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Migration and asylum statistics as a basis for European border control

Statistical information did not fall from the sky like some pure reflection of a pre-existing "reality". Quite the contrary: it can be seen as the provisional and fragile crowning of a series of conventions of equivalence between entities that a host of disorderly forces is continually trying to differentiate and disconnect (Desrosières 1998: 325).

1. Introduction

On the 20th of August 2007, the European Union's Regulation on Community statistics on migration and international protection entered into force ((EC) No. 862/2007). The Migration Statistics Regulation establishes common rules for statistics on international migration flows, citizenship, asylum, enforcement of immigration legislation and the granting of permission to reside. It represents the first comprehensive legal basis underpinning the processing of EU statistics on migration and asylum, and it is directly applicable in all Member States.

Before the Migration Statistics Regulation entered into force in 2007, the exchange of statistical information on migration and international protection was based on a series of gentlemen's agreements. European migration statistics were characterised by a low degree of harmonisation. Some data were either not available from the Member States or based on different statistical categories, and many EU level aggregates were meaningless to produce. In 2001, the Justice and Home Affairs Council took the first initiative for this Regulation, and since then the Commission, the European Economic and Social Committee, the European Council and Parliament have all called for common statistics on migration. The essence of their main argument is formulated in the Migration Statistics Regulation:

Harmonised and comparable Community statistics on migration and asylum are essential for the development and monitoring of Community legislation and policies relating to immigration and asylum, and to the free movement of persons ((EC) No. 862/2007, preamble no. (6)).

The aim of this article is to explore what kind of role the Migration Statistics Regulation plays in the EU/Schengen Member States' common external border control. The analysis is divided into two parts. Firstly, the article analyses the conceptual process in which the Regulation decides how to define and count migrants and asylum seekers. Secondly, it examines how the statistical information based on the Regulation is actively used in the management of European external border control.

The article develops and applies an analytical framework based on the historical role of statistics in the building of European nation states in the eighteenth and nineteenth century. (Desrosières 1998; Cole 2000; Foucault 2002; Poulain et al. 2005; Fassmann et al. 2008; Simon et al. 2015). Similarly to the national processes, the EU institutions argument for establishing the Migration Statistics Regulation is to produce statistics as a basis for politics ((EC) No. 862/2007, preamble no. (6)). This argument has clear analogies to how the creation of national political entities required the development of statistical knowledge about society as a basis for political decisions.

In contrast to national processes, the Migration Statistics Regulation requires a harmonisation of already established national statistical practices adapted to each country's historical traditions. The harmonisation of migration and asylum statistics and policy is controversial as it intervenes in the nation state's sovereign control of who should stay on its territory. This makes the EU institutions' role in the regulation of European external borders challenging. Nevertheless, the Member States have made several agreements on common external border control. In this article, European external border control is defined as composed of the EU common policies on international protection, and EU agencies and Member States' management of EU/Schengen external borders.

The analysis deals with EU institutions and the public documents they produce. It is based on EU regulations and directives, reports, strategies and webpages produced by the EU commission and EU agencies such as Eurostat, Frontex, EASO and EU-LISA. The Migration Statistics Regulation governs statistics both on the legal immigration of third-country nationals decided at the national level and on international protection and the enforcement of immigration legislation partly based on majority decisions in EU institutions. Only the latter

is decisive for the management of external EU/Schengen borders, and therefore the analysis of the European external border control concentrates on this.

The article is divided into six sections. After this first section, the second section develops an analytical framework on how statistics and politics have historically been intertwined and discusses the contrasts to the EU institutions. The third section examines how the Migration Statistics Regulation defines categories of who to count and the measurements used for counting. The fourth section analyses how the establishment of common statistics is understood as an integrated part of contemporary European border control. The fifth section discusses the European migration statistics' limitations. The last section sums up and concludes.

2. Statistical categories and the state

Since the emergence of statistics in the eighteenth and nineteenth centuries, European nation states' statistics have become gradually more detailed. The task of standardising within the territory was essential for administration and political actions of emerging national political entities. The creation of national political entities required the development of statistical knowledge about the society as a basis for political decisions. However, the types of statistics each country produced were adapted to the country's historical tradition.

