



City Research Online

City, University of London Institutional Repository

Citation: Schuster, L. & Majidi, N. (2019). Deportation and Forced Return. In: Bloch, A. & Dona, G. (Eds.), *Forced Migration: Current Issues and Debates*. (pp. 88-105). London: Routledge. ISBN 9781138653221

This is the accepted version of the paper.

This version of the publication may differ from the final published version.

Permanent repository link: <https://openaccess.city.ac.uk/id/eprint/21102/>

Link to published version:

Copyright: City Research Online aims to make research outputs of City, University of London available to a wider audience. Copyright and Moral Rights remain with the author(s) and/or copyright holders. URLs from City Research Online may be freely distributed and linked to.

Reuse: Copies of full items can be used for personal research or study, educational, or not-for-profit purposes without prior permission or charge. Provided that the authors, title and full bibliographic details are credited, a hyperlink and/or URL is given for the original metadata page and the content is not changed in any way.

City Research Online:

<http://openaccess.city.ac.uk/>

publications@city.ac.uk

Chapter 6

Deportation and forced return*Nassim Majidi and Liza Schuster***Introduction**

Since the end of the last century, there has been an increasing drive by states to forcibly remove people without permission to remain (Anderson, Gibney and Paoletti, 2013; Coutin, 2015). This drive is part of a growing restrictionism towards migration and migrants, regardless of whether the numbers of asylum seekers increased or decreased. Whereas for a number of decades, deportation was an exceptional weapon of migration control, by the end of the 1990s, it had become normalized (Bloch and Schuster, 2005; Schuster, 2005) and the following decade has seen the dismantling of many of the protections that had been put in place in order to reduce the deportation gap – the difference between the number of people with removal orders and those actually forcibly removed (Gibney, 2008; Paoletti, 2010).

Persons liable to being forcibly returned from the territory of one state to another today include, depending on the expelling state: visa overstayers, undocumented migrants, the children of those without papers, foreign nationals convicted of crimes and, perhaps most controversially, persons whose asylum claims have been rejected. The primary focus of this chapter is on the removal of those who start their journeys as forced migrants. For reason of space and of disciplinary choices this chapter is embedded in the forced migration literature. We will therefore not deal with the forced removal of foreign national criminals, overstayers or those who have been naturalized but deprived of their citizenship.

Deportation, acknowledged to be a brutal, expensive and ineffective state practice (Schuster, 2005; Gibney and Hansen, 2003; Collyer, 2012) is variously referred to as expulsion, forced return, removal and involuntary repatriation. The use of terms such as administrative removal further confuses the issue and makes the assemblage of comparable data very difficult. We begin with an outline of the different terms used, and by whom. Following a review of the literature on forced return, we survey current deportation practices globally and explore the function of forced return for states. We have a particular emphasis on Afghanistan and Somalia as the authors work in these areas and as they are key countries of current migration trends. In the final section, we focus on the impact of forced return, including what happens post-deportation.

What is deportation?

Under normal circumstances, citizens may not be removed from, or denied entry to, the territory of their own state (Universal Declaration of Human Rights, Art. 12), though states may withdraw citizenship from naturalized citizens in order to deport them (unless doing so would render them stateless). In particular, states are prohibited by law from returning people to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion (Art.33, Geneva Convention Relating to the Status of Refugees). This principle of *non-refoulement* is enshrined in European law and in the laws of its member states.

Terminologies on forced returns and forms of expulsion have varied from state to state (Goodwin-Gill, 1983). Traditionally, in the United States, deportation was used to refer to those who were refused at the first point of entry, and sent home. With time, deportations have grown to include those having already been granted access, but who may have been visa overstayers, failed asylum seekers, criminals, or foreign nationals – aliens – whose rights have been revoked. The terminology remains varied: in the United Kingdom, the preferred administrative term is ‘removal’, while under international law ‘expulsion’ is used (Henckaert, 1995).

The word ‘expulsion’ is commonly used to describe that exercise of state power which secures the removal, either ‘voluntarily’, under threat of forcible removal, or forcibly, of an alien from the territory of a state (Goodwin-Gill, 1983: 201). Deportation is usually understood as the physical removal of a migrant from the territory of one state to another, against his/her will, but as implied by Goodwin-Gill (1983), people may be forced to return by means other than physical compulsion (Collyer et al., 2009). While many of those liable to forced removal might not be understood to be *forced* migrants, deportation or forced return itself is a form of forced migration (Gibney, 2013).

In Europe, the practice is referred to officially as forced return or removal and is governed by the European Returns Directive, as well as the national laws of individual Member States, which specify who is liable to forced return and under what conditions. Deportation is used by lawyers and policy-makers in the UK to refer to the forced removal of foreign national criminals (see Paoletti, 2010 for discussion of the confusion between removal and deportation), while in France for example, it refers to the deportation of Jews by the Vichy regime. As such, the term deportation carries significant historical weight and so is also the preferred term of anti-deportation activists and lawyers in the Anglophone world, while laws and regulations prefer forced return or removal. In this chapter, we use the terms interchangeably.

In a contribution to a *Journal of Ethnic and Racial Studies* Special Issue on *Deportation, Anxiety, Justice*, Susan Bibler Coutin noted the differences between deportation and other forms of migration:

Deportation is forcible rather than voluntary, the decision to deport is in the hands of the state rather than that of individual migrants, the direction

of movement is from so-called receiving country to sending country and definitions of origin and membership are disrupted by the act of removal. Indeed, even to refer to deportation as a form of migration challenges common understandings of this term.

(2015: 672)

However, as Coutin notes, in reading deportation as a form of forced migration, we call further into question the original assumptions of migration scholarship, including the neat split between forced and voluntary, the presumption that migration was a single unidirectional event, and the absence of the state. Deportation involves physical, psychological and emotional compulsion (Khosravi, 2016) at the hands of the state. In terms of direction of movement, return may be to a country that is wholly unfamiliar, if, for example, one is an Afghan who was born and grew up in exile in Iran or Pakistan. Deportation is not always the end of the migration journey, not always a return to home: migration is multidirectional, including for those deported, many of whom leave again and more than once (Schuster and Majidi, 2013).

