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Narratives on Returning Refugees, Asylum Seekers, and Irregular Migrants

Zeynep Sahin-Mencutek
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and Irregular Migrants**

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Abstract

This paper presents an overview of the scholarship on return politics and policies targeting refugees, asylum seekers, and irregular migrants. It shows how return narratives take multiple forms by adopting ambiguous terminology. I identify three return narratives, including 1) return as a durable solution; 2) return for peace and development; and, 3) swift returns and deportations to control and deter irregular migration. While the first two focus on the repatriation of refugees and asylum seekers to the country of origin, the third emphasises the expulsion of irregular migrants to the country of origin or transit countries and other 'safe' countries. All highlight the benefits of returns, as they are constructed and disseminated selectively by state and intergovernmental organisations. Rights-based advocacy groups challenge these narratives at the rhetorical level by providing evidence for an extensive range of human rights violations in actual return practices. Critical migration and legal scholars question the accuracy of these narratives by unpacking how they serve the interests of governing actors and the gap between legal principles and practices on the ground. Researchers also contest these narratives, drawing from ethnographic work to document the implicit assumptions in policy designs that lead to problems before and after returns.

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Introduction

Return seems the most desirable policy option for states for managing inflows of refugees, asylum seekers, and irregular migrants. A growing trend towards return has led host countries to reject asylum applications and pressure applicants to return much sooner than the migrants themselves found feasible (Black & Gent, 2006; van Houte & Davids, 2014). Return strengthens non-admission policies and is promoted as a means to halt asylum seekers' migration, reduce their actual numbers, and deter prospective attempts to cross borders.

European countries tend to respond to mixed flows – including refugees, asylum seekers, economic migrants, and others – by introducing robust and sophisticated return techniques, such as the hot spot approach, pushbacks, and fast-tracks. These enable 'unwanted' migrants' return to their countries of origin, transit countries, or other third countries under certain circumstances rather than offering international protection or legal pathways to stay in the destination countries. Host countries are not necessarily interested in 'where' or 'to what' refugees are returning, merely assuming persons return to their homes or the first safe country.

Despite all state-led efforts, returns have not kept pace with the rate of new displacements (UNHCR, 2018, p. 3). In 2018, less than three per cent of refugees returned to their country of origin (UNHCR, 2018, p. 7). Although EU Member States have policy priority for 'swift and effective returns', the number of irregular third-country nationals returned from Member States on both voluntary and forced basis remained lower (around 12,000) than the number of the persons ordered to leave (about 500,000) in 2018 (EC, 2018, pp. 71-72). Low return rates signal policymakers to invent innovative policies and construct plausible concepts and narratives to encourage return by linking it to attractive phenomena such as solution, development, peace, and protection. The return narratives also have symbolic significance for domestic politics as destination-country governments seek to thoughtfully disseminate the message of controlling migration issues and maintaining order (Sökefeld, 2019).

The complexity of constructed and contested terms is most evident in the categories and narratives defining migration and migrant types, including returns. Although dominant categories of refugee and migrants fail 'to capture adequately the complex relationship between political, social and economic drivers of migration or their shifting significance for individuals over time and space', they serve to justify policies of exclusion and containment (Crawley & Skleparis, 2018, p. 48). As Anna Triandafyllidou (2017) notes, there have been complex interrelationships in the nexus of migration and asylum governance. These two phenomena, despite 'conceptualized as discrete and distinct has multifaceted realities on the ground', proving that 'the governance and control of irregular migration and the management of asylum need to be understood by policymakers and researchers as a continuum rather than as separate and compartmentalized policy and governance domains of human flows' (Triandafyllidou, 2017, p. 1). Regardless of how this nexus is formulated – forced-irregular migration (McAuliffe, 2018), migration-asylum (Stewart, 2008), irregular migration-asylum (Triandafyllidou, 2017) – this nexus is mirrored in the field of governing returns, at both discursive and practice levels.

Due to the complexities at the nexus of asylum and irregular migration governance, it is worth examining different types of returns and related narratives about refugees, asylum seekers, and irregular migrants together. Policy tools like removals, pushbacks, deportations, and assisted returns can be understood as a continuum encompassing the elements of making the migrant oblige to return to somewhere else through using force, threat, non-admission, or deprivation of rights or incentives. An examination of various manoeuvres and tools available to states challenges the simple dichotomy of forced and voluntary return. Instead, a detailed account of terminology and narratives around returns makes us consider the return spectrum ranging from encouraged, facilitated, and assisted returns to imposed, obliged, or coerced returns and deportation. Although the degree of force used by implementing actors varies, policies often leave a migrant no other option than returning.

In this regard, narrative perspectives and interpretive tools help unpack underlying implications, implicit interests, and the shifting meanings about returns targeting refugees, asylum seekers, and irregular migrants. In this working paper, I first offer an overview of migration research's narrative perspective by highlighting definitions and main features. Second, I move to analysing how what I call 'strategic conceptual ambiguity' is the prominent feature of return narratives. In the third section, I examine the earliest narrative presenting return as the most desirable durable solution for protracted refugee situations. Next, I discuss the broader narratives linking returns with peace and development before outlining narratives to justify the swift return of irregular migrants. The empirical focus is on EU policy documents. This section also discusses the deportation gap that problematises the low number of actual deportation operations despite the high number of orders to leave issued to rejected asylum seekers, mainly in the EU Member States. Finally, I conclude by providing expert insights for some changes in return perspectives.

