

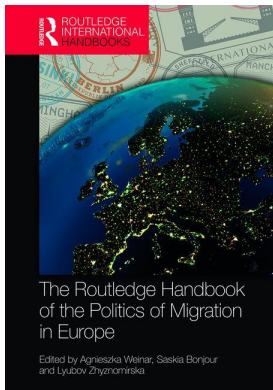
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21

A SPURIOUS RELATIONSHIP? Assisted voluntary return and development

Katie Kuscminder

Introduction

Assisted Voluntary Return (AVR) Programmes are an important part of migration management policies in most countries in Europe. The International Organization for Migration (IOM) defines AVR as:

[T]he administrative, logistical and financial support provided to migrants unable or unwilling to remain in the host country who volunteer to return to their countries of origin and, where possible, supported with reintegration measures.

(2017a, p. 2)

This definition highlights an important conceptual distinction between AVR and Assisted Voluntary Return and Reintegration (AVRR). The former, AVR, tends to refer to assistance in the practicalities of the return process (such as a flight home and in some cases a small monetary package at departure), whereas the latter refers to an additional assistance that is provided for the purposes of reintegrating a returned migrant into the country of origin. Forms of reintegration assistance vary between programmes and may include such support as assistance to open a new business, vocational training, housing support or psychosocial care.

In recent years, AVR has increased in scale and has become an increasing salient policy issue. In 2016, over 98,000 people participated in an IOM AVR programme globally, with 54,000 people participating from Germany alone, as shown in Table 21.1. Participation is much smaller in other European countries such as the European Union (EU) Eastern neighbourhood countries. Notably, Turkey had 1,196 AVR participants and Russia had 126 participants in 2016. Global flows have seen a significant increase from 2014 wherein 43,699 people participated in AVR programmes, and nearly a 200 per cent increase from a decade ago wherein 24,696 people participated in AVR programmes in 2005 (IOM, 2017b, p. 8). Expenditures on AVR in 2016 were approximately US\$158 million globally (IOM, 2017b).

Considering the rise in asylum flows to Europe, the recent growth in the past two years of AVR is not surprising. In 2015, only half of the applicants in the EU received a positive response to their first instance asylum claim (Eurostat, 2016). This results in a large target population for AVR of close to half a million rejected asylum seekers. When an individual is rejected,

Table 21.1 IOM assisted voluntary return flows 2016 by European country

Country	IOM AVR flows
Armenia	0
Austria	4,812
Azerbaijan	3
Belarus	0
Belgium	4,117
Bulgaria	635
Croatia	0
Cyprus	85
Czech Republic	209
Denmark	531
Estonia	40
Finland	2116
France*	0
Georgia	54
Germany	54,006
Greece	6,153
Hungary	65
Iceland	30
Italy	145
Latvia	75
Lithuania	69
Luxembourg	0
Malta	14
Moldova	0
Netherlands	4,635
Norway	1,459
Portugal	67
Romania	111
Russia	126
Slovakia	126
Slovenia	62
Spain	663
Sweden*	10
Switzerland	513
Turkey	1,196
United Kingdom*	1
Ukraine	16

Source: IOM, 2017b.

Note

* IOM is not the main provider of AVR in these countries and therefore the figures do not reflect actual AVR flows.

they are simultaneously issued a return order to leave the country within a certain time period (most commonly, in 28 days). The large number of rejected asylum seekers that are supposed to leave the country places a subsequent pressure on return programmes, inclusive of not only AVR but also forced removals. Key migration policy documents, such as the European Union

and Afghanistan Joint Way Forward signed on 2 October 2016, have placed a large emphasis on return and reintegration stating the requirement of the origin country to accept back its nationals for readmission (European Union External Action, 2016). These forms of agreements (most commonly termed operational cooperation agreements) permit the EU to forcibly return Afghan nationals. The preference in Western European countries, however, is still for a voluntary return. Nevertheless, when there are readmission agreements in place, the EU has the ability to forcibly return individuals.

This chapter will provide an overview of the politics of AVR in the European context. AVR is primarily a policy tool used in Western European countries with 81 per cent of returns facilitated from IOM in 2016 originating from the European Economic Area (IOM, 2017b). These forms of programmes do not exist in the United States and were only introduced into Canada as a pilot in 2012 (CIC, 2015). The first section of this chapter provides a brief overview of AVR programmes, including their purpose and scope. The second section examines the policy arguments for AVR, while the third section contrasts these arguments to the criticisms of AVR programmes. The fourth section provides an overview of migrant decision-making for participating in AVR programmes. The chapter then turns to exploring the relationship between AVR and development, first by discussing AVR and reintegration and sustainable return, and second by examining AVR and development. The chapter concludes by offering the author's reflection on the role of AVR as a migration policy tool in Europe.

Overview of assisted voluntary return programmes

The main purpose of AVR programmes is to return individuals to their countries of origin that no longer have the right to stay in the host country in a humane fashion. When an individual comes to a host country in Europe and is unsuccessful in their asylum claim, according to the asylum process they are supposed to return to their countries of origin. In most countries, the rejected asylum seeker is given a removal order from the host state. However, many of these people do not return (Koser and Kuschminder, 2015). There are multiple reasons why people do not return, one of which may be not having the resources to return. The purpose of AVR is supposed to assist people that are willing to return to their countries of origin in doing so. The primary target population for these programmes is current asylum seekers, rejected asylum seekers and irregular migrants. However, eligibility for these programmes differs across different host countries. AVR is a central policy mechanism intended to ensure the return of an individual.

AVR programmes can operate in different ways with different actors involved. In some countries, such as Norway, all AVR programmes are operated through IOM. This differs from countries such as France and the United Kingdom, where the governments directly manage AVR themselves. In other countries, such as the Netherlands, there are a variety of organizations involved in different types of AVR programmes.

