

THE CONVERGENCE BETWEEN MIGRATION AND POLICING: THE SLOVENIAN PERSPECTIVE¹

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ABSTRACT

The Convergence between Migration and Policing: the Slovenian Perspective

Through the process of securitization, the convergence between migration and policing is gaining new dimensions within European migration policy. While several contemporary trends in policing can be identified, we point out the following based on their relevance for the Slovenian context: pluralization, Europeanization, demilitarization and academization. The purpose of the paper is to ascertain whether these general trends in policing correspond with the trends in policing migration specifically, and what they bring, with a particular focus on Slovenia.

KEY WORDS: migration, policing, pluralization, Europeanization, demilitarization, academization, Slovenia

IZVLEČEK

Zbliževanje migracij in policijske dejavnosti: slovenski vidik

Zbliževanje migracij in policijske dejavnosti skozi proces sekuritizacije (angl. securitization) dobiva povsem nove razsežnosti v okviru evropske migracijske politike. Med prevladujočimi trendi na področju policijske dejavnosti smo poudarili tiste, ki so aktualni tudi v slovenskem prostoru, in sicer: pluralizacijo, evropeizacijo, demilitarizacijo in akademizacijo. Namen prispevka je ugotoviti, ali se ti splošni trendi policijske dejavnosti pojavljajo tudi pri policijskem delu na področju migracij in kaj prinašajo, pri čemer se osredotočamo na Slovenijo.

KLJUČNE BESEDE: migracije, policijska dejavnost, pluralizacija, evropeizacija, demilitarizacija, akademizacija, Slovenija

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INTRODUCTION

There is no generally accepted definition of policing (Manning 2012) – several definitions distinguish between a rather broad concept including processes of social regulation managing everyday life on one hand and a narrow range of functions carried out by the police as an organization on the other. In the context of the broader concept, policing is understood as a social function, and it applies to many institutions that do not have a formal role in the regulation of social life but in practice contribute to the development of social norms and standards of behaviour that serve as the foundation of everyday social interaction (Rowe 2008; Sheptycki 2012).

Over time, especially in the early twentieth century, policing has evolved and changed in the light of the extensive and substantial social, economic and political changes. Bearing in mind the claim that migration, in addition to the immigrants, affects and consequently changes the receiving societies as well (Petermann, Schönwälder 2014), this can be seen as the first point in convergence of migration and policing – migrations shape society² and thus indirectly influence the evolution of policing within contemporary society.

Another factor that brings policing closer to migration is the (public/political) perception of migration as an inherent “threat to public order and stability” (Karyotis 2011: 22). Within this concept, Walters (2009: 492) introduces the term *policing of mobile risks*, which “actively creates a political equivalence between such otherwise heterogeneous identities as refugees, car thieves and illegal weapons-dealers”. Perceived as such, migration falls under the auspices of policing bodies, which are tasked with identifying and dealing with threats to public order (Huysmans 2000).³

Migration again meets policing at the policy level, since migration policy is usually the exclusive domain of the home/internal affairs and justice ministries – just as policing is (Bigo 2009). Furthermore, discussions about migration seem to be reduced to dialogues about borders and vice versa, although due to its complex and multifaceted nature it is impossible to reduce migration policy to border control alone (Walters 2009). In her analysis of migration control in Europe, Boswell (2007) argues that migration policies have been exploited in the name of providing security⁴ (more precisely – counter-terrorism), which is the inverse of approaches typical for the United States, where in the name of combating terrorism, security and migration policies have been combined in order to legitimize contestable security practices.

Several authors identify a specific process which they claim is intensively bringing migration and policing closer – the *securitization* of migration and borders (Huysmans 2000; Walters 2009; Toral 2011; Zartaloudis 2013; Avdan 2014; Pickering, Bosworth, Franko Aas 2014), or, as stated by Toral (2011: 164), the process of “constructing or framing the issue of migration as a security threat”. As a result of the securitization of migration, illegal immigrants, labour migrants and asylum seekers are being policed under the same repression scheme (Karyotis 2007: 12).

CURRENT TRENDS IN POLICING

In the area of police operations the following changes have influenced the perception of the role of police in a democratic society: the professionalization of policing, drawing closer to the community, networking with other institutions in preventing and responding to crime, and broadening the role

2 More specifically, Petermann and Schönwälder (2013) investigate how the presence of immigrants in urban communities affect social interactions between the residents.