Narrative Perspective in Migration Studies

As Frank Fischer argues, discourse, rhetorical argument and stories play a crucial role in 'framing both policy questions, and the contextual contours of argumentation, particularly the ways normative presuppositions operate below the surface to structure basic policy definitions and understandings' (2003, pp. 13-14). Narratives are 'compelling storylines which can explain events convincingly and from which inferences can be drawn' (Freedman, 2006, p. 22). Thus, they have significance in policymaking processes, offering suggestions about which policies are 'reasonable and realistic' to adopt and support (Shanahan et al., 2011; Subotic, 2016). Some narratives become powerful and dominant (Dimitriu & de Graaf, 2016) if they are 'cognitively plausible, dramatically or morally compelling and, importantly, they chime with perceived interests' (Boswell et al., 2011). The power of narratives lies in their effects: 'If the dominant narrative makes sense to and therefore resonates with most of a target audience, the exercise of power can be so effective that it goes largely unnoticed' (Hagström & Gustafsson, 2019).

In migration research, narratives are how migration is discussed and debated on several platforms such as society, media, politics, civil society, and business, among others, which in turn shape the narratives with competing or complementing positioning. Migration narratives with a policy focus tend to simplify dynamics of migration, as Sarah Scuzzarello discusses:

'Through processes of selective appropriation of a few salient features and relations of an otherwise complex reality, actors in a policy community describe what is wrong with the present situation in a way that shapes its future transformation. Policy solutions are affected by how actors specify a set of claims about a policy problem that needs addressing, the causes of that problem, and the extent to which the problem should be addressed' (2015, p. 58).

Specific political agendas on migration drive migration narratives such as

'(1) the security concern with border surveillance and the control of unauthorized migration, (2) the labour market preoccupation with economic migration and employers' need for foreign labour, and (3) the humanitarian imperative to foster development in sending regions and to protect migrants, "victims" of human trafficking, asylum seekers, refugees as well as (to a lesser extent) left-behind populations' (Geiger & Pécoud, 2014, p. 876).

Actors imagine, envision, and conceive of different ways to interpret, implement, and follow return migration. To this end, their interests are embedded in the meaning-making. For example, in specific policy fields like 'voluntary returns', the International Organization for Migration (IOM) uses a narrative that appropriates the language of human rights but prioritizes 'the control and orders migratory flows in the interests of nation-states' (Ashutosh & Mountz, 2011, p. 21; Koch, 2014). UNHCR, IOM, and the EU construct a narrative based on 'international solidarity' and

'responsibility-sharing' that have implications not only for resettlement programmes and policies (Garnier, 2014) but also for return programs. Moreover, these three organisations show a certain degree of discursive alignment and policy convergence (or cooperation) regarding deportations and voluntary returns (Koch, 2014).

Strategic Conceptual Ambiguity in Returns Terminology

Return is a highly contested and blurry concept in migration research. The current lexicon of governmental and intergovernmental agencies adopts several definitions. Return is used interchangeably with repatriation and reversed migration, on the one hand, and removal, readmission, or expulsion, on the other. Repatriation is often used to refer state-induced return of a large number of refugees in the Global South. As James Hathaway notes 'repatriation has figured prominently in the protection practices of the less-developed World in contrast to the governments of the industrialized World' (1997, p. 551). Return is also coupled with the terms of removal and readmission to refer to the turning back of undesired immigrants such as irregular migrants staying in the destination countries, rejected asylum seekers, and people living in marginal conditions in line with agreements between host and home country (King, 2015; Koser, 2001). Return is also 'euphemistically used as a synonym of readmission or expulsion' (Cassarino, 2008, p. 97). Governments and international organisations (IOs) intentionally prefer 'softer' words such as (assisted) voluntary return or readmission, rather than the terms deportation, refoulement, and forced return. The terminology fluctuates, yet without agreed definitions.

According to IOM, return migration refers to 'the movement of persons returning to their country of origin after having moved away from their place of habitual residence and crossed an international border' (IOM Dictionary, 2019, p. 186). Removal is also referred to as deportation or, sometimes, expulsion, if it includes the use of force. A state may physically remove a non-national from its territory to his or her country of origin or a third country after refusal of admission or termination of permission to remain and issuing the order of leave (IOM Dictionary, 2019, p. 180). There is a clear tendency to use expulsion to refer to the legal mandate to leave the territory of a State, and removal or deportation to refer to the actual implementation of such an order in cases where the person concerned does not follow it voluntarily.

As an illustration, assume that an Afghan man emigrated from his town and crossed international borders. Knowing that his country of origin suffers from recurring violence, political unrest, and limited opportunities to a dignified life, this person can be accepted as a *de facto* refugee in need of international protection. He might be labelled a refugee by the UNHCR when he arrived in neighbouring Pakistan, if registered. Because there is an UNHCR-brokered repatriation agreement between Afghanistan and Pakistan, his return is categorised as repatriation. When the same man reaches the Turkey-Iran border, he might be pushed back by border officers. If he crosses this border, he will be deemed an asylum seeker if registered by State authorities; if not registered, he is considered an irregular migrant. If detained by the police, he might be held in removal centre and sent back to Afghanistan – an act dubbed 'removal' by the Turkish authorities. During the apprehension and detention process, he might be forced to sign a voluntary return form, thus making his return 'voluntary' on paper. If IOM officers had visited him at a removal centre and covered his return flight ticket and given him some pocket money, this would be considered an assisted voluntary return. For human rights advocates, all these acts are deportation.

