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## „Assisted Voluntary Return and Reintegration (AVRR) Programs in the European Union

## A comparative study on state-induced voluntary return policies in Europe"

Verfasserin

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angestrebter akademischer Grad

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## Abstract

Assisted Voluntary Return and Reintegration (AVRR) programs aim at assisting migrants who decide to return to their home countries by providing information, travel arrangements and financial assistance as well as facilitating travel documentation and arranging post-arrival reintegration measurements. These programs are employed by all European Union member states and constitute an inherent part of national migration regimes. As opposed to forced return, voluntary return policies claim to induce return with the full approval of the migrant and therefore offer smaller targets for criticism.

In this thesis, my aims are two-fold: first, I analyze the international and European Union legal frameworks within which AVRR programs operate. Second, through a multiple case study, I compare and contrast national policies in order to investigate to what extent these policies differ between European Union member states. I argue that in the field of return migration policies, Europeanization is still in its early stages. As each state has its own context-specific interests, EU member states have resisted complete harmonization of AVRR programs. Furthermore, I emphasize that assisted voluntary return should not be considered a replacement for forced return. Rather, it is an alternative that rests on the premise of imminent forced removal. AVRR programs therefore are part of a diversified strategy through which migration management can be implemented and thus constitute one instrument among others for governments to enforce territorial control.

## Abstrakt

Programme zur freiwilligen Rückkehr und Reintegration sind darauf ausgerichtet Migranten bei der Rückkehr in ihr Heimatland zu unterstützen. Sie sind integraler Bestandteil nationaler Migrationspolitik und zeichnen sich unter anderem durch die Bereitstellung von Informationen, die Organisation von Reiseunterlagen und die Übernahme von Beförderungskosten aus. Im Gegensatz zu Abschiebungen bieten freiwillige Rückkehrprogramme eine weniger große Zielscheibe für Kritik, da sie den Anspruch erheben die Rückkehr von Migranten mit deren Einverständnis auszuführen.

In der vorliegenden Arbeit verfolge ich zwei Ziele: Erstens, analysiere ich das internationale und europäische Rechtssystem in dem freiwillige Rückkehr-Programme operieren und zweitens, vergleiche ich die nationalen Rückkehrstrukturen einiger Mitgliedsstaaten der Europäischen Union um zu erforschen in wieweit diese sich unterscheiden. Ich argumentiere, dass die Europäisierung im Bereich der Rückkehrmigration noch in den Kinderschuhen steckt, da jeder Staat eigene, kontextbezogene Interessen verfolgt. Außerdem betone ich in meiner Arbeit, dass freiwillige Rückkehrprogramme nicht als Ersatz sondern als Alternative zur Abschiebung zu sehen sind. Die Möglichkeit der freiwilligen Rückkehr wird von Migranten nämlich vor allem dann in Anspruch genommen, wenn sonst die Abschiebung droht. Freiwillige Rückkehrprogramme sollten daher als Diversifizierung der Mittel eines Staates innerhalb der Migrationspolitik gesehen werden.

# Content

# List of abbreviations

| | |
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| AVRR | Assisted Voluntary Return and Reintegration |
| ECRE | European Council on Refugees and Exile |
| ICMP | International Centre for Migration Policy Development |
| ICEM | Intergovernmental Committee for European Migration |
| IGC | Intergovernmental Consultations on Migration, Asylum and Refugees |
| IOM | International Organization for Migration |
| NGO | Non-governmental Organization |
| UNHCR | United Nations High Commissioner for Refugees |
| UK | United Kingdom |

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## 1. Introduction

The authority to control access to its territory is at the heart of a state's sovereignty (Koch, 2013: 905). As migration is often perceived as a threat to the power of nation-states to decide whom they grant access, governments aim at strengthening their authority by controlling territorial borders strictly. However, complete control of who is entering the national territory is unfeasible and European Union member states came to realize that immigration had become a permanent phenomenon. Hence, a more comprehensive orientation in migration policy beyond mere border control was needed (Kalm, 2012: 66).

*Migration management* became used widely after Bimal Ghosh developed and presented the concept in 1992, being appointed by the United Nations Commission on Global Governance. The idea of *managing* instead of mere *controlling* migration was received openly by many nation-states and international actors in the field, such as the International Organization for Migration (IOM). Though stretching beyond it, migration management still rests on the premise to control who may and who may not stay within the territory of a nation-state.

In the following, I am investigating one of the arrangements that have been developed under the concept of migration management as early as the late 1970s: assisted voluntary return programs. Better known as the *Assisted Voluntary Return and Reintegration* (AVRR) programs, these policies aim at assisting (failed) asylum seekers and irregular migrants who decide to return to their home countries, by providing information, travel arrangements and financial assistance as well as facilitating travel documentation, arranging post-arrival reception, and implementing reintegration measurements. According to the UNCHR (2013), AVRR are defined as:

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"The provision of logistical and financial (return) support by the International Organization for Migration to migrants who are unable or unwilling to remain in the host country and who volunteer to return to their countries of origin or another third country. Reintegration is the re-inclusion or re-incorporation of a person into a group or process" (UNCHR, 2013).

By encouraging return migration, the programs reinforce a definition of who is eligible of staying within the national borders of a country and who is not. By doing so, they constitute a benign way of excluding non-nationals from a state's territory. Assisted voluntary return and reintegration programs can therefore be considered as one mean within migration management (Beeksma, 2013: 40).

**Hypothesis**

There is considerable EU legislation in the wider field of migration, as the single market project and the idea of a European Union citizenship created a need for increasing cooperation on migration and asylum, as predicted by functional spill-over theory (Guiraudon, 2000: 254). Harmonizing EU Member States' immigration policies stems back to the Treaty of Maastricht in 1992, where EU member states placed immigration as a third pillar issue and thus subjected EU immigration policies to the intergovernmental cooperation method of the EU. Five years later, the Treaty of Amsterdam moved immigration and asylum policies to the first pillar, thereby subjecting them to increasing supranational pressure for harmonization. Measures on asylum, refugees and displaced persons, and the crossing of external borders are since then officially subject to European Union integration. As part of migration policy, return

migration also became a priority for the European Union, in particular through the agreements on the Hague Program in 2004 and the Stockholm Program in 2010.

According to these developments, one would consequently also expect a certain degree of EU harmonization in the field of return migration. In order to investigate whether increased harmonization has indeed taken place, this thesis will analyse national AVRR programs as part of return migration policies.

> Hypothesis: Increasing Europeanization in the field of migration has also led to the harmonization of AVRR programs in EU member states.

In order to prove this hypothesis, the thesis at hand will analyze to which extent national AVRR programs are similar in their design and where differences are still prevalent. National AVRR programs are chosen as the unit of analysis as they rest on common components (as described in the second chapter) and therefore allow for an in-depth comparison. At least partly financed by the European Return Fund, there is considerable scope for the European Union to apply pressure for harmonization in AVRR policies. As the heavily favoured policy alternative within state-induced return migration, AVRR programs allow an investigation of whether harmonization in the field of return migration has taken place.

**Research question**

In order to prove the aforementioned hypothesis, the main research question reads:

***To what extent are national Assisted Voluntary Return and Reintegration programs similar between European Union member states?***

To comprehensively answer this research question, a number of sub-questions are formulated, which will additionally guide the reader through this thesis. In order to analyze the key components of AVRR programs and to investigate why governments pursue such programs, the first sub-question reads as follows:

1) *What are the key components of AVRR programs and why is assisted voluntary return preferred in comparison to forced return?*

Both policies, assisted voluntary and forced return programs, are part of a wider migration management strategy, in which international organisations play an important role. In order to investigate this role, the following sub-question has been developed:

2) *What is the role of intergovernmental organizations in dealing with return migration?*

Besides the general role of intergovernmental organisations in the implementation and legitimization of assisted return policies, an in-depth description of the legal framework in terms of AVRR programs is needed. Answering the following question will provide an idea of whether much harmonization can be expected from a legal perspective:

3) *What is the European Union legislative framework for these programs?*

In order to provide the grounds for a comparison of national AVRR programs, the last sub-question reads as follows:

4) *How are the national AVRR programs in Austria, Germany, the Netherlands and the UK designed?*

The sub-questions are dealt with in separate chapters of the thesis. Besides building small research topics themselves, they contribute to the overall analysis of the main research question. Each sub-question is needed to analyse on which parameters national AVRR programs can be compared to each other and to ultimately analyse to what extent these

policies differ. A high level of similarities in the policy design would point to increased or complete harmonization, whereas few similarities in national AVRR programs show a lack of Europeanization in the field of assisted voluntary return.

**Methodology**

In order to tackle the research question, a multiple-case study is conducted as it allows the identification of differences between cases (Baxter, 2008). Austria, Germany, the Netherlands and the UK have been selected in order to illustrate rather than to provide a comprehensive answer. The intent of this approach is to gain understanding of AVRR policies and compare their designs across these cases in order to investigate to what extent the programs resemble each other. The selection includes both, smaller and bigger EU member states, all of which are important immigration countries with different historical migration contingencies. Geographical proximity also played a role in the selection process, as well as my linguistic abilities to read and understand the multiple data sources relevant for each case. This includes various sources of documentation, such as reports and published information by governments and international organizations and secondary literature conducted in the field of return migration in order to reach a holistic understanding of AVRR programs. As a consequence, an extensive desk study was conducted. Much information could be gathered through the website of the national IOM offices and the national ministries of each country responsible for migration. Qualitative as well as quantitative data was either provided publicly or send to me on request. Additional data was gathered from journals or books published in the field of return migration.

**Organization of chapters**

The organization of the chapters is as follows: the next chapter will introduce the reader to the topic of return migration and the concept of AVRR programs. Then, to situate the topic in the current academic debate, the following chapter will address the concept of migration management and includes the introduction of a number of relevant actors in the field of AVRR. Before presenting the comparative study, an overview of international and European Union agreements and regulations in the field of return migration will be given. Next, the aforementioned four countries will be analyzed individually and a comparison will be presented before drawing the conclusion of the thesis. The last chapter additionally discusses potential explanations for differences in the national AVRR program designs that need to be addressed by future research.

The purpose of this paper is to contribute to the burgeoning body of literature that is discussing EU harmonization in the field of migration and in particular return migration and AVRR programs. In the following, I will argue that Europeanization in the field of return migration, though potentially very beneficial to all stakeholders, is no homogenous process, as each state has its own context-specific interests. In fact, EU member states have resisted the complete harmonization of AVRR programs. One explanation could be that they fear that common EU policies reduce national sovereignty.

The thesis also emphasizes that assisted voluntary return should not be considered a replacement for forced return. Rather, it is an alternative that rests on the premise of imminent forced removal. AVRR programs therefore are part of a diversified strategy of governments through which they manage migration. They are preferred to forced return, as

it can be claimed that governments act with full approval of the migrant in question. AVRR programs therefore offer a smaller target for criticism.

## 2. Return migration

Currently, AVRR programs are a vast component of European Union member states' national migration regime. An increasing number of AVRR programs are in place in Europe and they play a growing role in migration return policies (Whyte and Hirslund, 2013: 13). Return thereby refers to "the movement of a person returning to his/her country of origin, country of nationality or habitual residence, after spending a significant period of time in another country" (IOM Glossary, 2014). Return, in general terms, may or may not be voluntary. From a state perspective, return migration may be induced either through the provision of certain incentives or through enforcement. Return programs are typically legitimized by policy-makers using one or several of the following arguments: justice-based, human capital and burden-relieving arguments (Blitz et al., 2005), which this thesis will elaborate on in the following. The choice of arguments depends significantly on the audience: the refugees themselves; the governments of the country of return or domestic politics (ibid: 184).