There are also differences among countries in legal grounding for AVRs. According to the European Migration Network (EMN), the majority of EU member states regulate AVR through an existing national framework (2011) such as a *Foreigners Residence Act*, *Asylum Law*, *Welfare Support Agreements* and/or *Immigration Act/Law*. Four countries have specific agreements for return, and these are: Belgium, France, The Netherlands and Spain. While these agreements differ for each country, they generally lay out such criteria as who is responsible for managing AVR (Belgium), the established return schemes (France) and eligibility for payments (Spain).

On the whole, AVR programmes across Europe are fairly similar in that they offer something in exchange for a voluntary return. Yet, precisely how they work varies in each country. The

differences include: goals of the programme, target population (current asylum seekers, rejected asylum seekers, irregular migrants or victims of trafficking), packages that are offered (type of reintegration support, cash or in-kind assistance, amount of assistance offered), coordination and programme implementation (government, IOM or other non-governmental organization), and how the programme is monitored and evaluated. At this time there is no comprehensive overview available comparing different AVR programmes in different host countries across the EU.¹ Evidently, further research is needed in this area in order to understand how the differences between programmes impact AVR participants and their communities upon return.

Why assisted voluntary return? The policy arguments for host countries

AVR offers four key advantages for host countries over forced removals (Black, Collyer and Sommerville, 2011). First, AVR is more palatable and politically appealing for host country populations as it is considered more humane than forced removals. It is the official policy of the EU that voluntary returns are preferred to forced removals. The use of physical force to remove people that do not want to go back to their countries of origin for safety or other reasons is viewed as morally questionable and has generated substantial public opposition in several European member states (Black, Collyer and Sommerville, 2011). For example, the United Kingdom has witnessed an emergence of the National Coalition of Anti-Deportation Campaigns (NCADC) while in Germany Pro-Asyl, among others, was formed. Both of these groups work to document deportations and lobby against them seeking the protection of migrants' rights.

A second core advantage is that AVR is substantially less expensive and complicated than forced removals. Forced removals require that the country of return agrees to the removal in so far as that at a minimum they provide documents for the individual to return. If the embassy refuses to provide such documents, then it is not possible for the host country to return the desired individual. This creates many problems for the host country in logistically trying to arrange the return. In terms of cost, AVR ranges between being half or even one-third the cost of a forced removal, depending on the country (Black, Collyer and Sommerville, 2011). The two main explanatory factors of the lower cost are first, host states do not have to charter specific flights for AVRers (Black, Collyer and Sommerville, 2011). Due to spontaneous complaints from passengers on commercial airlines towards deportees on the flights, countries moved to more commonly deport people on chartered planes, which is considerably more expensive. Second, most deportees reside in detention facilities while waiting for the removal, which are costly to maintain (Black, Collyer and Sommerville, 2011).

The third preferable reason for AVR is that it provides for better cooperation with origin countries (Black, Collyer and Sommerville, 2011). Individuals are themselves responsible for acquiring their documents required to return, which origin countries are far more likely to grant to individuals requesting them voluntarily than the host state. Origin countries also view AVR more preferably as they also come under pressure by their citizens for accepting deportees. The voluntary nature is viewed as a positive gain for all.

Finally, there is an argument that through the AVR components, AVR contributes to a more sustainable return of the individual and development (Black, Collyer and Sommerville, 2011). Although this argument is made by several host countries, there is however little evidence to support this argument, as will be illustrated later in this chapter.

The majority of policy arguments for AVR are highly logical. Combined with the rise in asylum seekers, and more specifically, rejected asylum seekers to the EU, it is understandable why AVR is a central component of migration management in the EU. It is the relationship between AVR and development that remains ambiguous and will be discussed later in this chapter.

Criticisms of assisted voluntary return programmes

There have been three primary criticisms made of AVR programmes; first, they are not voluntary; second, they return people to countries that are not safe, and third; they do not necessarily lead to return and reintegration. The question of the voluntariness of these programmes has been raised by several authors (Blitz, Sales and Marzano, 2005; Webber, 2011; Cassarino, 2014; van Houte, 2014). Webber (2011, p. 104) rightly states:

[R]epatriation cannot be termed ‘voluntary’ where the alternative is utter destitution, with denial of accommodation, basic support and the opportunity to work, or the prospect of children being taken into care or months or years in detention.

The lack of alternative options available to these individuals has led Cassarino to consider AVR a ‘compelled return’, meaning an individual ‘who returns to his/her country of origin as a result of unfavourable circumstances and factors which abruptly interrupt the migration cycle’ (Cassarino, 2008, p. 113). Furthermore, Gibney (2008) has termed AVR as ‘nominally voluntary return’ and Leerkes, Os and Boersema (2016) have suggested the use of the term ‘soft-deportation’ for AVR programmes to highlight that these individuals most likely would have preferred to stay had they been given the opportunity for a legal status.

An alternative argument is to highlight the agency of migrants in the AVR process and to recognize participation in AVR as a choice. van Houte (2014) argues that participation in AVR is in fact a choice along a continuum of narrow options. There is increasing research and evidence about migrants that choose to reject AVR and live in destitution (see Crawley, Hemmings and Price, 2011). The policy expectation is that forcing rejected asylum seekers and irregular migrants to live in destitution will increase their willingness to participate in AVR. A survey conducted of destitute migrants in the UK suggests that destitution does not increase willingness to participate in AVR (Smart, 2009).

In response to the phrase ‘Assisted Voluntary Return’, academics have used terms such as ‘nominally voluntary return’ (Gibney, 2008) or even ‘soft-deportation’ (Leerkes, Os and Boersema, 2016) return to articulate against the voluntariness of AVR. Cassarino proposes the term ‘decided’ return in reaction to AVR wherein individuals ‘chose on their own initiative to return, without any pressure or coercion’ (2008, p. 113). Most academic work highlights these distinctions and terms are carefully selected in reaction to the disputed voluntariness of AVR.

