

Irregular Migration and Terrorism in the European Union

Assoc. Prof. Dr. Bartkó Róbert*, PhD LL.M

University of Győr,

Deák Ferenc Faculty of Law and Political Sciences

Abstract

According to our researches, the relationship between illegal migration and the terrorism shall be emphasized. Terrorist offences proved the vulnerability of the European States, and constitute one of the most serious violations of the human rights and fundamental freedoms on which the EU is founded. In 2014, 276.113 migrants entered the European Union irregularly, which represents an increase of 138% compared to the same period in 2013, and the mentioned data increased in the past year as well. From 2015 to nowadays the European Union experienced a massive number of casualties caused by terrorist attacks. There is no evidence to declare that all of migrants are terrorist, however, the terrorists make use of migratory flows to enter into EU. According to our opinion, the mentioned fact is reinforced by the European statistics as well. It shall be emphasized that the phenomenon of the illegal migration is favourable to the terrorist organizations. The paper deals with mentioned connection between the irregular migration and the terrorism in the European Union, using European statistics of the European Law Enforcement Agency (EUROPOL) and criminal-political viewpoints. Dealing with legal documents and analyzing them are not aim of this paper.

Keywords: *Irregular migration, terrorism, terrorist attacks, EUROPOL TE-SAT, jihadist terrorism, religiously inspired terrorism.*

I. Introduction

The number of migrants tried to enter into EU irregularly was increased in the past few years. The difficulties regarding to the illegal crossing of border are not dominant in the new situation made by the mass migration. Therefore, the terrorist organizations make use of the migratory flows, and the terrorists and the foreign fighters can get in to the target country very easily. It shall be emphasized that the irregular migration means a high challenge for the EU and the Member States as well. This new political and legal atmosphere requires a strong coordinated response and cooperation within and between the Member States. Defining terrorism, and creating an overall statutory definition is a very hard task for the legislator. Many scientific theories – with the aim to respond to the current events - were created by different experts in the past few years, which tried to summarize all essential elements of terrorism¹. All of Member States shall take the necessary measures to create a modern statutory definition of the terrorism,

* E-mail: bartkor@sze.hu.

¹ Tóth Mihály: Changes of the Practice and Criminal Regulation on the Acts of Terrorism. Hadtudomány, Hungary vol. 1-2, pp. 30-40, 2013.

which meets the international standards and the legal traditions as well². The new EU Directive shows that relating to the illegal migration increased in the past few years and the terrorist offences committed in the territory of the European Union, the attitude of the European legislator has changed in the mentioned question.

The relationship between the illegal crossing of the border and terrorism was recognized by the EU. In 2014, 276.113 migrants entered the European Union irregularly, which represents an increase of 138% compared to the same period in 2013. It shall be underlined that the above-mentioned data increased in the past years. This last period clearly proves that Europe can't cope with the huge herd set out for the Western Europe from various parts of the world. "Through the development of mankind the migration was the phenomenon of changing of the world. Sometimes it was intensive, another time was lower"³. In the past decade the pressure of the migration was strengthened by the global political and economic changings, and it's due to this that the character and the method of the migration has changed as well⁴. For the mentioned reason, the close relationship between the illegal crossing of border and terrorism should be emphasized. In this respect, the irregular migration can be not only a tool but also a catalyst for the terrorist offences as well⁵. In the latter case conflicts and violent affairs are caused by the migration, in the former case the illegal entry and integration of the terrorists are supported by the migratory network. Although the relationship between the irregular migration and terrorism is denied by a lot of experts, the European statistics show an other situation. According to the European Union Terrorism Situation and Trend Report 2016 (hereinafter: TE-SAT 2016) the number of terrorist attacks slightly increased in 2015 and 2016 compared to 2014 and the earlier years. Although there is no concrete evidence to date, the terrorists systematically use the flow of migrants to enter Europe unnoticed, however some incidents have been identified involving terrorists who have made use of migratory flows to enter the EU. "In 2015, a total of 1077 individuals were arrested for terrorism-related offences, which is a significantly higher number than that of 2014 (774)"⁶. Over and above that not only the character of the perpetrators, but also the form of the attacks has been changed as well. The reason of this that the "new type of terrorism does not have clearly tangible goals, the terrorists have an all-out war on the Western civilization"⁷. Therefore, in the near future the Member States will have to take the necessary measures against the new forms of the terrorism as well. It shall be emphasized that the traditional concept of the criminal law is changing "in important areas from being a repressive, punitive instrument to being a primarily preventive toll designed to minimize dangers and risks"⁸. In the area of fight

² For the mentioned aim the Directive on combating terrorism and replacing Council Framework Decision 2002/475/JHA and amending Council Decision 2005/671/JHA was adopted by the European Parliament and the Council on 15 March 2017 (No. 2017/541).

³ Tóthné Demus Mária: New Challenges of the Fight against Illegal Migration in Hungary. *Ügyészek Lapja*, Hungary vol. 3, pp. 53-59, 2005.

⁴ Szűcs János: Human Smugglers: Winners of the Illegal Migration. *Belügyi Szemle*, Hungary vol. 3. pp. 77-79, 1996.

