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An extraordinary threat?

Europe's refugee crisis and the threat of terrorism

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DIIS REPORT 2017: 05

Europe's Refugee Crisis and the Threat of Terrorism

AN EXTRAORDINARY THREAT?

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Table of Contents

Executive summary **4**

Introduction **9**

Assumption one: Refugees as vulnerable to radicalization and recruitment **13**
Radicalization and recruitment of refugees 15
Refugees as an opportunity to spark polarization 19

Assumption two: Refugee flows as a back door to Europe **23**
Migration as a back door 25
The French-Belgian network of foreign fighters and the impact of migration routes 26
European border control: a failure to detect 28

Identifying border management as part-problem, part-solution **31**
The risk of introducing new solutions to new problems 33
The risk of addressing transnational problems nationally 37

Conclusion **41**

Notes **44**

EXECUTIVE SUMMARY

Since 2015, the challenges of migration and terrorism have become increasingly interlinked both in public debates and on political agendas. When, in early 2015, Islamic State threatened to infiltrate migratory routes and weaponize migrant flows, the idea of a nexus between migration and terrorism gained political momentum and coalesced into two main assumptions that now define European debates on migration and terrorism:

- Refugees as vulnerable to radicalization and recruitment.
- The refugee flow as a back door for terrorists.

This report examines these two assumptions and concludes that a large majority of those behind the terrorist attacks perpetrated within the last decade were EU citizens.[1] If we focus merely on the period between January 2016 and April 2017,[2] four asylum-seekers were involved in terrorist incidents, but no actual refugees[3]. However, this does not mean that a nexus between migration and terrorism can be dismissed as events are still unfolding. Moreover, in the second half of 2015, European foreign fighters who had joined Islamic State in Syria managed to travel along migration routes to reenter Europe undetected, sometimes posing as refugees. Exploring these incidents in a policy-oriented context, this report suggests that engaging with the vulnerabilities of the EU's Schengen border policies and management will be central in addressing the challenges arising from the intersection of migration with terrorism. In conclusion, the report identifies the vulnerabilities in EU border management and proposes ways forward for the EU and its member states. The aim of the report is not to produce a reliable threat assessment, but to inform and qualify policy debates on the links between migration and terrorism, as well as to point out possible solutions.

Between January 2016 and April 2017, four asylum-seekers were involved in terrorist incidents, but no actual refugees.

Main findings

- The great majority of individuals involved in perpetrating terrorist attacks in Europe within the last decade have been EU citizens. Many have been foreign fighters, and most were already known to the European authorities.
- Between January 2016 and April 2017, four asylum-seekers (three of whom had their asylum requests rejected, and two of whom arrived before the onset of the refugee crisis in 2015) but no refugees were involved in four attacks in Europe.
- Attacks perpetrated by European foreign fighters are generally more organized and have more casualties than those committed by asylum-seekers.
- Since January 2015, the terrorist threat related to refugee flows primarily stems from European foreign fighters who have traveled along migration routes to reenter Europe undetected.
- Schengen border policies and management are pivotal in addressing the challenges arising from the intersection of migration with terrorism.
- The main challenge in the detection of 'flagged' suspects not only stems from too little and too poor data in EU information-sharing data bases, but also from a lack of operational and technological capacities on the part of front-line staff in border states to put information-sharing databases to use, particularly in 'real time'.
- A majority of refugees are fleeing from areas where terrorist groups are operating, such as Syria, Afghanistan, Iraq, Nigeria and Pakistan.

Recommendations

- Before introducing new measures regarding borders and cross-border cooperation, the EU and its member states should focus on lessons learned and seek to overcome the vulnerabilities in existing border management, especially in identifying individuals flagged as suspects in EU databases.

- To overcome vulnerabilities concerning real-time data- and intelligence-sharing at the EU's external borders and within Schengen, the allocation of funds to improve human and technological operational capacities should be prioritized.

- EU member states should prioritize the pooling of resources to build capacity on the EU's external borders in border states, as these constitute unique 'hotspots' where terrorist suspects can be identified and interrogated before entering the Schengen zone.

- The increased focus on preventing terrorism through border management should not compromise the protection of vulnerable refugees.

- The EU and its member states should make sure that the temporary establishment of enhanced internal border police is aligned with SIS II efforts as part of the overall solution to fighting terrorism effectively, namely through a more collaborative EU.

- When addressing the topics of terrorism and migration, European governments, public authorities, and journalists should make an effort to distinguish between 'refugees', 'asylum-seekers', 'migrants', 'irregular migrants', and 'foreign fighters', as such distinctions are key to achieving informed and qualified debates.

VOCABULARY

Refugee:	Generally, a migrant who is forced to flee to a foreign country or power to escape armed conflict or persecution. In this report, however, we consider 'refugee' as a legal status and category alone: a migrant or an asylum-seeker must be recognized as a 'refugee' by the relevant authorities in the country of destination in order to gain the status and entitlements of being a 'refugee'.
Asylum-seeker:	A person who, on the grounds of being forced to flee, has formally requested asylum in a foreign country. 'Asylum-seeker' is a broad and inclusive category. In principle, any non-EU citizen can make an asylum request in the EU.
Migrant:	The term 'international migrant' refers to a person who spends a significant period of time outside his or her country of origin. Migrants may move to find refuge from conflict or to improve their lives by finding work, accessing education, pursuing family reunion or for other personal reasons. According to the UNHCR, migrants are supposed to move voluntarily, to be able to return home safely and, upon their return, be able to receive the protection of their own government.
Irregular migrants:	Migrants without a regular residence permit or other documents authorizing their stay in a foreign country.
Foreign fighter:	A person who has traveled or migrated to another country to fight.
Returnee:	A foreign fighter who travels back, or returns, to his or her country of origin.
Resident:	A foreigner who has been granted a residence permit.

Cf. Europe and the refugee situation: The human security consequences, DIIS Report 2017:03.

INTRODUCTION

Since 2015, when EU countries received over 1.2 million asylum applications,[4] the challenges of migration and terrorism have become increasingly interlinked both in public debates and on political agendas in Europe. In particular, the discovery that the terrorists who committed the 13 November 2015 attacks in Paris travelled along the eastern Mediterranean migration route in their attempts to exit and reenter Europe undetected has moved counterterrorism debates in the direction of examining whether the threat of terrorism in Europe is connected with migration flows towards Europe. Here, two main assumptions – namely 'refugees as vulnerable to radicalization and recruitment' and 'the refugee flow as a back door' – have structured a range of concerns linking terrorism with the refugee situation. Could refugees be recruited by terrorists en route or in asylum facilities? Are refugees more vulnerable to radicalization? Could terrorists enter Europe by 'disguising' themselves as refugees? In sum, are current migration flows to Europe exacerbating the threat that terrorist organizations pose to Europe? Given the importance of these questions for current public and policy debates, this report finds it prudent to adopt an approach that neither cynically exaggerates nor completely dismisses the potential risks posed by refugees and migrants who come from areas where terrorist groups operate.