If the same individual crossed Turkey and sought to make his way from the Turkish coast to Greece by boat and this boat was prevented from landing on an island, the return act is called a 'pushback'. If he had 'fortunately' reached an island, he might be forced to return to his country or to the transit country (Turkey) as both are defined as a 'first safe country'. This return is called

'readmission'. If the same individual managed to reach Germany and stayed there without applying for asylum, he would be categorized as irregular; if he applies for asylum, his application would likely be rejected as he arrived through safe countries (Afghanistan, Iran, Turkey, Greece). In this case, he falls under the category of rejected asylum seeker and is issued an order to leave for a third country. His options would then be to stay with irregular status, benefit from 'assisted voluntary return' schemes to be 'readmitted' to Turkey or Afghanistan, or forcibly deported. In each of these instances, it is the same individual who faces the same act of forced return to the country of origin. However, labels and categories vary across spaces, as do the legal frameworks and the title of procedures of the destination country.

This terminological ambiguity is also strategically constructed and selectively used by international migration organisations (IOM, UNHCR), development agencies (World Bank), and regional bodies (EU). These organisations seek to balance considerations of host states who have the sovereign right to return migrants who are not (or no longer) authorised to stay in their territories. There are also macro-level challenges in which the IOs felt deadlock. These include an evident disparity between the long-lasting conflicts, protracted refugee situations, and the overwhelming burden on immediate neighbouring host countries in the Global South. The limited number of resettlements and reluctance of host countries for local integration are also considerations. IOs, which encounter the dilemma of either upholding protection rights and norms or aligning with States' interests, tend to create nuanced terminologies. IOs thus use return and repatriation with complementary terms, binaries or adjectives like forced and voluntary; registered and unregistered; organize and spontaneous; assisted and non-assisted; sustainable return; and return in safety and dignity.

Besides IOs and States, scholars also play a role in enhancing conceptual complexity. Laura Hammond rightly criticizes scholars for their role in the construction of discourses about return and experiences of returnees. She notes:

'social scientists, who use misleading terminology borrowed largely from the international aid regime, its subdiscipline disaster management, and outdated migration theories, also fail to appreciate the lessons that returnees can teach them about culture change, the construction of communities, and the multiple meanings of, and connections between notions of identity, culture, home and geographical place' (1999, p. 228)

Hammond continues her self-criticism by adding that the 'terminology we use to describe the social, political and economic behaviour of returnees obfuscates our understanding of the process that is actually at work following repatriation' (Hammond, 1999, p. 228). The underlying assumption is that return is desirable and that it is possible for returnees to regain what they had before becoming refugees is flawed. Another problematic issue is that policymakers and implementers are not necessarily interested in where an individual is being returned. The assumption is that people return to their country of origin or 'home'. However, this is rarely the case for refugees and asylum seekers as they return to places designated for them or where they may access livelihoods (such as city centres), making them internally displaced in their own country. For irregular migrants, the return can be to a transit country or the first safe country, not necessarily to the country of origin.

Whether a returnee comes back to his or her birthplace or settles in an entirely new environment, he/she considered 'a return to be more of a new beginning than a return to the past' (Hammond, 1999, p. 229). Out of the various terms used in the discourse of repatriation (e.g. reintegration, rehabilitation, reconstruction, readaptation, reinsertion, re-establishment), Hammond considers the very words return and returnee problematic because they

'imply that by re-entering one's native country, a person is necessarily returning to something familiar. These terms are riddled with value judgments that reflect a segmentary, sedentary idea of how people ought to live, what their relation to their "homeland" should be, and ultimately how they should go about constructing their lives once the period of exile ends' (Hammond, 1999, p. 230).

Hammond is not the only researcher who finds the return and reintegration terminology problematic. Many studies show that return migration does not mean simply going back home and is rarely a one-way physical movement followed by permanent integration back in the country of origin (Iaria, 2014; Ruben et al., 2009). It is a complex process, narrated in various complementing and competing ways. Returnees often face difficulties fitting into the country of origin, feel socio-cultural anxieties, and experience unsettlement, thus challenging very idea of 'homecoming' or returning to normal (Schuster & Majidi, 2015; Anghel et al., 2019; Wagner, 2016).

Return as a Durable Solution Narrative for Refugees

In the case of protracted refugee situations, multiple stakeholders operating at different scales virtually agree that voluntary repatriation is the solution for the refugee question. To this end, they developed several complementary repatriation narratives such as the durable solution narrative which refers to 'any means by which the situation of refugees can be satisfactorily and permanently resolved to enable refugees to lead normal lives' (Chimni, 2004, p. 59). The three durable solutions include resettlement to the third country, local integration into the host country, and voluntary return to the land of origin. The latter is considered durable and the most desirable option from a statist, liberal, and critical pragmatic perspective (Chimni, 1993). The statist view underlines the themes of humanitarian concern for refugees' welfare; of reducing care and maintenance costs; of the difficulty of resettlement; and of isolating the Western World from the global refugee problem. The liberal perspective approach is durable by emphasizing the right to return home. The critical pragmatic perspectives consider that the Global North's non-admission asylum policies and containment strategies do not leave any other option than returns of refugees to their countries of origin (Chimni, 1993; Essuman-Johnson, 2011).

