators in debates on irregular migration, albeit with different concepts of irregularity. Regarding flow, administrative data addressing irregular border crossings is reported in two distinct but overlapping data sets. The Federal Police Statistics (PES) is a work-load documentation and reports border-related apprehensions. The Federal Police Statistics (PKS) regards data of individual suspects reported after investigation to criminal justice authorities.

Regarding stock data, actors in Germany address three different categories of irregularity: (1) Third-country nationals residing in Germany without required permissions and without knowledge of authorities (clandestine), the "unknown cases" (Dunkelfeld). This category is explored in several qualitative studies with topical and geographical focus. Quantitative data on this category is scarce. Indications of unknown cases of irregular migrants are included in studies exploring health care for persons without health insurance. Regarding the development of estimates, two approaches were pursued. Following the CLANDESTINO project, researchers utilized data from Federal Criminal Statistics (PKS) on suspects in an irregular situation for the methodologically controlled development of estimates with a multiplier approach for the period 2008-2014. As another serious attempt, researchers at the German Center for Migration and Integration Research (DeZIM) tested the residual method utilizing administrative data for the development of estimates. However, both initiatives were not further pursued due to insufficient quality of data and inconsistencies between data sets. (2) Persons known to authorities but having entered and stayed with fraudulent documents (visa, permissions) or declared false identity. Quality of data depends on the frequency and intensity of investigations. (3) A third category considered by some authorities to be unlawfully present are persons known to authorities and allowed to temporarily stay with a tolerated status. This category includes as subcategory persons obliged to leave without tolerated status. Administrative data includes a category of persons obliged to leave without toleration. However, quality of data is low because return is not always documented.

on this category should be of good quality but uneven practices of registration and reporting impair the quality. Also regarding flow data, uneven and inconsistent practices of registration and reporting impair the quality because data is processed in two different statistic systems by the Federal Police (PES) and Criminal Police Statistics at Federal State and National level.

In addition to administrative data, service providers in particular in health care offer some information on the irregular migrant population although confined to local levels. In a nutshell, the use of irregular migration data requires a careful

. The assessment of the quality of the irregular migration data differs with regard to the category characterised as unlawfully present in Germany. The indicator most prominently used is Federal Police Statistics on apprehensions of cases of irregular border crossings. This figure includes all suspects including persons seeking protection and

The extent to which the indicators collected can be used to estimate the irregular population is difficult to assess at the moment. In principle, relevant indicators with various problem situations are published by the ministries (administrative data) and represent interesting starting points to a certain extent. In many respects, it is problematic that categories are combined (e.g. inland and border apprehensions, please see further explanations in the subsequent text referring to the different datasets) and that they often do not refer to persons, but for example to apprehensions.

Relevant statistical indicators are largely published annually by federal governmental institutions, such as the Federal Ministry of Interior (BMI) (the asylum statistics since 2002), the Federal Office for Immigration and Asylum (BFA) (the annual key figures since 2014, bi-annual figures are published every second year, since 2023 a quarterly report is available), the Federal Criminal Police Office (the police crime statistics since 2013 ; and the reports on migrant smuggling since 2003 and trafficking in human beings since 2014). The data from governmental institutions are thus also the sources for directly or indirectly topic-related publications by (I) NGOs and academia. To a limited extent, figures on “tolerated” migrants (in German: geduldete Migranten) are also available through parliamentary inquiries, but data sources often lack more comprehensive information that would allow for quality assessment, such as calculation methods, inclusion and exclusion criteria, information on double counting, etc.

Regarding flow

Regarding irregular flows, the Federal Criminal Police Office makes situation reports on migrant smuggling and trafficking in human beings available online on an annual basis. In the report 2022, a basic distinction is made between "smuggled persons" and "persons who have entered or are staying unlawfully ". The second category includes foreigners who have been found to be present within the country's territory after crossing the national border without the assistance of a smuggler and without possessing the necessary documents. It also includes individuals who have been denied entry at the border or who have been issued an entry or residency ban. Additionally, it encompasses persons who were granted entry but have since become subject to deportation due to their illegal stay. Furthermore, it includes individuals who were employed in Austria without possessing the appropriate residence permit and those who have been apprehended or attempted to enter the country in defiance of an existing entry or residency ban (BMI II / Bundeskriminalamt, 2023).

The data reflect the apprehensions of persons according to these two categories (a third category is smugglers) and differentiate between age group, nationality, gender, and

place of apprehension (province and district). The aggregation of the above mentioned subgroups of persons under the category "persons who have entered or are staying unlawfully" is questionable, since apprehension figures do not allow to distinguish between apprehensions of persons with longer residence in Austria - and border apprehensions, while presumably also counting repeat apprehensions of the same persons. Regarding the development of apprehensions of persons at border crossings in Austria between 2013 and 2022, the years 2015 and 2022 stand out with a far above-average number of apprehensions. While in the other years the numbers are just above (only 2016) or below 50,000 apprehensions, in these years there were more than 94,000 apprehensions (2015) and just below 109,000 apprehensions (2022). Focusing on recent trends, the categories smugglers, smuggled persons and persons who have entered or are staying unlawfully saw a massive increase from 2021 to 2022 as well as a change in the most represented nationalities. The largest increase in absolute numbers compared to 2021 was from India (2021: 1,505, 2022: 19,275), followed by Afghanistan (2021: 6,306, 2022: 21,017), Tunisia (2021: 598, 2022: 11,351), and Morocco (2021: 1,799, 2022: 8,425). The surge in numbers of persons from certain countries of origin also reflect the lifting of visa requirements in Serbia, which had introduced visa-free entry for Indian (2017 until January 1, 2023) and Tunisian (until Nov 2022) citizens (BMI, 2022; BMI II / Bundeskriminalamt, 2023).