**Justice-based arguments**

Justice-based arguments presented by politicians and scholars see the return of refugees or asylum seekers as the end of a migration cycle (Black and Koser, 1999). With the arrival of a solution to the conflict or injustice that caused emigration in the first place, migrants return to their home countries. Return will consequently happen once the conditions or circumstances which led to the escape have changed (Ghosh, 2000: 3). The antecedents of this justice-based approach can be found in the 1951 United Nations Convention on the

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Status of Refugees that recognizes that "once a migrant returns, he is formally no longer a refugee and thus his claims and rights can be addressed by the home state" (Blitz et al., 2005:184). Justice-based approaches are, however, often overly optimistic, considering that post-conflict societies repeatedly remain largely divided and injustices linger (Blitz, 2003; Turton and Marsden, 2002). Divisions may even deepen through the actions taken by post-conflict political leaders (Turton and Marsden, 2002; Human Rights Watch, 2002). In addition, one has to consider that returnees may not be welcomed by their home societies based on feelings of resentment for their escape, and enviousness towards their financial and health condition (Blitz et al, 2005: 185; Kurz, 2010). There are consequently strong voices that states must not enforce returns prematurely (ECRE, 2005:5).

**Human capital / development arguments**

An alternative or complimentary approach to justice-based arguments is the human capital or development discourse. As migration is often seen as a positive factor in promoting economic development, returns are promoted based on the idea that acquired skills in the host country can be invested in the origin country to overcome shortages. "The practice of repatriating refugees under the guise of return is becoming more commonplace and increasingly tied to the promise of foreign assistance to receiving states" (Blitz et al, 2005: 186). The IOM advertised some of the assisted return programs under the banner, '*your knowledge for your country*' and promotes and implements programs such as the return of qualified nationals aiming to boost rehabilitation efforts in post-conflict Afghanistan (IOM, 2012). Within the migration-development nexus, return programs are meant to strengthen

the origin country through the return of well-educated emigrants. However, the acquired skills (if any at all) do not always match with needs on the ground.[1]

**Burden-relieving arguments**

Countries that see a large influx of asylum seekers and refugees often also view returns as a means of protecting the delicate political domestic arrangement, as Blitz et al. point out (2005: 185). This is because migrants are frequently regarded as a threat to the social fabric of countries and as a financial burden to welfare states. Returns can therefore be considered a way of 'burden-sharing' with the sending country (ibid.).

Return programs, as any other policy, are a result of policy negotiations between a number of actors, such as political parties and national and international agencies, with different, often conflicting agendas (Blitz et al.: 184). Most likely, all of the above mentioned arguments therefore influence the policy design of AVRR programs and are used to justify the concept.

The involvement of international organizations, such as the IOM and the UNHCR, but also the European Union constitutes a major landmark in the development of AVRR policies, as it can be seen as an additional legitimating factor to the above presented arguments. The actors not only enable the exchange of expertise, resulting in common best practices, but also give legitimization to the policy, through their mandate for the protection of refugees and asylum seekers (UNCHR). In addition to intergovernmental organizations, civil society organizations (NGOs) also became part of the implementation of the programs, by offering return counselling and related services. According to Morris and Salomons (2013), NGO's

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[1] See the evaluations documents by the International Organization for Migration (2000) and the report submitted to the IOM by the African Centre for Technology Studies.

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prior opposition to AVRR programs has decreased over time and their direct involvement has consequently increased. This further legitimizes AVRR activities.

As I have shown, three kinds of arguments exist that promote the use of programs that facilitate return migration. The participation and support of intergovernmental and civil society organizations additionally legitimatize AVRR programs. Clearly, the importance attached to each of the arguments influences not only the choice between assisted voluntary return or forced return, but also influences the design of AVRR programs, as will be illustrated in more details later on. In the following, I will then shortly define and discuss the different ways of inducing return migration.

## Definitions

Defining the term 'Assisted Voluntary Return' is not an easy task as there is no consensus on the definition. Instead, different definitional approaches are key in guiding the policy-design of countries and subject to criticism by non-governmental organizations (Kratzmann et al., 2010:16). In the following, I will discuss the terminology of AVRR programs in detail.

**Assisted Voluntary Return and Reintegration (AVR)**: According to the IOM, AVR programs can be regarded as "logistical and financial support to a person with a negative asylum decision trafficked migrants, stranded students, qualified nationals and other migrants unable or unwilling to remain in the host country, who volunteer to return to their countries of origin" (IOM, 2004). Assisted Voluntary Return consequently specifically refers to the provision of any kind of assistance before, during, or after the return or, in other words, an incentive to return for the migrant. Assisted Voluntary Return consequently is a narrower term of **Voluntary Return**, which is defined as "the independent return to the country of origin, transit or third country, based on the free will of the returnee" (EMN, 2010).
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**Reintegration** thereby refers to the re-inclusion or re-incorporation of a migrant into the society of his or her country of origin or habitual residence.

**Forced return** on the contrary is the "compulsory return of an individual to the country of origin, transit or third country, on the basis of an administrative or judicial act (expulsion). Forced return practices often include a number of elements, such as detention" (IOM, 2010)**.** **Detention** thereby is defined as the restriction on freedom of movement of an individual by government authorities, usually through enforced confinement (ibid.). **Deportation** or **expulsion** is the act of a state in removing an alien from its territory after refusal of admission or termination of permission to remain. As a whole, this can be summarized as **involuntary repatriation**, which is the repatriation of refugees to the country of origin or another state induced by the receiving country.

States rarely have the resources to undertake the forced return of all those receiving a return order; yet forced return is considered an essential part of a country's border control. This is mainly because governments regard expulsion as their intrinsic right and a useful deterrent (ECRE, 2005: 33). Detention, to prevent absconding, is part of the removal procedure in many countries, though there is general agreement that it should only be used as last resort and alternatives are to be preferred. In some countries a less coercive form of detention is the accommodation of migrants in departure centres, which are also designed to pressure individuals to cooperate with the undertaking of applying for documentation. While residents are supposed to be able to freely enter and leave, a vast array of administrative measures aim to eliminate any viable alternatives to return (Ellermann, 2010: 417).

## Assisted voluntary versus forced return

As opposed to a replacement for forced return, voluntary return programs should be considered a complimentary approach within the migration management approach. This is due to the fact that voluntary return is considered to only be effective if forced deportation is a feasible alternative. That means both, voluntary and involuntary return options must be available to the state. According to the IOM (2014), an intergovernmental organization in the field of migration, acceptance of the AVRR option rests on there being no other choice, especially considering the temporary nature of the status granted to the migrants in question. The organization found that voluntary return has been most successful in European Union member states where involuntary return was also resorted to (IOM, 2004: 7). Involuntary and assisted returns consequently should be regarded as having a mutually reinforcing effect (Georgi. 2009).

In principle, imminent forced removal may push rejected asylum seekers to participate in assisted return programs. However, deportations may also undermine the returnee's trust in the government and therefore simultaneously limit their interest in state-induced return programs (Whyte and Hirslund, 2013: 14). A key issue in discussing assisted versus forced return is that those two do not constitute the only options for rejected asylum seekers (Whyte and Hirslund, 2013: 15). Some asylum seekers remain in the country as irregular immigrants or move on to neighbouring states. Others may return, but independently of any state-induced program. Whyte and Hirslund suggest that this constitutes a "certain level of voting with one's feet" (2013: 15), as the rejected asylum seekers do not consider state-induced return programs a desirable alternative to irregular migration or independent return.

In any case, AVRR seems to be increasingly seen by most governments as the preferred return option, "proving to be more cost effective, humane, and conducive to good relations among all players, also at other levels such as trade and cultural exchange" (IOM, 2004: 7). The practice also needs to be seen in the light of large-scale forced returns being impractical and having high political costs, as there is extensive opposition (ECRE, 2005: 33). According to Ellermann, the use of outright coercion in general is not only a resource-intensive use of power, but also increases the risk of unleashing social opposition and resistance (2010: 410).

In a methodical survey, Black et al (2011: 5-8) list a number of advantages of assisted voluntary over forced return:

- **Cost-effectiveness**: The authors assume that forced return is ten times as expensive as voluntary return. The Intergovernmental Consultations on Migration, Asylum and Refugees (IGC), on the other hand, present more modest estimation of assisted return costs that are three to five times cheaper (IGC, 2012).

- **Moral legitimization**: as opposed to forced return, which is considered morally objectionable and produces wide-spread opposition, voluntary return is much more widely accepted by governmental actors, NGOs and migrants. It is claimed that voluntary return therefore constitutes a humanitarian alternative, ensuring the returnee to return with dignity.

- **Cooperation between countries**: again, as opposed to forced return, there's no need for bilateral agreements and much of the blame can be shifted to international organizations, such as the IOM.

- **Sustainability**: Voluntary return is considered to be more sustainable and supposedly offers development gains, which can be reinforced by reintegration programs, sponsored by European Union countries.

**Level of voluntariness**

Though preferred by governments over forced return (IOM, 2004: 7), assisted voluntary return is not without flaws either. Though definitions of voluntary return vary, the question remains whether the return decision can be defined as voluntary at all. Actors thereby take different stances considering the requirements for a return to be classified as 'voluntary'. UNHCR, for example, only refers to voluntary return when positive economic and political developments in the country of return enable repatriation (justice-based argumentation). The European Council on Refugees and Exiles is more precise on their definition and requires the use of the term *voluntary repatriation* to only be used to "describe the return of Convention refugees, other persons with a complementary or temporary protection status, or persons still in the asylum procedure who freely choose to exercise their right to return to their country or origin or habitual residence" (ECRE, 2014). Return can consequently only be classified as voluntary when:

- "an individual with a legal basis for remaining in a third country has made an informed choice and has freely consented to repatriate to their country of origin or habitual residence;
- and has given their genuine, individual consent, without pressure of any kind; when such consent is elicited as a result of lack of effective protection in the host country or because of an imposition of sanctions, this cannot be classified as voluntary repatriation;

- and the legal and procedural safeguards have been fully respected" (ibid.).

According to Morrison (2000), three gradations of 'voluntariness' can be identified:

- "a clear and open choice [...] either to return to his or her country of origin or to stay permanently and integrate into the host society;

- a choice between returning to the country of origin now in a voluntary fashion (perhaps with financial or other incentives) or staying and risking forcible return later; and

- an absence of force: the returnee does not manifest disagreement with removal"(Morrison, 2000).

Clearly, voluntariness frequently does not involve a choice between return and stay, but a choice between various forms of return, as a free person receiving certain benefits or being deported under force and without any financial assistance. Unsurprisingly, the policy is heavily criticized for the term 'voluntary' (Koch, 2014: 911). The terminology, however, remains in use by governments and international actors mainly due to its "overarching purpose of facilitating the legitimacy of returns" (ibid.). Part of this criticism is spurred by the fact that the IOM, who carries out most of the return missions and promotes the programs, does not have a mechanism to check its practices against a protection mandate or normative framework (ibid.: 913). In addition there is widespread evidence that in some countries measures are in place in order to induce voluntary return (Whyte and Hirslund, 2013: 14). States wish to increase the take-up rate, the following practices can be observed:

- "Accommodating rejected asylum seekers in return centres both to prepare and induce them to accept that return is their only option and introducing or extending the number of places in detention centres for persons awaiting removal;

- Reducing or removing welfare benefits from rejected asylum seekers;

- Ensuring that asylum seekers are given information earlier in the procedure about the likelihood of expulsion if their application is rejected and providing information about return options as early as possible in the asylum process;

- Working more closely with countries of origin to try and ensure their cooperation in identifying and accepting their nationals for return;

- Enhancing reintegration assistance and other measures to make return more sustainable" (ECRE, 2009: 5).

Furthermore, additional incentives, such as the allowance for voluntary returnees not to be subjected to certain procedures and prohibitions, are provided to stimulate participation in AVRR programs. ECRE also mentions methods for inducing return, such as the threat of detention or continued detention and withdrawal of support in the host country.

