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THE EUROPEAN UNION'S REGIONAL APPROACH TO COMBATING ILLEGAL MIGRATION

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Abstract. *This article examines the European Union's regional approach to combating illegal migration in the context of increasing cross-border mobility, security challenges, and humanitarian concerns. The main objective of the study is to analyze how the European Union designs and implements cooperative mechanisms with its member states and neighboring regions in order to prevent, manage, and reduce irregular migration flows. The research applies qualitative and comparative legal methods, including the analysis of EU migration policies, international legal instruments, regional agreements, and institutional practices such as Frontex operations and cooperation with third countries. The article identifies several key problems, including the unequal distribution of responsibilities among EU member states, insufficient coordination with countries of origin and transit, persistent human rights risks for migrants, and the limited effectiveness of return and readmission mechanisms. These challenges undermine the overall capacity of the EU to respond to illegal migration in a coherent and sustainable manner. Based on the findings, the study proposes a set of legal and policy recommendations, such as strengthening regional cooperation frameworks, improving information exchange and border management systems, expanding legal migration channels, and ensuring stronger protection of migrants' rights. The results of this research contribute to a better understanding of EU migration governance and offer practical guidance for enhancing regional security and migration management.*

Keywords: *illegal migration, European Union, regional cooperation, Frontex, migration law, border management, human rights*

Introduction

The essence and significance of a regional approach to illegal migration today manifests itself as a transnational problem that is difficult to address within the confines of a single state. The fact that migration flows have a regional nature, meaning they occur across the territories of several countries, requires coordinated policies at the regional level. Irregular

migration refers to the movement of people from non-EU countries across EU borders without complying with the legal requirements for entry, stay, or residence. Given the complexity of this issue, a regional approach is considered one of the most effective strategies for cooperation between states in the fight against irregular migration (Dudin & Kalinina, 2013).

The main essence of a regional approach is to jointly manage migration processes, identify common risks and threats, and implement agreed-upon measures to address them. This approach allows for a deep analysis of root causes of illegal migration, monitoring of migration routes and preventing crimes related to illegal migration.

The EU and its member states are intensifying efforts to establish an effective, humanitarian and safe European migration policy. The European Council plays an important role in this effort by setting the strategic priorities. Based on these priorities, the Council of the EU establishes lines of action and provides the mandates for negotiations with non-EU countries. It also adopts legislation and defines specific programmes. Over the past few years, the Council and European Council have built up a strong response to migratory pressure (Council of the European Union, 2026).

The European Commission plays a key role in countering the irregular immigration of non-EU nationals into and within the EU. As part of its efforts to strengthen the EU's migration policy, the Commission works closely with EU countries and agencies, international partners, and other stakeholders to prevent irregular migration, protect migrants' rights, and ensure the dignified return of those who are not eligible to stay in the EU. The Commission's 2023 Communication, which establishes the multiannual strategic policy for European integrated border management, sets out priorities and guidelines to maintain a high level of security and ensure the effective management of the EU's external borders, including through the use of information technology (European Commission, 2026). It is worth noting that the issue of combating illegal migration within the European Union is very urgent, because illegal migration and migrant smuggling are considered a globally growing crime in the international arena. In particular, as a highly adaptive global criminal activity, migrant smuggling is rapidly evolving into a key factor of irregular migration. Driven by poverty, social and political instability, as well as the limited availability of legal migration routes, migrant smuggling pushes people towards criminal networks to facilitate their unauthorized entry, transit or stay in the EU. The journey to the EU can be extremely dangerous and smugglers frequently expose migrants to life-threatening risks and violence. Smuggling of migrants by sea is one of the most dangerous forms of migrant smuggling. The tragic loss of life in the Mediterranean Sea and the Atlantic Ocean underscores the urgent need for a robust and assertive response from the EU. To address this, it is essential to strengthen international cooperation against migrant smuggling among countries of origin, transit, and destination, alongside all relevant stakeholders, including international organizations (as illustrated by the yearly irregular arrivals across the Eastern, Central, and Western routes from 2015 to 2026).