3 These tasks are usually incorporated in the mission statements of national/public police organizations. It holds true, e.g., for the mission, vision and values of the Slovene national police (Police 2015a).

4 As an example she notes that “systems for monitoring and gathering data on migrants have been harnessed as part of the EU’s anti-terrorism strategy” (Boswell 2007).

of police from fighting crime to ensuring quality of life and reducing fear of crime (Greene 2007). The beginnings of the transformation of policing are closely connected to developments in the socio-economic field, lately especially to austerity measures followed by the shortage of human and technical resources as well as increasing crime rates (Edelbacher, Norden 2013; Feltes, Marquardt, Schwarz 2013; Kešetović 2013; Leyrer 2013; Tabur 2013).

Summing up the abovementioned changes, we can identify several contemporary trends in policing. In the Central and Eastern European context, Meško, Sotlar and Lobnikar (2014) identified the following trends in policing: pluralization, Europeanization, demilitarization and academization. In the following sections I try to ascertain whether these general trends in policing correspond with the trends in policing migration specifically, with a particular focus on Slovenia.

Pluralization

Pluralization of social control institutions, which include various state police organizations (e.g. state/national police, gendarmerie, customs), local level police organizations (e.g. municipal police/wardens), and private security institutions (e.g. private detectives) has influenced the transfer of once exclusively police responsibility for security provision to other institutions and individuals whose primary role has not necessarily been performing police tasks (Jones, Newburn 2006). These plural policing organizations possess a variety of authorizations of a different kind in the field of providing security; however, their common characteristic is that they exceed the authorities of common citizens (Button 2007; Sotlar 2010; Wakefield 2005). Therefore, from the perspective of the general public, in today's plural policing environment there are several organizations by which one can potentially be policed.

Zartaloudis (2013: 521) touches upon the notion of pluralization in the field of controlling migration by arguing that "the agents of (pre)criminalization have also multiplied and proliferated", meaning that this function has been taken over by a broad array of institutions and individuals⁵ – border patrol officers, welfare benefits interviewers, judges, police officers, employers, and neighbours, as well as academic institutions. Huysmans (2000: 758) discusses a similar phenomenon in the context of securitization, which is promoted by multiple actors, among which he emphasizes national governments, common people, European police networks and the media. Pickering and Weber (2013: 108) agree and illustrate on the case of Australia how agencies which traditionally do not perform policing or migration control – they mention the Navy and Customs – now take part in these activities. Other public and private organizations are "recruited into migration policing networks" by, for instance, being subjected to employer awareness programs, which include criminal sanctions for noncompliance. Bigo (2000: 82) notes that responses to security challenges along with migration issues represent a mergence of the security apparatus⁶ – from the civilian police to customs and the armed forces.

Another aspect of pluralization can be observed in the expansion of migration control beyond one country's physical border to the countries of origin or countries of transit through, for instance, the appointment of liaison officers,⁷ strict visa controls, agreements with other countries to perform border controls outside and in the name of the destination country and enforcing carriers' liability rules for passenger checking (Mozetič 2009; Pickering, Segrave, Tazreiter, Weber 2013; Macklin 2013). Several authors refer to this process as *deterritorialization*⁸ (Walters 2009; Macklin 2013; Trimikliniotis,

5 Pickering, Segrave, Tazreiter and Weber (2013: 430) confirm these finding as they report that migration regulatory frameworks have expanded to policing, taxation and welfare agencies.

6 The background of this development is briefly presented in the last paragraph of the section entitled *Demilitarization*.

7 Bigo (2000: 70) calls them "the new agents of the Europeanisation of crime control".

8 Deterritorialization was pioneered by Canada in the 1980s when they started posting Canadian immigration officers at overseas airports to control passengers travelling to Canada (Macklin 2013: 99).

Parsanoglou, Tsianos 2015) and *policing at a distance* (Bigo 2009: 580). Bučar Ručman (2014) divides the system of international migration control into three groups: (1) *control outside the country of destination* (at the European union level this is typically represented by the visa system and the use of complex databases, including biometric data), (2) *border control* (classic control of passengers and documents at the state borders, accompanied by refined and technically supported measures – e. g. thermal vision systems, drones, motion detection) and (3) *control inside the country of destination*. The latter especially reflects the notion of pluralization, as migration control is within the domain of police (police stations for compensatory measures), the customs service, and inspection services and other state institutions.