In the light of these practices, it is highly questionable whether 'voluntary assisted return and reintegration' is a correct term to describe the policy that induces the movement of rejected asylum seekers and irregular migrants to their home countries. The International Centre for Migration Policy Development (ICMPD) has therefore pronounced that 'the freedom to decide is limited to the way in which return is to take place, in the best case this means the voluntary availment of assistance to follow the obligation to leave" (ICMPD, 2003: 27). The European Council on Refugees and Exile therefore prefers to use the term 'mandatory return[2]', as "voluntary return only applies in the case of persons with a legal basis for remaining in a host country has made an informed choice and has freely consented

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[2] The term is being used to describe the situation whereby a person consents to return to his/her country of origin instead of staying illegally or being forcibly removed. It also applies to individuals who although not having freely consented to leave have been induced to do so by means of incentives or threats of sanctions (ECRE, 2005:7).

to repatriate to their country of origin or habitual residence; and has given their genuine, individual consent, without pressure of any kind." (ECRE, 2009:5).

Clearly, assisted voluntary return shares the same root as involuntary return, as they both constitute ways to exclude some people from the national territory (Beeksma, 2013). Rather than offering a replacement, assisted voluntary return programs should therefore be considered a way to diversify the means by which expulsion is implemented (ECRE, 2009: 34).

## The AVRR programs in detail

In the following, I will elaborate on the nature of AVRR programs in a bit more detail. In particular, I will give an overview of measures taken at all stages of the return process and present definitions concerning the target groups of AVRR programs. Then, the sustainability of assisted voluntary return will be discussed, before engaging in a debate on alternatives to return.

Generally, AVRR programs are typically financed by European Union member states national and sub-national governments and the European Commission, and implemented by the IOM in cooperation with national and federal government agencies. According to the IOM, they are designed to benefit all parties involved in the return process. For the migrants participating in AVRR schemes, the trip home is paid and arranged for and they are provided with cash payment or (in-kind) reintegration assistance upon their arrival in their country of origin. Assistance activities are conducted at different stages of the return process: at pre-departure; during transportation; and post-arrival (IOM, 2014). The returnee may be assisted in the first stage of return through information dissemination and counselling, but also transport assistance. In addition, transport assistance is provided, such as in the form of

documents and the arrangement of formalities. In the last phase, the returnee may be assisted with his/her inland transport, medical insurance and various reintegration in-kind or cash assistance measures. Additionally, medical care is provided during all stages of return. To which extent the components of European Union country programs differ is subject of this thesis. According to the IOM, voluntary return also allows migrants to return with dignity.

For host countries, AVRR programs constitute a politically accepted way of returning undesired migrants and brings along a number of advantages in comparison to forced return as mentioned above. For the home countries of returnees, the IOM points to the potential benefits created by returnees (e.g. skills), but main incentives may in fact lie with the smoothening of diplomatic ties with the host country, often characterized by an unequal relationship, as they are the recipients of development aid.

**Target groups**

In order to compare the target group of national AVRR programs, a number of terms need to be defined. The following definitions are taken either from the IOM Glossary or the UNHCR website, as both are widely used as resources by national governments and within academic publications.

**Asylum seekers** are "persons seeking to be admitted into a country as refugees and awaiting decision on their application for refugee status under relevant international and national regulations. In case of a negative decision, they must leave the country and may be expelled, unless permission to stay is provided on humanitarian or other related grounds" (IOM, 2004).

**Refugees (recognized)** are persons, who "owing to well-founded fear of persecution for reasons of race, religion, nationality, membership of a particular social group or political opinions, are outside the country of his nationality and unable or, owing to such fear, are unwilling to avail themselves of the protection of that country" (Convention relating to the Status of Refugees, Art. 1A (2), 1951 as modified by the 1967 Protocol).

**Rejected asylum seekers** are "persons not in need of international protection, thus persons who, after due consideration of their claims to asylum in fair procedures, are found not to qualify for refugee status on the basis of the criteria laid down in the 1951 Convention, and who are not authorized to stay in the country concerned for other compelling reasons. The term covers persons who attempt to migrate for economic or other personal reasons by using asylum procedures" (UNHCR, 1997). This definition, however, rests on the non-proven assumption that asylum processes are fair and equal in all countries.

**Irregular migrants** are "persons, who, owing to illegal entry or the expiry of their visa, lack legal status in a transit or host country. The term applies to migrants who infringe a country's admission rules and any other person not authorized to remain in the host country" (also called clandestine/ illegal/ undocumented migrant or migrant in an irregular situation) (IOM, 2004). The term *illegal*, however, is conceptually problematic as it has a connotation to criminality, seems to be denying their humanity and may jeopardize asylum claims (Koser, 2005: 5).

Assistance to voluntary returnees is typically not limited to rejected asylum seekers. Though it varies according to the national approach, other categories of people, such as migrants who have stayed beyond the validity of their visas, are often also eligible for participation in

AVRR programs. In addition, asylum seekers who are still awaiting a decision as well as recognized refugees are often eligible to return via AVRR programs.

Reintegration assistance may serve as an additional incentive to return. Besides that, reintegration measures are also designed to facilitate the long-term (re-)integration in the society and to reduce the risk of re-emigration (EC, 2012: 13).

**Sustainability**

Sustainability of return is not only difficult to measure, but also defined differently by various actors. The most conventional definition of 'sustainability of return' is "the absence of re-migration after return" (EC, 2012:14). Black et al. (2004), however, consider three additional standpoints from which sustainability can be conceptualized:

- "return can be viewed as 'sustainable' in relation to the situation of each individual returnee, and also in relation to the home society as a whole;

- 'sustainability' for individuals can be considered from the (subjective) vantage point of the returnees, as well as in terms of objective measurement of their situation; and

- sustainability can be measured in relation to the physical location or desired location of migrants after return, but also in relation to socio-economic and political-security considerations" (Black et al, 2004).

According to a study conducted by the Dutch HIT (Hersteld Vertrouwen in de Toekomst/Restored Confidence in the Future) Foundation (2010), a return was deemed sustainable by different stakeholders when returnees:

- "go and never come back to the individual member state;

- go and never come back to any other member state of the European Union;

- leave voluntarily and are ready to start a new life;

- establish a new livelihood in their country and sustain a family;

- make a meaningful contribution to the community they are returning to and therefore be accepted upon return;

- contribute to the economic and social development of the country of return; and

- decide to use legal and official means of migration in the future" (HIT foundation, 2010: 50).

Sustainability of return is of great importance for the host country as AVRR programs essentially are a way of regulating migration. However, as there are very few monitoring programs in place, the sustainability of return is rather unexplored. Some countries have occasional monitoring missions and a number of NGO's remain in contact with returnees that they have assisted previously, but there is a lack of comparable measures and data. Reintegration assistance is usually provided during the pre-departure and the post-arrival phase of return programs. Examples of the type of assistance given are businesses set-up support as well as vocational training and housing provision in the home country.

## Obstacles and alternatives to return

Often, there is a difference between the intentions of states to remove rejected asylum seekers and irregular migrants and the actual implementation of such a removal decision. This is called the 'deportation gap' (Kratzmann, 2012). Though the main reason is to be found in the lack of resources or capacity to return asylum seekers, there are a number of other obstacles to the implementation of state-induced return (ECRE, 2005: 24). This includes the non-cooperation of countries of origin, difficulties of establishing the identity of a person, a lack of individual cooperation, and a number of technical reasons, such as the

practical impossibility of transporting a person to a country with no functioning airport (ibid.). In addition, as signatories of the Geneva Convention, European Union member states are committed to the principle of non-refoulement. As a consequence they are "obliged to grant protection to those whose lives or freedoms would be threatened if they returned to their country of origin" (Ellermann, 2010: 418).

Though it is an established principle of international law that states have an obligation to receive back their own nationals, international cooperation may be hampered by a sense of distributive injustice and unequal burden-sharing by the country of return (ECRE, 2005: 5). Fear of losing vital remittances and facing problems in the area of social and economic reintegration are further factors that play a decisive role. In particular, countries of return may therefore be hesitant to actively cooperate with the identification efforts of returnees (Ellermann, 2010: 408). As mentioned before, international cooperation consequently may depend on incentives of receiving countries, such as political, financial and economic support[3] (Ellermann, 2010: 416).

Summarizing, this chapter has provided the reader with an overview of voluntary return and has answered the sub-question "*What are the key components of AVRR programs and why is assisted voluntary return preferred in comparison to forced return?".* By doing so, it has defined a number of key concepts and definitions in the field of return migration and has touched upon the controversy of the term *voluntary*. In the next chapter I will now frame AVRR programs through investigating the wider context of the migration and border control discourse in politics.

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[3] Incentives may, however, also take the form of punitive measures, such as the threat of withdrawing development support.

## 3. Migration management and border control

Due to the oil crises of the 1970s and consequent decreasing economic performances, European Union nation-states brought an end to the relative openness of the *Gastarbeiter*-system and implemented increasingly stricter immigration regulations (Georgi, 2009: 82). The public perception of further immigration as a threat to the economic and social well-being of the national community increased pressure on politicians to pursue a limited immigration policy. Migration controls therefore tightened at the same time as the movement of trade and capital increased (Kalm, 2012: 62). It was only in the 1990s, after the political breakdown of the Soviet Union and the Yugoslavian war and the subsequent migration wave, that Western European Union states accepted their nature of immigration countries. "The understanding of migration as permanent reflects the realization – or perhaps resignation – that migration is an unavoidable reality in a world of ever more intense trans-border flows and interdependencies" (Kalm, 2012: 58). As pursuing a zero-immigration policy was out of question, the migration discourse was hence turned around: from depicting migration as a threat to emphasizing potential positive contributions of migration. In a world characterized by increasing movement of capital and goods, people also needed to be understood as mobile. This led states to the insight that pursuing a zero-immigration unilateral migration policy was not a feasible alternative anymore. The goal of migration policy was not longer to merely prevent migration at the border but to optimize it in the long-term, hence a new concept emerged: migration management.

Though this realization constituted a new perspective, migration control nevertheless remains at the heart of it. This third chapter of my thesis aims at analyzing the international setting of migration policy, the historical development of migration politics on a global scale

and the emerging discourse of migration management. This is deemed inevitable in order to understand national policy choices concerning migration and the formation of state-induced return programs.

**A new discourse: migration management**

The term *migration management* is mainly coined by Bimal Ghosh (a former senior consultant to the UN and the IOM) and entails the principle of regulated openness in migration policy. According to him, migration management builds upon three pillars: 1) shared policy objectives; 2) harmonized norms and practices and 3) improved institutional arrangements for better coordination of action, including assistance and monitoring (Ghosh, 2012: 26). The term migration management became widely popular and is now the dominant slogan of the International Organization for Migration (IOM). The idea of the concept is that in order to manage migration, it is important to make it *orderly*. As opposed to irregular migration, only orderly movements that comply with laws and regulations can be managed (Kalm, 2012: 59). According to the IOM, managing migration allows policy-makers to maximize benefits and therefore causes a triple-win situation, in which the sending and the receiving country as well as the migrants themselves benefit (see previous chapter).

After the oil crisis in 1973, countries had mainly pursued migration control, a unilateral state approach to regulating the entry of persons into the national territory, in full exercise of its sovereignty. On the contrary, cooperation between countries is at the heart of migration management, as it aims at bridging the (often conflicting) objectives of countries and seeks to constitute equilibrium between the manifold concerns associated with migration (Geiger & Pécoud, 2012: 11). Focusing on the need to recruit labour, economic development and the rights of migrants at the same time, migration management expresses the idea that states

should no longer be the sole actors, but should cooperate with other, sometimes newly created, actors, such as intergovernmental agencies, NGOs and think tanks (ibid.). The concept of migration management consequently rests on cooperation between sending and receiving countries, often mediated by the aforementioned third-party actors. These actors then constitute a new form of international governance of migration.