Criticisms regarding the ‘voluntariness’ of assisted return are not only limited to academia and civil society organizations. Policy makers in several European countries have also argued for moving towards the term ‘assisted return’ across the EU. For example, Austria, Norway and the United Kingdom use the term ‘assisted return’ for their programmes and reject the term ‘Assisted Voluntary Return’. For IOM this is problematic as their programming places strong emphasis on the ‘voluntariness’ component as their charter and organizational mandate – *promoting humane and orderly migration for the benefit of all* – prohibits IOM from working in the area of forced return. The terminology used around these programmes is thus quite important for different actors.

The second key criticism of AVR is that it enables the return of individuals to countries and situations that may not be considered safe (Webber, 2011). It is important to clarify here that AVR is only permitted to countries or parts of countries that are officially deemed safe by the host country government. This information is normally gathered through asylum country reports that determine safety for return. As an example, several European countries return individuals to Afghanistan wherein parts of the country, such as Kabul, are deemed safe for return.

However, there is also an important distinction between ‘political safety’ and ‘personal safety’ (Webber, 2011). Webber (2011) argues that personal safety cannot be ensured in AVR programmes.

Third, in reference to assisted voluntary return and reintegration programmes, there is a question as to the level of reintegration achieved in return through these programmes, and also, if a ‘return’ is actually achieved. That is, there is evidence that individuals participating in AVR only re-migrate again once they have been returned to their country of origin. Monitoring of returnees from Switzerland found that 11 per cent of all AVR participants had re-migrated at roughly one year since return (IOM, 2013). Due to a lack of systemic tracking of all AVRs it is unknown to what extent re-migration occurs at a larger scale.

The criticisms of AVR are highly valid and raise several questions regarding these programmes. Should the word ‘voluntary’ be removed from the programme? How effective are the programmes in reintegration and sustainable return? The next section will examine reintegration and sustainable return in AVR programmes.

Migrants decision-making factors for AVR

Considering the policy goal of increasing AVR, it is central to examine the decision-making of migrants to select AVR or not. Research has demonstrated that return decision-making is a complex process influenced by an array of factors, including: conditions in the origin and destination country, individual and social factors, and, to a limited degree, policy interventions (Black, Collyer and Somerville, 2004; Koser and Kuschminder, 2015).

In assessing decision-making factors for AVR, Koser and Kuschminder (2015) find that conditions in the country of destination were by far the most important, followed by individual factors, social factors, policy interventions and, lastly conditions, in the origin country. Key variables influencing the decision to return included: the inability to work, insecure legal status, and family-related factors (such as a change in the family situation at home or a desire to reunite with family back home).

Strand *et al.* (2016) find that individuals choosing AVR in Norway can be categorized in three ways. First, those who had mixed feelings regarding their return and cited their poor conditions in Norway as the main decision-making factor to take assisted return. Second, there were returnees who felt positive about their decision to return. These returnees most frequently cited their conditions in the country of origin as influencing their decision, such as family obligations. Interestingly, and in line with Cassarino’s theory on migration cycles and return (2014), some in this group did not have any intentions of migrating permanently and therefore to a certain degree they had achieved their migration aspirations for their return. Finally, there were respondents who viewed their decision very negatively, primarily because they felt the conditions that instigated their initial migration would not have changed in their return (Strand *et al.*, 2016). The majority of these respondents had return strategies such as re-migration to another country, or hiding certain family members considered at risk upon return. This classification of decision-making groups highlights the role that different decision-making factors take for different types of returnees. Further, this categorization highlights the importance of viewing return within the entire migration cycle.

In addition to the above, two recent quantitative studies have been conducted that examine uptake in AVR from within the wider eligible population. First, having examined 90,000 rejected asylum seekers in Norway, Brekke (2015) has sought to assess characteristics of those more likely to apply for IOM return and to be returned via IOM return programmes. Brekke (2015, p. 9) found the following:

- the odds for a rejected asylum seeker to choose assisted return were lower for women, for unaccompanied minors and for persons from Afghanistan or Ethiopia;
- the odds of applying for voluntary return were higher if a person had a partner or family, or if she or he was from Russia, Kosovo, or Iraq;
- the odds of actually going back once a person had applied for assisted return were similar for women and men, and lower for unaccompanied minors, families and those that applied while residing in a reception centre;
- the odds of going back for those who applied for assisted return were higher for those from Afghanistan, Russia, Ethiopia, Iraq and Kosovo.

In a somewhat similar study, Leerkes *et al.* (2014, p. 2) examine AVR uptake in the Netherlands among rejected asylum seekers. The authors find that ‘voluntary return is less common towards countries with low levels of freedom and/or safety and/or GDP’. This is inclusive in the study of both Afghanistan and Iraq. The results of Brekke (2015) and Leerkes *et al.* (2014) highlight that AVR uptake is lower for individuals returning to (post)conflict countries.

There are several variables that can influence uptake in AVR that have received little attention in research. First is the role of return counselling. Different countries in the EU use different models for return counselling in reception centres, and there are questions as to which is the most effective. Second, a new model developed in Switzerland to increase assisted return uptake has been a decelerating benefits model. That is, the longer an individual is in Switzerland the less money they are entitled to for assisted return. This model was piloted in Zurich in 2014 and, after being evaluated as highly effective, was implemented in the rest of the country. It has also now been adopted in Germany. There are questions regarding how this model would work in other countries, and about the fairness of the model from a human rights perspective. Third, the Netherlands has used a model of ‘native counsellors’ that in the study conducted by Leerkes *et al.* (2014) above was found to increase AVR participation. Native counsellors refer to individuals hired by IOM that are from the same country of origin of the target group of returnees who go to relevant neighbourhoods in the Netherlands and explain options of AVR. This is considered most effective with irregular migrants living outside of state reception facilities who are not engaged in regular return counselling that occurs in the centres. There are questions as to how all of these variables as well as treatment in the asylum system, differences in AVR packages, and other destination country specific variables may influence uptake and decision-making for participating in AVR. While on the one hand, policy levers have been found in previous studies to have limited effectiveness on AVR decision-making, since that time the policy environment regarding AVR has quickly evolved. Further, it is not just policies that need to be examined, but differences in approaches to return counselling and information sharing of AVR as to how they impact decision-making.