2.1 Statistics to govern the population

As Foucault (2002) argues, the state aimed to facilitate, regulate and secure the well-being of the population and the economy. The population was perceived as an important resource for the state. To govern, the state needed knowledge about demography, political economy and the citizens' welfare. It was crucial for the state to govern the population; to improve its living conditions, health and wealth. The state needed identical categories and measurement procedures to be able to compare and equalise. Statistics were crucial instruments for the state to gain an overview of, for example, birth rates, death rates and epidemics (Reger and Sievers 2008). The knowledge available to social scientists and government officials was interrelated with debates about the state's responsibility to ensure the well-being of the population, and in shaping the institutions of the modern welfare state (Cole 2000: 9).

When the population became important for the states' goal, it also became crucial to define who belonged to the national population. Population growth was equated to the growth of the state, and national statistics were used to measure and secure national growth (Porter 1986). These statistics became powerful mechanisms to govern the population, and thereby confirm the importance of the nation state. Population statistics became exhaustive with the introduction of democracy, as the population became the most important element of legitimising state authority (Reger and Sievers 2008).

The modern western nation state has developed an extensive grid of relationships between bureaucratic categories and an individual's administrative status (Anderson 1991). The state has historical categories in national registers, especially related to the right to vote, military service, taxation, permanent residence, social insurance and related benefits etc. It became crucial for the state to have an overview of how many people and who these people are that are living on its territory. Statistics have gradually gained a special function as a common reference of knowledge for the legitimacy of state institutions and as a basis for political decisions.

2.2 Categorisation and measurement

In his philosophical study of statistics, Desrosières (1998: 236-279) discusses how the evolution of modern statistics has been interconnected with the knowledge and power of governments. This involves the combination of two processes, which constitute the essential stages of statistical work.

Firstly, the construction of consistent categories of equivalences implies the activity of deciding who should be counted. It involves the choice of characteristics used to define a class. This comprises the social activity of transforming different cases, with all their complexities, into a common class of equivalences and to provide them with a common noun (Desrosières 1998). Classifications cannot be separated from the social network into which they are introduced. Especially in the field of migration, categorisation is constantly evolving, successively addressing different aspects of migration in varied public registers.

Secondly, statistical measurement involves procedures and techniques concerning how the counting of figures attached to the categories should be achieved. Data recorded by statistical institutions such as surveys and censuses are collected with the aim of producing statistics. In

contrast, statistics produced on the basis of administrative registers are sub-products of administrative actions with other aims than producing statistical information, such as registration of a migrant's administrative status in public registers.

In this type of registration the practice of encoding is decisive. The encoding involves the decision to attribute a single case to a particular category. The encoding is often perceived as technical and practical problems solved on a daily basis by practitioners, although it can involve decisions with further consequences for the individual concerned. The encoding is directly conditioned by its activity, and integrated as a part of routines and chains of production in public administration. The Member States' various administrative traditions are crucial for how public servants, as practitioners, seek to fulfil the obligations they perceive are expected of them in a role they have (March and Olsen 1995).

Categorisation and measurement procedures are crucial for the state. Statistical knowledge from, for example, censuses, surveys conducted by means of samples, indexes and national accounting are all inseparable tools of decision-making. Desrosières (1998) contends that statistics hold persuasive power from two sources of authority: science and the state. He argues that already from the beginning, the administrative production of statistical information combined the norms of the scientific world with those of the modern nation state. In this combination there is, however, a tension between the fact that this information aspires to be a reference in the debate and that it can always be called into question (Desrosières 1998). This tension is crucial to understand the status of categories and measurement techniques as defined in the Migration Statistics Regulation.

2.3 Different statistics in Europe

Historically, there have been several unsuccessful attempts to establish internationally standardised definitions on international migration. By the end of the nineteenth century, the International Statistical Institute (ISI) had drafted the first uniform definition of an international migrant. The International Labour Organisation (ILO), and the United Nations (UN) have also presented recommendations on definitions and measurement of international migration. Other institutions such as the OECD, the International Organisation on Migration (IOM) and Eurostat work to harmonise existing data collected by the nation states. The nation states have, however, been reluctant to implement these international definitions on migration (Thierry et al. 2005).

Several studies show how European countries produce different migration statistics (Poulain et al. 2005; Fassmann et al. 2008; Simon et al. 2015). To reveal these differences, Fassmann et al. (2008) argue that similar forms of international migration and historical ideological traditions among different groups of EU Member States imply they share basic characteristics in conceptualising and measuring international migration. The authors make a distinction between four country groups: post-colonial countries, guest worker receiving countries, post-communist countries and new immigrant receiving countries. These groups are not defined as strict categorisations as there are overlapping cases.