Even though migration management is distinctly different from the discourse of migration control, it is nevertheless based on control, demarcation, and exclusion (Atac & Kraler, 2006:26). From a unilateral point of view, core of the approach is to distinguish between different groups of immigrants. Migration management consequently is not only the opening of certain immigration canals, but at the same time the closing of others and the filtering of those migrants that are believed to benefit the receiving country most. The relative openness of states is consequently still "an openness guided and managed by states, that in new and inventive ways seek to preserve the monopoly of the legitimate means of movement" (Kalm, 2012: 72). Activities in the field of migration management include a wide spectrum, such as border management, tackling human trafficking and irregular migration, return and reintegration assistance,  refugees and projects in the so-called 'migration-development-nexus' (Kalm, 2012: 58). AVRR programs thereby constitute one measure to enforce orderly migration as it contributes to the exclusion of those migrants that do not receive an official permission to stay on national territory.

Though frequently used, the term migration management nevertheless remains rather vague. Little academic research has been conducted so far and there is no consensus in terms of its definition or desirability. Whereas international organizations, such as the IOM and the ICMPD, provide studies that highlight the usefulness of the approach, independent researchers seem to be more critical of the migration management concept. On top of that,

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there is strong criticism from human rights, refugees and migrant advocacy groups, such as the European No Border Network, as the current global constellation mainly seems to work in favour of the richer nation-states (Georgi & Schatral, 2012: 206).

Geiger and Pécoud (2012) adequately point to the ambiguous feelings associated with the concept. Whereas some welcome the new paradigm as it ends zero-immigration policies and accepts the normality of migration in today's world, others view migration management as a "technocratic invention that disguises, often under the label of more humanitarian and rights-based approaches to migration, the perpetuation of restrictionist migration control" (Geiger & Pécoud, 2012: 12). Migration management may certainly be regarded a tool that regulates the circulation of workforce on a global level, and is mainly executed by a number of international organizations, which have been created, enlarged and made highly influential in the last decades. Therefore I will shortly introduce the following international organizations, the UNHCR, the IOM, and Frontex, as they play an important role in the implementation of return migration (Koch, 2014). The UNHCR has an official mandate of the United Nations and works closely with the IOM, the second biggest player in the field of migration policy making. Frontex, on the contrary, is of considerable importance for an analysis of the European migration regime as it is the main implementing body of migration policies.

## The United Nations High Commissioner for Refugees (UNHCR)

The United Nations refugee agency was created under the 1950 United Nations High Commissioner for Refugees statute, which also defines its mandate until today. It came into effect in 1951 – the same year as the IOM. As an international organization with more than 8000 employers, it is active in 126 countries. Its headquarters are based in Geneva and

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oversee all key areas, such as operations, protection, external relations, human resources and finances. UNHCR is further managed from a number of regional offices, as well as sub- and field offices all around the world. The organization is a member of the United Nations Development Group and, as such, won the Nobel Peace Prize twice, in 1954 and 1981.

The mandate of the UNHCR is to protect and support refugees at the request of a government or the United Nations (Geiger and Pécoud, 2012). It assists in the voluntary return of refugees, their local integration or resettlement to a third country. The latest available figures provided by the organization itself, estimate that around 10.4 million refugees are of concern to the UNHCR, with a geographical focus on Asia (around 50%) and Africa (around 28%)(UNHCR, 2014).

Following the end of the Second World War, the UN founded the United Nations High Commissioner for Refugees as a subsidiary organ of the General Assembly in order to deal with the acute refugee crisis. Intended to operate for three years only, the organization's mandate changed over time and has been subsequently broadened by a number of resolutions of the General Assembly and the Economic and Social Council (ECOSOC). Initially anticipated to deal with European refugees, it soon became a global operation with the mandate of refugee protection and humanitarian assistance (Geiger and Pécoud, 2012).

The organization's budget is composed entirely by voluntary contributions with almost 90% coming from nation-states and the European Union and about 10% coming from inter-governmental organizations, the private sector, the general public and a subsidy from the UN regular budget (UNHCR, 2014). In 2012, its annual budget was recorded as 4.3 billion US dollars (ibid.). As the top five donors are industrialized countries and organizations, such as

the US, Japan, the European Commission, Sweden and the Netherlands, the objectivity of UNHCR's projects is also openly questioned by critics (Loescher, 2006).

As opposed to the other relevant international organizations in the field of migration, the UNHCR has a clear mandate by the international community derived from international law and agreements (Geiger and Pécoud, 2012). As such, the organization has an unambiguous ground of legitimacy and therefore provides other organizations with input, in terms of definitions, numbers, and assistance (ibid.). Its promotion of AVRR practices therefore gives further legitimization to the policy.

## The International Organization for Migration (IOM)

The International Organization for Migration (IOM) is an intergovernmental organization, founded in 1951 as the Intergovernmental Committee for European Migration (ICEM) with the purpose to support the resettlement of people displaced by the Second World War. Established in December 1951, the organization began its operations in early 1952 and adopted its official constitution on 19 October 1953. It was renamed the International Organization for Migration during an amendment to the Constitution in November 1989, that also created the three organs' (the Council, the Executive Committee and the Administration) full juridical personality. Since its establishment, the intergovernmental body has grown immensely and includes as many as 151 member states as of August, 2014.

As the second largest organization in the field of international migration, it is dedicated to the promotion of human and orderly migration by providing advice and services to governments and migrants. In particular, the organization claims to promote international cooperation on migration issues, assist in finding practical solutions to migratory problems

and provide humanitarian assistance to migrants in need, including refugees, displaced or otherwise uprooted people. Its central motto thereby is "Managing Migration for the benefit of all" (IOM, 2013).

The IOM pursues a wide variety of activities, which include the "promotion of international migration law, policy debate and guidance, protection of migrants' rights, migration health and the gender dimension of migration" (IOM, 2013). By doing so it claims to be a non-political, humanitarian organization that provides a number of services to migrants as well as governments, such as the documentation and transportation of migrants, the provision of language and cultural orientation training, and the provision of medical and advisory services and information. The organization has, however, no guiding human rights mechanism and its state-interested foundation contributes to its controversial identity (Geiger and Pécoud, 2012). States increasingly rely on the IOM in terms of managing return migration, due to its ability to extend beyond state limitations (Ashutosh and Mountz, 2011: 22).[4]

The IOM is currently present in more than 470 field offices, contributes to above 2300 active projects and employs more than 7800 operational staff. It finances its activities with voluntary contributions from its member states, which were as high as US$ 1.3 billion in 2011 (IOM, 2013). As member states insist upon a policy of "zero nominal growth" of the administrative budget and refuse to increase the regular annual contributions, the organization is dependent on the acquisition of project work (Geiger and Pècoud, 2012).[5] This leads to a strong notion of dependency between the IOM and its major donors, namely

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[4] In fact, the authors consider the IOM "a novel form of neoliberal governance" (ibid.).

[5] Only 3.9 per cent of its annual budget (at least in 2011) was accumulated by regular contributions (IOM, 2002: 72).

Western governments (ibid.).[6] It is consequently to be assumed that its activities primarily benefit IOM's major donor states, as member-states' contributions are vital to the survival of the IOM (Georgi, 2010: 66). Many of the activities, such as reception and detention camps, migration statistics and even forced or voluntary return programs, may therefore reinforce the position of nation-states vis-à-vis the migrants, as critics often point out.

## Frontex

### The European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union

As opposed to the IOM or the UNHCR, Frontex is an organization that exclusively works for and with the European Union member states and in particular for those that are part of the Schengen agreement. The Schengen area was created to form a territory without internal borders and to foster the free movement of goods, persons, services and capital. This went hand in hand with the intensification of the external borders of its area (Hess & Tsianos, 2007; Vaughan-Williams, 2007). Cooperation and coordination between Schengen states concerning the work of police and judicial authorities increased and was incorporated in the EU framework with the signing of the Treaty of Amsterdam in 1999 (Hess & Tsianos, 2007). In 2004, the European Agency for the Management of Operational Cooperation at the External Borders of the Members States of the European Union (FRONTEX) was established based on Council Regulation (EC) 2007/2004, following up initial ad-hoc centres on border control.

The organization's mission is to reinforce and streamline cooperation between national border authorities (Frontex, 2024). It is active in all steps (planning, coordinating,

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[6] In 2012 almost 50% of the overall budget was provided by the U.S. (IOM, 2013).

implementing and evaluating) of joint operations between member states, responsible for common training standards, in charge of collecting and analyzing data and conduct research in the field of border management, and responsible for providing a rapid response capability. As such Frontex works closely with other organizations, such as Europol, Eurojust, FRA, EASO or CEPOL and the national custom authorities, which may result in a systematic amalgamation of border police and intelligence activities (Fischer-Lescano and Tohidipur, 2007).

Frontex is an autonomous EU Agency and consequently has its own financial regulation, but is highly dependent on staff secondments. Just as the IOM, Frontex is targeted by a number of non-governmental organizations because of doubts regarding its humanitarian approach, lack of transparency and absence of independent monitoring and democratic accountability (Fischer-Lescano and Tohidipur, 2007). Frontex plays an indispensable role in the implementation of the migration management approach of European Union member states and as such also in the carrying out of forced returns (Jorry, 2007).

With the change in discourse from migration control (and prevention) to management (and selection), intergovernmental and international organizations have increasingly become central to migration policy and implementation as service providers as well as a forum for transnational cooperation (Kalm, 2012: 133). Alongside agencies devoted to humanitarianism, such as the UNHCR, and those devoted to security, such as Frontex, the IOM is the main key player within this global migration policy regime and of great importance in the analysis of voluntary return schemes (Andrijasevic and Walters, 2010: 981). Together these intergovernmental organizations constitute an international regime for global cross-border mobility and migration (Geiger & Pécoud, 2012: 2). Unlike the UNHCR,

the IOM, however, lacks a mandate (and with it the legitimacy) of international law[7]. As opposed to non-governmental organizations, the institutions have been criticized for a lack of transparency and de-democratizing working pattern (Overbeek, 2002: 12; Betts: 2008:13-14) as well as for a lack of structural independence and political will to protect refugees (ICVA, 2004).

The previous chapter has provided a comprehensive overview of the concept of migration management and its most important actors, in particular for countries in the European Union. By doing so it has answered the second sub-question *"What is the role of intergovernmental organizations in dealing with migration?"* by emphasizing the development of a global migration regime, from unilateral border control to a multilateral approach of migration management in which international organizations play a decisive role, though their mandate may at times be questionable.


## 4. International return migration regulation

With the advent of the migration management discourse, the national legislative approach increasingly shifted from a focus on unilateral migration policy directed at zero-immigration towards multilateral cooperation and the principle of regulated openness (Ghosh, 2012: 26). Consequently, European Union countries aimed at coordinating their shared policy objectives and started to create harmonized policies and an international institutional arrangement in the field of migration (ibid.).

This increasing willingness to cooperate mainly instigates from the implementation of the Schengen agreement in 1985. The common abolishment of internal borders within the

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[7] In fact, the UNHCR and IOM have a history of rivalry about competencies, resources and worldviews (Georgi, 2010:51).

Schengen area particularly meant that the external land-borders of most Western European Union countries were relocated towards the East (Hess & Tsianos, 2007). This process is often referred to as Re-Bordering (Buckel et al., 2014) and has led member states to call for European Union-wide border protection standards and joint projects to ensure border security. Whereas the Schengen provisions abolished controls at the Union's internal borders, it therefore tightened them at the external borders (EC, 2014)[8]. This also caused pressure to adopt a single set of rules. Originally meant as an intergovernmental agreement, the Schengen agreement became part of the European Union's legislative pillars with the Maastricht Treaty in 1992, which strengthened the European Union's role in the field of migration (ICMPD, 2014).

Whereas countries thus still have different thoughts on *which kind* of migrants may benefit their economic and societal well-being the most, the general idea of regulating the influx of migrants is shared by all Western European Union member states. As a consequence of the shift in the migration discourse towards migration management, the EU thus became more and more prominent in the field of migration legislation. In the following, a short overview of the existing legislative regulations in the field of return migration on international, but in particular on European Union level is given.