Historically, presenting repatriation as one of the durable solution narratives was first constructed by UNCHR, and has been widely supported by host states and other organisations since the 1990s (Chimni, 2004; Jacobsen, 2019; Hammond, 1999; Omata, 2013). In his genealogy of durable solution narratives, B. S. Chimni (2004) proposed distinct phases for understanding the shifting emphasis in the global refugee problem after the second world war. In the first phase (1945-1985), resettlement was advocated in practice, even as voluntary repatriation was recognized as a preferred solution. Subsequently, the promotion of resettlement was almost entirely replaced by the repatriation narrative. From 1985 to 1993, voluntary repatriation was stressed without jeopardising its voluntary character. The UNHCR pronounced the 1990s as the 'decade of return' due to the growing refugee challenges in Eastern Europe, Central America Africa, and Asia, particularly in the Great Lakes, Cambodia, Bosnia, and Myanmar. Political developments and changes in the post-Cold War geopolitics drove this discursive and policy change. The value of refugees as a propaganda tool had diminished, thus repatriation became a preferable strategy (Tegenbos & Vlassenroot, 2018, p. 7). Host states often insist that UNHCR works on the repatriation option (Barnett, 2001).

The concept of a safe return – as a middle ground between voluntary and forced return – was put in circulation in the context of temporary protection offered in Western Europe to refugees from former Yugoslavia. In 1996, the doctrine of imposed return gained prominence, mainly by the UNHCR, which sought to stress the constraints 'which could compel it to accept the reality of involuntary repatriation' (Chimni, 2004, p. 55). Between 1991 and 1996, nine million refugees were repatriated, often with UNHCR's assistance (Loescher, 2001, pp. 280-282). In a speech, the UNHCR Commissioner Sadako Ogata underlined the logic of argumentation and impasses of the UNHCR in propagating voluntary repatriation:

'Large-scale refugee movements are often seen as threats to national security and stability by governments. In the absence of political initiatives, UNHCR faces increasing pressures

to support repatriation, which is neither strictly voluntary nor strictly safe. Either safety in the country of asylum cannot be guaranteed, because of armed conflict or insecurity in the refugee camps, or asylum is being withdrawn by the host government. Although there may still be problems back home, returning in such situations may be better than staying. Return is often “the least worst option” in a “no win situation”, both for the refugees and ourselves’ (UNHCR, 1997).

Assistant High Commissioner Sergio Vieira de Mello’s statement summarised the dilemma faced by the UNHCR: ‘return itself be solution-driven rather than the principle-driven’ (Long, 2010, p. 26)

Returning was framed better than staying as a durable solution due to the mistaken assumptions of governmental, nongovernmental, and UN staff. The first assumption rests on the idea that refugee repatriation is mere movement or simple physical return. However, repatriation requires protection, given the fact that the country of origin may be unable or reluctant to protect returnees fundamental human rights (Long, 2010, p. 3). The second mistaken assumption is ‘that once returnees are back in their native country, their roots will be reestablished’ (Hammond, 1999, p. 223). Implicit in this statement is that the return of these migrants should be permanent.

These erroneous assumptions are not accidental; they are well recognised but preferred to be advocated due to the interests, as Hammond rightly points out:

‘The reasons for maintaining this position say much about the organisational self-interest of the agencies involved. To recognise the problems that repatriates often face after returning to their country of origin is to call into question the assumption that repatriation is the best available “durable solution” to the refugee “problem”. If the repatriation is not the best solution, then the other solutions of local integration or third country resettlement must be examined more closely. For reasons which primarily, but not only, financial, host and donor governments are loathe to do this’ (Hammond, 1999, p. 223).

The most contested issue in this durable solution narrative is the ‘voluntariness’ of any returns and the safety of the origin country. Coercing return to an unsafe country is a clear violation of the non-refoulement principle, a fundamental building block for refugee protection. The 1951 Refugee Convention and its 1967 Protocol guarantee the voluntariness of repatriation, requiring the signing of a form stating that an individual freely chooses to be part of repatriation programmes. However, as Hammond notes,

‘the voluntary nature of the decision to return may be difficult and even impossible to distinguish in cases where those who opt not to repatriate face closure of camps, cessation of aid, and harassment by local security forces. Those who choose not to return may also face harassment and intimidation from the host government or political groups in the country of origin whose interests repatriation may serve’ (Hammond, 1999, p. 231).

In principle, the repatriation decision is contingent upon an objective assessment of the refugee-sending country’s conditions that should ensure sufficient levels of safety, peace, and stability for refugees’ return to be genuinely voluntary. This is often not the case, given that repatriations or spontaneous returns during conflicts are not rare (Stein & Cuny, 1994). Thus, the voluntary return narrative is enforced with a story on safety in the sending country often disseminated by the international community, which claimed to have objective and positive evolutions of the security conditions. There were no guidelines about who and what defines ‘safe conditions’ for returnability nor were there accountability concerns considering the asymmetrical power relations between constructors of these narratives and refugees who are impacted by the return decision. On the other hand, human rights advocacy groups report that UNHCR and other aid agencies mislead displaced people about conditions back home by failing to provide accurate information in potential return sites. Also, they only selectively present information or stories of returnees who are doing well (Carroll, 2019).