Reintegration and sustainable return – a case for development?

The key argument for the relationship between AVR and development is rooted in the assumption that reintegration assistance provided to returnees can, for example, enable returnees to start a new business that can grow and employ other people, thus having micro-development effects at the local level. The flipside of this argument, however, is how effective are these programmes in establishing such a level of reintegration and sustainable return? This has been a core focus of increasing research.

First, a central challenge exists in that there are no agreed upon definitions or indicators of reintegration and sustainable return in the AVR context. IOM (2004, p. 54) defines reintegration

broadly as 'Re-inclusion or re-incorporation into a group or a process, e.g. of a migrant into the society of his country of origin'. Further, IOM examines three dimensions of reintegration: social, economic and cultural reintegration (2004) and more recently includes the psychosocial dimension (2015). However, not all AVR programmes cover all four of these dimensions, as the final decision is that of the host country government funding the programme.

Sustainable return has become a clear policy goal of European return programmes, yet it lacks definition and measurement, which has been acknowledged in European return reports (see: IOM and EMN, 2006) and by IOM. In a recent IOM report on AVR, it is stated:

Although the concept of sustainable return is largely referred to by international actors on migration, governments and civil societies as the main desired outcome of AVR programmes, there is no common or formal definition of 'sustainable return'.

(IOM, 2015, p. 19)

The lack of a common definition of sustainable return is quite problematic when discussing outcomes of AVR.

Sustainable return was first defined in a non-AVR context as occurring when '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). Building on this definition and focusing specifically on the AVR context, Koser and Kuschminder (2015, p. 8) define sustainable return as occurring when: '[t]he individual has reintegrated into the economic, social and cultural processes of the country of origin and feels that they are in an environment of safety and security upon return'. Key differences that exist between these definitions are: first, the duration of time required to be sustainably returned. Koser and Kuschminder argue that this can take longer than a year (also acknowledged by Black *et al.*) and do not include it in the definition. Second, Black *et al.* make a comparison to the local population, whereas Koser and Kuschminder focus on the returnees' own perceptions. Koser and Kuschminder argue that if returnees are on par with the local population and the local population perceives a general feeling of insecurity, this suggests instability in the region as a whole. From this perspective if the refugee is on par or not with the local population becomes somewhat irrelevant. The third distinction that Koser and Kuschminder (2015, p. 19) propose is that reintegration is a prerequisite for sustainable return; 'the returnee must perceive that they are in conditions of safety and security upon return, which should remove the impetus for re-migration at least in the foreseeable future'.

A final approach to defining sustainable return is the approach most commonly used in the AVR context of measuring sustainability based on if the individual re-migrates or not. Re-migration can be measured in different ways with three key variables of interest: the destination, legality, and intention or realized re-migration. First, some evaluations have only considered a return unsustainable if the returnee re-migrates to the same host country. As an example, an evaluation of a pilot AVR project in Canada stated: 'only three AVR participants have tried to return to Canada, which suggests that returns are sustainable' (CBSA, 2014). This differs from a broader approach that assesses if returnees have re-migrated to any country at all, including other countries in their own region. Second, re-migration should also differentiate between irregular re-migration and legal re-migration. Koser and Kuschminder (2015) find that some returnees in their study were planning to re-migrate but in legal ways, such as for study, when they had received a scholarship. This type of re-migration should not be considered unsustainable return. Finally, re-migration is often difficult to measure and often an intention is used to assess if an individual wants to re-migrate, versus if they actually have realized re-migration. For example, an evaluation of AVR to Kosovo examined if respondents have a 'clear intention or

concrete plans to leave the country again' as their measure of sustainable return (ICMPD, 2015). Re-migration is the most commonly used measure for defining sustainable return, but clearly, there are different ways to even approach this one indicator.

IOM (2015, p. 19) has recently put forth their suggestion for sustainable return as occurring when:

- (a) successful reintegration in the country of origin, which includes the economic, social and psychosocial aspects and the capacity of the individual to cope with push factors, both old and new, on the same level as the local population or (b) eventual legal remigration made possible by skills acquired during the reintegration process.

This definition combines elements of the above approaches from Black *et al.* and Koser and Kuschminder and argues against the blanket use of re-migration as a proxy for sustainable return.

The above definitions have all received some forms of criticisms and no one definition has become widely accepted and applied. This is problematic as the definitions are quite different and imply very distinct situations that may be occurring. Furthermore, these definitions all lead to different forms of measurement of sustainable return.

It is essential to return to the starting point of this section as to the relationship between reintegration and sustainable return and development in the AVR context. Research has questioned the impact of return programmes post-return in terms of reintegration, embeddedness or migrants' well-being upon return (Strand *et al.*, 2008; van Houte and Davids, 2008, 2014; Ruben, van Houte and Davids, 2009; Webber, 2011). It is evident that the definitions and indicators currently in place are not adequate to measure development, meaning that without a standardized definition and approach, it is not possible to legitimately assess the relationship between AVR and development. For example, if sustainable return is defined as someone not re-migrating, it is clearly not adequate to state that because someone has stayed in their country they have contributed to development. Measuring the impacts of AVR on development goes beyond just monitoring reintegration and sustainable return of the AVR participants to examining their communities and if their return has had positive development impacts on the communities as a whole. At this time, the author is not aware of any study that has taken such an approach and can rigorously assess the relationship between AVR and reintegration and sustainable return.

A spurious relationship? Assisted voluntary return and development

The relationship between AVR and development is highly contested. There is a dearth of literature on the development effects of AVR programmes; in particular, as few evaluations have been conducted on AVR and, as discussed in the previous section, those that are conducted generally do not assess the relationship between AVR and development (Paasche, 2015). Several reports do question the relationship between AVR and development suggesting that the two should not be linked (van Houte and De Koning, 2008; Frouws and Grimmius, 2012).