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[8] These rules cover several areas:
- "a common set of rules applying to people crossing the EU external borders, including the types of visa needed and how checks at external borders have to be carried out
- harmonization of the conditions of entry and of the rules on visas for short stays (up to three months)
- enhanced police cooperation (including rights of cross-border surveillance and hot pursuit
- stronger judicial cooperation through a faster extradition system and transfer of enforcement of criminal judgments
- establishment and development of the Schengen Information System (SIS)
- documents needed for travelling in Europe". (EC, 2014).

## International Law and Regulations relating to assisted voluntary return

In the field of state-induced return, there are a number of international regulations, such as the Geneva Convention, that touch upon and (at least partly) regulate national return policies. Signed in 1951 by 151 states, the Convention determines who is liable to be deported (those migrants within a state's territory without permission from the host country) and who is exempt from deportation (vulnerable groups, asylum seekers, etc) (Karamanidou and Schuster, 2012: 2). Since then, it serves as a benchmark for the recognition and treatment of refugees and explicitly prohibits the expulsion of officially recognized *refugees* according to its differentiation (ibid.).[9]

In addition to the Geneva Convention, there are other human rights instruments that refer to the obligations of states not to enforce the return of people, such as the Torture Convention, the International Covenant on Civil and Political Rights (ICCPR) and the European Convention on Human Rights &Fundamental Freedoms (ECHR&FF). The latter determines that "appeals against deportation may, when all national remedies have been exhausted, be addressed to the European Court of Human Rights (ECtHR)[10]" (Karamanidou and Schuster, 2012: 6). The aforementioned instruments can be used to protect migrants that may be excluded under the 1951 Convention in case of high likelihood of the person suffering significant harm if deported to their country of origin (Karamanidou and Schuster, 2012: 7).

Those international regulations build the basic human rights framework in the field of return migration. Though they are an important safeguard for the protection of the individual

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[9] Art.32 and Art.332
[10] The ECHR&FF is an instrument of the Council of Europe, which has 47 members.

migrant, the international conventions remain limited in their sway. The Geneva Convention, for example, only explicitly prohibits the expulsion of refugees and does not refer to asylum seekers. This is based on the assumption that each country has a fair and effective asylum process and that all people in need are granted protection (Karamanidou and Schuster, 2012: 6). The latter remains, however, an optimistic supposition, as there are no international regulations regarding national asylum processes.[11] As the European Union is a forerunner in terms of human rights protection and may be considered a normative international power, I will investigate further regulations concerning return migration on European Union level.

## European Union legislation relating to assisted voluntary return

The above mentioned international regulations apply to all EU member states as they are signature countries of the agreements. Apart from them, additional EU legislation regulates certain aspects of national return migration policies. Especially with the Schengen agreement becoming part of the European Union under the Amsterdam Treaty (1999), migration increasingly became a key topic for EU policy-makers. In the same year, a common External Security policy of the European Union was decided upon. The so-called Tampere-Program[12] deals with asylum and migration issues in the field of cooperation with countries of emigration; a common European Union asylum law, fair treatment of third-country nationals, and migration management. As part of the topic 'management of migration flows', the agreement also includes a passage on voluntary return programs:

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[11] In fact, recognition rates variation across the European Union for example and the suspension of removals to Greece hint at severe shortcomings of national asylum systems (ECRE,2009; Baldaccini 2009).
[12] European Council, 15th and 16th October 1999.

*"26. The European Council calls for assistance to countries of origin and transit to be developed in order to promote voluntary return as well as to help the authorities of those countries to strengthen their ability to combat effectively trafficking in human beings and to cope with their readmission obligations towards the Union and the Member State"(European Parliament, 1999).*

A year later, at the European Council of Nizza (2000) and two years later at Laeken (2002), cooperation on migration issues continued:

*"For the EU, return of asylum seekers whose claim is rejected has become a crucial element of a coherent EU asylum policy. (…) A provision on 'manifestly unfounded asylum claims' in the Asylum Procedures Directive enables member states to accelerate the asylum procedure" (Europa, 2014).*

With the Hague Program (2005), the establishment of the European Return Funds was decided upon and the Stockholm Program (2009) added a focus on the migration-development nexus. Over time, the European Commission additionally adopted the following Directives regarding state-induced return migration, which are legally binding to the member states:

- The **Council Directive (2001/40/EC63)** on the mutual recognition of decisions on the expulsion of third-country nationals.

- **Council Directive 2003/110/EC65** on assistance in cases of transit for the purposes of removal by air.[13]

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[13] Later also the **Council Decision (2004/191/EC66)** on the determination of criteria and practical arrangements for the compensation of the financial imbalances resulting from the application of Directive 2001/40/EC on the mutual recognition of decisions on the expulsion of third-country nationals.

- **Council Regulation (EC/343/2003),** better known as Dublin II Regulation, which determines that only one member state is responsible for the asylum process of an asylum seeker. According to the following principles: family unity, issuance of residence permits or visa, illegal entry or stay in a member state, legal entry into a member state, application in an international transit area of an airport, the member state responsible for the asylum process is determined. Also, if a migrant's application for asylum is rejected by one member state, this applies for the whole European Union.

- The **Qualifications Directive (2004/83/EC)** specifies who qualifies as a refugee and determines that member states must respect the non-refoulement principle, which is a principle of international law which forbids the rendering of a victim of persecution to his/her persecutor.[14]

- The **Procedures Directive (2005/85/EC)** outlines the procedures governing the examination of a claim to asylum and states that applications are allowed to remain on European Union territory until a decision on their asylum claim has been made by authorities. It also specifies the appeals available to individuals.

- The **Return Directive (2008/115/EC)** determines "common standards and procedures for the removal of third country nationals residing illegally on territory of a Member State". It asserts national legitimacy to remove people from a state's territory and covers periods of detention; re-entry bans and includes a number of legal safeguards.

Furthermore, a number of Council decisions, which are also legally binding to those to whom it is addressed, have been issued:

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[14] Member States may, however, refoule a refugee on ground of national security or conviction of serious crime (Rodriguez, 2005: 9).

- **Council Decision (2004/573/EC68)** on the organization of joint flights for removals from the territory of two or more Member States of third-country nationals who are subjects of individual removal orders.

- **Council Decision (575/2007/EC71)** of the European Parliament and of the Council of 23 May 2007 establishing the European Return Fund for the period 2008 to 2013 as part of the General program "Solidarity and Management of Migration Flows" and related Implementing Acts[15].

The above mentioned instruments form the legislative framework for return policies on a European Union level (Kratzmann et al., 2010). This legislative framework, though quite substantial in the field of general asylum policies, is still rather limited and vague in terms of return legislation and much room remains for policies to be designed on national level. This observation can well be demonstrated by looking at the Return Directive, which leaves much discretion to the member states, as they may abrogate the regulation in case of emergency. It also excludes irregular migrants crossing a border into the territory of the European Union (Baldaccini, 2009; ECRE, 2009) and leaves the monitoring to national authorities (Matrix Insight, 2011).

Clearly, the EU legislative framework concerning return migration and AVRR programs in particular is limited in its scope. It seems that member states prefer to sustain their discretionary power when it comes to the decision of whom to refuse access to their territory, at least when it comes to third-country nationals (citizens of countries outside the European Union). There has consequently been little effort to build legislation on EU level

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[15] With the establishment of the Solidarity and Management of Migration Flows Program in 2007, the European Parliament and the Council also determined the European Return Fund. Its objectives are to enhance cooperation regarding return management and promote equal standards of return. As such it finances activities relating to state-induced return and in particular, voluntary return programs. For the period 2007-2013 it amounted to €4,020.37 million (Stancova´2010: 188).

regarding assisted voluntary return, though there is a general understanding between states that voluntary (assisted) return is preferable to forced return. Member states have shown reluctance to accept regulations, which may be regarded as restraining the removal power of the state (Loescher, 2006). This also has to do with the fact that it is generally believed that voluntary return programs can only be effective if forced deportation is a feasible alternative (IOM, 2014). Furthermore, countries are reluctant to adopt legislation that is likely to either prevent or delay the return process (as may be done by including restrictions on detention, obligations to provide legal aid, increasing the likelihood of a migrant to challenge the return decision in the provisions).

The establishment of the European Return Fund is an important signal that the European Union favours voluntary return as it is the primary financier of AVRR (Morris and Salomons, 2013: 6). The fund aims at deepening migration control cohesion amongst member states and facilitates trust between constituent institutions. This also increases the legitimacy of the policy (Beeksma, 2013).

This chapter has outlined international and, in particular, European Union legislation regarding state-induced return migration. It has answered the third sub-question "W*hat is the European legislative framework for these programs?*" by referring to all relevant pieces of EU legislation that cover return migration. The analysis has shown that there is little legislation on EU level, though all member states are making use of the programs. I have consequently argued that this can be explained by member states' preference to retain discretionary power regarding the decision of whom to refuse access to their territory. As a next step, an overview of national voluntary return migration policies will be provided in order to investigate in how far these still differ between European Union member states.

## 5. Comparison of national AVRR policies in the EU member states

In the following chapter, the national assisted return policies of Austria, Germany, the Netherlands, and the United Kingdom are presented. Each national return policy is analyzed separately, while also providing an overview of the country-specific development of the policies, the actors involved in the implementation process, the number of participants and the political climate with regard to the policy. This analytical framework is chosen in order to be able to get an overview extending beyond the policy formulation, as the subsequent chapter aims at making suggestions to how certain similarities and differences in the policy design may be explained. The additional contextual factors, historical contingency, practicality, stakeholder, and political climate, are of importance regarding state-induced return policies in Austria as the structure and process of politics is a function of these factors (March and Olsen, 1984: 735). Additional empirical data should, however, be consulted in order to test whether causal links do exist.

The annual number of returnees are presented from the year 2001 to the year 2012 based on the availability of data. As most returnees have been asylum seekers at one point in the past, I have additionally included the number of asylum seekers in the respective year. However, one should take into considerations that there often is a delay of a number of years before the asylum influx may determine the level of AVRR participation. Therefore asylum influx in the same year may not necessarily be a meaningful parameter and more research needs to be done concerning the influence of the number of asylum seekers on the number of AVRR program participants. Furthermore, I have included the number of forced returns in order to hint at the proportion of assisted return in state-induced returns.

## Austria

Austria is a member of the European Union and the Schengen area since 1995. Though it is a land-locked country, it has always been an important destination or transit country for migrants coming from Eastern and Central Europe.

Overall, Austria (as all other countries under investigation) requires third-country nationals to leave the country upon expiration of their residence title. In the case of non-departure, the Aliens' Police may expel the person in question, which is executed in form of deportation, according to Art 53 of the Aliens' Police Act (Kratzmann et al, 2010). An alternative to this execution is the framework of assisted voluntary return, which is in place since the 1990s. There is no legal definition of *voluntary return*, though the term is mentioned several times in the Austrians Aliens' law. In a Memorandum of Understanding between Austria and the IOM, voluntary return is defined as "a person returns [to] the country of citizenship by free decision; if a return is impossible or if the person is stateless, voluntary return means that the person returns to the country [in which] he or she had usually resided in, or in the country which is prepared or obliged to host the person" (Kratzmann et al, 2010).

**Historical development of the voluntary return program**

The first AVRR measures were implemented in the 1990s in the context of refugee return migration from Bosnia- Herzegovina and Kosovo, who fled the war in former Yugoslavia. These programs were jointly implemented with a number of NGOs that participated in return counselling, such as Caritas (IOM, 2004: 31). Over time, the numbers of participants increased and so did the importance of the return programs within the overall migration

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policies.[16] Since 2000, the IOM is commissioned with the organization of return and the policies increased in scope, further enhanced by funding from the European Return Fund.

**Policy description**

In Austria, voluntary return is established in the Basic Welfare Support Agreement, the Federal Basic Welfare Support Act, the various welfare support acts of the Austrian provinces and the Asylum Act (Kratzmann et al, 2010: 33).[17] According to Article 2 of the Agreement, the target groups for assisted return assistance are asylum applicants, recognized refugees within the first three months after the final decision is issued, persons with subsidiary protection, and irregularly residing persons who cannot be removed for legal or factual reasons.