Europeanization

The trend of the Europeanization of policing is most evidently reflected through the process of establishing common European police agencies/networks,⁹ close cooperation between national police organizations and gradually more uniform police standards and procedures in countries which formerly had very diverse and incompatible approaches to policing (Meško, Furman 2014; Meško, Sotlar, Lobnikar 2014). There can be no doubt that this trend is also closely connected to policing migration, starting with the Schengen Agreement of 1985, which applies common rules and procedures on issuing visas, asylum requests and border controls (Summaries of EU legislation 2009). Some other European Union initiatives aim directly to detect and control border crossing; they require absolute cooperation of the national units and are supported by sophisticated electronic surveillance systems¹⁰ such as VIS (Visa Information System), Eurodac, SIS (Schengen Information System) and Eurosur (European Border Surveillance System). The European Union's management of (irregular) migration employs a combination of physical and digital borders (Triandafyllidou, Ilies 2010), thus contributing profoundly to the deterritorialization of border control.

A good illustration of the Europeanization of migration management at the operational level is provided by European Border Guard Teams, which work under the auspices of Frontex, and which are deployed for short-term assistance in events which demand rapid intervention.¹¹ These teams are staffed by officers from national border management bodies (such as border guards, police officers and immigration officers), who are made available for specific interventions through national professional pools. When members are deployed to an intervention, they wear their respective national uniforms, but operate under the control of the host state authorities (Frontex 2015).

A more recent policy level example of Europeanization in the field of migration is the adoption of the Common European Asylum System (European Union 2014) in 2013 and the European Agenda on Migration (European Commission 2015) in 2015. Both were received with criticism. Without an in-depth analysis we can focus only on the most obvious weakness – neither seems able to handle current flows of people entering the European Union. Moreover, the European Union repeatedly fails to keep these people safe, or (too often) even alive.

In 2013 and 2014 Italy launched a humanitarian operation called *Mare Nostrum*, which resulted in the rescue of more than 166,000 people. In agreement with other European countries, Italy suspended *Mare Nostrum* after one year of operation. It was followed by *Joint Operation Triton*, which was headed by Frontex and focused primarily on border control as opposed to search and rescue, which was the

9 These are (among others): Europol (European Police Office), Frontex (European Agency for the Management of Operational Co-operation at the External Borders of the Member States of the European Union), CEPOL (European Police College), AEPC (The Association of European Police Colleges), and MEPA (Mitteleuropäische Polizeiakademie).

10 Bigo (2009:582) sees this trend as a shift from following the principles of free movement toward "Eurosurveillance" in the name of combating terrorism and illegal immigration.

11 Rapid intervention is limited to cases of urgent and exceptional migratory pressure (Frontex 2015).

main mission of *Mare Nostrum*. The latter was also better equipped, substantially financed and covered a larger sea area (Amnesty International 2015a). Instead of Europeanization, which should include European Union solidarity and support for supranational crises manifested in everyday human casualties on the borders, in the described operations we are witnessing a shift from a humanitarian search and rescue response to a control and deter response. This is in line with the notion of militarization, the opposite of another trend, which I discuss below.

Demilitarization

Over the last century, policing in Europe has developed along the lines of French and English policing heritage. The influence of the latter is felt through decentralized and demilitarized police organizations with strong public supervision, while the French (Napoleonic) policing legacy is represented most notably by the division into the civil police and military gendarmerie (Meško, Sotlar, Lobnikar 2014). Only a few decades ago, militarized police were still typical for the region of Central and Eastern Europe (Meško, Lobnikar, Sotlar, Jere 2013), while today gendarmerie units exist only in some parts of Europe (e.g. France, French-speaking Swiss cantons and Serbia¹²), and the process of demilitarization is perceived as the precursor of democratic policing models based on protection of human rights, transparency and community policing principles.