Irregular arrivals in the EU have decreased significantly since the peak of the migration crisis in 2015. In 2026, 10 781 irregular arrivals were registered so far. The breakdown per migratory route is as follows:

Central route: 3,214 arrivals;

Eastern route: 3,088 arrivals;

Western routes: 4,479 arrivals.

In 2026, the top nationalities of irregular arrivals were:

Unknown: 1,564 on the Eastern route;

Bangladesh: 1,025 on the Central route;

Algeria: 853 on the Western route.

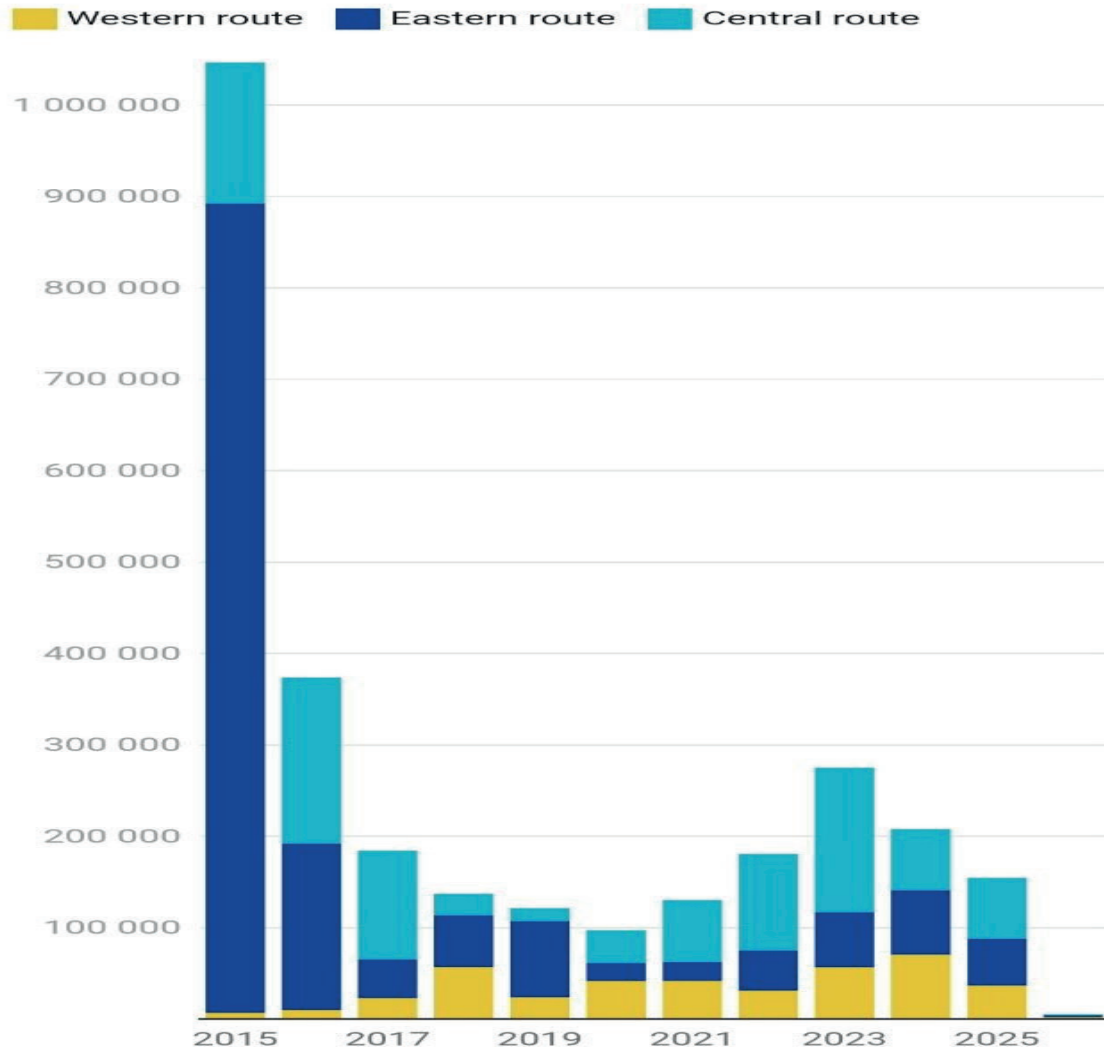


Figure. Irregular Arrivals to the European Union by Major Migratory Route (2015–2026)