The federal state, responsible for the coordination of the programs, assigns non-governmental organizations (typically humanitarian and clerical, but also private ones) with the implementation of the programs, which includes providing information, return counselling, social assistance and translating services, if necessary (Art. 6 Para 1 (8) Basic Welfare Support Agreement).

The Asylum Act establishes that asylum applicants must have access to return counselling at all stages of the procedure and the Memorandum of Understanding between the Federal Ministry of the Interior and IOM regulates the practical implementation of Assisted Return measures. The main tasks of IOM Vienna are the provision of information, support of the returnees in attaining travel documents, organization of the logistics for the return from Austria as well as transit to the country of return and the payment of financial support

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[16] The programs were considered part of combating irregular migration (EMN, 2006: 30).
[17] In addition, the conditions and procedures for Assisted Return of sentenced non-nationals are stipulated in the Prison Administration Act.

(Kratzmann et al, 2010: 35). In particular, the assistance covers travel expenses (in accordance with the maximum unit cost rates of the IOM) and the single payment of up to 370 Euros per person in the event of return (Basic Welfare Support Agreement, Article 9.5). The costs of these services are covered by the federal state and the federal provinces in the ratio of 6:4 (Kratzmann et al, 2010: 33).

In addition to the general assisted voluntary return programs, there are a number of country-specific return and reintegration programs in the country. At the moment, there are country-specific AVRR programs for Pakistan (2012-2014), Afghanistan (2012-2014), the Russian Federation (2010-2014) and Nigeria (2009-2014). In addition, there are topic-specific programs, such as the CARE project for the reintegration of victims of trafficking and the family tracing program for unaccompanied minors. In short, apart from travel arrangements, the financial and in-kind support from return and reintegration policies in Austria looks as following:

**Table 1: Overview of AVRR support in Austria**

|  | Financial support (in cash) | Reintegration assistance (in kind) | Hybrid forms of support |
|---|---|---|---|
| Austria | AVR: max. 370 Euros per person | Project CARE (amount unknown)  AVRR to Nigeria In kind: max. €3500 | AVRR to Pakistan: Cash: €300 pp In kind: max. €3000 pp  AVRR to Afghanistan: Cash: €500 pp / €25O pm In kind: max. €3500  AVRR to the Russian Federation/the Chechen Republic Cash:  €500 pp In kind: max. €3000 |

Source: Own compilation based on the information presented in the text

Austria has participated in the „Afghanistan Return Plan" as well as in the „Return, Reception and Reintegration of Afghan Nationals to Afghanistan Programme–RANA" and the „Return of Qualified Afghans from the EU Programme – EU-RQA" (Mehrjahresprogramm Österreich, 2013: 17) and so far, four national reintegration projects have been completed.[18]

**Procedure**

Potential returnees are expected to contact one of the institutions that offer return counselling. Information on the possibility to return via one of the AVRR programs is provided through asylum authorities and reception centres, brochures, migrant networks, and a toll-free telephone hotline (Kratzmann et al., 2010: 58). NGOs offer counselling activities at their offices, but also on a mobile basis and provide three to five counselling sessions per returnee (ibid.). As return counselling is provided by a number of actors, there is no standardized procedure. In fact, a study by the UNHCR (2008) shows that returnees have given different main reasons to make use of voluntary assisted return programs, according to who was in charge of the return counselling.[19] Once the decision to return is taken, the Aliens' Police and (if applicable) the asylum authorities need to be informed (Ministry of the Interior, 2009). The NGO in charge applies simultaneously for the funding of the return costs and start-up aid to the Department of Immigration and Border Police of the Federal Ministry of the Interior (Kratzmann, 2010: 59). Once the latter has decided to accept the application, it will inform IOM Vienna, which is responsible for the operational part of the return. When a

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[18] Those are: the RRAVRK program for returnees to Kosovo (2008-2011); the VRRAN program for returnees to Nigeria (2008-2010); the AVRR-RFCR for returnees to the Russian Federation (2009-2010) and the ReKoKo program for returnees to Kosovo (2010-2011) (EC, 2012). With the exception of the latter, all of them include financial support for vocational training courses, university courses, and setting up a small business and the provision of temporary accommodation and medical assistance (ibid.).

[19] Whereas returnees, who have benefited from return counseling by Caritas and Diakonie, stated that their decision to return was motivated by the lack of perspective to stay legally in Austria, participants, who have benefited from return counseling by VMÖ, stated that their decision to return was motivated by the intolerability of their current situation.

returnee has left the country, IOM Vienna then informs all parties involved (the Federal Ministry of the Interior, the Aliens' Police, the responsible NGO and, if applicable also the responsible asylum authority, which closes the application for international protection as 'no longer relevant' (Art. 25 Para 1 (3) Asylum Act)).

This general procedure varies, according to the circumstances. As such, there are different procedures for assisted returns from detention pending deportation, assisted return from prisons and for unaccompanied minors.[20]

**Monitoring**

As there are no standardized monitoring procedures in Austria, individual stakeholders use different measures to monitor the reintegration process of the returnees. These include telephone calls, reports, trips and informal procedures (Kratzmann, 2010: 70). Some monitoring measures are also implemented in close cooperation with institutions in the home country (ibid.). In general, monitoring activities do no last longer than six months. If combined with a reintegration program, monitoring may end with the finalization of the project (ibid.). Austria also sends liaison officers to a number of non-European Union countries, such as Bosnia &Herzegovina, Morocco, etc, in order to assist with voluntary (and forced) return projects (ibid.).

**Actors**

The relevant actors regarding the national AVRR program in Austria are summarized in the following table. Whereas international actors are important stakeholders at all stages of the process, local and national non-government organizations play an important role mainly in the pre- and post-departure stages.

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[20] For more information, please refer to Kratzmann et al (2010: 60ff).

**Table 2: Main actors in the Austrian AVRR programs**

| Function | Institutions/Organizations |
|---|---|
| Donors | European Union level<br>• European Return Fund (previously European Refugee Fund)<br>National level<br>• Federal Ministry of the Interior<br>• Federal Ministry of Justice<br>• Austrian Development Agency<br>• Federal provinces |
| Return Counselling/ Organisation of Assisted Returns | • Caritas Österreich<br>• Verein Menschenrechte Österreich<br>• European Homecare<br>• Refugee Department of the Office of the Provincial Government of Carinthia<br>• Diakonie Flüchtlingsdienst<br>• LEFO-IBG (trafficked women)<br>• Drehscheibe (City of Vienna<br>• ORS Service GmbH<br>• Verein menschen.leben |
| Organisation of travel and further assistance | • International Organisation for Migration<br>• All above mentioned actors |
| Re-integration measures | • International Organisation for Migration<br>• Caritas Österreich<br>• Federal province of Tyrol<br>• ICMPD |

Source: Own compilation based on Kratzmann et al (2010: 41)

**Numbers**

The below presented data is derived from various sources. Governmental data presentation is rather inconsistent, partly due to a shift in the responsibility of return and reintegration projects and statistics within the Federal Ministry of the Interior to a different department. Furthermore, not all data is available from the Ministry of the Interior and databases of the

IOM were consulted additionally. However, the latter only includes those returnees that were assisted through the organization.

**Table 3: Number of asylum seekers, AVRR participations and forced removals in Austria (2001-2011)**
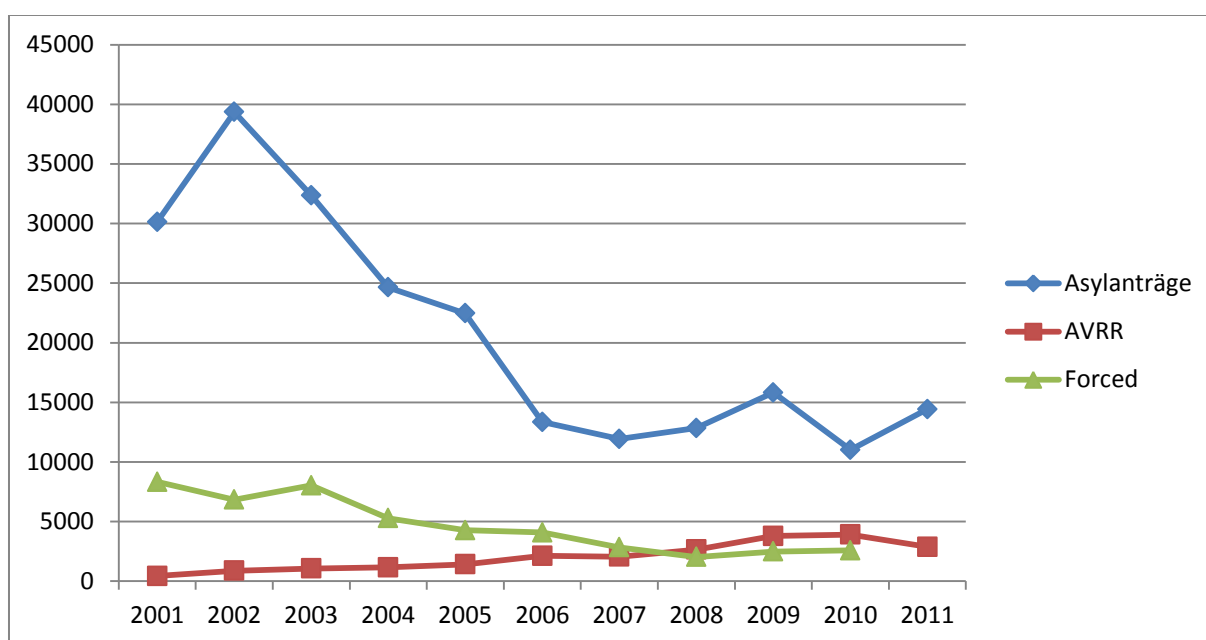


Source: Own compilation based on data from the IOM and the BMI (2014)

An analysis (see table 4) has shown that a great majority of AVRR participants come from countries in Central and Eastern Europe. As mentioned above, Austria's geographical location and its role as migration gatekeeper for the EU suggests that Austria is often considered either a destination or a transit country for emigrants from Central and Eastern Europe.

**Table 4: Austria - Assisted Voluntary Returns 2012 - Top countries**

| 1 | | Russian Federation | 525 |
|---|---|---|---|
| 2 | | Serbia | 242 |
| 3 | | Kosovo | 186 |
| 4 | | China | 165 |
| 5 | | Macedonia | 144 |
| 6 | | Romania | 110 |
| 7 | | Afghanistan | 100 |
| 8 | | Georgia | 95 |
| 9 | | Mongolia | 81 |
| 10 | | India | 78 |
| 11 | | Turkey | 71 |
| 12 | | Nigeria | 69 |
| 13 | | Bosnia and Herzegovina | 63 |
| 14 | | Iran | 48 |
| 15 | | Iraq | 48 |
| | | Others | |
| | | All | 2601 returnees |

Source: Own compilation based on data from the IOM and the BMI (2014)

The overwhelming majority of the returnees are male. Only 23 % of all returnees in 2012 were female (IOM, 2013). Concerning their legal status, most of the returnees were at one point of their stay asylum applicants, whilst recognized refugees, people under subsidiary protection, overstayers, and irregular migrants who have not been detected are a very small portion of those returning via AVRR programs (Kratzmann, 2010: 77).

**Political climate**

In the following sub-chapter the political climate as a contextual factor will be analyzed that is of importance regarding state-induced return policies in Austria. As the structure and process of politics is a function of a number of factors (March and Olsen, 1984: 735), public voices regarding the general policy and the precise implementation also need to be considered when investigating national policy design. However, additional empirical data

needs to be consulted in order to test whether these causal links running between society and polity are in fact existent.