However, in the field of border (migration) control, quite the opposite trend can be observed – the Schengen framework itself with its strict external border control is often defined as highly militarized¹³ (Mozetič 2009; Walters 2009; Pickering et al. 2014). According to Zartaloudis (2013: 522), militarization includes military logic and practices¹⁴ applied in the “war” on immigration as well as “states of mind, policies and practices that resemble state and para-state strategies usually associated with actual times of war”. Bigo (2000: 68) points out the “siege mentality” in relation to immigration and explains how the end of the Cold War, which for the military meant the (not so) sudden absence of an obvious enemy, has resulted in a perceived common interest between police and military personnel and consequently the fusion of internal and external security issues. According to Zavratinik Zimic (2003), the most evident example of the abovementioned replacement of the military dividing line with a police border is the Schengen border, which gained a great strength when internal borders were removed.

The two most (in)famous cases of highly militarized borders are the Spanish enclaves of Ceuta and Melilla, where fences (in fact, walls) were erected in 1993 and 1996, respectively. However, the fences have been under the construction with the aim of fortifying the border ever since. The fortification (militarization) of the border has been co-financed by the European Union and is manifested through the growth of the fence from three to six metres in height, the installation of barbed-wire, use of infrared cameras, motion and noise detectors, and helicopters (Castan Pinos 2009; Graça Peters 2011). Less than a decade later, in 2012, Greece applied a similar measure on their border with Turkey. A border fence was built and an additional 1,800 police officers were deployed to the frontier. Foot patrols, watchtowers, thermal vision cameras and other surveillance measures are co-funded by the EU (Nielsen 2012; Popp 2014).

Currently, Hungarian military personnel are building a four-metre-high fence along the border between Hungary and Serbia, accompanied by state representatives claiming that there is no better

12 For more information on (de)militarization in Central and Eastern Europe see the chapter on *Policing in Central and Eastern Europe: Past, present and future prospects* in Meško et al. (2014).

13 In his work on policing migration in the Mediterranean, Lutterbeck (2006: 65) describes two “semi-military security forces, namely police forces with a military status” operating on Mediterranean EU borders – the Italian *Guardia di Finanza* and the Spanish *Guardia Civil*.

14 Pickering et al. (2014: 14) list unmanned aerial vehicles, military and police vessels, airplanes, helicopters and surveillance cameras as examples and approaches of a more militarized nature.

solution for stopping the flow of migration (Charlton, Matthew 2015; Szakacs 2015). Employing wartime logic, the Hungarian prime minister has introduced the idea of setting up internment camps for illegal immigrants, who should also be forced to work (Traynor 2015). In Bulgaria some sections of the planned three-metre-high fence along half the frontier between Bulgaria and Turkey have already been built since September 2014. Currently, the construction continues and legislative amendments have come into force allowing military forces to guard the border (Harris 2015; Novinite 2015). Another fence has appeared just recently and is for the present temporary (razor wire rolled across the frontier) – at the border between Greece and the Former Yugoslav Republic of Macedonia (FYRoM). FYRoM authorities have declared a state of emergency and called in military backup (BBC 2015; Tomlinson 2015) – *a para-military response*,¹⁵ as Amnesty International (2015b) warns.

Academization

Another trend in policing and police research is the academization of policing, which is characterized by the increasing promotion of research work and the strengthening of educational standards for policing (Meško et al. 2014). This development seems natural and essential for police organizations to be able to face the dynamics of contemporary society and is shifting policing towards being a knowledge-based activity (Lobnikar, Sotlar, Meško 2013). However, while the police generally profess an academic approach to educational development, “the deep currents of police culture cling to the ideal of experience as the best teacher”. (Feltes, Dincă 2012: 195) This notion is unfortunately closer to the concept of public opinion led policymaking (Meško, Kury 2009) and ad hoc approaches (Meško, Sotlar 2012), which are both the opposites of knowledge-based activity. Characterized by the exclusion of expertise, public opinion led policymaking is also hugely supported by the media (Meško, Kury 2009). Media coverage of migration targets public fears by connecting immigrants to (transnational) crime, terrorism¹⁶ and riots (Huysmans 2000: 763). The media also foster a discourse of discrimination, characterized by reporting on crime committed by foreigners along with revealing their nationality, portraying “them” as perpetrators and “us” as victims (“us-them” discourse) (Bučar Ručman 2013: 32). Such declinatory attitudes toward “them” (foreigners / migrants of all kinds) also develop as a consequence of public policies which both legitimize social exclusion and xenophobia and fail to prevent discriminatory practices (Zavratnik 2011, 2012). This additionally fuels feelings of insecurity, social tensions (Karyotis 2011) and moral panic, so it is easy to guess what kind of approaches find favour among policymakers and the public through opinion led policymaking.¹⁷