Host states support or create a safety narrative about the refugee-sending country to propose credible arguments to at least claim that their actions do not constitute refoulement.

These narratives also serve to avoid diminishing their reputation for hosting refugees and future international aid. Thus, the origin country's return conditions are often narrated through a political rather than a humanitarian agenda.

There are strong critics of durable solution narratives (Hammond, 1999; Harrell-Bond, 1989; Lynch, 2009; Warner, 1994), including researchers' attempts to develop evidence-based counterarguments illustrating how a return often is not a durable solution and impairs refugee protection regimes (Long, 2010; Montenegro, 2016). Scholars with a policy background seek alternative perspectives to a durable solution. Katy Long offers a 'flexible and resilient' view to reconstructing the durable solution approach in a report published by UNHCR's Policy Development and Evaluation Service. She writes:

'there is an urgent need to revise practices and understandings of repatriation so that this durable solution is no longer understood to be incompatible with continued use of mobile and migratory livelihood strategies. Repatriation should be firmly conceptualized as a political act, involving the remaking of citizenship and consequent re-accessing of rights through revelation of national protection in the country of action' (2010, p.1).

Return-peace-development nexus

In addition to being considered a durable solution, returns of refugees, asylum seekers, and migrants are an integral component of peace and post-conflict development in the countries of origin). Based on the link between return migration, development, and peacebuilding, the general assumption is that 'when migrants return to their country of origin, they will contribute to development and peace building. This optimistic mantra is the result of a changing political discourse over the past 25 years with regard to migration' (van Houte & Davids, 2014, p. 71). Return is considered a simple movement back to normal, pre-conflict or pre-migration order. It is widely presented as 'the tool of promoting peacebuilding and national reconciliation; to the promotion of state stability and legitimacy' (Tegenbos & Koen Vlassenroot, 2018, p. 1). It is seen as an instrument of post-conflict developmental policies as long assumed in the development-migration nexus argument addressing labour migrants and diaspora members (Skeldon, 2008; Raghuram, 2009).

This linking of peace, development, and return had begun in the mid-1980s . However, the critical dilemma is which comes first: return, peace, or reconstruction (Stein & Cuny, 1994, p. 180). The UNHCR introduced the concept of the '4Rs' — repatriation, reintegration, rehabilitation and reconstruction — in 2003 as the component of the High Commissioner's Framework for Durable Solutions for Refugees and Persons of Concern (UNHCR, 2003; 2004).

The international community tends to use return discourses and programmes to legitimise post-conflict governments or states, particularly those who have taken the position of power with international coalitions or international actors' support. Returns are depicted as the way of bringing peace, security, and democratic legitimacy. The narrative of the safe return of refugees and displaced persons is seen as disseminating the message that everything normalizes, and reconstruction and peacebuilding programs might have been started and funded by donors. Returns are presented as a prerequisite of giving momentum to the state reconstruction (Petrin, 2002) and progress toward development goals by validating new regimes' legitimacy and building trust (Black & Koser, 1999). The return of displaced persons is depicted 'as an indicator of the wellbeing and maturity of a state signalling the success of a political process' (McDowell & Eastmond, 2002, pp. 2-3). But in reality, scholars drawing from case studies have approached the return-peace nexus as a complicated political process (Bradley, 2013; Shutzer, 2012; Long, 2010)

In some peace settlements, repatriation is framed as the necessary prerequisite for national elections or referendums for new regimes. Home-state regimes find themselves under

international pressure to accept and endorse returns to claim peace and stability. Politico-military factions may be interested in refugee returns for electoral outcomes, power-sharing, or building strong relations with the hosting country (Fakhoury, 2020). In line with this, returns signal the end of the conflict. The UNHCR frames the returns, such as in south-eastern Europe, as ‘closing the circle’ (UNHCR, 2004) to stress that returns bring the migration or displacement cycle to the end.

Katy Long presents a counterargument to the return-reconstruction nexus by underlining the possible unprecedented impact of premature returns:

‘Repatriation may often — but need not always — involve physical return. Especially in fragile post-conflict states with inadequate capacity to meet their citizens’ basic social and economic needs, the physical return may actually harm reconstruction efforts by exacerbating state fragility, even as refugees’ political repatriation is a necessary condition for recovery and state-strengthening’ (2010, p.1).

She warns that

‘Repatriation, then, is not just return. It is a political process, involving the remaking of political community in order that refugees’ rights — political, social, economic and cultural — are restored in an effective and meaningful manner. Understanding the key to repatriation to be a return to citizenship — rather than a return to the physical territory — opens up the possibility of disassociating repatriation from return, by splitting the rights and resources attached to citizenship and those attached to residency’ (Long, 2010, p.4).

There is also the risk that returnees will encounter persecution upon returning because ‘refugees are often regarded as being politically hostile to the government of the home country’ or as having evaded the fighting or potential disruptors who may create opposition (Rogge & Akol, 1989, p. 196).