Asylum

Another important source of data are the asylum statistics, which are also published by the Ministry of Interior on a monthly and annual basis. Similar to the trends in apprehensions, also in the case of asylum applications, besides the peak in 2015 and 2016, since 2022 again a massive increase can be observed. With regard to Austria's policy focus on voluntary return and forced removal and prevention of irregular migration, the BMI statistics on expulsions and deportations are published on a monthly and annual basis (Ministry of Interior, n.d.-b) as well as the BFA figures on voluntary return and forced departures (incl. Dublin transfers) should also be mentioned (Ministry of Interior, n.d.-a). A comprehensive analysis of the data of the Federal Criminal Police Office is part of Workpackages 4 and 5 of the MIrreM project.

2. How is irregular migration data generally used in policy making?

In Germany, irregular migration is an issue that repeatedly raises public attention and concerns. In public debates, the irregular migration is predominantly framed as a concern of public security and overburdening of social security systems. Public attention and political relevance are spawn by statements of political entrepreneurs motivated rather by election cycles than by empirical developments. As indicator for a change to the worse serve few key figures from statistics on irregular border crossings provided by PES, on the quantitative stock of tolerated TCNs known to authorities and obliged to leave, and the blanket indication that responsible authorities at local level are overstrained. Pushed by the public cause for alarm, governments and responsible administration units at all levels do not try to provide a more nuanced picture based on evidence but respond with a general promise to reduce irregular migration by enforcing border control and deportation as main aspects of political concerns. Beyond the few key figures, the large quantities of very detailed administrative

data remain irrelevant in public debates and a routine subject of migration administration. However, political parties launch Parliamentary requests in order to obtain detailed information on selected migration issues that support a particular position. Overall, except of few key figures, the available irregular migration data is not systematically used in policy making but serves mainly purposes to coordinate and administer migration management and monitor the outcome and effectiveness of administrative decision on the issuing or waiving of residence status. The potential of available administrative data for an evaluation of policies and administrative performance is not used.

3. How did you go about the data collection process?

The data collection process involved the renewed reviewing of relevant material the rapporteur had collected in course of the CLANDESTINO project (Cyrus 2008). In the context of this project the Logicom-method – a multiplier bases approach utilising enforcement data from Federal Criminal Statistics (PKS) had been developed, tested and used by Dita Vogel and colleagues for an assessment of the quantitative amount of the stock of irregular migrants for the period 2005-2014. In addition, information on unpublished work regarding the generation of methods for the measuring of irregular migration at the German Centre for Integration and Migration Research were provided by the MIrreM team member Franck Düvell. These available sources provided a broad overview of data, data gaps and data availability. An intensive desk research confirmed the overall picture of the relevance of administrative data in the efforts to produce reliable estimates in the German context. The data collection process encompassed beyond the collection of data sources also the identification of studies and reports analysing particular aspects related to irregular migration. It is worth to mention that the issue of irregular migration and its quantitative analysis is a subject that received attention in Germany since early 2000s, although in phases with different emphasis. Indications of irregular migration data were retrieved from several studies produced by the research unit of BAMF partly on behalf of the European Migration Network (EMN) since 2006.

The literature reporting confirmed that the administrative data is available from different sources, among from publications by the data producing agencies (police authorities, asylum processing authorities) but also from data processing agencies (in particular the Federal Office for Migration and Refugees, BAMF, Statistical Office). In addition, data addressing issues of irregular migration is regularly (annually) demanded by Members of the Federal Parliament and documented in the responses of the Federal Government (i.e. Bundestagsdrucksache). I devoted particular focus on the identification of administrative data from service providers (Health care providers, Clearing Points) via desk top research and personal inquiries during expert interviews.

4. Were there any specific difficulties you experienced during this process? How did you address them?

A particular difficulty results from the large quantities of administrative irregular migration data, the detailedness and complexity of registered information with many possibilities of cross-referencing, overlapping of statistics from different authorities, uneven access to data

sources and the scattered availability of data, in particular AZR data edited in numerous responses to Parliamentary responses. The particular condition of complexity of data landscape and scattered availability of large sets of data that is neatly fragmented in legal provisions and sub-provisions aggravated the exchange with interviewed experts because questions regarding statistical procedures quickly reach a level of specificity and complexity that could not appropriately discussed in the context of an overall research interview. Interviewees agreed to provide information on request when necessary. In order to cope with

5. What were the main gaps in the evidence base (i.e., unmet user needs) that emerged during your data collection process?