Deportation may describe the removal of an individual or family, as well as groups ranging from a handful of people by commercial flights from Europe to dozens by chartered boats, buses and trucks to various countries of origin (Schuster and Majidi, 2013; 2015).¹ It can also refer to the mass deportations of thousands of families herded across borders into neighbouring territories, whether from Kenya to Somalia (Majidi, 2017a) or Iran or Pakistan to Afghanistan (Human Rights Watch, 2017). Finally, the concept of force is a flexible one. Some people who are classed as voluntary returnees may in fact feel that they have no choice but to return, and hence feel that their return has been forced upon them.

Deportation scholarship

In arguing that deportation is a form of forced migration, Gibney (2013) queried why it had received so little attention from migration scholars. In the last decades of the 20th century there were a handful studies, but coinciding with the increased interest from states in deporting, there has been a steady growth in the literature on the subject through the 2000s. Academic literature on deportation initially focused on the earlier stages of the process, exploring the difficulties of removing rejected asylum seekers (Noll, 1997, 1999; Phuong, 2005; Ellermann, 2005), resistance against deportation (Nyers, 2003), and the dangers and injustices of the deportation experience (Fekete, 2005; Kanstroom, 2007). This critical view of the practice of forced return has continued, with scholars such as Fischer (2015) and DeBono, Rönnqvist and Magnusson (2015) drawing attention to the psychological damage inflicted on those awaiting deportation.

However, in the early 2000s, as the practice of deportation became normalized (Bloch and Schuster, 2005; Schuster, 2005), this focus was complemented by a growing body of literature on the place of deportation in the states anti-migration

arsenal (Ellermann, 2009) and increasingly on the theoretical and practical implications of that normalization (Bloch and Schuster, 2005) or what Gibney and Hansen (2003) have referred to as the 'deportation turn' (see also De Genova and Peutz, 2010).

De Genova (2002) has explained how deportability, the condition of being liable to forced return, creates an exploitable, oppressable, vulnerable workforce that serves the interest of globalized, capitalist economies (see also Bloch and McKay, 2016). De Genova uses the concept of deportability to refer to the protracted possibility of being deported, which produces 'practical, materially consequential, and deeply interiorized modes of being' (De Genova and Peutz, 2010: 14). Underlining the negative impact of the threat of deportation, others describe it as part of the state's apparatus to marginalize, terrify, exclude and expose (Bloch and McKay, 2016; Jones et al., 2017). In this view, deportation works on the deportable to make them compliant and exploitable.

Others have written on how deportation works for governing elites to reinforce the value and significance of national citizenship, underlining the distinction between citizen and non-citizen, since the former cannot be deported (Anderson, Gibney and Paoletti, 2013: 2; Walters, 2016). And yet, as underlined by scholars working in this field, deportation also underlines the fuzziness of that distinction and the binding ties between citizen and non-citizen, which make deportation so brutal for those effected, including citizens. In 2017, the Dutch authorities forcibly removed a 60-year-old man from his wife of 40+ years to Afghanistan after 20 years. She had become a Dutch citizen and was in need of his care. They were left to fend for themselves separately, without family support or any source of income.²

As deportation studies have multiplied, the focus has shifted to include more studies on what happens post-deportation (Peutz, 2006, 2010; Brotherton, 2008; Ruben, Van Houte and Davids, 2009; Khosravi, 2009; Schuster and Majidi, 2013, 2015), though the work on what happens to forced migrants returned against their will is still limited, and that on forced return within the global south even more so. There are of course practical reasons, besides ethnocentricity, why there are so few studies conducted in refugee-generating countries.³ Nonetheless, scholarly attention to these inevitably brutal state practices and their consequences are particularly important, as there is no evidence that they will either decrease or become more humane (if that were possible), largely because, as Gibney (2013) says, deportation carried out by the liberal state is largely seen as legitimate and just.

There are two other significant gaps in the literature to date. First is an ethnography of policy-making, which makes visible the calculations of those who devise the policies to be implemented. Ellermann (2006) is one of the very few scholars working on the implementation of these policies by street-level bureaucrats but not from an ethnographic perspective. Second, since the sharply insightful overview by Chimni in 2004, there has been no further critical analysis of the role of the international community in implementing and legitimizing forced return,

accepting it as part of repatriation, one of its three durable solutions, the other two being local integration and resettlement.

History of deportation and forced returns⁴

Deportatio, under the Romans, referred to a forced exile within the empire, often to an island. The evolution from a citizen's banishment to a foreign national's expulsion is a rather recent phenomenon. Return refers to the process of going back to one's country of citizenship – if return is voluntary – and increasingly, the process of *sending* back people to their country of citizenship – when return is forced. This shift – from going to sending, from voluntary to forced – has happened gradually, yet is accelerating as part of a discourse on solutions. Deportation is therefore closely linked to return migration. Return migration policies are increasingly used by states to manage migration. The assumption is that populations on the move, be it refugees, failed asylum seekers or migrants, can return to their home country, voluntarily or by force, to resume their lives in societies of origin. The aim is for return to strike a natural order in the international system.

Return or repatriation has traditionally been seen as the end of the migration cycle, including or especially for refugees (Black and Koser, 1999), the point at which a host state's responsibility to refugees ends. As Anderson, Gibney and Paoletti (2013) have argued: deportation is an exercise of state authority that aims definitively to end the relationship of responsibility between the state and the non-citizen by forcing the non-citizen beyond the sphere of the state's authority. The emphasis on return, in particular for refugees who were forced to leave their homes, assumes a natural order, that the right place is home, that somehow return is the best and most desirable outcome. Malkki (1995) has challenged the assumption that return serves to restore a natural 'national' order by returning people to where they belong, showing that refugees in exile were not necessarily an anomaly or uprooted, but may have created a home elsewhere. However difficult the situation in their new home, conditions in the country of origin may make return and reintegration impossible and therefore refugees (and non-refugees) may be reluctant to end their relationship with the receiving state.