This report starts by addressing questions and concerns related to migration and terrorism by examining the two main assumptions outlined above. In order to evaluate the urgency or otherwise of these assumptions in a policy-oriented context, the report then proceeds to discuss the ways in which a perceived link between the threat of terrorism and the ongoing refugee situation has been translated into new policy initiatives and legislative measures in the European Union (EU). Such recently established measures include:

- The extension of the role and capacity of Frontex (which in April 2016 was renamed the European Border and Coast Guard Agency)
- The extraordinary establishment of temporary national border controls by some member states
- The EU's March 2016 partnership agreement with Turkey
- The provisional establishment of a EU Passenger Name Record directive in April 2016
- The simultaneous creation in January 2016 of a European Counter Terrorism Centre and a European Migrant Smuggling Centre

Although these measures were conceived to tackle not merely terrorism, but migration more broadly, they nevertheless present the threat of terrorism through migration as urgent, unprecedented and high. But is the threat really one of exceptional character, requiring the introduction of a host of new measures, or has it been exaggerated, in fact being manageable through the enhancement of already existing measures? Such policy questions are often neglected in political discussions on counterterrorism, as these are generally occupied with addressing the nature of the threat. To discuss the policy changes that stem from the perceived link between terrorism and migration, this DIIS report uses a combination of statistics, articles, reports and a newly established database[5] to interrogate the two assumptions already noted above: 'refugees as vulnerable to radicalization and recruitment' and 'the refugee flow as a back door'.

Are current migration flows to Europe exacerbating the threat that terrorist organizations pose to Europe?

Starting with interrogating these two assumptions provides a basis for understanding the logics and evidence that inform them, as well as for evaluating new policy measures against those already in place. Moreover, it allows us to discuss in what way new and already existing measures are responding to such logics and evidence. Rather than discussing why terrorist attacks are committed – an approach that often structures debates on counterterrorism – this report questions how terrorism has been committed and what can be done to mitigate it.

The report proceeds in three parts. First, it discusses the assumption that migration flows into the EU constitute a pool of individuals who are particularly prone to radicalization and recruitment. Secondly, it examines the assumption that terrorists have used migration flows as a back door through which to enter the EU. Thirdly, it reviews these assumptions in the light of new and already existing EU policies and measures that aim to address the perceived nexus between migration and terrorism. In conclusion, the report suggests that the focus on new counter-terrorism initiatives in the EU risks overshadowing the inherent vulnerabilities in existing measures whose optimization is key to countering the threat of terror from migration. As this specific threat has often materialized because of vulnerabilities in already existing measures, the management of the threat does not necessarily require 'new' solutions so much as investing in and building the capacity of already existing measures.

Assumption one:

REFUGEES AS VULNERABLE TO RADICALIZATION AND RECRUITMENT

In 2015, the EU received almost 1.3 million asylum applications, of which nearly half a million were from Syrian citizens and the other half from citizens from Iraq, Afghanistan, Nigeria and Pakistan. Given that in 2015 almost three-quarters of all deaths from terrorism globally took place in these countries of origin,[6] a clear connection can already be made between the activities of terrorist organizations and the EU's refugee situation. Although we do not know these migrants' precise motivations for seeking asylum in the EU, it is undeniable that they are fleeing from areas where terrorist groups operate.[7] This link, or disassociation, is underpinned by the efforts of Islamic State (IS) to dissuade people from fleeing their control. Since 2015, the organization has used provincial media outlets in Syria, Iraq and Yemen to engage with large-scale propaganda campaigns portraying those who flee the Caliphate as 'infidels' seeking refuge in un-Islamic lands, instead of defending their Muslim allies.[8]

The relationship between IS and migration provides an example of some of the complex intersections between Europe's refugee situation and terrorism. However, views about how this connection should be understood and should inform policies vary greatly. On the one hand, threats by Islamic State to use 'migrants as a "psychological weapon"' have made far-right politicians across Europe, including the Czech Prime Minister Milos Zeman, argue that refugee flows form part of an 'organized invasion' of radicalized Muslims to Europe, necessitating a closure of borders. On the other hand, international humanitarian organizations have opposed such claims by emphasizing that refugees are fleeing terrorism rather than engaging with it. The report of the United Nations Special Rapporteur on counter-terrorism and human rights, issued in September 2016, concludes that 'there is no evidence that migration leads to increased terrorist activity'. Rather, the report warns, perceptions that link migrant flows to an increased threat of terrorism might produce 'migration policies that are restrictive or that violate human rights … [and] create conditions conducive to terrorism'.

In the following section, the report examines to what extent refugees and migrants have actually been radicalized or recruited for involvement in recent terrorist attacks in Europe. It then discusses IS's interest in using refugees to spark polarization in Europe.

METHODOLOGICAL REMARKS

In this report, we only focus on attacks that were actually carried out. The number would probably have been higher if we had included failed or disrupted plots. We have decided not to include such plots because we find the quality of accessible information to be insufficient. As failed plots are not necessarily revealed to the wider public, it is impossible to obtain reliable information about their real number and scope. Similarly, as the report examines two assumptions related to the recent wave of migration, we have only counted refugees and people who have registered as asylum-seekers (whether their request is pending, accepted or rejected). Hence, we have not included attacks perpetrated by residents or migrants who have never registered as asylum-seekers, since these categories also include people who have resided in Europe for decades.

RADICALIZATION AND RECRUITMENT OF REFUGEES

The December 2016 Europol report, *Changes in Modus Operandi* of IS revisited, presents the possibility of elements of the Syrian diaspora becoming vulnerable to radicalization through hostile conditions in Europe as 'a real and imminent danger'.[9] The German authorities gave weight to this concern, as they reported receiving about three hundred reports of terrorist-related attempts to recruit refugees in 2016. Whether migrants' resentment towards their receiving country grows, or whether they already harbor some hostility towards the West, attempts by Islamic extremist recruiters to infiltrate asylum-seekers and asylum facilities should therefore be expected, if not for their successful recruitment, then at least for the politically divisive and polarizing impact of such activities. It has long been recognized that it is in IS's interest to cast suspicion on refugees and inflame the refugee situation in order to turn EU populations against refugees seeking asylum, thus creating an environment of fear that could strengthen the potential for radicalization and recruitment.[10]

So far, IS's suspected 'weaponization' of refugee flows towards Europe has been greatly exaggerated.