The UNHCR is not the only IO taking an active role in this peace-development-return narrative. The World Bank, IOM, UN development agencies, as well as international and national NGOs have become involved in post-return activities ranging from rehabilitation of agriculture, irrigation, and infrastructure to health, education, and emergency relief (Harild et al., 2015, p. 57). They have applauded broad return policies for all types of migrants as a win-win-scenario benefiting receiving States, countries of origin, and migrants (Sinatti, 2015). To present returns with positive connotations while recognising the inherent risks of returning to the country of origin (mainly remigration), the well-known terminology of development and sustainability is adopted in return debates as discussions. Sustainable refugee returns are thus referred to

‘as a process or set of processes that re-establish former refugees in the country of origin in either the place they fled from, or elsewhere, in a way that provides the returnees with adequate conditions regarding safety, housing, livelihoods and access to services that reduce the likelihood of secondary involuntary movement within the country of origin (i.e., as IDPs) or displacement back to asylum countries’ (Harild et al., 2015, p. 1).

The sustainable return narrative rests on two flawed implicit assumptions. The first is that more development in the homeland will encourage more migrants to return, refrain from further mobility, and discourage the departure of new migrants. The second assumption is that the origin country and stayed communities desire the return of the displaced population for further development. However, these assumptions raise questions. First, sustainability for whom — individuals or a broader context? As a response, scholars such as Richard Black and Saskia Gent suggest that ‘return migration is sustainable for individuals if returnees’ socio-economic status and fear of violence or persecution is no worse, relative to the population in the place of origin, one year after their return (Black et al., 2004, p. 39). Second, how do we measure sustainability of return? Monitoring and looking at specific indicators seem to be mechanisms for claiming return’s sustainability and reconceptualising it, as Black and Gent argue:

‘to monitor whether returns are sustainable in this sense, tracking a sample of returnees and measuring actual levels of re-emigration, onward displacement, and/or desire to leave. Alternatively, the sustainability of individual returns could be conceptualized more

broadly to encompass factors relevant to long-term economic and social wellbeing, such as income, employment, shelter or access to healthcare, education or other services' (2006, p. 26).

To sum up, several case studies have challenged the assumed function of repatriation for maintaining peace and development and returnees' role as agents of change. These studies argue that post-return experiences are not homogenous, returnees do not necessarily have the resources and opportunities to initiate expected change, and return migration can be driven by complex motivations (Johansson, 2008; Bradley, 2019; van Houte & Davids, 2014). Repatriation of refugees or asylum seekers is no clear beginning or end for peace and development. These patterns are diverse and dynamic, depending on returnees' individual characteristics and the economic, social, and political contexts of the host and host country and the interventions of intra-state and non-state actors and their incentive tools.

As of 2020, this global framing on returns continues with some adjustments that focus on developing conditions in the countries of origin to enable return. The UN Global Compact on Refugees (2018) underlined that voluntary repatriation is a durable solution and return is a right. As one of its key objectives, it proposed supporting 'conditions in countries of origin for return in safety and dignity', while other goals include easing pressures on host countries; enhancing refugee self-reliance; and expanding access to third-country solutions (UN Compact, 2019, p. 5). The Compact text responded to the long-term dilemma of 'whether the peace or return should come first', in a way to undermine the principle of voluntary repatriation (Chimni, 2019). The text states that '[i]t is recognized that voluntary repatriation is not necessarily conditioned on the accomplishment of political solutions in the country of origin, in order not to impede the exercise of the right of refugees to return to their own country' (para 87 of Compact).

As a remedy to the absence of an accomplished political solution in the origin country, the Compact proposed to increase – mainly through official development assistance – resources made available to support the sustainable reintegration of returning refugees by more donors and aid (UN Compact, 2019, p. 10). The indicators used for measuring refugees' return and socio-economic reintegration include the number of refugees returning to their country of origin and the proportion of returnees with legally-recognised documentation and credentials (UN Compact, 2019, p. 10). As Chimni perfectly states,

'The underlying assumption is that balancing the concerns of host States in defining protection, and allowing return in less-than-happy conditions, is the way forward. In reality, that is the way towards eroding the protection system' (2019, p. 634)

Besides narratives centred on durable solution and development-peace that often target asylum seekers and refugees, the complex asylum-migration nexus shows that the return of irregular migrants – via practices of pushbacks, removal, readmission, or deportation – is another facet of this phenomenon. It also has a narrative dimension that depicts these practices as 'swift and effective' return and readmission policies to 'manage irregular migration' (EC, 2018), which will be examined below.

'Swift and Effective' Returns of Irregular Migrants

The EU's policy statements align with the UNHCR-led principles of non-refoulement and safe, dignified, and sustainable return in legislation as well as at the discursive level. Because of the non-refoulement principle, the EU does not speak about the return of asylum seekers or refugees; instead, it adopts the technical terminology of returning irregular migrants and the removal or readmission of 'third-country nationals, who do not or who no longer fulfil the conditions for entry or stay in a member state' (EC, 2015; ECRE, 2005; EC, 2018). The EU has sought to establish common standards and procedures in the Member States for 'returning illegally staying third-country nationals' for a long time (EU Parliament, 2020). The EU's position is further

strengthened in the Global Approach to Migration and Mobility adopted in 2011, which links border controls to lower levels of irregular migration, non-admission, and an adequate return policy (EC, 2011).