Post-colonial countries such as Belgium, France and the UK typically had already given citizenship to many of those who came from their former colonies (Fassmann et al. 2008). As these countries have provided easy access to citizenship, this is not a sufficient indicator for measuring immigrants. In the UK and France it is problematic to gather data on migration flows, as neither country has a population register. In contrast, Belgium records inflows and outflows in the national register, and also identifies its immigrant population by citizenship. This is similar to the guest worker receiving countries: Austria, Germany and Switzerland. These countries' histories of exclusion are reflected in that immigrants must wait for seven to ten years to gain access to citizenship, in contrast to three years in Belgium (Reeger and Sievers 2008).

In the post-communist countries, Poland, Hungary and Romania, both immigration and emigration were controlled in the communist period. Immigration to these countries is a recent phenomenon, and there has until recently been low figures on immigration. Statistics on immigration are based on citizenship. The new immigrant countries, Greece, Turkey and Portugal, have a tradition of emigration and have only recently begun to receive immigrants. The statistics they use to measure immigration are only slowly adapting to the new situation. The different national traditions illustrate the way statistics do not reflect the reality, but are ways of representing the world in categories and figures attached to these categories (Fassmann et al. 2008).

These are only some examples of the differences in migration statistics among European countries. They reveal how national statistical traditions correspond with central immigration

regime classifications in Europe (Boucher and Gest 2014). Moreover, they show the various statistical traditions the EU institutions and the Member States have decided to harmonise.

2.4 EU Member States agreements

The EU institutions' role in the regulation of EU external border control is weak compared to how the eighteenth and nineteenth centuries' European nation states had sovereign control of their territorial borders. These institutions are currently undermined by the resurgence of nationalism and populism, and the result of the referendum in the United Kingdom might have strengthened these processes all over Europe. There is a general lack of confidence among the electorate and state leaders in some Member States whether EU institutions will be able to find the necessary solutions to the increased migration to Europe (Simonovits and Bernat 2016). Moreover, the role of EU institutions and regulations in European border control varies considerably depending on the type of admission flow. The regulation of major admission categories such as labour migration and family reunification remains a national prerogative of the Member States.

Nevertheless, the EU Member States have reached two sorts of agreements crucial for this analysis. Firstly, the Member States have agreed on the Schengen borders code, which says that any person, irrespective of his/her nationality, may cross the internal borders among the Schengen Member States ((EC) No. 562/2006). The lack of internal border control has led to an intensified border control at EU/Schengen common external borders, and an agreement to establish the Common European Asylum System (CEAS). All EU Member States take part in the CEAS, which aims to harmonise internal legislation on common standards for asylum seekers among the Member States. CEAS consists of three directives, on qualification, reception conditions and asylum procedures respectively, and two regulations on the Dublin system, the Dublin Regulation and the Eurodac Regulation. However, since Autumn 2015 the Member States have been unable to find a unified solution how to deal best with huge numbers of asylum seekers coming to Europe. Many Member States have reintroduced temporary national border checks with reference to the migration crisis (Simonovits and Bernat 2016). The European border control is defined as composed of the EU common policies on international protection, and EU agencies and Member States' management of EU/Schengen external borders.

Secondly, with the Migration Statistics Regulation the EU Member States have reached an agreement on how to define the statistics required to measure migration and asylum. The Regulation is the outcome of a reciprocal relationship between the Member States and EU institutions. The common European statistics have been developed to cover general tendencies and wide ranging processes, while the nation states have developed the statistics they need to fulfil their political aims. Harmonised and comparable statistics on migration and asylum are seen as essential for the EU's policies in the field ((EC) No. 862/2007, preamble no. (6)). With the Migration Statistics Regulation, the Member States have agreed to harmonise various national statistical traditions as a basis for the common external European border control they have also agreed on.

In summary, this analytical framework is based on historical analysis of how the creation of national political entities required the development of statistical knowledge about society as a basis for political decisions. The framework involves the essential stages of statistical work; the categorisation of who should be counted and how the counting should be measured. Moreover, it covers how the European nation states have developed various statistical traditions. Finally, the framework takes into account that there are both similarities and differences between the historical national processes and the contemporary EU Member States' decisions to harmonise statistics and politics on migration and asylum.

3. European migration and asylum statistics

The main objective of the Migration Statistics Regulation is the collection and compilation of European statistics on immigration to and emigration from the Member States' territory. It includes flows both between the Member States and between a Member State and a third-country, and thereby, both internal and external Schengen border crossings ((EC) No. 862/2007). Through the standardisation of statistics on the migration and asylum field, the Regulation provides common European statistical information. The question discussed in this section is how the Regulation defines both the categories of who should be counted and how the counting should be measured.