So far, IS's suspected 'weaponization' of refugee flows towards Europe has been greatly exaggerated. This does not mean that IS and other groups have not attempted to recruit refugees in Europe, nor that refugees have not, at their own initiative, plotted attacks in Europe. Yet, by using open source material and only considering attacks in Europe carried out between January 2016 and April 2017,[11] it turns out that out of four terrorist incidents in Europe four asylum-seekers (of whom three have had their asylum requests rejected) and no refugees were involved. We have taken 2016 as our starting point, since this was the first year after the large influx of refugees in 2015. The attacks that involved asylum-seekers occurred in Würzburg, Ansbach, the Berlin Christmas market – all in Germany in 2016 – and Stockholm in April 2017. As a rejected asylum-seeker is strictly speaking a migrant, we could present the overview differently and conclude that no actual refugees, one asylum-seeker and three irregular migrants who have had their asylum request rejected, were involved in four terrorist attacks perpetrated in Europe in this period.

TERRORIST ATTACKS COMMITTED BY REFUGEES FROM JANUARY 2016 TO APRIL 2017

- None

Considering attacks in Europe carried out between January 2016 and April 2017, it turns out that out of four terrorist incidents in Europe four asylum-seekers (of whom three have had their asylum requests rejected) and no refugees were involved.

TERRORIST ATTACKS COMMITTED BY ASYLUM-SEEKERS FROM JANUARY 2016 TO APRIL 2017

- Würzburg train attack, 18 July 2016: Riaz Khan Ahmadzai (aka Muhammad Riyad). Pakistani asylum-seeker, arrived in Germany in 2015.
- Ansbach bombing, 24 July 2016: Mohammad Daleel. A Syrian asylum-seeker. Registered as a refugee in Bulgaria, but arrived in Germany in 2014, where he sought asylum. The German authorities rejected his asylum request on 2 December 2014 and sought to deport him back to Bulgaria. The deportation could not be carried out due to his psychiatric condition, which had led him to attempt suicide.
- The Berlin Christmas market attack in December 2016: Anis Amri, Tunisian citizen, came to Italy in 2011 to escape a prison sentence in Tunisia. In July 2015, after spending years in an Italian prison, he traveled to Germany. In April 2016, he applied for asylum under a false name. The request was rejected, and the German authorities tried to deport him back to Tunisia.
- Stockholm attack, 7 April 2017: Rakhmat Akilov. Uzbek citizen. Arrived in Sweden April 2014. His asylum request was rejected.

Summing up: As three of the four asylum-seekers have had their asylum request rejected, they were strictly speaking no longer asylum-seekers but irregular migrants. Hence, considering the period from January 2016 to April 2017, no actual refugees, one asylum-seeker and three irregular migrants were involved in four terrorist attacks.

As the above account shows, distinguishing those who have acquired refugee status from asylum-seekers and migrants can make a big difference in terms of assessing the threats that can be linked to the supposed nexus between refugees and terrorists. It is vital not to conflate categories, but to be very precise about whether an individual is a refugee, an asylum-seeker, a migrant or a foreign fighter (Vocabulary page 7). The category of asylum-seeker is a very broad and inclusive one, since anyone who is not an EU citizen can in principle make an asylum request. In comparison, 'refugee' is a much more exclusive category. In this report, we treat 'refugee' as a legal category. It is the relevant authorities of the receiving country who decide whether an asylum-seeker can actually be granted the status of a refugee or not.

We have suggested that four asylum-seekers were involved in the attacks that were committed in the period under consideration. Since the category of 'asylum-seeker' is a very inclusive one, in principle allowing any non-EU citizen to ask for asylum, the cases included need to be further unpacked and qualified. In doing so below, we will also mention whether the attacks had any direct relation to IS.

The Würzburg attack is the first example of an asylum-seeker carrying out a terrorist attack in Europe in 2016. On 18 July 2016, a Pakistani, Riaz Ahmed Khan Ahmadzai, attacked several people in a train in Würzburg, injuring four people before he was killed. Ahmedzai had made an asylum request as an Afghani minor in Germany in 2015, but it later turned out that he was probably from Pakistan, a country considered a refugee country only exceptionally. Shortly before the attack, he was in contact with an IS member in Saudi Arabia,[12] and IS did not hesitate to claim responsibility subsequently.[13]

On 24 July 2016, a Syrian asylum-seeker, Mohammad Daleel, detonated a suicide bomb outside a wine-bar in Ansbach, killing himself and wounding several bystanders. Daleel had made an asylum request in Germany, but the request was rejected, since he had first registered as an asylum-seeker in Bulgaria in 2013. It later turned out that Daleel had also been in contact with an IS member in Saudi Arabia,[14] and IS later claimed responsibility for the attack. The case of Daleel differs from the Würzburg attack, since Daleel suffered from mental illness and had attempted suicide on several occasions. The German authorities had tried to deport him to Bulgaria, but the deportation had been postponed because of his health.

Two of the mentioned asylum-seekers arrived in Europe before 2015, when Europe's refugee crisis is officially considered to have begun.

In April 2017, an Uzbek citizen, Rakhmat Akilov, drove a truck into a department store in Stockholm killing four people. Akilov came to Sweden in 2014, where he made an asylum request. His request was rejected, and he subsequently disappeared before carrying out the attack. Although he pledged allegiance to IS, there is so far no evidence of any direct link to this group.

Finally, the perpetrator of the Christmas market attack in Berlin in December 2016, Anis Amri, had also made an asylum request, which was turned down as unfounded. Amri came to Europe in 2011 to escape a prison sentence in Tunisia and arrived on the island of Lampedusa, where he participated in a violent riot at a temporary migration facility. Subsequently he was sentenced to four years' imprisonment. Upon his release in July 2015 he travelled illegally to Germany, where he registered as an asylum-seeker in April 2016. He had pledged allegiance to IS, and for a while the German security services kept him under surveillance. Amri is an example of an irregular migrant – one with a serious criminal record – who, after five years in Europe, decided to register for asylum under a false name. At the time of the attack, the German authorities were trying to deport him back to Tunisia. Amri's case exemplifies the range of the category 'asylum-seeker'. Although he was formally an asylum-seeker, he had spent five years in Europe before making the request under a false name. We therefore consider him a liminal case.