Moving beyond the debate in the previous section on AVR and reintegration and sustainable return, the relationship between AVR and development can be explored in different ways: (1) AVR being counted as official Overseas Development Assistance (ODA); (2) the funding of AVR by country or EU development funds; (3) evidence assessment of the relationship between AVR and development (Kuschminder, 2015). These aspects bring together the important issues of AVR programming, development funding and budgets, and the overall evidence of the impact of AVR on development in countries of return.

According to the Organization for Economic Cooperation and Development (OECD), in-country refugee costs are considered a legitimate component for ODA expenditures. The application of in-country refugee costs to states ODA varies by country, with some countries including costs only while asylum seekers wait for status, and others including only costs once an individual receives refugee status, and some including both or neither of these (OECD, 2016). Recently, the OECD has restricted the counting of in-country refugee costs to be for a maximum of 12 months, either from the time of arrival into the host country or from the time of a positive decision on an asylum claim. According to the OECD, the costs for a host country in administering AVR programmes is considered to be a legitimate component of ODA expenditures. In a survey conducted by OECD with member states, it was reported that only Austria, Belgium, Norway, Sweden and Switzerland included AVR as part of their ODA expenditures (OECD, 2016). In Belgium, these costs are only counted for individuals returning to the Development Assistance Committees target countries, and in Norway, this only includes the costs of the actual transportation for the return. Most of these countries note in their reporting that return costs are included in ODA statistics, but captured separately from refugee costs. There is a question as to considering that the majority of participants in AVR programmes are rejected asylum seekers or irregular migrants without the right to stay, should this be considered as 'refugee costs'?

A second way to view the relationship between AVR and development is if AVR is funded by an individual country's or EU development funds. In the Netherlands, for example, development funds via the Ministry of Foreign Affairs are used to finance reintegration assistance to current and rejected asylum seekers to priority development countries (Kuschminder, 2015). This has led to criticism in the Netherlands regarding the relationship between development funds and AVR (see van Houte, 2014).

At the EU level, the Commission's Directorate-General for International Cooperation and Development (DG DEVCO) funds multiple projects whose object is to facilitate humane return and reintegration of migrants, with a focus on vulnerable migrants. A recent evaluation found that the projects funded by DG DEVCO on assisted return has little relevance to the Commission's Migration and Development framework (Te Wildt, Greco Tonegutti and Heraud, 2015). Further, the results found that one-third of the projects assessed had been successful in increasing local capacities for reintegration of returning migrants and that the overall impact on individuals' integration was also questionable (Te Wildt, Greco Tonegutti and Heraud, 2015). When considering that the objective of DG DEVCO is to contribute to develop and deliver aid around the world, the authors state:

[I]t seems that more developmental impact should be expected from projects supporting groups of migrants faced with specific and well-understood socioeconomic vulnerabilities in relation to the attainment of the (M)SDGs, and concentrating on social phenomena of a certain scale – vs. interventions supporting the return and reintegration of very limited numbers of returnees.

(Te Wildt, Greco Tonegutti and Heraud, 2015, p. 74)

This statement makes a strong stance that AVR should not be a priority funding for DG DEVCO and questions itself the relationship between AVR and development. van Houte (2014) argues that there is a miss-match between the potential of return migrants and availability of return funds for development. That is, migrants with a high potential to contribute to development are transnational migrants with a legal right to stay in the country of destination, and not migrants without any legal status (van Houte, 2014). According to van Houte (2014), when referring to

host countries development funds, these funds should be allocated to migrants with status and not for AVR. As suggested by Te Wildt, Greco Tonegutti and Heraud (2015), funds for origin countries should be allocated to projects that support migrants (and non-migrants) with well identified vulnerabilities, versus only small groups of returnees from Europe.

Regarding the third point, there is not enough evidence to provide a scientific assessment of the relationship between AVR and development. First, there are no agreed indicators as to how to measure the impact of AVR on development. In order to establish a relationship between AVR and development, indicators would first need to be developed. Claims have been made that AVR contributes to development at the local level; however, the evidence is insufficient to support that there is a positive relationship between AVR and development. As van Houte (2014) rightly points out, it is quite unclear why a positive relationship should be expected between AVR and development.

Conclusion

This chapter has sought to provide an overview of AVR programmes by introducing how these programmes work and what their policy appeal is. It has also examined the academic literature and policy approaches that are critical of AVR because of its ambiguity around the voluntariness of migrants' participation in the programme of return, as well as the literature that seeks to deconstruct the relationship between AVR and reintegration and sustainable return, and AVR and development. It is evident that, first, AVR programmes are primarily a migration management tool used in Western European countries and, second, that only some select Western European countries view AVR as a possible development tool. There is consensus on the utility of AVR programmes as an important migration policy tool that works in tandem with the asylum system to facilitate the return of individuals without the right to stay. This central function of these programmes is not questioned, nor is the coordination or implementation of the programmes. The proven benefits of AVR have contributed to their expansion in other parts of Europe and their rise in participant numbers in countries such as Turkey.

The argument from select Western European countries that individual AVR participants should be contributing to development in their countries of origin is quite exceptional and has been brought into question by the evidence examined in this chapter. There is no evidence to support that AVR participants have the capacity to contribute to development nor that their return does lead to development for their communities upon return. On the contrary, several authors argue that AVR participants do not have the capacity to do this. There is therefore a lack of evidence to either substantiate or refute the link between AVR and development. The use of development funding for removing people without a right to stay, albeit in a voluntary fashion, is an exceptional Western European practice.

Note

- 1 The EMN has conducted a thorough comparative assessment of AVR (see EMN 2011), however does not include all programme elements within this review.