3.1 Categories of who should be counted

The main concepts in relation to how the European countries' define migrants - in contrast to permanent residents - are the place of residence and duration of stay. Most countries base

their definition of international migration in relation to change of country of residence (Thierry et al. 2005). It is, therefore, important that the Migration Statistics Regulation defines ‘usual residence’ as ‘the place at which a person normally spends the daily period of rest, regardless of temporary absences for purposes of recreation, holiday, visits to friends and relatives, business, medical treatment or religious pilgrimage or, in default, the place of legal or registered residence’ ((EC) No. 862/2007 Art 2, 1(a)). These traits are the same as used by the UN (1998). In contrast to how the UN defines a short-term migrant in relation to the length of three months, the Regulation only considers long-term migrants in relation to the length of 12 months. This is renamed as international immigrant and emigrant. The distinction between mobility and migration is defined in relation to whether a person has changed, or intends to change, the usual residence for a period of at least one year.

The main distinction in the Migration Statistics Regulation is between EU-citizens and third-country nationals. The concept ‘third-country national’ refers to ‘any person who is not a citizen of the Union within the meaning of Article 17(1) of the Treaty, including stateless persons’ ((EC) No. 862/2007 Art 2, 1(i)). Third-country nationals who are ‘long-term residents’ have gained several rights similar to EU-citizens (Directive 2003/109/EC, Article 2(b)), but are still categorised and counted as migrants in statistics.

In the Regulation, third-country nationals without long-term residence are divided into three groups; legal migrants, asylum seekers and illegal migrants. While Member States must provide statistics on the first two groups, the Regulation states explicitly that it does not cover estimates of the number of persons illegally resident in Member States ((EC) No. 862/2007 (9)). One can only speculate on reasons why Member States do not have to provide such estimates or data on such persons to the Commission. One reason might be that such statistics are based on extremely uncertain estimates, and such estimates can easily be called into question if they are used as a basis for political decisions.

The Regulation provides information on four main areas of statistics in which Member States must transmit data to Eurostat. Firstly, the Regulation (Article 3) governs international migrations flows, population stock and the countries’ acquisition of citizenship. These are disaggregated by citizenship, country of birth, country of previous/next usual residence and by age and sex ((EU) No. 351/2010). While this area includes the country’s nationals, citizens

from other Member States and third-country nationals, the remaining three areas of statistics only cover third-country nationals.

Secondly, the Regulation (Article 4) governs the categorisation of persons seeking international protection. This includes numbers of decisions at first instance, appeal granting, and the withdrawing of different forms of international protection status. All asylum applications are disaggregated by age, sex and citizenship. Moreover, the Regulation governs statistics on the operation of the Dublin arrangements for the transfer of asylum applicants between Member States. The statistics on this area form the basis for the development of CEAS.

Thirdly, the Regulation (Article 5 and 7) governs statistics on the enforcement of immigration legislation in relation to third-country nationals. This is related to numbers of third-country nationals who are refused entry at the external borders, found illegally present in the country, subject to an order to leave the territory and departing after the issue of such order. These are the numbers of persons the Member States aim to deport from and/or aim to keep out of the EU/Schengen territory.

Fourthly, the Regulation (Article 6) governs the statistics on residence permits issued to third-country nationals. These are disaggregated by citizenship, length of permit validity and by the reason for the permit being issued. The reasons for residence permit issue are further specified in four main groups: family formation and reunification, education and study, remunerated activities and other reasons ((EU) No. 216/2010). These are the legal immigrants, which it is up to the Member States to decide access to territory, and these statistics are not decisive for the common external European border control.

It is essential how these four areas of statistics in the Migration Statistics Regulation include the registration of national and origin based categories such as an individual's citizenship and country of birth. Most West-European countries refuse to include ethnic categories in official statistics, but it seems to be more and more accepted to include origin based categories (Simon et al. 2015). While European countries prefer to use the category nationality and country of birth, an increasing number of countries around the world are processing routinely data on ethnicity and race. A cross-national survey of the 2000 census round made by the UN Statistical Division shows that 63 per cent of the 138 countries included some form of ethnic

enumeration (Morning 2015). Neither the European countries' national statistics nor the Migration Statistics Regulation use ethnic categories, but they increasingly include national categories (citizenship) and origin based categories (country of birth) in their statistics.