Return gained increasing prominence in recent years, particularly since the 2015 'crisis'. As Anna Triandafyllidou and Alexandra Ricard-Guay rightly note,

'In the current context, return migration has become a crucial component of the EU irregular migration governance. It serves the purposes of controlling, containing, and deterring irregular migration (if unwanted migrants are sent back, it should act as a deterrent for future migration). Efficient return policies are portrayed as being a condition for stronger and enhanced protection of asylum seekers' rights' (2019, p. 120).

There are several pieces of evidence in the EU common statements, such as the European Parliament's statement below:

'The return and readmission of irregular migrants in Europe have been a key priority for the EU institutions and the Member States alike, including in the context of unsuccessful asylum claims. Return and readmission of irregular migrants to third countries has been an integral part of the EU's immigration and asylum policy since the 1999 Tampere Council Conclusions and the adoption of the Treaty of Amsterdam' (EU Parliament, 2020, p. 1).

The EU has signed readmission agreements with countries of origin and transit such as Turkey, Afghanistan, and Morocco to coerce returns. Member States bilaterally negotiate for softer tools, such as a memorandum of understanding, protocols, and cooperation meetings with the main origin countries, such as Kosovo, Albania, Sri Lanka, Pakistan, and Ukraine (EC, 2018, p. 77).

The New Pact on Migration and Asylum, proposed by European Commission, on 23 September 2020 envisions further measures to centralize returns:

'A common EU system for returns is needed which combines stronger structures inside the EU with more effective cooperation with third countries on return and readmission. It should be developed building on the recast of the Return Directive and effective operational support including through Frontex (EC, 2020).

The New Pact also introduces a novel technique called return sponsorship by focusing on the necessity of responsibility-sharing for swift and effective returns:

'Under return sponsorship, Member States would provide all necessary support to the Member State under pressure to swiftly return those who have no right to stay, with the supporting Member State taking full responsibility if return is not carried out within a set period. Member States can focus on nationalities where they see a better chance of effecting returns' (EC, 2020).

The EU constructs a return narrative that assumes returns will stem irregular migration by reducing numbers and deterring prospective migrants. However, the description is careful to underline that the EU respects the human rights standards by appropriating refugee rights such as recalling the non-refoulement principle. The EU Action Plan on Return (2015) document illustrates this assumed linkage:

'Return of irregular migrants who do not have a right to stay in the EU to their home countries, in full respect of the principle of non-refoulement, is an essential part of EU's comprehensive efforts to address migration and in particular to reduce irregular migration. The European Agenda on Migration adopted by the European Commission on 13 May 2015, highlighted that one of the incentives for irregular migration is the knowledge that the EU's system to return irregular migrants is not sufficiently effective' (EC, 2015, p.1).

Besides coercing techniques, the EU also provides incentive and assistance mechanisms. Member States, the IOM, and civil actors incentivise returns by assisted voluntary return (AVR, then expanded it as the AVRR with the addition of reintegration for rejected asylum seekers and irregular migrants (IOM, 2015; Koch, 2014; Koser & Kuschminder, 2015). Researchers and rights advocates have criticised two main components of AVRRs: 'voluntariness' before returns and

'assistance' in the post-arrival reception and reintegration in the returned countries Giulia Scalettaris and Flore Gubert point out 'a contrasted understanding of return and reintegration by migration policymakers and migration scholars respectively' (2019, p. 91). Empirical studies underlined that returnees aspire to migrate again despite the available reintegration assistance (Kuschminder, 2017; Oeppen & Majidi, 2015). Furthermore, some returnees view the financial support and training as a temporary living solution, or even as enhancing the possibility to undergoing the journey (Cardoso et al., 2016).

Deportation Gap

Besides returns and readmission, the studies about EU Member States also focus on deportation with a more critical gaze. It is argued that the EU has been experiencing a 'deportation turn' since 2005 (Gibney, 2008; Paoletti, 2010). Emanuela Paoletti notes that 'deportation has emerged as a form of state practice distinct from other forms of expulsion as a way to deal with failed asylum seekers as well as foreigners convicted of crimes' (Paoletti, 2010, p. 8). Deportation turns into a primary migration control tool and the standard post-arrival migration enforcement method (Collyer, 2012; Weber, 2014). Deportation has become the main instrument for liberal states to deal with 'unwanted migrants' on their territories, turning what were once exceptional measures to a normalised technique of state power. The deportation gap narrative that problematises non-removal of irregular migrants by stressing that the curve of deportations lags the curve of arrivals and new applications (Sökefeld, 2019, p. 96). This narrative also legitimises new measures to fill this gap and deport many migrants as rejected asylum seekers.

Despite a consistent emphasis on closing the deportation gap, it has been long documented that the deportation programmes and practices of the EU, UK, and US undermine both refugee rights enshrined in the Geneva Convention and rights recognized in international conventions such as children's rights (Anderson et al., 2011; De Genova, 2010; Fekete, 2005; Hagan et al., 2008; Khosravi, 2009). Moreover, empirical research has shown that deportation rarely serves as a deterrence mechanism; instead, it starts the next cycle of migration, including remigration (Collyer, 2017). It triggers remigration because factors that had initially caused the migration persist, including critical issues such as fear of persecution, unending conflict, insecurity, and poverty (Schuster & Majidi, 2015). Hence, return programmes or deportation targeting irregular migrants do necessarily pay attention to the complex and dynamic post-return context and personal migration trajectories (Lietaert, 2020; Kleist, 2017). While they make swift returns as anticipated, they are 'efficient' for host states, not migrants themselves.