The identification of gaps reveals a very mixed picture. Interviewed officials engaged in law enforcement and migration control complained that the exchange of data among authorities and across national borders is limited or prohibited by data protection regulations, which hampers the efficiency and effectivity of law enforcement. Another official, responsible for the processing of migration data in a Federal Office complained that the quality of data is not the best because the feeding of the system with data is not coherently implemented. Regarding the delivering of data from local Foreigner's office to the Central Foreigners' Office (AZR) the official observed that the procedures are not standardised and differ considerably. While some of the local offices have introduced automated data transfer, others still have to transfer data manually and with some delay and imprecision. It is however unclear to exactly estimate the frequency and scope of such deviations. Regarding the data collection of asylum seekers, the official noted that responsible offices not always complete the data collection as required, due to the high number of refugees and scarce staff resources. NGO representatives pointed out that the assigning of an administrative category is not coherently implemented but follow the preferences and circumstances of local offices with the result that in some regions a tolerated person with similar personal features is granted a temporary probatory permission that opens access to a secure residence status in one region but denied in another. Generally, the increasing narrowing of attention to and the equation of irregular migrants with migrants with toleration was considered to be problematic, because interviewed experts and officials – with the exception of the officials engaged in migration control - considered that migrants known to authorities and having a tolerated status should not be classified as unlawfully present. The general lack of data that provide information on living situations, risks and resources (professional or educational qualification) was indicated as a problem that contributes to the invisibility of the group and prevents to see the potential of these persons and the benefits of regularization measures.

6. Were there any meetings with producers or users of irregular migration estimates and indicators that you were unable to secure, but sense that endeavouring to do so in future may be worthwhile? If so, please provide contact information for this person/entity and explain why you think such detail would be helpful.

As for now, we have conducted eight interviews with actors involved in the processing and using of irregular migration data. As a general experience, not all approached experts agreed to conduct an interview. The representative from DESTATIS informed that the issue become

more relevant in the future but that the office currently does not deal with it and thus will not be available for an interview. An inquiry, transmitted via an authority, asking representatives of authorities working in the Federal Joint Centre for the Analysis and Strategic Planning regarding Irregular Migration (GASIM) was not responded. As known from other research projects, enforcement authorities hesitate and deny to support research with personal interviews of officials directly engaged in the implementation of a task.

7. Please point to an example of good practice estimating irregular migration and/or making use of estimates of irregular migration in policy-making that you came across. Why did you select this example?

As a follow-up of the CLANDESTINO project, Dita Vogel produced estimates of the stock of irregular migrants in Germany in response to requirements from civil society actors, media, administration and politics. In this context, Dita Vogel and Manuel Assner were commissioned by the Expert Council on Integration and Migration to prepare an assessment of children in school age. Applying the Logicom-method developed in the Clandestino context, Vogel and Assner presented an estimate that provided an helpful orientation in a law amendment procedure that finally exempted schools and educational institutions from the duty to report information on pupils or students without status to police and foreigners' offices – and thus enabled legitimate access to education.

Dita Vogel and colleagues provided for the period 2005 – 2014 calculations of the stock of migrants residing in Germany without permissions and knowledge of authorities. According to this work, Germany hosted in 2014 between 180.000 and 520.000 third-country nationals without in an irregular situation. At the same time, the author emphasized that the dynamic and volatile migration implied that German authorities failed to continue with a stable practice of registration due to the sharp increase in border crossings since summer 2015. Subsequently, Dita Vogel stated that she cannot produce for this year a methodologically sound assessment with the method she used.

A new initiative to develop a method for an assessment of irregular migration was launched 2020 by the German Centre for Integration and Migration Research (DeZIM). This project was among the first activities of the newly founded Centre and corresponded with the expectations of the funding institution, the Federal Ministry for Family, Elderly, Women and Youth, to get a rough idea about the quantitative scope of a vulnerable group in Germany. The responsible researcher, Roland Hosner used data from AZR and LSF in order to test the residual method and generate an assessment for Germany. The project arrived to a non-finding and concluded that the tested method does not work in the German context.

Another initiative was conducted in the area of health care. Researchers Silvia Loi and Daniela Vono de Vilhena (2020) conducted a study addressing the invisibility of irregular migrants in the data of health care. The authors investigated providers of health care dealing with non-insured clients and explored the relevance of irregular migrants (Loi, de Vono 2020). Mathilde Stötzler and Andrea Kafie published a study that explored the relevance of irregular migrants for providers of health care for individuals without health insurance with a

mixed methods approach and delivered some insights on collective characteristics of clients without residence status.

Finally, at the Federal Office for Migration and Refugees (BAMF) a research group produced a state-of-the-art report on the quantitative aspects of irregular migration in Germany. The report provides an exhaustive account of indicators in public statistical accounting with a focus on tolerated persons known to authorities but obliged to leave the country. The report provides a good overview although not providing an attempt to produce an assessment. The indicated initiatives show that the issue of quantitative representation of the population in an irregular migration is pursued and considered by agencies with a particular responsibility or interest in the issue.