It is noticeable that two of the mentioned asylum-seekers arrived in Europe before 2015, when Europe's refugee crisis is officially considered to have begun. This leaves the Würzberg attack as the only terrorist incident perpetrated in Europe that involved an asylum-seeker from the 2015 influx of migrants.

REFUGEES AS AN OPPORTUNITY TO SPARK POLARIZATION

While there are, as mentioned, examples of asylum-seekers who have been involved in terrorist attacks in Europe, the idea that refugees constitute 'a Trojan horse' of potential terrorists appears exaggerated, if not completely unfounded. Moreover, there is proof that asylum-seekers and migrants coming to the EU from areas where terrorist groups operate are not only potentially vulnerable to radicalization, but also prepared to report attempts to recruit them or cases of suspected radicalization.[15] In all circumstances, the surge in the number of incoming refugees and asylum-seekers in 2015 and 2016 cannot be causally linked to the surge in the number of terrorist attacks in the same period. Rather, it was European citizens, some of them 'returnees' who had joined IS or al Qaeda in Syria or elsewhere to fight, who were behind the great majority of attacks and responsible for most of the casualties in Europe in 2015 and 2016.[16] Indeed, this was also the case in the last decade.[17]

Yet, we should not underestimate the ability of terrorist organizations like IS to capitalize upon the mere suspicion that refugees are being radicalized and weaponized. Such suspicion feeds into such organizations' broader interests in being able to trigger political and social reactions rather than actual physical harm. Also, we should not neglect how IS had and still has an interest in using the ongoing refugee situation in Europe and the way it is managed by European authorities to magnify fear, enhance political and social polarization, and create conditions favorable to recruitment and violent radicalization.

Asylum-seekers and migrants coming to the EU from areas where terrorist groups operate are not only potentially vulnerable to radicalization, but also prepared to report attempts to recruit them or cases of suspected radicalization.

IS's claim in January 2015 that they had sent 4,000 fighters to Europe via Turkey,[18] for example, clearly highlights their interest in misrepresenting refugees to European public opinion. While this number is unrealistically high, the mere spreading of numbers like these contributes to the securitization of refugee flows and helps create refugee-hostile environments that might facilitate recruitment and radicalization. Hence, Europe's so-called 'refugee crisis' poses a range of exploitable opportunities for IS to provoke polarization. The mere suspicion, which proved unfounded that asylum-seekers were behind the 13 November 2015 attacks in Paris divided political debates on refugees in Europe and were probably significant in terms of provoking subsequent attacks on refugee camps in Germany, France and Sweden. Such divided and violent reactions give IS political leverage and create the fear and division from which the organization hopes to benefit in terms of recruitment and radicalization.

It was European citizens, who were behind the great majority of attacks and responsible for most of the casualties in Europe in 2015 and 2016.

Although one asylum-seeker, three irregular migrants and no refugees were involved in terrorist attacks perpetrated in Europe from January 2016 to April 2017, IS thus has a clear interest in presenting refugees, asylum-seekers, and migrants as terrorists in order to spark polarization and create a basis for recruitment and radicalization.

Assumption two:

REFUGEE FLOWS AS A BACK DOOR TO EUROPE

As the refugee flows put severe strains on EU's external borders in September 2015, speculation about the weaponization of migration flows by IS was complemented by fears that chaotic conditions and a lack of the capacity to process asylum-seekers at the EU's external borders would provide terrorists from IS-controlled areas outside the EU with an opportunity to 'infiltrate' refugee flows as a way to gain undetected entry into the EU. These fears were later confirmed by the discovery that a large number of the November 2015 Paris attackers, as well as those involved in the March 2016 Brussels attack, had succeeded in entering the EU using fraudulent papers and Syrian passports to register as asylum-seekers or travel via migration flows towards Hungary and further on to Belgium.[19]

The question arises to what extent the threat of terrorists entering the EU through flows of migration necessitates introducing extraordinary measures to control migrants and borders.

According to Frontex's 2016 annual risk report, 'The Paris attacks in November 2015 clearly demonstrated that irregular migratory flows could be used by terrorists to enter the EU.' Former French Interior Minister Bernard Cazeneuve similarly stated that IS had created an entire 'industry' out of making false travel documents and using passports stolen in Iraq, Syria and Libya.[20] Such statements have since formed part of an increased securitization of migrant controls and border policies. In August 2016, for example, Europol sent a counter-terrorist team to Greece with the task of singling out potential jihadists from among the 60,000 migrants in the country's migrant camps. Yet the question arises to what extent the threat of terrorists entering the EU through flows of migration necessitates introducing extraordinary measures to control migrants and borders. Exploring how migration routes can appeal to terrorists, including the conditions that allowed the Paris attackers to re-enter the EU undetected, provides a starting point for assessing the threat of terrorists using migration flows as a back door to Europe, and for suggesting relevant policy changes in order to mitigate such a threat.

MIGRATION AS A BACK DOOR

Recent revelations that IS since 2014 has assembled teams of foreign fighters in Syria to carry out 'revenge' attacks 'back' in Europe has formed part of shedding light on how European foreign fighters who were on European watch lists exploited irregular migration routes to return to Europe undetected. According to the Soufan Group, some 27,000 foreign fighters – 6,000 estimated to be Europeans, most of whom are from France, Germany and the UK – have travelled to Syria and Iraq.[21] As foreign fighters emigrate and cross borders, they are, as such, migrants. If European foreign fighters intentionally exploit irregular migration routes to reenter the EU to engage in terror-related activities, it posits a link between migration flows and terrorism.

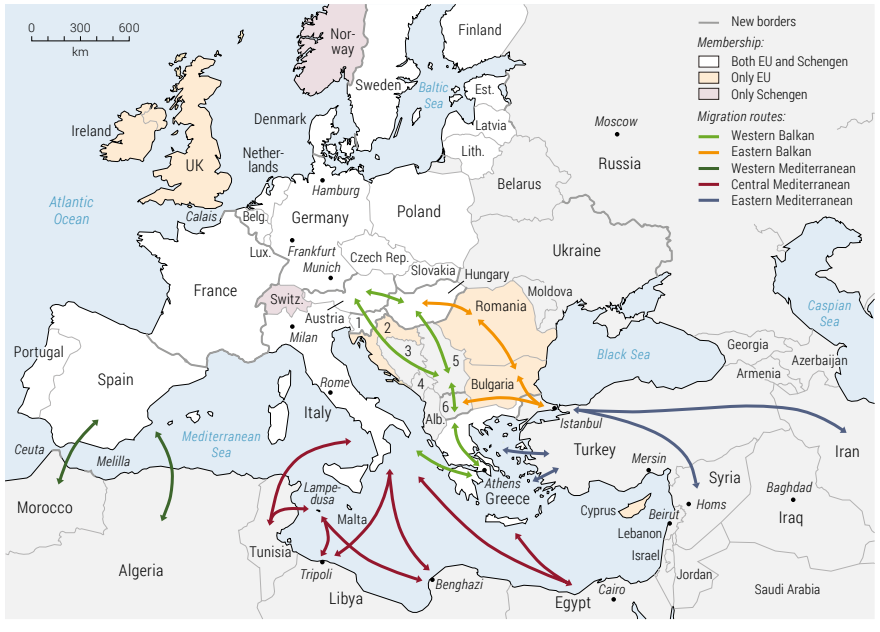
The threat seems to reside in a combination of returning foreign fighters who are European citizens or residents, and a lack of officials' capacity to detect them.