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SECTION COMMENTARY

Irregular migration – comments

Artur Gruszczak

Irregular migration has become a striking feature of human mobility in the globalised world. Simple and comprehensible by all appearances, it has turned out to be a much more complex and demanding issue in terms of political decisions, economic aspects, social attitudes, ethical principles and – last but not least – security repercussions. International migrations have been characterised by a blend of legally determined, regulated movements of persons and irregular flows of people who did not comply with formal rules of entry and residence in their countries of destination. Cross-border and transnational in nature, the international flow of people has affected the classical attributes of the modern nation-state: its territory, state borders, sovereign power and public order. International agreements, while aiming to improve the status of migrants and protect them from the gravest risks and dangers, used to reflect the lowest common denominator with regard to the position of ‘people on the move’. Therefore, irregularity, along with illegality as its most radical form, has been perceived through the national lens and managed according to national interests, domestic rules or dominant values. International humanitarian standards fostered a soft approach to irregular migration, connecting it with strong indigenous push factors affecting the local population (civil wars, political violence and oppression, natural disasters, poverty and hunger) and producing forced displacements.

Irregular migration as a geostrategic phenomenon

From the traditional nation-state perspective, irregular migration has been a dual phenomenon. It challenged state institutions responsible for the maintenance of security, law and order within the national territory, as well as sometimes becoming a source of trouble in the international arena, especially when it stirred up controversy over humanitarian and ethical issues. However, irregular migration also entailed positive effects, especially for national economic development and domestic labour markets. Irregular economic migrants, especially ‘overstayers’, as well as undocumented workers and asylum seekers, constituted a reservoir of manpower that filled gaps in the labour market (especially in its lower sectors), making it more flexible and competitive. In principle, they were tolerated either by force of a general consensus or a tacit political deal among major forces. Occasionally their status was legalised and they became tolerated through so-called regularisation mechanisms.

Irregular migration has thus been an example of a specific symbiotic relationship between the state and foreigners who did not or could not obtain and hold a legal right to reside within that state. A special form of ecosystem that emerged in a market framework delineated by the state, business, society and immigrants was sustained for a long time thanks to constant development and internal balance. However, global turbulence and domestic troubles often disturbed that delicate balance, switching the predominant perspective on migrants from toleration to securitisation. This became particularly true in Europe once external shocks and internal anxieties generated negative social attitudes and restrictive political decisions with regard to immigrants and asylum seekers. Whether ‘people from the East’ during the collapse of Communism in Eastern Europe, exiles from the boiling Balkan cauldron in the 1990s, or victims of turmoil in the Middle East and North Africa in the second decade of the twenty-first century, the sentiment of being surrounded by ‘barbarians’ and ‘aliens’ triggered defensive reactions and shifted the centre of gravity to security dilemmas.

For decades, many European countries have cultivated a soft approach to incoming immigrants, subject to their utility, economic productivity and lack of a criminal record. Such openness was beneficial for numerous inhabitants of peripheral areas, including citizens of East European countries before the fall of Communism (mainly former Yugoslavia, Poland, Romania and Czechoslovakia). Historically, Eastern Europe has been the region of significant emigration, due to poverty, political instability, poor human rights records and economic backwardness. Since the 1950s, its population has been shrinking like no other regional population (see Romei, 2016). Local shortages in the labour market were alleviated by compulsory employment under Communist rule or – in the most acute cases – controlled immigration of labour forces from ‘socialist fraternal nations’, mainly from Vietnam. The fall of Communist regimes prompted huge waves of migrants in the Eastern part of Europe, heading Westwards, but also – though in smaller numbers – moving from one Eastern European state to another.

The developments in the 1990s contributed to the relaxation of border controls and visa policies in the majority of Central and East European countries. Capitalist transitions also offered new opportunities for foreigners, mainly in commerce, agriculture and gastronomy services (see Favell, 2008). Economic growth and mobility in the labour market made irregular migration widely tolerated in the Eastern part of Europe, especially in East-Central European countries such as Poland, the Czech Republic or Romania. Some of them sought to manage this phenomenon through formal and legal solutions. However, regularisation programmes conducted in Hungary (2004) and Poland (2003, 2007, 2012) did not attract foreigners and moreover, only a small number of positive decisions were issued. The 2004 European Union (EU) enlargement and 2007 Schengen area extension did not considerably affect the population of irregular migrants. The massive internal labour migration of the citizens of the ‘new’ Europe (EU-10) to the western part of the EU created new incentives. Manpower shortages provoked by the outflow of labour forces from several EU-10 countries, particularly from Poland, coincided with economic growth and the increasing demand for cheap, skilled and flexible workers. Estimates for the late 2000s point to a substantial number of irregular immigrants staying seasonally, circulating or residing in these countries: up to 500,000 in Poland (Ukrainians, Belarusians, Vietnamese); 15,000 to more than 300,000 in the Czech Republic (from Ukraine, Moldova, Russia, Vietnam and PR China) (Drbohlav and Medová, 2016, pp. 87–88); and between 30,000 and 60,000 in Hungary (mainly Chinese and Vietnamese) (Futo, 2016, pp. 150–152).

If labour migration was basically ‘domesticated’ and even irregular seasonal workers were largely tolerated, the arrival of refugees from war-torn countries, such as Syria, Iraq and Afghanistan was met with surprise and a growing concern. The opening of the Balkan route in mid-2015 as a main transit path towards Western Europe caught the countries of Central and

Southern Europe unprepared for tackling the problem of irregular migrants who were travelling towards Germany and Scandinavia in numbers exceeding one million. Although the Balkans were commonly seen as a migrant corridor, border control measures adopted by Austria in late 2015 halted the stream of migrants and locked them in Hungary, Slovenia and the Western Balkan countries. In March 2016 the Balkan route was closed off completely. However, the substantial number of migrants 'trapped' in Hungary, Slovenia, Serbia and Macedonia presented a financial and organisational burden for local authorities as well as the huge challenge of integrating migrants given complex ethnic relations, xenophobic tendencies and anti-migrant movements. This situation triggered the consolidation of Central Europe as a barrier against migrants. Close cooperation between four main countries of this region (Hungary, Poland, the Czech Republic and Slovakia) in the Visegrad format aimed at keeping refugees out and eliminating incentives for immigrants.