Statistical categories are bureaucratic classifications that influence public understanding of both social phenomena and politics (Desrosières 1998; Fassmann et al. 2008). When, for example, politicians and bureaucrats use the EU institutions statistics they simultaneously apply the categories and the understandings they are built on. In this way, the EU institutions' migration and asylum statistics play a central role in defining the categories of persons to control at the EU external borders.

3.2 How the counting should be measured

The Regulation leaves it open for each Member State to decide how to collect, encode and measure the required data. It allows Member States to base the statistical data supplied on any appropriate data source according to national availability and practice (European Commission 2005). The data sources might be population register, register/database of foreigners, resident permit register/database, work permit register/database, border sample survey, census, household sample survey and estimation methods ((EC) No. 862/2007). The various choices of data sources determine how the data are collected, encoded and measured. This means Eurostat aggregates nationally collected statistics based on different statistical procedures among the Member States.

To compensate for this lack of common measuring techniques, the Migration Statistics Regulation says Member States must deliver *metadata* to Eurostat. They must explain the data sources and procedures and any estimation and modelling process applied to the data (European Commission 2005). Statistical estimations have been used by several countries in relation to the production of statistics on migration, especially where survey data sources are used. By allowing estimation methods, the Regulation aims to make the procedures used for estimations clearly documented (European Commission 2012). The availability of metadata for these statistics allows the Commission to evaluate the statistics, but all common European statistics are dependent on statistics the Member States deliver to the EU agencies. The European Commission concludes in an evaluation of the Migration Statistics Regulation that the comparability between countries is hampered by the countries' variations in terms of data sources used to produce the statistics (European Commission 2012). As also Fassmann (2008:

31; 43) argues, as long as the nation states' various ways of collecting data constitute the basis of comparability the common European statistics will remain incomplete.

However, the issue of non-comparability across countries is more significant for the type of data in relation to migration flows, population stock and the countries' acquisition of citizenship (covered under Article 3) than for asylum and enforcement data (covered under Article 4, 5 and 7). While the first categories of data are based on different sources, the second type is collected in relation to the administrative status of the individual, such as whether an individual is legally staying and on which type of permit. This kind of statistical data is based on public registers, and they are thereby sub-products of administrative actions. For such registration the encoding procedures are crucial for how each individual case is defined as belonging to a category (Desrosières 1998). Public servants at the administrative level within each nation state perform the encoding, and different administrative traditions might lead to different types of encoding. Various traditions of encoding might lead to important weaknesses of the development of coherent European statistics compared to the role of statistics in the nation building process in Europe.

In summary, although the Member States apply the same statistical categories in line with the Migration Statistics Regulation, we may conclude that there are problematic aspects regarding the issue of non-comparability across countries. The challenges are related to how the counting should be measured. The Regulation leads to aggregation of national statistics based on different sources and is mainly significant in relation to the data on migration flows, population stocks and citizenship. The challenges posed by countries using various measurement techniques are especially relevant for the asylum and enforcement data. The latter is especially important for how statistics are used as a basis for defining a common European border control.

4. Statistics and European border control

The question raised in this section is how the statistical information provided in relation to the Migration Statistics Regulation is used to decide the management of the common European external border control. The following analysis concentrates on how the Migration Statistics Regulation categories on international protection (Article 4) and the enforcement of

immigration legislation (Articles 5 and 7) function as a basis for European border control. The remaining categories (Articles 3 and 6) are prerogatives of the Member States.

4.1 Eurostat, Frontex, EASO and EULisa

Eurostat is responsible for coordinating the collection of community statistics, which covers both general statistics and statistics on specific fields such as health, employment and migration. EU agencies such as Frontex, EASO and EULisa have mainly been established with the aim of regulating third-country nationals crossing external borders, but have also gained increased tasks of managing migration statistics.

Eurostat asylum statistics cover various parts of the asylum process: asylum applications, pending asylum cases, withdrawn asylum applications, outcomes of first and final instance decisions on asylum applications, withdrawal of previously granted status and resettlement. In line with the Migration Statistics Regulation (Article 4.1-3) the Member States must transfer these statistics monthly to Eurostat. Eurostat Dublin related statistics, as defined in the Migration Statistics Regulation (Article 4.4), say Member States must supply to Eurostat the statistics on the application of the Dublin regulation in relation to the number of requests, decisions, transfers and request for information. Eurostat (2013; 2014; 2015) has specified technical guidelines for the data collection under articles 4, 5 and 7 of the Migration Statistics Regulation. These guidelines define the requested variables, definitions used and disaggregation required by the Migration Statistics Regulation.