However, the inability or unwillingness of many forced migrants to return to their countries of origin or habitual residence has led to an increased emphasis on forcing them to return. Chimni (2004) tracks the steps that paved the way for this shift. The focus of the states of the Global North, expressed through UNHCR policy, moved from an emphasis on *resettlement* (1945–85), essential for those who could not return home and who would provide a much-needed supplement to the North's post-war depleted national labour forces, to *repatriation* (1986–1998), the preferred durable solution for states in the Global North unable to halt the arrival of refugees from the Global South. As described by Chimni, that second phase saw a shift from *voluntary* to *forced* repatriation, in spite of arguments such as Malkki's (1995) and Harrell-Bond's (1989) that there was no research to suggest that repatriation was possible or appropriate for most

refugees. Chimni suggests that an idealized image of repatriation, of return, was used to legitimize what were in effect forced returns, as many refugees did not in fact volunteer to return, having created new homes in exile.

Next came a shift towards *safe return* in the early 1990s following the Yugoslav wars as states took advantage of the absence of any reference to *voluntary* return in the Geneva Convention (Hathaway, cited in Chimni, 2004). As Chimni notes it merely called upon state parties to ensure safe return so that it is left to the state alone to decide when there has been a sufficient change in the circumstances in the country of origin to warrant invoking the cessation clause (Art.1c, 1951 Refugee Convention). In other words, the subjective perceptions of the state authorities are substituted for the experience of the refugee in making the decision that it is time to leave (Chimni, 2004).

Chimni (2004) makes clear that state humanitarian responses to the arrival and presence of refugees are always politically driven. This is particularly evident from Chimni's (2004) description of the acceptance by UNHCR⁵ that under a doctrine of *imposed return*, refugees may be sent back to less than optimal conditions in their home country against their will because it is happening anyway, because in the era of mass movements the doctrine of individual expression of free will to return has been less relevant and less used and because imposed return has become necessary because of pressure from host states and a lack of money to care for refugees (McNamara, cited in Chimni, 2004: 10–11). The hosts who were forcibly and massively returning refugees at the time were largely in the Global South (Sudan, Zaire, Tanzania), and they were doing so in the face of resistance by states in the Global North to share the responsibility and the introduction of increasingly restrictive measures to prevent the arrival of refugees on European shores (it was at this time plans for processing centres in the region and in North Africa were mooted). In other words, the Global North did not have any moral authority to condemn these forced returns, which anyway worked in their interests.

Mass involuntary repatriation has a history as a weapon of weak states. Such states, who host far larger populations of refugees than states in the Global North, have used the threat of mass returns to exert pressure on the neighbouring state of origin (frequently an even weaker state) or on donor states in order to leverage further resources or pursue a particular agenda. For example, Afghanistan's neighbours Iran and Pakistan have, over the last 40 years, each hosted more than 2 million Afghans. At regular intervals, these states threaten and do push back thousands of people daily (Turton and Marsden, 2002; Human Rights Watch, 2017).

At the end of 2014, tensions between Afghanistan and Pakistan deteriorated as the latter accused its neighbour of sheltering the perpetrators of the attack on the Army Public School in Peshawar that killed 145 people, including 132 children. Pakistan punished Afghan refugees by extending their residence permits for only 6 months, then 3 months (instead of the 18–36 months as they had previously), and stepping up abuses and harassment so that there were three times as many returns in 2015 (181,000) compared with 2014 (61,000). In 2016,

when the Salma Dam,⁶ financed by India with a promise of a further \$1 billion in aid, was inaugurated, Pakistan was furious and Afghan refugees felt the brunt of it (Bjelica, 2016). In June during clashes on the border, a Pakistani Army Major was killed. That month, the numbers being returned daily reached 4,000–5,000, with more than 600,000 Afghans returned from Pakistan in the space of 6 months (347,000 with refugee cards and 247,000 undocumented) (Human Rights Watch, 2017).⁷

Kenya has hosted Somali refugees since the 1990s, most in the Dadaab camps, which by 2011 had a population of half a million (Lindley and Hammond, 2014). Originally, Kenya accepted Somalis fleeing civil war and the collapse of the state in 1991 as *prime facie* refugees, and again in the wake of the 2011 famine in Somalia, on the understanding that their stay would be temporary and UNHCR would take care of them. In 1993, 170,000 Somalis were repatriated, but due to ongoing insecurity, drought and famine, many continued to be displaced and by the early 2000s, repatriations had dwindled to a few hundred per year. However, this period saw the growth of Al-Shabaab, a radical Wahabist movement, in Somalia, and in 2011 they allegedly began a series of deadly attacks in Kenya. In response, Kenya began to push for repatriations from the enormous Dadaab camp. They began deporting urban refugees in 2014 and announcing that ‘hosting refugees has to come to an end’. In 2013, UNHCR, Kenya and Somalia signed an agreement on the ‘voluntary repatriation’ of Somali refugees, but given the continued instability in Somalia, the refugees were not easy to convince.⁸ In 2016, the Kenyan government threatened to close the Dadaab camp complex by year’s end, de facto forcibly returning all of its population to Somalia. The vast majority of Somali refugees to date still do not want to return, and those who have returned lack the necessary information and networks to facilitate their reintegration, pointing to a failed return process (Majidi, 2017a).

In Europe, though the numbers are significantly smaller (of both refugees and those forcibly returned), the drive to deport is increasing and the justification used is the preservation of the asylum system, i.e., without the threat of deportation the system would be overwhelmed by fraudulent claims. The deterrent effect of deportation is treated as a given (in spite of a complete absence of any research data to that effect) and is used to justify the increase in returns and the introduction of measures to reduce the deportation gap. The 2015 EU Action Plan on Return (European Commission, 2015: 453 final) argued that

One of the most effective ways to address irregular migration is the systematic return, either voluntary or forced, of those who do not or no longer have the right to remain in Europe. Fewer people that do not need international protection might risk their lives and waste their money to reach the EU if they know they will be returned home swiftly.