Unsympathetic reactions to the migratory conundrum throughout Europe stemmed from a sense of exceptionalism, which was felt differently in the western part of the EU, and in the East and South, despite the gravity and permanence of the migrant crisis throughout Europe. These reactions reflected hypersensitivities to factual or alleged cases of wrongdoing and offenses committed by immigrants, which were interpreted as: (1) disregard for the hospitality and assistance provided by the hosting states; (2) the lack of adaptability to local conditions due to cultural, religious and language differences; (3) a sense of 'impunity' due to lengthy procedures, ineffective return mechanisms and a relatively wide scope of tolerance to immigrants. Therefore, the goodness of 'welcome politics' and generosity towards refugees was conceived by the 'correct' Europeans as a unique, truly humanitarian and inclusionary approach to the masses of migrants arriving to Europe as a promised land. However, 'the other Europe' saw the migrants as hordes of barbarians storming the borders, destroying public order and abusing the welfare system. In either case, exceptionalism was seen both in the great patience and high-level of tolerance in the Western and Southern countries of the EU, and in the united front against the aliens, in defence of national values and principles, in the Eastern part of the EU. Confronted with hundreds of thousands of foreigners arriving to European cities and villages, neither the local population nor the authorities distinguished between legal and illegal/irregular migrants, particularly when in several countries the formal mechanisms of identity checks, registration and processing of asylum applications totally failed. Thus in general terms, the migration crisis blurred the lines separating legal from illegal immigration, and irregularity became a dominant feature of the politics of migration in the EU and its neighbourhood.

The above remark leads to some comments on policy issues which have been brought to the forefront of domestic and EU-level positions regarding irregular migration. These issues concern: (1) the safety of borders and the role played by international institutions, especially the EU and its agencies; and (2) anti-migrant narratives.

Securing porous borders

The phenomenon of irregular migration is tightly connected with the effectiveness of border controls and the quality of mechanisms and instruments of border management. Any relaxation of control regimes at state borders can result in a massive inflow of foreigners who either enjoy the liberalisation of border crossing rules (as in the case of visa facilitation or waivers), take advantage of systemic solutions (for instance, local border traffic), abuse the existing legal and administrative standards (visa overstaying, avoidance of return procedures) or violate the border regime in an organised and premeditated way. For decades, European borders have been relevant elements of the politics of migration, both in terms of the nation-state's interests and

rationales as well as the identities of transnational communities created by international organisations. Already in the era of the Cold War, borders defined the scope and contents of collective security patterns formed and consolidated by two adversary blocs: The North Atlantic Treaty Organization (NATO) and the Warsaw Pact. At that time, any sign of porosity or leakage of borders was interpreted as a serious threat and a channel of hostile interference. The fall of Communist regimes in Eastern Europe was partially accelerated by the liberalisation of border controls between some Eastern bloc countries (Poland, Hungary, Czechoslovakia) and the subsequent massive migration wave that flooded Western Europe.

Porous borders at that time epitomised humanitarian and protective standards adopted by the West with regard to dynamic transformations underway in its neighbourhood: the fall of the Eastern bloc, the disintegration of the Soviet Union and Yugoslavia and wars in the Balkans (Hills, 2004). However, those standards, confronted with the need to secure external borders of European Communities (EC)/EU Member States against criminal activities and manage the amassing number of applications for asylum and residence permits, resulted in the adoption of a dual approach to third-country nationals based on the mix of exclusionary and inclusionary mechanisms. The EU sought to strengthen effective management and control of external borders, particularly after the emergence of the Schengen free-travel area. At the same time, it also intended to develop good neighbourhood cooperation with its Eastern and Southern neighbours.

The story repeated itself two decades later. The porosity of maritime borders in the Central and Eastern regions of the Mediterranean Sea allowed huge masses of migrants and asylum seekers from Africa and the Middle East to enter the territories of EU Member States. The number of irregular crossings of the EU's external borders, which should be seen as the most telling indicator of border porosity, increased dramatically from barely 72,437 in 2012 to 1,822,337 cases registered in 2015 by Frontex (2014, p. 14, 2017, p. 16). Exclusionary and inclusionary approaches intermingled again, bringing about either humanitarian-led search-and-rescue efforts, mainly in the Mediterranean Sea, or deterrence-driven anti-immigrant discourses strengthened by the fencing of the territories of several countries located on the main migratory routes. Some 'frontline' states reverted to practices of erecting walls and building fences in order to protect their territories and separate their populations from migrants storming the borders. Spain's experience with its enclaves in Morocco (Ceuta and Melilla) was replicated in the midst of the migration crisis in Europe by Hungary, Slovenia, Macedonia, Bulgaria and France. Schengen rules of temporary reintroduction of controls at internal borders were applied by Germany, France, Austria, Denmark, Sweden and Norway. Meanwhile, humanitarian policing of maritime borders in the Mediterranean region, described by Andersson, somehow acquired militarised features as a result of NATO's 'Sea Guardian' maritime operation, conducted in cooperation with the EU's Common Security and Defence Policy (CSDP) operation 'Sophia'. Both methods – fencing borders and intervening pre-emptively on the high seas – reflect a strict policy of setting a 'first' or 'second line of defence' against the inflow of migrants and asylum seekers (Buyon, 2017).

Borders underwent a revival as regulatory institutions and for a long time have played an important role in European security by **underpinning its institutional and decision-making architecture** (Hills, 2006, pp. 67–69). However, the **Europeanisation of border management**, characterised by Follis, has only partially tackled the issue of irregular migration. Frontex, in spite of novelties introduced by the 2016 Regulation, has continued to perform its bureaucratic-distributive tasks, which can ease tensions in some borderland areas, especially in the south of Europe, but definitely cannot be treated seriously as an effective tool of countering irregular migration. Moreover, we have witnessed the collapse of the EU's integrated border management

based on the ‘triple securitisation’ of (1) threats, (2) identities and (3) territories. Perceiving irregular migration as a threat was subject to divergent interpretations by national border guards. The multistage mechanism of the management of the identity of third-country nationals demonstrated significant flaws when confronted with resistant ‘body politics’ performed by many migrants. High-tech monitoring and surveillance systems safeguarding state territories along external borderlines did not prove their efficiency when confronted with the massive flows of migrants accumulated over time.