For European foreign fighters, who are often already known to the authorities and under surveillance, migration routes and the status of asylum-seeker may present desirable pathways to reenter Europe in order to carry out attacks. Chaotic asylum processes or the lack of means for border staff to investigate identity papers upon arrival can allow known foreign fighters and terrorist suspects to reenter Europe undetected. Using false identities, they can avoid the prospect of being arrested upon their return by using their knowledge of and networks in Europe. Although IS is currently under pressure in Syria and Iraq, the possibility of European returnees trying to infiltrate migration routes is still a relevant issue. Europol's December 2016 press release suggested that the coalition's weakening of IS's strongholds in Syria and Iraq could lead foreign fighters to 'try to enter the EU at a higher rate'. In May 2017, Jean-Paul Laborde, head of the U.N. Security Council's counterterrorism agency, warned that European countries estimate that the rate of return for foreign fighters has increased and that these returnees could be 'more dangerous'. A clear link between migration flows and terrorism is thus discernable. Again, IS's political interest in showing that they can use migration routes and that they are actually doing so should not be underestimated. However, the primary threat does not appear to be one in which an increased refugee intake equals an increased risk of terrorism in the EU. Rather, the threat seems to reside in a combination of returning foreign fighters who are European citizens or residents, and a lack of officials' capacity to detect them.

THE FRENCH-BELGIAN NETWORK OF FOREIGN FIGHTERS AND THE IMPACT OF MIGRATION ROUTES

To show in practice how migration flows to Europe can be used as a back door for foreign fighters and terrorist suspects, the French-Belgian foreign-fighter network, which among other things instigated the Belgian Verviers plot in January 2015, the 13 November 2015 Paris attacks and two attacks in Brussels in March 2016, presents a case in point. With the exception of two Stade de France suicide bombers and the explosives expert Ahmad Alkhald,[22] all of the Paris accomplices and all five attackers in the Belgian plots were European citizens, many of whom had gone to Syria as foreign fighters and returned to the EU to commit attacks. None was a refugee. As European foreign fighters holding European passports, many of which were flagged as suspect in EU information exchange data bases, the French-Belgian network started systematically infiltrating migration routes in order to bring its members back to Europe undetected from June 2015 and onwards.

Map of migration routes



Note: 1) Slovenia - 2) Croatia - 3) Bosnia Herzegovina - 4) Montenegro - 5) Serbia - 6) Macedonia.
Source: Europol, ICMPD, IGM, UNHCR.

In the second half of 2014, IS established a wing for external operations to plan and carry out attacks in Europe. The francophone network of foreign fighters in the Syrian town of Raqqa was particularly active in this respect. The first large-scale action in Europe planned by this network was the foiled Verviers plot in Belgium in January 2015. The majority of the IS returnees who were involved in this plot had traveled back to Europe via Turkey and Greece, probably using false Belgian passports. Only one of the Verviers plotters, a French citizen, Walid Hamam, is known to have posed as a Syrian refugee in Greece before travelling on to Belgium.[23]

In June 2015, Macedonia decided to grant migrants a 72-hour transit permit to travel from Greece to Serbia. The opening of this 'Balkan route' constituted a turning point in allowing the francophone IS network to travel systematically along the migration routes to get back into Europe. It enabled the network to dispatch experienced foreign fighters whose identities were already flagged on European watch lists back into Europe undetected by using fraudulent Syrian passports. As a result, 'nearly all the Paris and Brussels attackers came back to Europe using forged Syrian passports and infiltrated the refugee flow.'[24]

In June 2015, the main coordinator of the network, Abdelhamid Abaaoud, dispatched a scout to map out the 'Balkan route' in detail by checking border controls and smuggling possibilities. Once the route had been cleared, Abaaoud himself traveled along it in August 2015, from Syria via Turkey to Greece and then onwards via Macedonia, Serbia, Hungary and Austria. Others involved in the future Paris and Brussels attacks subsequently returned to Europe in small groups, travelling along the same route. Some registered as refugees on the Greek island of Leros (the two Stade de France bombers and the explosives expert, Alkhald), while others are first known to have registered in Hungary. Once they had managed to get into Europe, they were picked up by Salah Abdeslam, the logistician of the network, who had stayed back in Brussels. Abdeslam provided them with false Belgian passports and drove them back to Belgium. Between August and October 2015, Abdeslam travelled three times to Hungary and once to Germany (Ulm) to pick up fighters who were to participate in the Paris and Brussels attacks.[25]

In light of this case, we suggest that it is worth examining the EU's police and border cooperation, as this appears to have been an aspect of what could have prevented already known and suspected European citizens from registering as refugees with fraudulent papers and subsequently getting into Europe without being detected.

EUROPEAN BORDER CONTROL: A FAILURE TO DETECT

The Paris attacks were a wake-up call for Europe in terms of the measures that are necessary to counter migration linked to terrorism. Eight of the Paris suspects were already registered as radicalized or suspects on surveillance lists and in EU databases. Two of the Stade de France attackers, for example, carried stolen Syrian passports and fraudulent papers that matched their registrations in a refugee registration center on Leros, Greece. Yet none of these checks and registrations succeeded in revealing that the passports were listed as stolen by Interpol or that the papers were fraudulent. Similarly, after the Paris attacks, French gendarmes stopped the car of one of the main suspects – Salah Abdeslam – at the Belgian border and held him for thirty minutes before he was released. The Belgian authorities had only entered information on his criminal past, not his links to militant Islamism, in the EU's shared information database, the Schengen Information System (SIS).[26]

THE SCHENGEN INFORMATION SYSTEM (SIS)

SIS is the most widespread system of information exchange on border management and security in Europe. It provides information on, among other things, individuals who do not have the right to enter or stay in the Schengen area, wanted individuals and lost or stolen property, including identity papers and data necessary to locate individuals and confirm their identity. One of the advantages of the SIS database is that it can be used in real time, that is, when a policeman or border guard is checking identity papers of those seeking to cross an EU border. In 2017, SIS was updated to SIS II. Compared to SIS I, SIS II should increase the amount and improve the quality of data that is imported to it. However, SIS II still does not take into account differences in national legislation surrounding data use, nor the capacity of the individual police officer or border guard to put the database to use.