Deportation narratives interact with broader policy discourses such as counter-terrorism, interior immigration enforcement, and border securitisation (Martin, 2012), and migration policy discourses on deservingness and integration (Sökefeld, 2019). Narratives about deportation have a highly symbolic significance for political debates in countries with many migrants and refugees (Sökefeld, 2019). As Martin Sökefeld argues:

'Even if the actual number of deportations is limited, it signals to a refugee-critical audience that the government is taking the issue seriously – not only by deporting rejected asylum-seekers but also by creating laws and regulations that are intended to enable more deportations even at the cost of criminalizing volunteers and undermining means of legal redress' (2019, p. 110).

The deportation narrative is also used to justify countries' foreign policy actions, such as military interventions in the country of origin of deportees. In the case of Germany, Sökefeld argues that 'The government's reiteration that Afghanistan is 'safe enough' for deportees is often accompanied by references to the engagement of German military and police sent to the country to bring peace, security, human rights and development. The admission that

Afghanistan is not safe at all would be a devastating evaluation of these engagements' (2019, p. 111).

Considering power asymmetries, Afghanistan, or any other refugee-sending country is not in a position to challenge deportation requests as it does not want to jeopardise international aid or regime legitimacy. As in different fields of the governance of irregular migration and asylum, EU countries' partnerships on return issues reflect the notion of hegemonic partnership with third countries (Triandafyllidou & Ricard-Guay, 2019).

While deportation is a trivial issue for legitimising States' domestic and international actions, it is an existential matter for those who are subjected to it (Sökefeld, 2019). Even if only a few asylum seekers are deported, the threat of deportation creates further precarity, vulnerabilities, uncertainty, and insecurity in the entire refugee community (Sökefeld, 2019, p. 111). Furthermore, Bridget Anderson and colleagues argue that 'deportation is liable to generate conflicts amongst citizens and between citizens and the state over the question of who is part of the normative community of members' (2011, p. 547).

Increasingly, deportation narratives and acts face objections from local grass-roots initiatives and human rights groups such as Amnesty International and Human Rights Watch, among others. Local pro-refugee groups organise anti-deportation campaigns to support individuals and families facing expulsion (Sökefeld, 2019; De Genova, 2010)

Conclusion

Return of 'unwanted migrants' remains a vital component of asylum and irregular migration governance. The topic gained prominence over the years in the destination countries of asylum seekers, refugees, and irregular migrants. Migrant-hosting countries and international organisations play a leading role in shaping return narratives and putting them on the agenda. The primary framing strategy is to use complex terminology for labelling returns – readmission, repatriation, relocation, deportation, expulsion – and adding many descriptors, such as sustainable, voluntary, dignified, and so on. This strategically-ambiguous terminology reflects the asylum-irregular migration nexus and the problematic distinctions among irregular migrants, asylum seekers, or protection status holders (refugee, substantial protection, temporary protection). The other strategy is to link return policies with more favourable phrases such as durable solution, peace, and development to pretend a causal relationship.

Both migrant-hosting countries and international organisations propose returns as the key to ease the burden by reducing actual numbers and deterring prospective arrivals. They are mainly motivated by an interest in controlling and halting the migration of asylum seekers and irregular migrants. Returns contribute to the restrictive immigration policies that seek to legitimise states and organisations' acts of avoiding moral obligations and protection responsibilities. The discourses prioritise the domestic and foreign policy interests of States at the expense of those needing protection. Advocating returns seems like the 'most realistic solution' for stakeholders compared to other solutions such as local integration or resettlement.

Although legal principles and norms exist – voluntariness, safety, and dignity – in the context of returns of any types of migrants (refugee, asylum seekers, irregular migrants), they are often violated or ignored in practice. States are not genuinely interested in the question of a return to where and to which conditions; they usually use a language focusing on the human rights dimensions of returns, underlining respect of the non-refoulement principle and only facilitating voluntary returns (Solomon & Sheldon, 2018). Still, in reality, they use all types of manoeuvrings to oblige irregular migrants and asylum seekers to return.

Regardless of how a migrant and returning act are described by the receiving State's authorities, this has implications for migrants' lives. Return is not seen as a solution from the lens of asylum seekers and irregular migrants. Furthermore, return could be a matter of life and death.

Even if there is no persecution risk, this top-down approach does not acknowledge that ‘mobility may be desirable for migrants and that the advantages of freely deciding about one’s movement fade when efforts to control movement through restrictive notions of return are introduced’ (Sinatti, 2015, p. 286). As a partial solution, human mobility should be integrated into the durable solutions framework. Such a change would recognise the value human mobility can add to the economic, social, political, and cultural lives of the individual and wider communities affected by displacement (Long, 2010, p.1). As John Taylor and Helen Lee propose, we need a conceptual shift from return migration to return mobilities to capture ‘the diversity and nonlinear movements of people and allows us to move away from policy-centered (sovereignty and nation-state centered) frames in approaching the movements of people’ (cited in Triandafyllidou & Ricard-Guay, 2019, p. 119).

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