At the same time, acknowledging that voluntary returns are more effective (i.e., those who return voluntarily are more likely to remain in their countries of

origin) than forced returns, the document also states that the appeal of voluntary return schemes also depends on how credible the prospect of forced return is (European Commission, 2015: 3). There appears to be some truth in this. In the course of multiple flights to Kabul via Istanbul (between 2015 and 2017), Schuster met and spoke with dozens of such young men and a handful of families who described the pressure they had been subjected to in Norway and Turkey in particular (see Khosravi, 2016 on Sweden), including being told that if they did not sign a document stating that they agreed to return, they would be physically removed, or not allowed to leave detention. They explained they had signed the voluntary return paper because they were told they had no choice, and this way they would be able to access some support on return. Such returns are more properly described as soft deportations (Leerkes, Van Os and Boersema, 2017) and usually require fewer or no escorts, so are considerably cheaper, even when a return or reintegration package is included.

However, while the threat of hard deportations may increase the uptake of soft deportations, undocumented migration continues apace and many of those deported re-migrate (Schuster and Majidi, 2013), leading us to question the justifiability and utility of deportation, and with De Bono (2016) to argue that this presentation of returns as a necessary element of the solution to the refugee crisis is problematic because it is based on misconceptions about the experience of those returned, because there is no evidence to support the core deterrent argument and because so little is known about what happens post-deportation.

Nonetheless, EU states are determined to close the deportation gap (Gibney and Hansen, 2003; Paoletti, 2010), that is, the gap between the number of people subject to deportation orders and those the state actually manages to deport, because of a range of constraints (Gibney and Hansen, 2003). The deportation of those with established networks, who can offer support to the person targeted, is extremely difficult, while it is much easier to deport those already in detention. The practice of detaining those who *may* be liable to deportation works in two ways – it makes the person targeted for forced return physically available, and it inhibits the creation and maintenance of networks which might interfere with the process of removal (Tyler, 2017). However, objections to removal and to the violent restraints used have also been voiced by strangers, passengers on commercial flights used to forcibly return individuals, resulting in a move towards collective forced removals using charter flights from EU member states. This is an expensive option and difficult to enforce without the cooperation of the countries of origin who have to accept the return of their citizens, as we will see in the next section.

Constraints on forced return

It seems that only 40% of migrants who have been given an order to leave the EU, actually leave (Andrijasevic, 2010). Removal orders may not be carried out for a number of reasons, one of the most important being legal and human rights

constraints. While mass returns occur largely in the global south, a body of legal instruments, and of lawyers and migrant and human rights organisations make it more difficult to decide from one day to the next to expel large numbers of people from countries in the Global North. Even when the courts have decided an individual is not a refugee and does not meet the refugee criteria, removal may not be possible. Protection may be granted to asylum seekers based on rights guaranteed by the European Convention on Human Rights and Fundamental Freedoms. For example, the Prohibition on Torture (Art.3) and the right to Family and Private Life (Art.8) has protected those whose asylum claims have been rejected, but who have managed to build families, and whose rights would be infringed should the claimant be removed. Others are also exempt from deportation, including unaccompanied minors, who may not be removed until their 18th birthday; female headed-households from certain countries where they would be at risk; and those whose return would not be considered reasonable for example those with certain health conditions that cannot be adequately treated in the sending state. However, the law is not always respected, and individuals with family connections, such as the Afghan man referred at the beginning of the chapter, have been forcibly returned.

It is at the street level that the true costs of deportation – the coercive uprooting of individuals from their communities, families and workplaces – become most visible (Rosenberger and Winkler, 2014; Tyler, 2017). Supporters of those facing deportation work to make forced return difficult through lobbying and campaigning, and their demands to stop forced returns are often framed around the human costs to the community. As Ellermann (2015) notes, this reframing of deportation in humanitarian terms threatens to undermine the legitimacy of bureaucratic decisions by reintroducing the deportee as a classmate, work colleague, girlfriend, friend and human being – counteracting the dehumanizing narratives of failed asylum seeker.

Aside from the constraints in EU states, there is also the lack of cooperation with countries of origin, which make returns difficult. There is little cooperation from some states in verifying the nationality of those to be deported (De Bono, 2016). For some states, there is little benefit to be gained from facilitating the forced return of their citizens, in particular when their families rely on remittances. It is often overlooked the extent to which asylum seekers and refugees remit and help to support and sustain families at home, and therefore the consequences for those families post-deportation. In 2015, with an upturn in refugee arrivals, European policy-makers began to apply pressure not only to rejected asylum seekers but also to transit and origin states to prevent irregular migration and facilitate returns (European Commission, 2015: 453 final). The Commission warned Member States that effective returns require political will and prioritisation and that the implementation of EU Return Directive, by the Member States leaves room for improvement (European Commission, 2015: 15).

A major step forward in terms of restricting arrivals and facilitating returns was the EU-Turkey deal, signed in 2016, whereby, in exchange for €3 billion

(later doubled) and the easing of visa restrictions for Turkish citizens, the Turkish authorities agreed to take back those who had transited Turkey to Greece and to prevent others from doing the same (there was also to be a resettlement programme for Syrians from Turkey to the EU, so that for every Syrian arriving irregularly into Greece who Turkey took back, the EU would resettle one) (Tunaboyla and Alpes, 2017). However, such a strategy only works if the transit country does not get stuck with those returned. Turkey currently hosts 3 million refugees, most of whom are from Syria, but there are also significant numbers from Afghanistan.