Overall, the topic 'voluntary return' does not play a big role in the public discourse (Kurz, 2010: 53). Representatives of the government have emphasized the importance of voluntary return for the migration- and asylum system and the cost effectiveness in comparison with forced return sporadically, but the topic has not been widely discussed.

There has been extensive criticism in Austria on the distribution of financial means to execute return counselling, as the Ministry of the Interior has assigned the organization Verein Menschenrechte Österreich (VMÖ) exclusively with return counselling. The clerical organizations Caritas and Diakonie on the contrary are not publicly funded in their return assistance activities (Kurz, 2010; Hajek, 2008; IOM, 2006). The current financial framework, which foresees implementing parties to pre-finance return activities, also excludes smaller NGOs with a lack of financial means to pre-pay expenditures. This limits the number of actors involved in return counselling.

In more general terms, stakeholders have stated ethical obstacles to voluntary return practices, such as lack of structures and danger in the home countries, physical conditions of the returnees, lack of financial means after return. They have also pronounced that return should not be promoted 'if a person is in a state of fear' (Kratzmann, 2010: 78). There has also been criticism on the implementation of voluntary return programs, mostly expressed in recommendations for the future. This includes the extension of preparation time, better monitoring of the use of aid resources, the identification and cooperation of non-party political NGOs in the home country, agreements to be made between equal partners, conducting research trips, better aid coordination, more involvement of local initiatives,

follow-up care for returnees (ECRE, 2005). In addition, there is a call for minimum standards on counselling on Assisted Return due to aforementioned differences in the counselling procedures (Kratzmann, 2010: 78).

As state-induced return policies are often intended to persuade the public of the effectiveness of a country's border management, it is also of interest to consider public opinion on immigration. Though difficult to measure, it is worth looking at the national political development of right-wing / xenophobic parties. Austria's Freedom Party adopted its right-wing populist orientation mainly after 1986, when Jörg Haider became the party's leader. Previously limited to 5% of the electorate, public support began to grow significantly (Pelinka, 2009). In 1999, they became part of the ruling coalition, though considered all over Europe as a right extremist party with a tendency to xenophobic and anti-European Union attitudes. Despite the fact that election results went down in 2002 and 2006, the recent national election in 2013 provided the party with more than 20% of all votes. In general, the Freedom Party (FPÖ) is considered one of the most successful right-winged parties in Europe lately (Palinka, 2009). It is, at times, suggested that there is a direct relation between the public political mood and the restrictiveness of an immigration regime, but more research needs to be conducted to support this hypothesis.

## Germany

Germany is one of the founding members of the European Union and part of the Schengen agreement since 1985. Due to its previous guest worker system and the booming economy it is a desirable destination country for a many migrants with different backgrounds, but in particular for Turks, who constitute the biggest minority in Germany.

Return assistance is a fundamental part of migration management in the country, as preference has been given to voluntary return because it is generally considered the "more humane and inexpensive form of returning third-country nationals which are under the legal obligation to leave"(EMN, 2009: 86). Due to Germany's federal constitution, responsibilities of institutions dealing with returnees are spread between the federal and the state level. Though the federal government and, in particular, the Federal Ministry of the Interior regulates the admission of foreigners and prepares and initiates legislation and issue ordinances, the states have the possibility to influence the development of federal legislation during its design. In addition, different state-level interpretation of federal regulations leads to different practices all over Germany (ibid.). National legislative provisions regarding voluntary return are lacking (HIT, 2010: 56).

**Historical development of the voluntary return program**

Until the 1990s, Germany remained very reluctant to be considered an immigration country. Instead it relied heavily on mechanisms of rotation and return (Martin, 2004: 228). As one of the first countries in history, Germany implemented 1979 the so-called Reintegration and Emigration Program for Asylum-Seekers (REAG) (Hajek, 2012: 120). In the early 1980s, the German government also introduced a law on return counselling and assistance for working migrants.[21] Part of this law, which gives every migrant the right to receive counselling, is still in existence (HIT foundation, 2010: 52).

Right from the first introduction of voluntary return programs, Germany cooperated with the IOM. Since then, an increasing number of smaller and larger projects have been

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[21] For more details
see http://www.bamf.de/DE/Rueckkehrfoerderung/Foerderprogramme/ProgrammeREAGGARP/programme-reag-garp-node.html

implemented. As the Federal Ministry of the Interior became reluctant to provide more financial means for this kind of projects, more and more federal states and privately funded organizations started to set up their own regional return assistance facilities (HIT foundation, 2010: 52). As a consequence the German landscape of return activities remains fragmented until today.

Whereas the programs first experienced limited success, the number of returnees increased significantly with more and more migrants returning to former Yugoslavia. This is primarily the result of the resolution of the conflicts in Kosovo and other regions of former Yugoslavia, an area to which assistance services were almost exclusively dedicated to between 1999 and 2001 (EMN, 2009: 28). Additionally, other areas of the world were added to Germany's list of targeted countries for return migration and in 2002 the REAG program was combined with the Government Assisted Repatriation Program (GARP) (ibid.). By the end of 2008, a total of 531 285 foreign nationals had departed the Federal Republic of Germany with the assistance of AVRR programs (EMN, 2009: 28).

Nowadays, target groups of assisted return policy are not guest workers anymore, but primarily asylum seekers who "could not obtain a permanent right of residence, as assisted voluntary departure is viewed as an instrument for counteracting unauthorized residence" (cf. Sachverständigenrat 2004: 356).

**Policy description**

As stated before, voluntary return is not explicitly regulated under German national legislation (EMN, 2009: 19). The Residence Act, however, refers to the concept twice, both

with regard to third-country nationals who do not meet the requirements for legal residence[22]:

- Section 61, paragraph. 2: "At such departure facilities, the willingness to leave the Federal territory voluntarily should be promoted through support and counselling and accessibility for authorities and courts and implementation of the departure procedure should be ensured."
- Section 75, No. 7: "Granting payment of the funds approved under the schemes to promote voluntary return."

On behalf of the Federal Ministry of the Interior, the Bundesamt für Migration und Flüchtlinge (Federal Office of Migration and Refugees) is responsible for most issues related to return migration. It takes decisions on asylum requests and implements a number of reintegration programs (HIT, 2010: 57). In addition, it is responsible for the financial management of voluntary return projects, in particular the REAG and GARP projects. The annual budget for both projects is 3.5 million Euros, which is paid by the federal government (50%) and by the federal states (50%). The target group includes asylum-seekers; rejected asylum-seekers, recognized refugees, and victims of forced prostitution or trafficking (BAMF, 2014).[23] Counselling activities, mostly implemented by the federal states, are, however, available for a more diverse group of third-country nationals (EMN, 2009: 23).

The programs offer payment of transportation costs from the REAG project (transportation by plane, train or bus or a petrol allowance for return by car of 250 Euros per vehicle and travel assistance of 200 Euros for grown-ups and 100 Euros for children below the age of 12)

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[22] As opposed to emphasizing the return of a foreign national to his/her country of origin, these references mainly stress the priority to leave the Federal Republic of Germany (EMN, 2009: 20).
[23] Pre-condition is that neither the returnee nor any other actor responsible for support can provide the necessary financial means for a voluntary return (HIT, 2010: 57).

and start-up assistance through the GAP program, which entails the provision of 300 to 750 Euros according to the country of origin of the returnee (BAMF, 2014).[24]

An additional Special Migrants Assistance Programme (SMAP) is opened to employees, students, and ethnic German minorities who wish to be repatriated but cannot be assisted through the REAG program and those with German citizenship, who wish to return to their country of origin. Within the policy framework, tickets at discounted prices are provided, which must be paid for by the migrants themselves or any other entity before departure (National Audit Office, 2005).

Offers of additional return assistance in the German Federal States are extremely heterogeneous and vary by financing model, providers, target groups and priorities, though they are often regulated by the Ministry of the Interior and financed by the European Return Fund (EMN, 2009: 46. This also accounts to additional offers provided by municipalities, charitable associations and non-governmental organizations (EMN, 2009: 46). Though there is no nation-wide accountability for return counselling, Westphal and Behrensen (2007) have identified three categories:

- "Integrated return counselling and assistance as part of comprehensive perspective counselling;
- Targeted return counselling and assistance as individual or central counselling focus;
- Hybrid forms of integrated and targeting return counselling and assistance as part of comprehensive perspective counselling, in which return counselling and assistance are foci" (cf. Westphal and Behrensen 2007: 303).

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[24] For more details see
http://www.bamf.de/DE/Rueckkehrfoerderung/Foerderprogramme/ProgrammeREAGGARP/programme-reag-garp-node.html

In addition, the German government offers country-specific reintegration programs, such as the *KRG Reintegration of Returnees from Germany* program, which assists Iraqi returnees who originate from the Kurdish Regional Government (IOM, 2014). Previously, the projects 'URA' and 'URA 2' had been implemented to assist reintegration in Kosovo. A counselling and assistance program was launched, administrated centrally by a return centre in Prishtina (EMN, 2009: 77). Furthermore, the Consortium for Development and Skilled Workers in Migration and Development Co-operation (AGEF) introduced a number of reintegration measures in various countries, such as in Kosovo and Afghanistan (ibid.). Non-governmental organizations, such as Heimatgarten and Solwodi also offer a number of reintegration measures, such as counselling, job training, business start-ups, and educational assistance (AWO, 2014).

In terms of improving general awareness for the services, the states ministries responsible for voluntary return have implemented the ZIRF Counselling project (started in 2006 and funded by the government of Germany (50%) and by the German federal states (50%)), which provides counselling offices and other applying entities with up-to date information (IOM, 2014). In particular, it

- provides direct information to distributors, return counsellors or independent providers active in return assistance;
- disseminates printed information materials such as flyers, foldouts, brochures and posters as well as online information;
- enables lectures and presentations at collective accommodations for asylum seekers (EMN, 2009: 63).

In short, next to travel arrangements, the financial and in-kind support from return and reintegration policies in Germany looks as following:

**Table 5: Overview of AVRR support in Germany**

|  | Financial support (in cash) | Reintegration assistance (in kind) | Hybrid forms of support |
|---|---|---|---|
| Germany | REAG:<br>€200 pp / €100 pm<br><br>GARP:<br>€300- 750 pp / 50% pm<br><br>+ additional support by decentralized organizations | REAG: transport costs<br><br>By decentralized organizations (amount unknown and varying) | KRG Reintegration:<br>Cash: see REAG&GARP<br>In kind: unknown amount<br><br>URA:<br>Cash: various, business start-up: max €3000<br>In kind: various<br><br>By decentralized organizations (amount unknown and varying) |

Source: Own compilation based on the information presented in the text

**Procedure**

Applications for return and reintegration assistance need to be submitted at Social Welfare or Aliens Offices, which are present in every bigger German city or district (HIT, 2010: 57). Welfare organizations, specialized NGOs or central information centres for voluntary return may, however, also accept applications (ibid.). As the IOM is responsible for operating the program, it reviews the returnee's application documents, schedules the flights and dispenses start-up aid.[25] Refunds for independent organizations need to be claimed via declarations before the migrant has returned to his/her country of origin (BAMF, 2014).

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[25] The Government and the Federal States Ministries then pay the organization on a bi-monthly basis (ibid.).

The returnee needs to hand in the following documents with the application for voluntary return: a copy of the entry document for the country of origin, copy of all legal documents for a stay in Germany, and a proof of impecuniosities (BAMF, 2014). Alternatively, the counselling institution confirms that the documents are available and valid (ibid.). On departure from Germany, all AVRR returnees must sign a disclaimer withdrawing any outstanding (asylum) claims (BAMF, 2014).

**Monitoring**

Official monitoring is carried out by the IOM, mostly in situations of awarding reintegration assistance or in country-specific programs (IOM Jahresbericht, 2012). Other than that, no systematic monitoring or evaluating is implemented (Schütz, 2008: 8). Individual stakeholders, such as certain organizations, monitor returnees as part of small projects and in an attempt to evaluate their assistance and the reintegration process as such. In addition to field trips, the organizations often conduct surveys, but return rates remain very limited (EMN, 2009: 85).