Illustrating this 'failure to detect' in the February 2015 edition of IS's magazine Dabiq, the main coordinator of the Paris attacks, Abdelhamid Abaaoud, bragged about how he had made several journeys between Syria and Belgium undetected, despite being a terrorist suspect targeted by both the French and Belgian intelligence services. Abaaoud, who was the subject of both a European and an international arrest warrant, managed to travel from Belgium to Syria via Egypt in March 2013 before returning to Europe.[27] While there is no confirmed evidence that he actually succeeded in going all the way back to Belgium before August 2015, he had no difficulty entering the Schengen area, as proved by the fact that he had monitored the Verviers plot from an apartment in Athens.[28] It later turned out that, upon his return to Belgium in August 2015, he also managed to travel to the UK, probably by ferry to Dover.[29]

IDENTIFYING BORDER MANAGEMENT AS PART-PROBLEM, PART-SOLUTION

The way in which foreign fighters already known to authorities and flagged in international information-sharing databases were able to travel undetected, despite registering at EU asylum facilities and border crossings, underlines the fact that there is a role for border management[30] to play at the intersection of migration and terrorism. This report argues that border policies and management occupy unique positions in addressing the challenges arising from this nexus. As the report has pointed out, terrorists seldom operate from 'one place' but depend on being able to pass borders – or migrate – between terrorist organizations' strongholds abroad and already existing networks in Europe that can provide logistics and facilitate organization.

The fact that foreign fighters and potential terrorists migrate across borders could be used to link the risk of terrorism not only with migrants but also with freedom of movement in general. However, making such links would be an over-simplification and would risk introducing extraordinary measures that place too much trust in the effectiveness of border controls. As is well known, most terrorists are 'homegrown' or residents with legal permits, a situation that places limits on what the exceptional closing or tightening of borders can actually do. Furthermore, a tightening of borders can increase organized transnational crime and push returning foreign fighters on to more illegal entry routes that are harder to control.[31] However, the fact that terrorists cross borders and are often under surveillance and known to national security services does make law enforcement, the police and border cooperation and processing unique means of detection and recognition.

Terrorists seldom operate from 'one place' but depend on being able to pass borders – or migrate – between terrorist organizations' strongholds abroad and already existing networks in Europe that can provide logistics and facilitate organization.

The 2015 Paris attacks are helpful in pointing out the vulnerabilities that can be exploited at the EU's external borders. Most illustrative of these vulnerabilities is perhaps the ability of one of the Paris attackers to pass Greek front-line staff with a passport that had already been registered as stolen in Interpol's database. Another example is how, in the immediate aftermath of the Paris attacks, Abdelslam was able to pass controls at the French-Belgian border, despite being known, suspected and registered in the EU's SIS database.

Most terrorists are 'homegrown' or residents with legal permits, a situation that places limits on what the exceptional closing or tightening of borders can actually do.

Combined, these examples point out two key challenges. The first is a lack of operational staff and frontline technological capacity to process and detect anomalies such as stolen passports in migrant flows at the EU's external borders. The second example, that of Abdelslam, shows the unaligned or lack of international information-sharing available to national police and security services on the road as well as in offices. Summing up, a key vulnerability in relation to returning foreign fighters and terrorist suspects appears to be a lack of or strained operational and technological capacity to use and cross-check suspects with already existing and available information-sharing resources within the EU. This vulnerability is relevant in evaluating and improving both the front-line staff at the EU's external borders and the police and national security services inside Schengen.

THE RISK OF INTRODUCING NEW SOLUTIONS TO NEW PROBLEMS

The EU has taken several measures acknowledging the pivotal role of information exchange and border management as an aspect of counter-terrorism efforts in recent years. Yet, the speed and novelty with which such counter-terrorism initiatives are introduced, entails the risk of overshadowing the need to invest in aligning and enhancing already existing measures like SIS at the EU's external borders and in Schengen.

NEW LEGISLATIVE MEASURES IN THE EU SINCE 2015 TO CONTROL MIGRATION AND TERRORISM

- End of 2015 to early 2016: Several EU countries introduced extraordinary internal EU border controls
- January 2016: Creation of European Counter Terrorism Centre and European Migrant Smuggling Centre
- March 2016: Partnership agreement with Turkey
- Early March 2016: The so-called Balkan route was declared shut when Macedonia, Croatia and Slovenia closed their borders
- April 2016: Provisional establishment of an EU Passenger Name Record directive (PNR)
- October 2016: Extension of the role and capacity of Frontex, renamed the European Border and Coast Guard
- April 2017: An amendment to the Schengen border code comes into force that introduces systematic database checks on all persons, including Schengen citizens, when they cross external borders

Since the Paris and Brussels attacks of 2015 and 2016, security and law enforcement cooperation are among the areas that have received the largest amount of funding and are evolving the most in the EU. The EU's 2017 spending budget dedicates a total of six billion euros – 11.3 percent more than in 2016 – to tackling the migration situation and reinforcing security and counter-terrorism activities related to the EU's border management.[32] A range of policy initiatives centered on improving and expanding information-sharing databases have been set in motion, including the provisional establishment of a Passenger Name Record in April 2016, a new version of the Schengen Information System (SIS II) and the establishment of a Europol terrorist center with 'updated powers'.

PASSENGER NAME RECORD (PNR)

PNR, which was adopted in April 2016, facilitates the use of passenger data for the prevention, detection, investigation and prosecution of terrorist offences. It obliges airlines to hand over passenger data on passengers who enter or depart from EU countries. This is supposed to enhance the control of travel flows at the external borders of the Schengen area.

EUROPEAN TRAVEL INFORMATION AND AUTHORIZATION SYSTEM (ETIAS)

ETIAS was founded in order to strengthen security checks and information-gathering on visa-free travelers coming to Europe. Visa-free travel has been the most common way for criminals, including terrorists, to travel into the EU from the outside. ETIAS is supposed to contribute to the more efficient management of the EU's external borders.