In 2016, Afghanistan had the highest number of civilian casualties since 2001 (UNAMA, 2017), the Taliban was in control of more than 50% of the country, there were major attacks by Daesh/ISIS and the Al Haqani network and a concerted effort by the EU states to push Afghan refugees back into Afghanistan. The appointment of a new Refugee Minister in 2015, Syed Alemi Balkhi, was a barrier to this intention, since he explicitly stated it was not safe to return people to Afghanistan and did his best to resist. EU states complained bitterly about the lack of cooperation, arguing that countries that refused to cooperate should not expect as much from donor states. Although it is a country still in conflict, the EU Member States took advantage of the Brussels Donor conference in October 2016 to apply significant pressure on the Afghan government, warning President Ghani that further aid could not be guaranteed unless an agreement (the *Joint Way Forward*) was signed in which the Afghan government promised to issue travel documents, assist with identification and accept returns.⁹

The number of people being deported from Europe to Afghanistan is relatively low, certainly by comparison with forced returns from those whose host the majority of the world's forced migrants. However, the plan to operationalize the *Joint Way Forward* foresees a total of 10,000 returns in 2017: 5,000 voluntary returns and 5,000 forced (Bjelica and Ruttig, 2017). This would mean a more than 10-fold increase since 2016, which, UNAMA noted, had seen an overall the highest total civilian casualties recorded since 2009 when UNAMA began systematic documentation (UNAMA, 2017). The Afghan government, in spite of President Ghani's statements, is being forced to accept these returns. In June 2017, both Minister Balkhi and his Deputy Minister pleaded in vain with EU MS to suspend deportations, pointing to the attacks that month that cost more than 150 lives in the capital alone, and the challenges of coping with returns from Pakistan and Iran.

This raises the question of *missing* constraints. In spite of constraints just listed – legal, social and international – states push ahead with forced returns that are illegal, whether it is Pakistan harassing documented refugees, the Netherlands abusing Art.1F of the 1951 Refugee Convention to refuse asylum to innocent men, Germany deporting a man with severe schizophrenia, or Norway separating families. Even though migration tribunals recognize that those applying for asylum have well-founded fears of persecution, they deport on the basis of the possibility of safe internal relocation, for example, that those being returned will be safe in Kabul, ignoring UNHCR guidelines that stress the importance of

social networks. In recent years, a growing number of legal and migration scholars have been arguing for the need for a post-deportation monitoring process as a way of avoiding these miscarriages of justice.

The arguments for the necessity of monitoring in deportation situations is built on three rights-based principles and protection safeguards: first, that deportation can constitute *refoulement*; second, due to the risk of harm when they return to their country of origin; third, the lack of assistance, institutional support and social protection upon return (Bowerman, 2017; Alpes et al., 2017). Without monitoring, redress for errors (which may be fatal) is highly unlikely. On the other hand, the absence of monitoring makes it harder to prove that states have *refouled* and are in breach of their obligations.

The impact of deportation

Although the literature on what happens post-deportation is growing, as noted previously, the work on what happens to rejected asylum seekers, particularly those from countries still in conflict, is very limited. Nonetheless, some work has been done. The LOS country catalogue (2017: 5), using country of origin and human rights organisations reports lists 27 countries, most of whom penalize undocumented exit with arrest and detention. There were also details of beating and harassment by police, in particular where claiming asylum is considered as treason.

However, being desk based, the catalogue focused largely on what happened in the short term. Little is known about the impact of deportation on rejected asylum seekers in the longer term, on women, on children or on the families of those returned (whether in the country of origin or the receiving country). Schuster and Majidi's work in Afghanistan (2013, 2015) points to a number of problems encountered, including being targeted as contaminated because of time spent in the West, and being stigmatized for failure, especially when the flight was financed by selling or mortgaging family property. One consequence that became abundantly clear, was that in contrast to those who had genuinely chosen to return, the overwhelming majority of those who were returned against their will left again. It was also clear that aside from the physical risks to those deported and to their families, the failed investments in migration to Europe – because refugees do work and earn money and support families at home – was a huge burden for many of the families. Nonetheless, some people make large profits from deportation.

The impact of deportation on psychosocial well-being is increasingly being reported in the scholarly literature, with empirical evidence on the effects of detention, deportability and deportation. De Bono, Rönqvist and Magnusson (2015) discuss the effects of deportability – or living in limbo in the country of destination – on migrants' psychosocial well-being. The psychological effects of detention and deportation are experienced in the countries of reception as well as of return, leading to a layering of harms to mental health that often go

unaddressed and untreated upon return. In *Enduring Uncertainty*, Hasselberg (2016) discusses the emotional and psychological impact of an uncertain status, of deportability and deportation in the receiving country. In line with Dow's previous work (2007), she reviews the lived experiences of deportation orders. A common thread in their accounts was the element of psychological damage, psychological torture (Hasselberg, 2016) and changes in behaviour caused by the deportation order. Whether returned or not, the living conditions under uncertainty and exclusion has an impact on psychological well-being.

The requirements for psychosocial well-being, as presented by De Bono, Rönqvist and Magnusson (2015), include (1) agency, autonomy and control, (2) participation and involvement, (3) social relationships and networks and (4) safety. Ruben, Van Houte and Davids (2009) further discuss the impact of previous migration phases on psychosocial embeddedness, of which psychological well-being is one of the core elements. The authors argue that the layering of trauma during migration stages creates further instability. The symptoms they identify are depression, phobias and schizophrenia. Elsewhere Majidi (2017b) has shown that a common marker among deported migrants is the inability to negotiate their post-return lives, and to regain a sense of home. The lack of preparedness in forced returns, the loss of control and networks, can put deportees in a state of psychosocial instability that leads to them feeling lost upon return.