Frontex was established as an external border agency in 2004, and one of its main tasks is to coordinate operational cooperation between Member States in the field of management of external borders ((EC) No. 2007/2004). It also develops and operates information on emerging risks and the current state of affairs at the external borders. Frontex monitors and pools data about everything that happens at the external borders of the EU. The agency collects data provided by the Member States based on the Migration Statistics Regulation (Articles 5 and 7), EU bodies as well as from public media and other sources within and beyond Europe's borders. In January 2014, Frontex started regular data collection on intra-EU/Schengen movements, but statistics are not yet publicly available.

The *European Asylum Support Office (EASO)* was formally established in May 2010 (Regulation (EC) No. 439/2010). It is designed to facilitate, coordinate and strengthen

practical cooperation among Member States on aspects of asylum, and to help to improve the implementation of the external dimension of the CEAS. EASO gained a more important role regarding the collection and compilation of statistics with the revision of the Dublin Regulation in 2013. The revised regulation introduced a mechanism for an early warning, preparedness and crisis management (Regulation (EU) 604/2013 Art. 33), and EASO established an Early Warning and Preparedness System covering a mapping of how Member States' data on asylum is reported to Eurostat. Currently, EASO uses the same data set collected by Eurostat based on the Migration Statistics Regulation (Article 4.1-4), and produces monthly overviews, quarterly asylum reports and annual reports on the situation of asylum in the EU (EASO 2015). EASO's own monthly data collection should have started in April 2014 (EASO 2014), but was postponed until Autumn 2015 and the statistics are not yet publicly available.

EU-LISA is an agency for the management of large-scale IT systems, and has been operational since 2012 (Regulation (EU) No. 1077/2011). EU-LISA is responsible for ensuring data security and integrity as well as compliance with data protection rules. It fulfils operational management tasks and produces statistics based on three types of databases. While these are not specified in the Migration Statistics Regulation, they are crucial for the management of the European external border control. EU-LISA produces statistics based on hits in the *Eurodac* fingerprint database ((EU) No. 603/2013), which is central in the CEAS. The Eurodac database can show the patterns of how one country receives a high number of asylum seekers, and also those who had previously lodged an application in other countries. EU-LISA is also responsible for the *Visa Information System (VIS)*, and it produces statistics based on the *Schengen Information System (SIS)*.

EU agencies' management of statistics related to EU/Schengen border control reflects a growing demand for statistics on migration and asylum related to European external border control. Frontex and EASO are established as border control agencies with operative tasks on EU/Schengen external borders. The way these relatively new operative agencies are gradually gaining increasing tasks of managing new types of statistics shows a new combination of responsibilities to perform operative tasks with the management of statistics. Since 2007 there has not only been an increase in the number of EU agencies collecting data, but also in the requirements to disaggregate the data the Member States provide (EASO 2014). Member States must provide an increasing number of datasets to Frontex and EASO including more

and more categories of migrants and asylum seekers and their central characteristic such as age, gender and citizenship.

4.2 Statistics as a basis for the distribution of funding

According to the European Commission (2011) the statistics generated under the Migration Statistics Regulation have increasingly become the *backbone for calculating* the allocation of funding. This allocation is made to compensate for the Member States' different challenges related to the management of the external European border control.

Those countries with the most extensive challenges to migration and asylum have received financial support from several EU funds. For the period 2014-20, there are two funds: the Asylum, Migration and Integration Fund (AMIF) ((EU) No. 516/2014) and the Internal Security Fund (ISF-Borders and ISF-Police) ((EU) No. 513/2014; (EU) No. 515/2014). These funds replace the previous four funds (External Borders Fund, European Return Fund, European Refugee Fund, and European Fund for the Integration of third-country nationals), but are mainly based on similar criteria as the previous funds. The criteria for allocation reflect the situation of the Member State with regard to the obligations undertaken for the overall benefit of the European Union such as the size of the external borders and the number of persons crossing them, the number of legally staying third-country nationals to be integrated into society, and the number of return decisions to be implemented. The capacity of an individual Member State is not only measured in relation to borders, land area, population and economic size, but also current migration flows and the existing migrant population ((EU) No. 516/2014). For this measure, statistics on migration and asylum are crucial as a basis for support.