The EU's approval of the Passenger Name Record (PNR) directive in April 2016 is one of the most significant achievements regarding the control of travel in and from the EU in the past few years. The decision facilitates the use of passenger data in the prevention, detection, investigation and prosecution of terrorist offences. It obliges airlines to hand EU countries the passenger data they gather on passengers entering or leaving the EU. In addition, the European Travel Information and Authorization System (ETIAS) was established in November 2016 to strengthen security checks and information-gathering on visa-free travelers. Since April 2017, all travelers crossing the external borders of the Schengen area are checked in the SIS II database, including EU citizens. These are important measures, since so far visa-free travel has been one of the commonest forms of travel for criminals, including terrorist suspects, who have entered the EU from abroad. The EU's control of non-visa refugees and migrants travelling within its borders has also been enhanced at the physical borders of the main entry routes, currently in Greece, Italy and eastern Europe. Here, the EU has invested in making the European border institution, FRONTEX, stronger by enhancing its operational capabilities and powers, in particular through collaboration with national border and coastguard staff.[33]

Finally, the Schengen Information System (SIS) was updated to SIS II by 2017. SIS II allows two national-security officials, such as, on the one hand, police, border guards and customs officials, and on the other European institutions like Europol and Eurojust, to record information on wanted individuals and items (such as criminals and terrorists, stolen identity papers and cars) and receive real-time information and alarms when necessary. This system is essential in increasing and aligning information-sharing and in making this information actionable in real time by immediately transferring data entered into SIS in one country to the central system, which can then alert relevant searches in other countries. SIS II thus has the potential to enable EU countries to reduce the undetected travelling of known terrorists and potentially dangerous individuals by being able to detect stolen passports or suspected individuals in real time.

However, it is still unclear whether these new and updated initiatives will succeed in addressing the significant technical and human obstacles that, until recently, impeded the effective use of information-sharing databases. There is indeed a risk that the challenge the EU faces in detecting terrorist suspects not only lies in a lack of or unaligned data, but that it also originates in the absence of or different operational and technological capacities among member states themselves – in particular Italy and Greece – to act on already available data in real time. It is one thing to have the technological possibility, quite another to be able to use it.

SIS II thus has the potential to enable EU countries to reduce the undetected travelling of known terrorists and potentially dangerous individuals by being able to detect stolen passports or suspected individuals in real time.

Speaking at a trio meeting of EU commissioners on 21 December 2016, the EU security commissioner, Julian King, told reporters in Brussels that 'We are only as a strong as our weakest database', later underlining that 'SIS is only as good as the data that is registered in it'. Similarly, the Commissioner for Migration, Home Affairs and Citizenship, Dimitris Avramopoulos, said on 14 September 2016: 'Enhancing the exchange of information will enable us to fight terrorism more effectively.' However, it might have been more appropriate to say 'We are only as strong as our weakest member state's capacity to use information-sharing databases'. Or even more precisely, 'the EU's borders are only as strong as those of its Mediterranean members, Italy and Greece'. Many of the Paris attackers were registered in international databases but were not detected or did not have their fraudulent or stolen identity papers detected by national border staff at the EU's external borders. As such, databases existed and were informed. However, during the large influx of refugees in 2015, EU member states with an external border suffered from a significant lack of the technological capacity and human resources required to put these databases to use when processing and registering incoming migration flows and asylum requests.

The EU's borders are only as strong as those of its Mediterranean members, Italy and Greece.

When it comes to countries such as Greece and Italy, providing more data without providing the human and technical resources to make such data actionable does not seem to be an efficient policy response. New and increased data-sharing initiatives do not automatically solve more systemic vulnerabilities in the EU's ordinary border management. Apart from a lack of resources in some countries, these vulnerabilities also include different practices, competencies and capacities on the part of national law enforcement agencies, intelligence services and border controls in various member states.

THE RISK OF ADDRESSING TRANSNATIONAL PROBLEMS NATIONALLY

The reasons for the lack of joint investment in the operational dimensions of the EU's external borders are manifold and complex, yet one of the most obvious is probably the fact that law enforcement and border management have for a long time been considered the responsibility of national security agencies and legislation. This point is underpinned by the fact that different border states have had different methods of administration, registering and screening, at times making information uploaded to international databases unaligned and inconsistent. This is aggravated further by the absence of a common EU system of document inspection. In this respect, the EU's recent focus on strengthening cooperation around information-sharing can be interpreted as an easy way to avoid uncomfortable issues related to the different practices, competencies and capacities of national law enforcement and border control between member states.

Thus, the EU's focus on information-sharing between states over the joint capacity-building of internal security providers and cross-border operational cooperation can be interpreted as stemming from issues of national sovereignty. This challenge is underlined by the trends of EU member states to turn increasingly to national frameworks in order to strengthen their own security and border management, as with Brexit, member states' re-imposition of temporary national border controls and the general reluctance of national security services to share data. These examples of a return to national frameworks constitute attempts to uphold national security through the sovereign management of national borders and to prioritize national law enforcement over the joint efforts of the EU and agencies such as Europol and Eurojust. This trend increases rather than addresses the vulnerabilities that allowed the Paris attackers to travel undetected, namely the various, unaligned and often absent capacities of EU member states – in particular, EU border states and their national border staff – to process, register and operationalize the available information-sharing databases at border crossings.

Increased reliance on national security frameworks and a turning away from EU initiatives and agreements, is highly unsubstantiated.

In relation to this, the argument that the Paris attacks are an example of how terrorists can 'sneak' into Europe as refugees and how this attack necessitates not only the securitization of refugees, but also increased reliance on national security frameworks and a turning away from EU initiatives and agreements, is highly unsubstantiated. An increased turn towards strictly national security solutions will most probably impede member states' capacities to prevent terrorism. As terrorism is most often transnational, it must also be countered through transnational collaborative efforts. Consequently, more operational, technological and administrative joint support to the EU's external borders, ensuring electronic connection to relevant Interpol and Europol databases and efficient migrant processing at all external border crossings, should be emphasized as the efficient response, next to new data-sharing initiatives.

CONCLUSION

The EU faces a multi-faceted threat from terrorist organizations like Islamic State and al Qaeda. The challenges that arise from the intersection of these organizations' activities and the ongoing influx of refugees into Europe are largely new, unprecedented, and therefore highly uncertain. Terrorist groups like IS rely on adapting their modus operandi to vulnerabilities and changes in their environment. In this way, concerns about a dangerous intersection of terrorism with the EU's continuing influx of refugees are legitimate, as is the attempt to continue adapting policies to these concerns.