Anti-immigrant narrative

Anti-immigrant narratives, which are intensely popular in Hungary, Poland and Slovakia and also present in public discourse in France, Italy, Germany, Austria and the Scandinavian countries, have obligatorily emphasised the perceived threats, risks and perils generated by third-country nationals. Rajaram (2016, p. 9) observed that “‘Migrant’ came to be associated with illegitimacy and threat, a counterpoint to a virtuous European culture’. The more ethnically homogeneous the society, the stronger its anti-immigrant attitudes and the more prone it is to manipulation and radicalisation. The cases of Hungary and Poland have proven that the ethno-nationalist discourse on immigration confuses the divergent forms and reasons behind migration and refuge. It excludes any form of tolerable irregular migration, depicting it instead in the context of culture clashes or assaults on predominant traditional values and national identity. In 2015, Hungary’s official position, also shared by the majority of its citizens, portrayed the country as being under a state of ‘siege’:¹ the Southern section of the state frontier stormed by asylum seekers from the Middle East, an aggressive alien mob throwing stones at the police and border guards, and hordes of foreigners hanging around the capital city of Budapest or camped out at the central railway station. Rajaram (2016, p. 5) described that episode in the following way: ‘The spectacle makes migration a curiously isolated and self-contained phenomenon, obscuring those processes of control and exclusion that produce and structure migrant mobility and its “illegality”’. A ‘national consultation’ on immigration issues convoked by the Hungarian authorities in May 2015, and repeated in October 2017, was full of biased questions, which even linked migration with terrorism (Juhász, Hunyadi and Zgut, 2015, p. 25). In a similar vein, Jarosław Kaczyński, the leader of the ruling national-conservative Law and Justice party in Poland, announced in the immediate aftermath of the explosion at the Brussels airport in March 2016: ‘In a nutshell: after the recent events related to terrorist attacks, we will not accept refugees because there is no mechanism ensuring security’ (*Polska Niepodległa*, 2016). In addition, Kaczyński became (in)famous worldwide when during the electoral campaign in 2015 he warned against receiving refugees who carry ‘various parasites and protozoa’ and spread ‘very dangerous diseases long absent from Europe’ (Cienski, 2015). Similar opinions degrading migrants and asylum seekers could be heard from Marine Le Pen, Geert Wilders or Alexander Gauland.

Interestingly, hostility towards incoming irregular or, rather, illegal migrants has not spread to previous generations of immigrants. This was typical for EU states with significant numbers of multi-generation immigrant communities, such as France, Germany, the Netherlands and Sweden, as well as member states of the Central and Eastern part of the EU, such as the Czech Republic, Poland and even Hungary. Empirical research on immigrant communities has shown different forms of cohabitation and partial adaptation to local conditions in spite of significant symbolic differences and language barriers. The case of Vietnamese residents in Prague, studied by Sykora and others, pointed to ‘a kind of mutual lack of interest and indifference than to conflicts or reciprocal friendly interactions’ (Sykora *et al.*, 2016, p. 496) between the immigrants

and indigenous population. This observation was confirmed in research on the Vietnamese in the Slovak capital of Bratislava (Hlinčíková, 2015, pp. 50–51).

This disinterest is also characteristic of effective return policies and large-scale removal/deportation operations. For instance, given the extremely low asylum recognition rates in Hungary and Poland, the number of third-country applicants subject to expulsion there has been relatively high, with return decisions left pending enforcement. The deportation gap, mentioned by Trauner in the EU context, was solved instantly by irregular migrants themselves who in the case of Hungary either left the country before receiving a decision on their applications or – having not been granted asylum – took every opportunity to leave the country.

The exclusionary, deterrent approach to the ‘new’ migrants, meaning those who arrived to Europe from the beginning of the 2010s, was not particularly unique when compared either to earlier immigration waves in Europe, such as those of the early 1990s, or the experiences of non-European countries, such as the United States or Australia. What is specific for Europe, however, is the outburst of aversion and hostility towards migrants, feeding radical nationalist parties that quickly earned political capital and converted it into considerable influence on domestic politics. Irregular migration has thus created and spread moral panic across traditionalist communities and regions on the European continent. As a result, the anti-immigrant narrative has become a permanent part of everyday communication and public discourse.

Final remarks

The politics of irregular migration remains an under-researched area within migration and border studies in Europe. Despite rich scholarship on various aspects and specific issues of irregular migration, presented by Zhyznomirska, a comprehensive approach to this phenomenon is still absent. This section of the Routledge Handbook has filled many gaps by offering analytical insights into the essence and logic of irregular migration as a predominantly European phenomenon. It has provided many arguments for the uniqueness and exceptionality of the ways that Europe – or rather the EU – has responded to this phenomenon in policy terms. The strongly accentuated axiological, normative and institutional dimensions point to a European approach to handling the migration issue in a ‘civilised’ way, based on human rights, legal standards and inclusionary postures. However, many chapters in this section have provided numerous arguments against a one-dimensional, flattened approach to immigration and refugee phenomena. The proposed insights into the concept of integrated border management, risk management at the external borders, the role of Frontex, the organisation and mechanisms of return, removal and readmission, and the massive exploitation of security technologies can be assembled into a complex yet distorted picture of the European politics of migration, founded on the contested meaning of irregularity and illegality. The tendency to present migrants as folk devils in the public discourse in Europe, especially in social media and conventional media outlets, has left a strong mark on the understanding of the causes and consequences of irregular migration. Policy choices are thus quite limited. The EU’s institutions and national governments seem to simplify the essence of the phenomenon of irregularity. Fortunately, scholars and experts do not.

Note

- 1 In fact, in September 2015 the Hungarian government declared a ‘state of emergency’ in two Southern provinces over ‘mass migration’; in March 2016, the state of emergency was extended over the entire area of the country. In March 2017, the government announced that the state of emergency would run until 7 September 2017. See *Hungary Today*, 2016; *About Hungary*, 2017.

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PART V

Asylum and international protection



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