The following should be said about the European Union's policy on combating illegal migration: Return and readmission are essential elements of a comprehensive approach to migration management and of a credible migration policy. The EU's policy aims to ensure the effective, human, and dignified return of those without a right to stay in the EU, for example persons who have had their asylum application rejected or those who have overstayed their visas. The policy ambition is to combine stronger structures inside the EU with more effective cooperation with third countries on return, readmission and reintegration. The Commission's work focuses on enhancing the effectiveness of returns through legislation, practical and operational tools as well as engagement with third countries on readmission cooperation. The Commission works with Member States and Frontex to put in place a common EU system for returns. The focus primarily lies on establishing comprehensive and coherent return and reintegration systems with efficient procedure, including return counselling structures, in which different migration authorities seamlessly cooperate. In line with the EU Strategy on voluntary return and reintegration, the Commission, Frontex and the Member States have enhanced their operational capacity for incentivizing voluntary return and enabling sustainable reintegration. On the external dimension, the Commission is engaging with third countries on improving

cooperation on readmission, including in the context of comprehensive partnerships and using all relevant tools and policies. Currently, a number of regional organizations are developing important institutional and legal mechanisms to fight illegal migration. In particular, the activities of the Frontex agency within the European Union, cooperation mechanisms among the Commonwealth of Independent States, the Shanghai Cooperation Organization, and Central Asian countries are of special importance in this area. Within these organizations, the following main mechanisms are implemented:

- Developing regional strategies and programs aimed at combating illegal migration;
- Joint measures to ensure border security;
- Cooperation against human trafficking and the illegal transport of migrants;
- Harmonization of regulatory and legal documents in the field of migration.

Within the European Union, the fight against illegal migration is carried out on the basis of regional integration and a coordinated policy. In particular, in this area, comprehensive strategies and programs have been developed by the Member States to combat illegal migration, which serve to form a common migration policy. In particular, measures have been established within the framework of the New Pact on Migration and Asylum to manage migration flows, prevent illegal entry and improve the asylum system. At the same time, joint measures have been adopted between the Member States to protect the external borders of the European Union. The Frontex agency plays an important role in this regard, coordinating operations to strengthen border control, to detect and prevent illegal entry. In addition, since illegal migration is often associated with transnational crime, cooperation within the European Union against trafficking in human beings and smuggling of migrants is of particular importance. In this area, the fight against criminal networks is carried out through Europol and the rapid exchange of information between Member States is ensured. Harmonization of regulatory and legal acts in the field of migration is also an important area. In particular, through legal mechanisms such as the Schengen Agreement and the Dublin Regulation, uniform procedures have been introduced among member states, which serves to effectively manage migration processes and limit illegal migration. These mechanisms serve to improve the efficiency of managing migration processes in the region.

The phenomenon of irregular migration undermines the stability of international borders, facilitates transnational organized crime, and complicates the implementation of human rights and labor protection standards (The Guardian, 2015). The European Union, in order to achieve its economic and social integration goals, has been continuously discussing migration issues. By the 2050s, the European Union will need to accept 949,000 foreigners per year to maintain its population level. These figures indicate that the share of migrants and their descendants in the EU population could reach 75%. The European migration system operates to facilitate the entry of migrants from Western European countries and to create favorable conditions in Eastern European countries. The main features of the European migration model include factors such as a decrease in the number of political refugees, an increase in the number of immigrants in armed conflict zones, and strengthened control at internal borders. The Schengen Agreement is an important document for managing migration issues between France and other European countries (European Commission, n.d.). The concept of illegal migration has been expressed in various ways in scientific and specialized literature, so there is still no single definition of it. In particular, according to M. I. Barannik, illegal migration is defined as a process related to a person's moving to another country or leaving their place of residence, illegally bringing in or transiting foreign citizens within their territory, and exiting to another country contrary to the law (Barannik, 2002). Professor V.N. Sumarakov, on the other hand, considered that although a person's exit to a foreign country and presence in the territory of a second