If we consider the long term, we also have to raise the question of whether and to what extent radicalization is a problem of second generations of migrants. This is a question that needs further research.

This report has explored the ways in which terrorists can exploit migration flows through two main assumptions: 'refugees as vulnerable to radicalization and recruitment' and 'the refugee flow as a back door'. It has concluded that the great majority of individuals involved in terrorist attacks in Europe have been EU citizens or residents, but also that European foreign fighters who had joined IS in Syria have used migration routes to reenter Europe undetected. No refugees, four asylum-seekers (three rejected) were involved in carrying out attacks in Europe from January 2016 to April 2017. Although in the short term the terrorist threat in Europe does not stem directly from refugees but clearly from EU citizens, residents and to some extent asylum-seekers, less linear effects of mass immigration and the potential links to terrorism cannot be excluded in the longer run. Disenfranchisement and a perceived or real lack of opportunity and justice make recruitment within vulnerable groups of refugees or asylum-seekers possible. If we consider the long term, we also have to raise the question of whether and to what extent radicalization is a problem of second generations of migrants. This is a question that needs further research.

Moving on to discuss possible solutions, the report has examined how our two main assumptions have fed into EU measures and policies introduced to address the possible exploitation of migration routes and migration flows by terrorist groups. To this end, this report has argued that policies and measures related to border management have a unique potential when it comes to preventing some of the ways in which terrorists have occasionally been able to exploit migration flows.

A strengthening of external Schengen border controls to detect potential terrorists or returning foreign fighters should never compromise the protection of refugees in need.

The report has also suggested that new international and national policies and legislative measures concerning borders and cross-border cooperation risk overshadowing the extent to which existing vulnerabilities in ordinary border management need to build up capacity. These vulnerabilities, which were ultimately of a sort exploited by the Paris attackers, entail a difference in the methods, capacities and motivations whereby member states share and operationalize international information-exchange databases in national border management and law enforcement.

A strengthening of these vulnerabilities will not just be overcome by more data-sharing or new measures such as a tightening of national borders. Rather, they necessitate EU-supported human and technological investment in the ordinary and operational management of external borders as a joint rather than a national project. Such investment would not only be beneficial in identifying often already known terrorist suspects, it would also make the processing of incoming asylum requests more efficient. A strengthening of external Schengen border controls to detect potential terrorists or returning foreign fighters should never compromise the protection of refugees in need.

NOTES

1 www.diis.dk/en/activity/database-of-materialized-islamist-terrorplots-in-the-west

2 The time of writing.

3 At the time of the attack, none of the four perpetrators had obtained legal status as a refugee. Three have had their asylum requests rejected.

4 Eurostat (2016), http://ec.europa.eu/eurostat/documents/2995521/7203832/3-04032016-AP-EN.pdf/

5 www.diis.dk/en/activity/database-of-materialized-islamist-terrorplots-in-the-west

6 These five countries accounted for 72% of all deaths from terrorism in 2015. See http://www.visionofhumanity.org/sites/default/files/Global%20Terrorism%20Index%202016_0.pdf for terrorism index, http://ec.europa.eu/eurostat/documents/2995521/7203832/3-04032016-AP-EN.pdf/790eba01-381c-4163-bcd2-a54959b99ed6 for 2015 asylum numbers.

7 http://www.europeanmigrationlaw.eu/documents/Eurostat-AsylumApplicationsintheEU-ThirdQuarter2016.pdf = shows how Syrians, Afghans and Iraqis constitute the biggest group of asylum-seekers to Europe. It is not possible, however, to state whether they have fled from terrorist groups or for other reasons.

8 BBC News (2015), 'Islamic State video campaign urges migrants to stay': http://www.bbc.com/news/world-middle-east-34291726

9 Europol, 2016, 'Changes in Modus Operandi of Islamic State (IS) Revisited', p. 9.

10 Le Galès, Patrick, and Desmond King, Reconfiguring European States in Crisis, Oxford University Press, 2017.

11 It is still too early to draw unilateral conclusions, as events are still unfolding. The large influx of refugees to Europe could have more indirect effects on public opinion, which potentially could enable various forms of violent extremism.

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15 Se Reuters, July 2016: https://www.rt.com/news/353649-denmark-isis-refugee-center/

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19 Jean-Charles Brisard and Kévin Jackson (2016), 'The Islamic State's External Operations and the French-Belgian Nexus', CTC Sentinel, November/December, https://www.ctc.usma.edu/posts/the-islamic-states-external-operations-and-the-french-belgian-nexus

20 The Wall Street Journal (2016) 'Islamic State Said to Have 'Industry of Fake Passports'': https://www.wsj.com/articles/isis-has-created-industry-of-fake-migrant-passports-says-french-minister-1453741792

21 The Soufan Group, December (2015) 'Foreign Fighters: An updated assessment of the flow of foreign fighters into Syria and Iraq': http://soufangroup.com/wp-content/uploads/2015/12/TSG_ForeignFightersUpdate3.pdf

22 Soren Seelow and Jean-Pierre Stroobants (2017), 'L'artificier en chef des attentats de Paris et de Bruxelles a été identifié'; Le Monde, March 8.

23 Brisard and Jackson (2016), 'The Islamic State's External Operations and the French-Belgian Nexus', CTC Sentinel, November/December.

24 Ibid.

25 For detailed information, cf. Brisard and Jackson.

26 Soren Seelow (2016), 'Les deux erreurs qui ont permis à Salah Abdeslam de partir en cavale', Le Monde, July 6.

27 The Guardian (2017), 'EU taskforce highlights security failings that facilitated terror attacks', March 14.

28 Brisard and Jackson (2016), 'The Islamic State's External Operations and the French-Belgian Nexus', CTC Sentinel, November/December.

29 The Guardian (2017), 'EU taskforce highlights security failings that facilitated terror attacks', March 14.

30 'Border management' is a broad term, covering state, EU and private guards. It matters who the border agents are, as accountability is more difficult when control functions are outsourced by state authorities to private companies. Cf. Thomas Gammeltoft-Hansen and Ninna Nyeberg Sørensen (2013), The Migration Industry and the Commercialization of Internal Migration, Oxford: Routledge.

31 See e.g. Ninna Nyberg Sørensen, Nauja Kleist and Hans Lucht's 2017 report for DIIS 'Europe and the Refugee Situation: Human Security Implications' or Migration Policy Institute's 2014 report 'Securing Borders: The Intended, Unintended, and Perverse Consequences' for an elaboration.

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33 Regulation (EU) 2016/1624 of the European Parliament and of the Council.

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