POLICING MIGRATION BY AND IN SLOVENIA

Since 2007, when Slovenia joined the Schengen Area (General Police Directorate 2012), the country has adhered to the patterns described above, i.e. trends of pluralization and Europeanization were found to be present in the field of policing migration. Despite the fact that the educational level required for basic police work was increased in 2013 and research efforts have been significantly strengthened in

15 Tear gas and stun grenades were used to pacify the crowd (Tomlinson 2015) – with Macedonian authorities “responding as if they were dealing with rioters rather than refugees who have fled conflict and persecution” (Amnesty International 2015).

16 The unjustifiable and unfounded nature of such claims will not be further debated in this paper, as it is well documented in the criminology literature (see e.g. Karyotis 2007; Bučar Ručman 2013; Karyotis, Skleparis 2013).

17 Moreover, we are already witnessing such approaches. Among many examples (already mentioned in this paper, especially under *Demilitarization*), the most recent is perhaps Slovakia’s condition for taking part in EU relocation plan – when taking in Syrian refugees, they will only accept Christians (Sims 2015).

the last two decades (Lobnikar et al. 2013), the trend of academization is questionable and blurred by public opinion led and ad hoc solutions.

An analysis conducted by Meško and Sotlar (2012)¹⁸ shows a clear lack of knowledge- and research-based initiatives, moreover, the measures are usually contrived and implemented by officials employed in state and local administrative bodies, and based on their personal assumptions. As regards demilitarization of policing in Slovenia, if we understand this trend as a process of turning to the community and seeking new ways of democratic conduct, legitimacy and support instead of imposing authority by coercion and repression, then the conclusion would be that this trend is present in Slovenia as well. As is evident from the previous chapter, in the field of policing migration the situation is just the opposite, indicating a prevailing trend of militarization.

Thinking outside the frames of analyzed trends in policing migration, there are certain practical aspects of converging policing and migration which are more or less specific to the Slovenian context. For instance, recent research on human trafficking has partly focused on the exploitation of immigrant workers, supported by the police apparatus who acted against these workers in documented cases when employers informed the police about expired or never issued work permits with the purpose of getting rid of (deporting) people for economic or disciplinary reasons (in cases of workers' complaining over violations of their rights) (Bučar Ručman 2015; Bučar Ručman, Frangež 2014).¹⁹ According to Medica (2007), the Ministry of the Interior perceives the police's role in policing migration as repressive rather than preventive. Their success can be measured by well-organized actions and the number of people apprehended. This should come as no surprise, since producing security knowledge is inherent to the police profession and they tend to categorize their tasks within security discourse (Huysmans 2000). Therefore the regulation of migration should not be within the primary jurisdiction of police and similar security agents.

Some authors have made empirical studies of police-migration encounters at the individual level. Zorn (2003) conducted ethnographic research at the Asylum Centre in 2001 and 2002 and found that after asylum seekers cross the border illegally, the police are the first institution they come into contact with. They reported experiencing disrespectful treatment, and even dehumanization and violence in everyday contacts with the police. The police perspective on immigrants was touched upon by another study conducted in 2010 on a nationwide sample of Slovene police officers. A set of questions was asked regarding threats to security in local settings and the categories included (among others) *foreign workers*, *foreigners* and *illegal migrants*. Police officers and citizens were asked to rate how serious a threat they believe the individual categories posed. While the mean for seriousness of the "threats" was rather low,²⁰ police officers perceived all categories as more threatening in comparison with how they were perceived by citizens (Meško, Sotlar, Lobnikar, Jere, Tominc 2012). Bearing in mind that police personnel are usually at the forefront of a country's migration policy, and moreover that there are human beings behind the term *migration*, the individual level of police-migration encounters deserves more attention in the humane, political, and research context.

CONCLUDING REMARKS

Although considered an urgent need by Human Rights Watch (2011), "a shift in European Union asylum and migration policy from an enforcement-first policy to a protection-first policy" seems merely wishful thinking when we take into consideration the prevailing trends in policing migration. Despite the

18 Their analysis focused on prevention of crime in local communities in Slovenia, but I believe it can be paralleled with other decision-making and action-taking processes within policing.