country may occur on legal grounds, their illegal entry into a country also qualifies as illegal migration (Sumarakov, 2014). Illegal migration has emerged as one of the most pressing challenges for the European Union (EU). Political instability, armed conflicts, economic inequality, and environmental crises in neighboring regions have significantly increased irregular migration flows toward the EU. Due to the abolition of internal borders under the Schengen Area, illegal entry into one Member State can impact the entire Union, making regional coordination essential. The EU's response is unique: it combines supranational legislation, shared competences, and regional agencies to manage migration collectively. This study analyzes the EU's approach to illegal migration at the regional level, focusing on legal frameworks, operational mechanisms, and external cooperation, while assessing their effectiveness in balancing security and human rights obligations.

Methods

This study uses an empirical qualitative research approach to comprehensively study the established and institutional mechanisms of the legal framework for combating migration in the European Union. The methodology allows for a deep analysis of socio-legal processes, revealing the structure and practical application of the normative-legal framework. One of the main methods of the study is the method of doctrinal-legal analysis. This study analyzes key EU legal frameworks governing migration policy, including the Treaty on the Functioning of the European Union (TFEU), the Schengen Borders Code, and the Return Directive. It further examines the interrelationships within this system and evaluates the EU's strategic efforts to combat migrant smuggling. These normative-legal documents constitute the main legal basis for managing migration processes in the European Union, organizing border control and determining migration. The role of doctrinal regulation in the national text of legal norms, as well as judicial and legal experience, practice and judicial experience was also considered. This serves as an important scientific basis for supporting EU law. Another important method used in the study is the method of comparative institutional analysis. Through this method, the role of institutions and agencies operating in the European Union and their mutual cooperation with the Member States in security were studied. Border control carried out by Frontex, mechanisms for combating crime and migrant smuggling in Europol, and processes for ensuring legal cooperation in transnational criminal cases through Eurojust were analyzed in depth. In addition, this study incorporates global trends in migration and human trafficking, drawing on reports from international organizations such as the United Nations Office on Drugs and Crime (UNODC). By situating the European Union's actions within this broader international framework, the research examines the Union's multifaceted approach to migration management.

A key feature of this study is its dual focus: it evaluates the European Union's efforts to combat irregular migration while simultaneously analyzing the institutional and legal norms that underpin these policy responses. That is, how the existing legal framework works in reality, the study analyzes the role and impact of migration laws. At the same time, the study compared the mechanisms at the European Union level with the national migration policies of the member states. This comparative analysis allowed us to determine the level of regional integration, harmonization of legal norms, and their practical implementation. In particular, the incomplete implementation of EU policies in some member states or the existence of problems related to national interests were scientifically substantiated. In general, this set of methodological approaches allowed for a comprehensive assessment of the European Union's system for combating illegal migration in all its aspects – legal, institutional, and practical – and ensured the scientific validity of the research results.

Results

The European Union harmonizes migration law across Member States by establishing a common legal and policy framework. This approach aims to ensure consistency, fairness, and efficiency in managing migration flows through the adoption of binding legal instruments, such as regulations and directives. These instruments set minimum standards in key areas, including legal migration, asylum procedures, external border control, and return and readmission procedures. Through mechanisms like the Schengen Borders Code and the Return Directive, the EU achieves legislative harmonization, which serves as the foundation for a common migration policy that balances border security with the protection of fundamental human rights.

To manage migration effectively, the European Union utilizes a tripartite framework of institutional and operational mechanisms:

1. **Border Management and Operational Coordination:** Frontex plays a central role by providing joint operational support to Member States, mobilizing rapid border responses, and conducting large-scale analyses of migration flows to monitor entry and exit points effectively.

2. **Judicial Cooperation and Intelligence Sharing:** Agencies such as Europol and Eurojust facilitate the recovery and exchange of intelligence information. This enables Member States to identify, investigate, and prosecute transnational criminal networks involved in migrant smuggling and human trafficking.

3. **External Partnerships and Readmission Agreements:** The EU engages in strategic cooperation with third countries—such as Turkey, Morocco, and various African nations—through Mobility Partnership Agreements and technical assistance programs. These agreements are essential for managing migration routes, regulating flows at the source, and ensuring the dignified return and reintegration of individuals who do not have the right to remain in the EU.