One central characteristic of how the Migration Statistics Regulation decides the management of the external border control is the extremely short time span from the generation of statistics to political decisions being made. These funds establish a mechanism for allocating resources to Member States on an annual basis. This is in line with continuously changing migration flows, and also how the Migration Statistics Regulation requires a Member State to transmit data on asylum every month, quarterly and annually, while data connected to the other three areas of statistics must be transmitted annually. Moreover, parts of the available resources are distributed for the implementation of specific actions such as situations of heavy migratory pressure on a Member State or third-country or the event of mass influx of displaced persons

((EU) No. 516/2014). Accordingly, a constant production of statistics forms the basis for ongoing political decisions. Common European migration and asylum statistics have gradually gained a special role regarding the legitimacy of the management of European external border control.

4.3 Statistics as a basis for the distribution of persons

The debate about burden sharing of asylum seekers has arisen from the request for a fair share of responsibilities between Member States in relation to the management of the common external borders, and the implementation of common policies on asylum and immigration.

Due to visa restrictions and other EU/Schengen national border control measures, most people seeking international protection in Europe arrive in Mediterranean EU-border countries such as Greece and Italy. However, most asylum seekers travel onwards to countries further north and west in Europe, such as Germany and Sweden (Takle and Seeberg 2015).

The Dublin Regulation is the only current framework for allocating responsibility for asylum claims under the CEAS, but the system does not produce outcomes which are fair and sustainable for Member States and asylum applicants (Guild et al. 2014). Importantly, the Dublin Regulation only regulates the onward migration of asylum seekers, while the EU/Schengen Member States must find other political tools to handle other types of onward migration. Moreover, according to Guild et al. (2014) the Dublin system is built on an implicit presumption that asylum seekers will be able to enjoy access to similar standards of treatment and rights in all participating states. This goal is also the objective of the CEAS as a whole, but has not been achieved in practice. The lack of trust that asylum seekers have in the system means secondary movements persist. In many cases, Member States are unwilling or unable to comply with its provisions (Guild et al. 2014: 85). The lack of political instruments to share the responsibility for asylum seekers among the EU/Schengen Member States has led to decisions and debates on relocation, which imply a distribution among Member States of persons in clear need of international protection.

Statistics from Eurostat formed a basis for the decision to relocate 160,000 asylum seekers from Italy and Greece to Member States with larger capacity (European Commission 2015). The distribution key for relocation is based on the size of the population (40%), the total GDP (40%), the average number of spontaneous asylum applications and the number of resettled refugees per 1 million inhabitants over the period 2010-2014 (10%) and the unemployment

rate (10%) (European Commission 2015). In relation to these factors, the European Commission has developed a European relocation scheme calculated on the basis of statistics from Eurostat. While many asylum seekers will be relocated to Germany (18.42%) and France (14.17%) in line with this scheme, Cyprus (0.39) and Malta (0.69) will hardly receive any (European Commission 2015). The relocation programme has, however, been controversial, and has hardly been followed up in practice (European Commission 2016). Nevertheless, the relocation concerns only a minor part of the huge number of asylum seekers crossing European borders.

5. European migration statistics' limitations

While the nation state has traditionally used statistics as a means to have an overview of who is staying on the national territory (Porter 1986; Desrosières 1998; Cole 2000), today's absence of internal Schengen border control means nobody really knows how many third-country nationals are travelling between Member States. Moreover, many EU/Schengen border countries do not have the capacity, or do not use the necessary effort, to register persons arriving at their territory. Persons who are registered in one country might travel to another EU/Schengen Member State, and these persons are scarcely recognised in any statistics. One can distinguish at least four groups of third-country nationals involved in internal Schengen border crossing: persons who have entered irregularly; persons who have entered legally but are no longer entitled to stay in the EU/Schengen area legally (over-stayers); persons who have a residence permission in one Member State and asylum seekers. Although EU agencies have started producing statistics on internal EU/Schengen border crossings, there are so far hardly any statistical overviews of this phenomenon (EASO 2014; 2015; Frontex 2014).