⁵ Hautzinger Zoltán: Stranger in the Criminal Law. *AndAnn Kft*, Pécs, Hungary pp. 35-36, 2016.

⁶ Europol TE-SAT 2016. European Union Terrorism Situation and Trend Report 2016.

⁷ Kóhalmi László: Terrorism and human rights. *Journal of Eastern-European Criminal Law*. vol. 1. p. 162., 2016.

⁸ Prof. Dr. Ulrich Sieber: The paradigm shift in the global risk society: from criminal law to global security law – an analysis of the changing limits of crime control. *Journal of Eastern-European Criminal Law*. vol. 1. p. 15., 2016.

against terrorism, this preventive approach is based on the early criminalization of the terrorist intent which appears in the mentioned new EU Directive as well.

II. Facts and statistics

In order to understand the actual political events in the EU and the European statistics made by the EUROPOL, it's necessary to deal with the migration and its effect on receptive society. As Szilveszer Póczik said, the problem of the migration and the assimilation had been present in the political thinking since the beginning of the 19th Century⁹. After the Second World War the „national mind” came to a crisis, and the idea of the multicultural society strengthened at the same time¹⁰. In the most significant Member States – for example in Austria, in Germany, in France or in Great-Britain - about 10% of the active population are migrants as well. Obviously, the legal and well-educated migrants are received by the majority of the people very easily, therefore they can adapt themselves to the new circumstances. However, the uneducated, or irregular migrants came often of poor families, give a huge problem for the receptive society. These people come into the developed European states with high expectations that often do not come true. Therefore, the integration of these migrants retards, and they will get to the periphery. It shall be emphasized that the mentioned aftermath is the first step to the radicalization and the violence. Subsequently all of the cultural, political and social assets of the given state will be queried by the mentioned persons, and they can easily be the supporters of terrorism.

However, according to the TE-SAT 2016 nearly two-thirds of the arrestees for terrorism-related offences were EU citizens, and the majority (58%) were born in the EU¹¹. The majority of the terrorism-related offences committed in the EU in the past few years were perpetrated by not irregular migrants, but also EU citizens who had migratory ascendants¹². Nevertheless there are in numerous difficulties, which hinder the terrorists to enter into a European state. These are the followings: (1) the Member States allot majority of their budget to their intelligence services, and they have mutual cooperation with those countries, where the terrorists arrive from; (2) the danger of deconspiracy is very high in the target country; (3) the cost of entering into the EU is very high and the illegal crossing of border is very dangerous¹³.

By reason of the mentioned facts the perfect assassin is the citizen of the target country. It should be underlined that this fact is reinforced by the terrorist attacks committed in the past few years, and the attacks frustrated by the authorities in the territory of the EU. As it appears from the tendency, several citizens leave their countries to join a terrorist organization and to make the training programme, then they will return as assassins. These individuals referred to as foreign terrorist fighters travel abroad for the purpose of terrorism. Foreign terrorist fighters have been linked to recent attacks in several Member States.

⁹ Póczik Szilveszter: The Risk of the International Migration. *Ügyészek Lapja*, Hungary vol. 5, pp. 79-87, 2008.

¹⁰ Póczik, op.cit. pp. 79-87.

¹¹ Europol TE-SAT 2016. European Union Terrorism Situation and Trend Report 2016.

¹² Böröcz Miklós: The Relationship between the Illegal Migration and Terrorism. (T)error és elhárítás – Journal of the Hungarian Counter Terrorism Center, Hungary. vol. II, pp. 1-20, 2014.

¹³ Böröcz. op. cit. pp. 1-20.

Nevertheless, it shall be emphasized that the phenomenon of the illegal migration is favourable to the terrorist organizations. However, the above-mentioned difficulties are not dominant in the new situation made by the mass migration. It's easier to prove the identity with false documents and to evade the vigilance of the frontier-guards. For example the procedure of the several frontier-guards, and the usefulness of the false passports are checked by the agents delegated by the Islamic State, and the experiences are forwarded by this agents to the terrorist organization with the aim of increase of their effectiveness in the near future.

Since the migrants lay a huge charge on the frontier-guards in short time, it's very easy to entry into a European state using the third or the forth identity. Among other things in County of Csongrad, the migrants committed a crime against closing of border were identified by the authorities with an arm-band contented sequence of numbers to be able to establish the identity of the defendant continuously during the criminal procedure¹⁴. The authorities shall rest on verbal statement of the migrants in the course of establishment the identity, since the migrants had already destroyed their passports, or all of their official documents had already been taken by the human smugglers, when they arrived at the border. At the present time the most popular citizenships used by the migrants are the followings: the Palestinian, the West-Saharan, the Syrian and the Iraquian. The reason for this is that the deficiency of the public administration of mentioned countries. Therefore, it's impossible to control an average Arabian name¹⁵. Over and above it, the procedure of the frontier-guards on establishment the identity is cheated by the migrants as well. For example, they try to sabotage the procedure on taking their finger-prints¹⁶. Therefore, the terrorists and foreign fighters can enter into a target Member State very easily and undetected.