The business of deportation

Deportations are not only part of an administrative component of migration and immigration systems, they are also big business (Walters, 2002, 2016; De Genova, 2010).¹⁰ The delegation of state authority (Guiraudon and Lahav, 2000) has seen the involvement of other 'local, private and transnational actors' (Andreas and Snyder, 2000: 6), in particular private sector actors. The privatization and outsourcing of migration management has been discussed in the literature with the pioneering work of Lahav (1998), De Genova and Peutz (2010) and Menz (2011). What were once key state functions are being delegated to private companies for a fee: from running detention facilities or removal centres in the UK, transporting deportees on commercial flights, using private security contractors to escort deportees, or relying on construction companies in countries of origin to build reception or reintegration facilities.

The problem with the shifting of state tasks to private companies is precisely the introduction of a profit motive for deportations. Such a motive creates incentives to treat people as targets, as means to a profit goal. Moreover, given the lack of oversight and monitoring it is inevitable that there will be casualties. In 2010, Jimmy Mubenga was removed from a British Airways flight at London Heathrow Airport by a private security firm – G4S – whose custody and treatment of Mr. Mubenga on board the plane led to a heart attack and subsequent death. Although medical records of the death clarified the cause of death (chokehold and compression of the chest, despite being handcuffed and seated with

his seatbelt on), all G4S duty officers were cleared of charges during the trial. Gammeltoft-Hansen (2013) predicted that the investigation would not yield any results as such cases outsource questions of liability. While grassroots mobilization targets the government to appeal or block deportation measures, private companies' actions are hidden from public view, implying less liability and accountability to the treatment of migrants and deportees. From private chartered flights to foreign security personnel, the amount of public information is still limited and warrants greater attention to the norms regulating such a deportation industry.

Conclusion: reflections on an inhumane and illiberal practice

Although, as we have argued, deportation has become normalized, and the pressure to increase the number forcibly returned has increased, it is a blunt instrument and the effects are felt by many more than those physically removed. When return contains an element of coercion and force it cannot be considered a durable solution – in particular when individuals are sent to states still in conflict, with the economic and social consequences that entails. The rationale presented by policy makers is that return migration, combined with other measures, will deter irregular migration, send a strong message to traffickers and smugglers, preserve the asylum space against asylum shopping and enforce international and national laws. Academics have been testing assumptions but not as avidly as the policy world: return has been happening, whether assisted or unassisted, but its effects are under-explored. What do we know of the impacts of return migration policies and programmes? What happens to people, institutions and states in the wake of massive returns home? What happens after return to conflict and post-conflict settings? Return is proposed as inherently positive; as a concept, it is paired with other concepts such as reintegration, assuming that return is meant to be linked to a process of economic, social and cultural insertion back home. What are the consequences when the process of return fails? To date, studies indicate that reintegration rarely follows forced return and that re-migration is the most likely consequence (Schuster and Majidi, 2013).

Notes

- 1 Walters (2016) has argued for greater attention to be paid to the practices and spaces involved in the transport of people being forcibly removed, and in particular for a critical analysis of the policies and practices involved.
- 2 The man was refused asylum on the basis of his employment in Afghanistan's Communist government in the 1980s/1990s. Letters from the Afghan government insisting that he was not guilty or suspected of any crime were ignored. In 1999 the Dutch government drafted a report, which stated, quite simply, that all Afghan officers who had worked for the secret services and/or a liaison organisation in the eighties and the nineties, during the time that Afghanistan was considered a Soviet satellite state, were in fact war criminals. The consequence of this report was that if a refugee from Afghanistan had worked for the secret service as an officer, he (or she, but mostly he) would get an 1F-status and would be excluded from asylum and all social rights. Any

- proof and/or piece of evidence from individual Afghan asylum seekers that they have been falsely accused and do not fall under 1F, was and is still today not accepted. This resulted in a situation where hundreds of Afghans were denied a status as refugees (EDAL, 2017).
- 3 A significant practical reason is that rejected asylum seekers and refugees are frequently being returned to states in conflict, and research institutions rely increasingly on (risk averse) insurance companies to make the decision on whether it is safe to conduct research in those environments. Where they agree, it is frequently under security conditions that make research impractical, if not impossible.
 - 4 We have focused on the history of forced return due to space limitations and because deportation historically involved a very wide range of people.
 - 5 Specifically, Dennis McNamara, the Director of UNHCR's Division of International Protection (DIP), in September 1996 (Chimni, 2004: 10–11).
 - 6 Another dam, in Herat Province, which threatens the water supply to Iran, may be behind the sharp increase in forced returns from that country in 2016 to 435,000, with a further 600,000 promised for 2017.
 - 7 This case is particularly complex as UNHCR were accused of complicity in Pakistan's mass re-foulement, encouraging people to return by increasing the cash support to each returnee from \$200 to \$400 (HRW, 2017), and the reaction of the Afghan President which was to encourage further returns with wholly unrealistic promises of land, homes and jobs 'as many as 30 million people live in Afghanistan and that the return of two or three million more people would not have such a bad impact on the current situation in the country' (Ghani, cited in Bjelica, 2016).
 - 8 A joint return intention survey conducted by the International Organization for Migration (IOM) and UNHCR Kenya revealed that only 2.6% of refugees in Dadaab intended to return to Somalia in 2014.
 - 9 Ministers Balkhi (Refugees and Repatriation), Iklil (Finance), Zakhi (National Security Council) and Rabbani (Foreign Affairs) each stood up before Parliament and explained that the Europeans had threatened them with cancelling future aid if they failed to sign.
 - 10 The involvement of transportation companies in deportation and mass expulsions has a long history. Walters (2002), for example, highlights the participation of train companies under the Nazi regime and the use of shipping companies in England's transportation of a criminal class to New South Wales and, as noted above, the contemporary use of the airline industry to deport unwanted aliens and refused asylum seekers back to countries of origin worldwide.