19 For more on this research and further reading on the topic of migration and crime see *Migracije in kriminaliteta: pogled čez meje stereotipov in predsodkov* by Bučar Ručman (2014).

20 Below 3 on the Likert scale from 1 to 5, 1 meaning *not a problem at all* and 5 meaning *very serious problem*.

finding that trends in policing migration do not correspond completely with general trends in policing, there is no doubt that there is already a long-lasting and far-reaching convergence between migration and policing. This is why no major shifts are in sight for policing migration by Slovenia in the near future. However, some alterations in migration dynamics are surely coming with the eventual inclusion of Croatia in the Schengen Area, which may cause changes in the policing of migration in Slovenia.

As for the future development in the field of policing migration in light of the trends discussed above, there is a potential for a positive outcome, where these trends would reflect general trends in policing. Pluralization in the field of policing migration could go beyond widening the net of institutions within the security apparatus dealing with immigrants. Asylum seekers, for example, report that not only were police officers the first people they came to contact with, but they also never before had been subjected to such extensive police attention as they were during their stay at the Asylum Centre (Zorn 2003). Therefore, *pluralization* could rather indicate more thorough and intensive involvement of appropriately qualified civil personnel in these procedures.

Slovenian police themselves believe that of all police activities the work of the border police is the most Europeanized (Police 2015b) and it surely is, especially since Slovenia joined the Schengen Area. When or if European Union migration policy is ever going to adequately address the multifaceted challenges posed by migration, then *Europeanization* may ease the process of transferring ideas to national, regional and local levels. Currently, the trend remains seen in a negative perspective, as “security discourses and technologies [have] penetrated the Europeanization of migration policy.” (Huysmans 2000) Instead, *academization* is a trend that should penetrate policy making and could change the perspective into a more positive one. Research-, evidence- and knowledge-based approaches have lately received increasing attention in policing. Moreover, the inclusion of expertise in (any) policymaking is crucial, and in the case of migration policy it would undoubtedly lead to the fostering of another trend – *demilitarization*. This encompasses the notion of democratic, professional, transparent and legitimate policing. To all this Llorente (2006) adds more civilian control over policing bodies as well as more civilian participation in policing matters. All of the analyzed trends are essential for the future development of policing in general and policing migration specifically, and should thus be incorporated into policy and practice. Taking into consideration the described potential of current trends in policing, we can understand the convergence between policing and migration, quite paradoxically, as promising and worthy of future research attention.

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POVZETEK

ZBLIŽEVANJE MIGRACIJ IN POLICIJSKE DEJAVNOSTI: SLOVENSKI VIDIK

Maja MODIC

V prvem delu članka avtorica predstavi teoretični okvir zблиževanja migracij in policijske dejavnosti ter prevladujoče trende policijske dejavnosti, pri čemer se omeji na tiste, ki so aktualni tudi v slovenskem prostoru, to so pluralizacija, evropeizacija, demilitarizacija in akademizacija. Medtem ko pluralizacija in evropeizacija zaznamujeta policijsko dejavnost tudi na področju migracij, tega za demilitarizacijo in akademizacijo ne moremo trditi. Namesto demilitarizacije smo priča nasprotnim procesom (militarizaciji); akademizacijo in na znanju temelječo dejavnost pa nadvladujejo *ad hoc* pristopi in na javnem mnenju temelječe politike. Od pridružitve schengenskemu območju slovenski vidik obravnavane teme občutno ne odstopa od splošnega evropskega. V zadnjem obdobju smo bili v slovenskem kontekstu migracij priča intenzivnejšemu dogajanju predvsem ob izkoriščanju delavcev migrantov in s tem seriji individualnih ter institucionalnih zlorab njihovih pravic. Avtorica članek konča z ugotovitvijo, da kljub dolgotrajnemu in očitnemu zблиževanju migracij in policijske dejavnosti ni zaznati prenosa sodobnih trendov te dejavnosti. V tem smislu bi si torej želeli večjo mero zблиževanja, saj opisani trendi lahko pomenijo napredek in razvoj v smeri demokratičnosti, profesionalnosti, transparentnosti ter legitimnosti politik in praks policijske dejavnosti na področju migracij.