Moreover, as discussed in section 3.2 there are several challenges in relation to the Migration Statistics Regulation concerning how the counting should be measured, which makes comparability across countries problematic. While these challenges are both related to the different use of data sources and measurement techniques, the measurement techniques are most important for European border control. However, many research projects have been conducted with the aim of overcoming the lack of comparative data on migration in Europe (Poulain et al. 2005; Raymer et al. 2012; Wisniovski et al. 2012). The most central one is the Thesim project as it aimed to support the implementation of the EU regulation on migration

statistics (Poulain et al. 2005). The research team explored the current state of EU 25 international migration statistics in 2005, and analysed the prospects for greater coordination in line with UN recommendations. The authors concluded the availability of statistics on migration in the EU countries was relatively high, but these countries used different sources and measurement techniques (Thierry et al. 2005). Wisniovski et al. (2012) have also attempted to overcome the problem of inconsistent and incomplete sets of measurement on international migration flows obtained from a variety of national collection systems. The authors developed a model in which they integrated expert judgements with the aim of providing harmonised estimates of migration flows amongst 31 European countries. They found the experts often disagreed on the various measurements of migration. Due to this heterogeneity, Wisniovski et al. (2012) conclude that there are different levels of quality within data collection systems across Europe.

The EU agencies base their migration and asylum statistics on different data sources, and many of these statistics cannot be connected. Just to mention some examples. Eurostat's statistics on asylum applicants are not categorised by Dublin procedures, and it is impossible to see how many asylum applicants have been subject to a Dublin procedure. Asylum seekers might be counted several times since these statistics are not connected. Moreover, Eurostat's Dublin statistics are not disaggregated by citizenship, age and gender, and cannot therefore show central characteristics of those who are travelling. This information cannot be derived from Eurostat asylum statistics, nor from the Eurodac fingerprint database as these statistics are based on different data sources (Takle and Seeberg 2015). This makes it impossible to monitor the central characteristics of asylum seekers who travel in Europe.

There are also weaknesses in the quality of the collected data. Some Member States do not report on all requested data sets, and there are several cases of both missing and incomplete data. For example, persons who are transferred from one Member state to another in line with the Dublin Regulation are often not registered in the country they are transferred to, and this makes it impossible to know if they have really arrived (Takle and Seeberg 2015). Moreover, there is a time interval between the registrations of the stages in the procedure. The data are not collected in a cohort form. The time intervals between the different types of registrations mean that each individual asylum seeker cannot be tracked (EASO 2014). One can only produce estimations based on long reference periods, but these are imprecise. While the EU

agencies produce continuously updated statistics, they are still dependent on the Member States' transfer of data.

In summary, all these limitations mean the data quality of European statistics is relatively low compared to migration and asylum statistics developed at the national level. Despite these limitations, European statistics are used as a basis for the management of the external border control – both for the EU agencies' operational activities and for the distribution of funding and persons.

6. Conclusion

This article shows how the Migration Statistics Regulation plays a central role in both the conceptual process in defining and counting migrants and asylum seekers and the operational management of external border control. It develops and applies an analytical framework, which shows analogies between how historical nation building political entities produced statistical information about society as a basis for political decisions and the harmonisation of European migration and asylum statistics. In contrast to the national processes, the Migration Statistics Regulation aims to harmonise statistics from Member States with established national administrative practices based on each country's different historical experiences and challenges posed by migration.

The first part of the article analyses the conceptual process in which the Migration Statistics Regulation decides how to define and count migrants and asylum seekers. The Member States have agreed on the application of common statistical categories. When politicians and bureaucrats use statistics produced by EU institutions they simultaneously apply the categories and the understandings they build on. However, the Member States have not reached an agreement on how to measure migrants and asylum seekers. European aggregations of national statistics are therefore based on different sources and measurement techniques. The nation states' various ways of collecting data reflect their various national administrative traditions and each country's statistics are adapted to its special form of migration. As long as different measurement techniques constitute the basis of comparability among Member States, the statistics used as a basis for defining a common European border control will remain incomplete and potentially misleading.

The second part examines how the statistical information based on the Migration Statistics Regulation is used in the management of European external border control. While Eurostat is responsible for coordinating the collection of statistics on migration and asylum, EU agencies such as Frontex, EASO and EULisa have also gained increased tasks of managing new types of migration and asylum statistics. As Frontex and EASO were established as operative border control agencies, this shows a new combination of operative tasks and the management of statistics at the European level. Moreover, the statistics generated under the Migration Statistics Regulation have increasingly become the basis for calculating the allocation of funding and relocation of asylum seekers among Member States. Although the statistics show that these forms of compensation are far from enough to meet the challenges some European countries have, they are controversial and many Member States have not followed up the relocation programme. EU Member States harmonise the statistics on migration and asylum, but this does not mean that the countries harmonise their understanding of the phenomenon. When EU institutions use incomplete statistics to legitimate migration and asylum politics, this is not only a technical and practical problem. Behind this incompleteness there are conceptual and political differences among the Member States.

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