There is no evidence to declare that all of migrants are terrorist, however the terrorists make use of migratory flows to enter into EU. According to our opinion, the above-mentioned fact is reinforced by the European statistics as well. The number of attacks increased in 2015 compared to 2014 and 2013. In 2015 a total of 2011 failed, foiled or completed attacks were reported by the Member States, which is higher number than in 2013 (152). In 2015, a total of 1077 individuals were arrested for terrorism-related offences, which is higher number than that of 2014 (774). The largest proportion of arrests was linked to jihadist terrorism (687). According to the European statistics it shall be underlined that the terrorist intent and attacks classified as religiously inspired terrorism increased between 2010 and 2016. For example the number of suspects arrested for religiously inspired terrorism in 2014 was 395, but in 2010 it was „only” 179¹⁷. These numbers significantly show not only the relationship between the illegal migration and terrorism but also the common obligation of the Member States on strengthen the European security as well.

It shall be underlined that not only the number but also the character of the terrorism-related offences were changed in the past years. Terrorists often apply such

¹⁴ Criminal Questions of the Migration. Round-table Conference, Kecsekemét-Hungary, 10th of Maj 2016., Ügyészégi Szemle, Hungary vol. 2, pp. 46-71, 2016.

¹⁵ Emmert Mária: The Character and Problems of the Investigation of the Illegal Migration at the Serbian-Hungarian Border. Ügyészek Lapja, Hungary vol. 3, pp. 53-77, 2012.

¹⁶ It often happened at the Serbian-Hungarian border in 2015, that the migrants sharpened their fingers, or smeared them with glue.

¹⁷ Europol TE-SAT 2015. European Union Terrorism Situation and Trend Report 2015 (hereinafter: TE-SAT 2015).

methods of the execution, which have low costs, furthermore it's impossible to clear them up. Compared to the previous years there was a notable increase in arrests of individuals for terrorism-related offences aged under 25. The number of the arrested persons aged under 25 was 87 in 2013, and it increased to 268 in 2015. „The overall number of arrested women nearly doubled from 96 in 2014 to 171 in 2015. An even sharper increase was noted in the number of females arrested for offences related to jihadist terrorism: from 6 (in 2013) to 128 (in 2015)“¹⁸.

The distribution of terrorist attacks and arrests for terrorism-related offences is very interesting as well. According to the statistics it shall be emphasized that the destinations of the irregular migrants are the most closely concerned by the terrorist attacks and arrests for it. The above-mentioned data is much rather significant, if we give attention only to the number of arrests and attacks related to jihadist and religiously inspired terrorism. According to our opinion it's very important to emphasize this data related to jihadist terrorism, namely the starting countries of the irregular migration are areas under the Islam jurisdiction. It shall be underlined that these attacks were committed decisively by the Islamic State. This data clearly shows, that the number of the assassins related to jihadist terrorism are very high in those countries, which are the most popular destination of the illegal migration. It's summarized by the following table based on the TES-SAT 2015 and TE-SAT 2016¹⁹:

Member State	Number of the terrorist attacks 2014/2015	Arrests for terrorism-related offences 2014/2015	Arrests related to jihadist or religiously inspired terrorism 2014/2015
Spain	18/25	145/187	34/75
France	52/73	238/424	188/377
Italy	12/4	39/40	11/40
Great-Britain	109/103	132/134	0/0
Belgium	1/0	72/61	71/60
Netherlands	0/0	1/20	1/20
Germany	0/0	18/40	16/21
Austria	0/0	31/49	30/48

III. Final remarks

According to the mentioned data, the real and close relationship between the terrorism and irregular migration can be underlined by us. The past years clearly prove that Europe can't cope with the irregular migrants, the human smugglers and the

¹⁸ Europol TE-SAT 2016. European Union Terrorism Situation and Trend Report 2016.

¹⁹ Although the new terrorism situation report (TE-SAT 2017) is not published by the Europol yet, it can be emphasized that the trend based on the mentioned data is not changed in the past period. The target Member States of the most serious terrorist attacks were in 2016 and 2017 France /Nizza, on 14 July 2016; Rouen, on 26 July 2016; /, Belgium /Brussels, on 22 March 2016/, Germany /Cologne, on 1 January 2016; Ansbach, 24 July 2016; Berlin, on 18 December 2016/, Great-Britain /London, on 22 March 2017; London on 3 June 2016/.

migratory networks as well. It can be underlined that the illegal migration can be not only a tool but also a catalyst for the terrorist offences. Terrorists make use of migratory flows to enter into the EU. The real danger is the potential for elements of the Syrian migrant diaspora – and the other migrants came from countries, which are area under the Islam jurisdiction – to become vulnerable to radicalisation, and to be specifically targeted by the jihadist terrorist organizations. It was showed by our paper using the data regarding to the religiously inspired terrorism and jihadist terrorism. Europe hasn't got effective answer for the problem mentioned yet, however we hope it will be in the near future. An effective solution is common interest of all of European citizens in order to be able to protect our identity, culture and security of Europe.

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