Bibliography

- Alpes J, Blondel C, Preiss N, et al (2017) Post-deportation risks for failed asylum seekers. *Forced Migration Review* 54: 76.
- Anderson B, Gibney M, and Paoletti E (eds) (2013) *The Social, Political and Historical Contours of Deportation*. New York: Springer.
- Andreas P, Snyder T (2000) *The Wall Around the West: State Borders and Immigration Controls in North America and Europe*. London: Rowman & Littlefield.
- Andrijasevic R (2010) From exception to excess: Detention and deportations across the mediterranean space. In: De Genova N, Peutz N (eds) *The Deportation Regime: Sovereignty, Space, and the Freedom of Movement*. Durham, NC: Duke University Press, 147–165.
- Bjelica J (2016) Caught up in regional tensions? The mass return of Afghan refugees from Pakistan. *Afghanistan Analysts Network*. Available at: www.afghanistan-analysts.org/caught-up-in-regional-tensions-the-mass-return-of-afghan-refugees-from-pakistan/.

- Bjelica J, Ruttig T (2017) Voluntary and forced returns to Afghanistan in 2016/17: Trends, statistics and experiences. *Afghanistan Analysts Network*. Available at: www.afghanistan-analysts.org/voluntary-and-forced-returns-to-afghanistan-in-201617-trends-statistics-and-experiences/.
- Black R, Koser K (1999) The end of the refugee cycle? In: Black R, Koser K (eds) *The End of the Refugee Cycle?* Oxford: Berghahn, 1–19.
- Bloch A, McKay S (2016) *Living on the Margins: Undocumented Migrants in a Global City*. Bristol: Policy Press.
- Bloch A, Schuster L (2005) At the extremes of exclusion: Deportation, detention and dispersal. *Ethnic and Racial Studies* 28(3): 491–512.
- Bowerman E (2017) Risks encountered after forced removal: the return experiences of young Afghans. *Forced Migration Review* 54: 78–80.
- Brotherton D (2008) Exiling New Yorkers. In: Brotherton D, Katsemenas P (eds) *Keeping Out the Other: Immigration Control in the New Millennium*. New York: Columbia University Press, 161–178.
- Chimni BS (2004) From resettlement to involuntary repatriation: Towards a critical history of durable solutions to refugee problems. *Refugee Survey Quarterly* 23(3): 55–73.
- Collyer M (2012) Deportation and the micropolitics of exclusion: The rise of removals from the UK to Sri Lanka. *Geopolitics* 17(2): 276–292.
- Collyer M, Wimalasena P, Ansar N, and Khan A (2009) *Return Migrants in Sri Lanka*. London: Institute for Public Policy Research.
- Coutin S (2015) Deportation studies: Origins, themes and direction. *Journal of Ethnic and Migration Studies* 41(4): 671–681.
- De Bono D (2016) Returning and deporting irregular migrants: Not a solution to the ‘refugee crisis’. *Human Geography* 9(2): 101–112.
- De Bono D, Rönnqvist S, and Magnusson K (2015) *Humane and Dignified? Migrants Experiences of Living in a State of Deportability in Sweden*. Malmö: Malmö University.
- De Genova N (2002) Migrant illegality and deportability in everyday life. *Annual Review of Anthropology* 31(1): 419–447.
- De Genova N, Peutz N (2010) *The Deportation Regime*. Durham, NC: Duke University Press.
- Dow M (2007) Designed to punish: Immigrant detention and deportation. *Social Research: An International Quarterly* 74(2): 533–546.
- EDAL (2017) Strategic litigation as a tool to help the Afghan 1Fers in the Netherlands. *European Database of Asylum Law*. Available at: www.asylumlawdatabase.eu/en/journal/strategic-litigation-tool-help-afghan-1fers-netherlands.
- Ellermann A (2005) Coercive capacity and the politics of implementation: Deportation in Germany and the United States. *Comparative Political Studies* 38(10): 1219–1244.
- Ellermann A (2006) Street level democracy: How immigration bureaucrats manage public opposition. *West European Politics* 29(2): 293–309.
- Ellermann A (2009) *States Against Migrants: Deportation in Germany and the United States*. Cambridge: Cambridge University Press.
- Ellermann A (2015) Do policy legacies matter? past and present guest workers recruitment in Germany. *Journal of Ethnic and Migration Studies* 41(8): 1235–1253.
- European Commission (2015) *EU Action Plan on Return (COM) 473 Final*. Brussels: European Commission.
- Fekete L (2005) The deportation machine: Europe, asylum and human rights. *Race & Class* 47(1): 64–78.