While these institutional mechanisms provide a robust structure for migration governance, the EU's integrated approach faces ongoing challenges. While legal harmonization and inter-agency coordination significantly strengthen external border security, frontline states continue to face disproportionate migration pressure. Furthermore, persistent political disagreements among Member States regarding burden-sharing occasionally hinder the full and uniform implementation of these policies.

Discussion

The findings demonstrate that the European Union has developed one of the most comprehensive regional migration governance systems through the harmonization of migration legislation, coordinated institutional mechanisms, and strategic cooperation with third countries. These results support earlier research indicating that migration management in Europe has gradually evolved from fragmented national policies into a common supranational framework aimed at balancing border security, legal migration, and the protection of fundamental rights (Djunadullayev, 2012; International Organization for Migration [IOM], 2022).

The harmonization of migration law has become a defining feature of the EU migration policy. Common legal instruments, including regulations and directives, establish minimum standards for asylum procedures, border management, return policies, and legal migration. The present findings confirm that legislative harmonization promotes greater consistency among Member States while reducing legal disparities in migration governance. This observation is consistent with previous studies emphasizing that coordinated legal frameworks are essential for ensuring both the effectiveness and legitimacy of migration management in the European Union (Sokolova, 2009).

The results also highlight the importance of institutional cooperation in addressing irregular migration. Agencies such as Frontex, Europol, and Eurojust have significantly strengthened operational coordination by supporting external border management, facilitating intelligence sharing, and combating transnational criminal networks involved in migrant smuggling and human trafficking. These findings reinforce previous research demonstrating that migration management increasingly depends on integrated institutional responses rather than solely on national enforcement mechanisms (IOM, 2022). The establishment of the Schengen Area further illustrates this integrated approach by removing internal border controls while simultaneously requiring stronger coordination at the external borders.

Another important finding concerns the growing role of external partnerships in EU migration governance. Agreements with countries such as Turkey, Morocco, and several African states demonstrate that migration management increasingly extends beyond the geographical borders of the European Union. These partnerships contribute to controlling migration routes, strengthening border capacity, and facilitating the return and reintegration of migrants without legal residence status. This external dimension reflects the EU's broader strategy of addressing migration challenges through international cooperation instead of relying exclusively on internal regulatory measures.

Despite these achievements, the results also reveal persistent structural challenges. Although legislative harmonization has improved policy consistency, implementation remains uneven across Member States. Frontline countries, particularly Greece, Italy, and Spain, continue to experience disproportionate migration pressure because of their geographical location along the EU's external borders. This finding supports previous studies indicating that unequal responsibility sharing remains one of the most significant weaknesses of the Common European Asylum System (IOM, 2022). Political disagreements regarding relocation mechanisms and burden-sharing have further limited the uniform implementation of common migration policies.

The findings further suggest that strengthening border security alone cannot fully address irregular migration. While stricter border controls may reduce unauthorized crossings in certain regions, they may also increase migrants' reliance on criminal smuggling networks, thereby creating new humanitarian and security challenges. Consequently, migration governance requires a balanced approach that combines effective border management with the protection of human rights, access to international protection, and safe legal migration pathways.

Overall, the findings demonstrate that the European Union has established a sophisticated and largely effective regional migration governance model based on legal harmonization, institutional cooperation, and international partnerships. However, the long-term effectiveness of this model depends on improving solidarity among Member States, ensuring more equitable responsibility sharing, strengthening cooperation with countries of origin and transit, and maintaining full compliance with international human rights and refugee protection standards. Continued adaptation of migration policies will therefore remain essential as migration patterns, geopolitical conditions, and security challenges continue to evolve.

Conclusion

The European Union's regional approach is a benchmark in managing illegal migration through harmonized law, strong institutions, and international cooperation. While the system demonstrates effectiveness, its sustainability depends on political solidarity, balanced burden-sharing, and continued compliance with human rights standards. Strengthening cooperation with third countries and updating operational mechanisms are essential for a resilient EU migration governance framework.

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