- Fekete L, Webber F (2010) Foreign nationals, enemy penology and the criminal justice system. *Race and Class* 51(4): 1–25.
- Fischer N (2015) The management of anxiety: An ethnographical outlook on self-mutilations in a French immigration detention centre. *Journal of Ethnic and Migration Studies* 41(4): 599–616.
- Gammeltoft-Hansen T (2013) The rise of the private border guard: Accountability and responsibility in the migration control industry. In: Gammeltoft-Hansen T, Nyberg Sorensen N (eds) *The Migration Industry and the Commercialization of International Migration*. Abingdon: Routledge, 128–151.
- Gibney M (2008) Asylum and the expansion of deportation in the United Kingdom. *Government and Opposition* 43(2): 146–167.
- Gibney M (2013) Is deportation a form of forced migration? *Refugee Survey Quarterly* 32(2): 116–129.
- Gibney M, Hansen R (2003) *Deportation and the Liberal State: The Forcible Return of Asylum Seekers and Unlawful Migrants in Canada, Germany and the United Kingdom*. UNHCR Evaluation and Policy Analysis Unit. Geneva: UNHCR
- Goodwin-Gill G (1983) *The Refugee in International Law*. Oxford: Clarendon Press.
- Guiraudon V, Lahav G (2000) A reappraisal of the state sovereignty debate: The case of migration control. *Comparative Political Studies* 33(2): 163–195.
- Harrell-Bond B (1989) Repatriation: Under what conditions is it the most desirable solution for refugees? An agenda for research. *African Studies Review* 32: 41–69.
- Hasselberger I (2016) *Enduring Uncertainty: Deportation, Punishment and Everyday Life*. Oxford: Berghahn.
- Henckaerts JM (1995) *Mass Expulsion in Modern International Law and Practice*. Leiden: Martinus Nijhoff Publishers.
- Human Rights Watch (2017) *Pakistan Coercion, UN Complicity: The Mass Forced Return of Afghan Refugees*. Human Rights Watch. Available at: www.hrw.org/report/2017/02/13/pakistan-coercion-un-complicity/mass-forced-return-afghan-refugees.
- International Organization for Migration (IOM) / UNHCR (2014), *Joint return intention survey report 2014*, Kenya.
- Jones H, Gunaratnam Y, Bhattacharyya G, Dhaliwal S, Forkery K, Jackson E, et al (2017) *Go Home? The Politics of Immigration Controversies*. Manchester: Manchester University Press.
- Kanstroom D (2007) *Deportation Nation: Outsiders in American History*. Cambridge, MA: Harvard University Press.
- Khosravi S (2009) Sweden: Detention and deportation of asylum seekers. *Race & Class* 50(4): 38–56.
- Khosravi S (2016) Deportation as a way of life for young Afghan men. *Detaining the Immigrant Other: Global and Transnational Issues* 169.
- Lahav G (1998) Immigration and the state: The devolution and privatisation of immigration control in the EU. *Journal of Ethnic and Migration Studies* 24(4): 675.
- Leerkes A, Van Os R, and Boersema E (2017) What drives ‘soft deportation’? Understanding the rise in assisted voluntary return among rejected asylum seekers in the Netherlands. *Population, Space and Place* dx. doi.org/10.1002/psp.2059. Available at: https://www.academia.edu/35242701/What_drives_soft_deportation_Understanding_the_rise_in_Assisted_Voluntary_Return_among_rejected_asylum_seekers_in_the_Netherlands.

- Lindley A, Hammond L (2014) Histories and contemporary challenges of crisis and mobility in Somalia. In: Lindley A (ed) *Crisis and Migration: Critical Perspectives*. Abingdon: Routledge.
- LOS (2017) *Post Deportation Risks: A Country Catalogue of Existing References*. Rotterdam: Stichting LOS.
- Majidi N (2017a) Uninformed decisions and missing networks: The return of refugees from Kenya to Somalia. *Espace, Populations, Sociétés* 2017(1). doi:10.4000/eps.7098
- Majidi N (2017b) Deportees lost at home: Post-deportation outcomes in Afghanistan. In: Khosravi S (ed) *After Deportation: Ethnographic perspectives*, Global Ethics Series. Basingstoke: Palgrave Macmillan.
- Malkki L (1995) Refugees and exile: From refugee studies to the national order of things. *Annual Review of Anthropology* 24: 495–523.
- Mathieu L (2006) *La double peine: Histoire d'une lutte inachevée*. Paris: la Dispute.
- Menz G (2011) Neo-liberalism, privatization and the outsourcing of migration management: A five-country comparison. *Competition and Change* 15(2): 116–135.
- Noll G (1997) The non-admission and return of protection seekers in Germany. *International Journal of Refugee Law* 9(3): 415–452.
- Noll G (1999) Rejected asylum seekers: The problem of return. *International Migration* 37(1): 267–288.
- Nyers P (2003) Abject cosmopolitanism: The politics of protection in the anti-deportation movement. *Third World Quarterly* 24(6): 1069–1093.
- Paoletti E (2010) *Deportation, Non-Deportability and Ideas of Membership*. Refugee Studies Centre Working Paper Series No. 65. Oxford: Refugee Studies Centre.
- Peutz N (2006) Embarking on an anthropology of removal. *Current Anthropology* 47(2): 217–241.
- Peutz N (2010) “Criminal Alien” deportees in Somaliland: An ethnography of removal. In: Peutz N, De Genova N (eds) *The Deportation Regime: Sovereignty, Space and the Freedom Of Movement*. Durham and London: Duke University Press.
- Phuong C (2005) The removal of failed asylum seekers. *Legal Studies* 25(1): 117–141.
- Rosenberger S, Winkler J (2014) Com/passionate protests – fighting the deportation of asylum seekers. *Mobilization: An International Journal* 19(2): 489–509.
- Ruben R, Van Houte M, and Davids T (2009) What determines the embeddedness of forced-return migrants? Rethinking the role of pre-and post-return assistance. *International Migration Review* 43(4): 908–937.
- Schuster L (2005) A sledgehammer to crack a nut: Deportation, detention and dispersal in Europe. *Social Policy and Administration* 39(6): 606–621.
- Schuster L, Majidi N (2015) Deportation stigma and re-migration. *Journal of Ethnic and Migration Studies* 41(1): 635–652.
- Schuster L, Majidi M (2013) What happens post-deportation? The experience of deported Afghans. *Migration Studies* 1(2): 221–240.
- Tunaboylu S, Alpes J (2017) The EU-Turkey deal: What happens to people who return to Turkey? *Forced Migration Review* 54: 84–87.
- Turton D, Marsden P (2002) *Taking Refugees for a Ride: The Politics of Refugee Return to Afghanistan*. Issue Paper Series. Kabul: Afghanistan Research and Evaluation Unit.
- Tyler P (2017) *Discourse, Agency and Relationships Between the Deporting State, Deportees and Their UK Contacts*. Unpublished thesis. Sheffield: University of Sheffield.

- UNAMA (2017) *Afghanistan Protection of Civilians in Armed Conflict: Annual Report 2016*. Kabul: United Nations Assistance Mission in Afghanistan.
- Walters W (2002) Deportation, expulsion and the international police of Aliens. In: De Genova N, Peutz N (eds) *The Deportation Regime: Sovereignty, Space and the Freedom of Movement*. Durham, NC: Duke University Press, 69–100.
- Walters W (2016) Flight of the deported: Aircraft, deportation and politics. *Geopolitics* 21(2): 435–458.

Taylor & Francis
Not for distribution