**Actors**

The relevant actors regarding the national AVRR program in Austria are summarized in the following table. Whereas international actors are important stakeholders at all stages of the process, local and national non-government organizations as well as government agencies play an important role mainly in the pre- and post-departure stages.

**Table 6: Main actors in the German AVRR programs**

| Function | Institutions/Organisations |
|---|---|
| Donors | European Union level<br>• European Return Fund (previously European Refugee Fund)<br>National level<br>• Federal Ministry of the Interior<br>• Federal provinces/ municipalities<br>• Church taxes/donations |
| Return Counselling/ Organisation of Assisted Returns | • Federal Ministry of Migration and Refugees<br>• Caritas<br>• Arbeiterwohlfahrt<br>• Deutsches Rotes Kreuz<br>• Diakonisches Werk<br>• Raphaels Work<br>• Heimatgarten<br>• Solwodi<br>• Zentrale Ruckkehrberatung Südbayern |
| Organisation of travel and further assistance | • IOM<br>• All above mentioned actors<br>• Local authorities<br>• Specialist advisory agencies<br>• Central returnees advice agencies |
| Re-integration measures | • Federal Ministry of the Interior<br>• Federal provinces/ municipalities<br>• IOM<br>• German Federal Government which is conducted by the Centre for Migration and Development (CIM)<br>• AGEF<br>• Heimatgarten<br>• Solwodi |

Source: Own compilation based on framework of Kratzmann et al (2010: 41)

**Numbers**

The below presented numbers of returnees are only satisfactory in a very limited way. The data stems mainly from expenditure statements from the two main programs (REAG/GARP). There's a lack of statistical information on third-country nationals, who fulfil their obligation to depart without assistance or who are assisted by other programs.

**Table 7: Number of asylum seekers, AVRR participants and forced removals in Germany (2001-2013)**
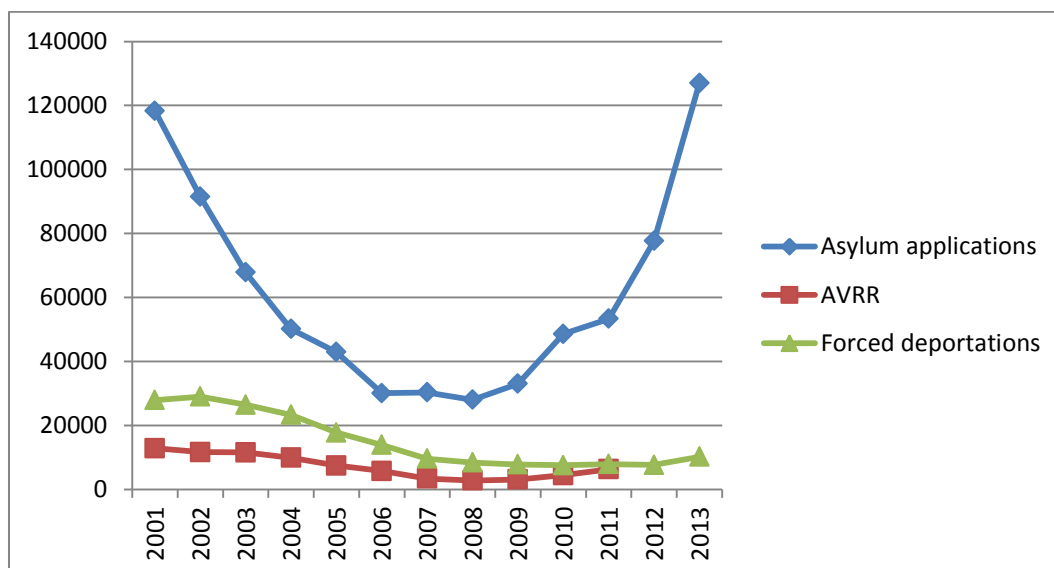


Source: Own compilation of numbers from the German Ministry of Interior.

The analysis has also shown that there is a wide variety of AVRR countries participations return to. As aforementioned, Germany is considered an attractive destination country for emigrants from all over the world due to its booming economy.

**Table 7: Germany - Assisted Voluntary Returns 2012 - Top countries**

| 1 | Serbia | 3018 |
|---|---|---|
| 2 | Macedonia | 1358 |
| 3 | Iraq | 528 |
| 4 | Bosnia & Herzegovina | 226 |
| 5 | China | 226 |
| 6 | Russia | 226 |
| 7 | Iran | 151 |
| 8 | Turkey | 151 |
| 9 | Afghanistan | 151 |
| 10 | Kosovo | 151 |
| 11 | Vietnam | 151 |
| | Others | 1209 |
| | All | 7546 returnees |

Source: Own compilation of numbers from the German Ministry of Interior

According to statistics of the IOM, 53% of all participants returned within the first six months of their stay in Germany. Almost 60% of the returnees were male and the biggest group of returnees was between 31 and 45 years old (27%) (IOM Jahresbericht, 2012).

**Political climate**

Historically the general feeling that immigrants enriched the country seemed to have been absent (Martin, 2004: 225). Especially Turks, "who were the last guest workers to arrive in large numbers and the most visible, in part because they were Muslims" (ibid: 231) came to be considered 'problem foreigners'. As a consequence, anti-immigration sentiments, though rarely shown openly, are not unknown in Germany. The ruling conservative Christian-Democratic Union also pursues a rather restrictive immigration regime with a focus on the economic advantages of migration. As such, it has always preferred to limit the number of asylum seekers and immigrants in Germany through a restrictive border regime and state-induced return programs.

The diverse structure of reintegration policies in Germany results in the fact that returnees' reintegration benefits differ greatly depending on the federal state a returnee is allocated to. These inconsistencies may easily lead to a feeling of unfair treatment for the potential returnee (EMN, 2009). Therefore, many stakeholders request a comprehensive reintegration policy based on a common definition of sustainability. Besides, the duplication of assistance measures that work rather in competition with each other than jointly is also heavily criticized as is the lack of cooperation between the federal and the state level, which may also hinder increasing European Union cooperation.

The lack of a judicial base for voluntary return policies leads to decisions being taken rather on an ad hoc- basis, partly depending on the political situation in the country. There's a strong call for a leading agency with a clearly defined responsibility that engages all stakeholders in the field. This may also benefit networking between return assistance agencies, and efforts to transparency (EMN, 2009).

Concerning the amount of financial assistance for the returnee, some stakeholders are of the opinion that, "when measured against the financial cost of paying a facilitator/trafficker, a route often taken that is usually closely connected to the unreached migration goal of achieving right of residence and prosperity in Germany, the funds intended for returnees are very marginal" (EMN, 2009: 60). As a consequence, they call for an increase in the amount available to returnees.

**The Netherlands**

The Netherlands also is one of the founding members of the European Union as well and thus a member of the Schengen area since 1985. Even though it is a rather small country, it

is still be seen a desirable immigration country by many people, though the majority of migrants come from its former colonies, such as Indonesia and Suriname.

Following Dutch migration law, any person without legal status that permits a stay in the country is required to leave. In order to do so, voluntary return is a key concept in Dutch migration law. Within the current return policy, various measures are therefore employed to facilitate voluntary return for persons without a legal status. Two acts, the Return Memorandum of 21 November 2003 and the Illegal Aliens Memorandum of 24 April 2004, constitute the legal basis for voluntary return. In addition the Remigration Act defines who qualifies for reintegration assistance (Matrix Insight, 2011: 125).

**Historical development of the voluntary return program**

The Dutch government started working on a return policy only after the economic breakdown following the oil crisis in 1973, initially focusing on the return of guest workers. A large flow of asylum-seekers in the mid-1980s eventually led to the tightening of Dutch control policies, and the number of non-Dutch compelled to leave the Netherlands increased between 1986 and 1997 (Muus, 2005: 279). The ineffectiveness of efforts to return rejected asylum seekers and irregular migrants to their countries of origin has pushed the issue up the political agenda. The first return and reintegration policies targeted not asylum seekers, but as aforementioned those migrants, who possessed a valid working permit. Under the supervision of the Ministry of Social Affairs and Employment, two kinds of assistance were provided from 1985 onwards: return assistance for a broader target group and reintegration assistance for guest workers older than 50 years. The latter took the form of monthly payments. Initially implemented by smaller organizations, the IOM took over the implementation of the programs by 1991. A year later, the Return and Emigration of Aliens

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from the Netherland (REAN) project was initiated that targeted migrants without valid residence permit. Though offering return and (financial) reintegration assistance, only few people made use of the program. As a consequence, the Dutch government decided on restructuring AVRR structures in 2001 and this builds the basis for the current policy. In the last two decades, a number of temporary and more permanent additions have been made to the AVRR scheme, including projects aimed at specific groups or particular countries of return.

**Policy description**

There are a number of projects in the Netherlands that aim at assisted voluntary return. The two main programs are the Return and Emigration of Aliens from the Netherlands (REAN) program and the Return and Reintegration Regulation (HRT). Specific programs are provided for families (Assistant Voluntary Return Family with underage children project (AVR-FC 3)), unaccompanied Minors (UAM 4) and Victims of Trafficking (VOT). Country-specific programs include a project for the region of Northern Iraq (MAGNET) and the country of Sierra Leone (AVR Sierra Leone).

The Immigration and Naturalization Service (INS) is responsible for the implementation of immigration policy in the Netherlands and assesses all applications submitted by foreign nationals who wish to stay in the Netherlands. This includes refugees and asylum seekers. It is a department of the Ministry of Justice and acts on behalf of the Secretary of State of Justice. In 2007, an additional actor, the Repatriation and Departure Service, was introduced. It's a separate organization from the INS and deals with the return of migrants (HIT foundation: 87). Both organizations are consequently the main actors in the Netherlands regarding assisted voluntary return.

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The 1992 established REAN project is implemented through IOM the Netherlands. Applicants are eligible for participation in the REAN project, if:

- "they have not left via the REAN scheme in the five years preceding this application to IOM. Nor has he/she been deported at the expense of the Dutch government during those five years.
- they are not a citizen of one of the countries excluded from the REAN scheme (current EU countries and a number of other Western countries).
- they came to the Netherlands for the purpose of living here in the long term.
- they agree that any possible current Immigration- and Naturalization service (INS) procedures will be terminated, and that - if applicable - their residence permit will be withdrawn.
- they cannot pay for the journey themselves.
- they intend to leave for good.
- they can acquire a valid travel document or already has a valid travel document (passport or laissez passer)" (IOM Nederland, 2014).

Within the framework of REAN, IOM the Netherlands provides the following services to (potential) returnees:

- information on return issues;
- assistance during departure at the airport and if applicable during transit and arrival;
- remuneration of the costs for transport and travel documents;
- a financial start-up contribution[26] (IOM Nederland, 2014).

In particular, the financial contribution for returnees includes two categories: a standard contribution to the value of €500 per adult or single minor and €100 per minor family member and a limited contribution of €200 per adult or single minor and €40 per minor family member (IOM Nederland, 2014). Eligible for the former contribution are asylum

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[26] Persons who have not applied for residence in The Netherlands are not eligible for a financial contribution.

seekers pending decision and living in the country for more than three months and migrants with a residence permit. Asylum seekers, who have resided in the country less than three months, and those that are no longer legally entitled to remain in the Netherlands fall into the latter category.[27] Apart from information provided by the IOM, pre-departure counselling is also offered by several other organizations and institutions.

The Return and Reintegration Regulation than foresees an additional contribution for asylum seekers of €1750 per adult or unaccompanied minor and €880 per child. Eligible for the program are (former) asylum seekers whose residence permit is or will be withdrawn and who return to specific countries.[28] Excluded are those who

- have been denied asylum under article 1F of the Refugee Convention

- have been declared undesirable foreign national

- have been issued an entry ban for a period longer than 5 years;

- have been convicted for human trafficking/smuggling or sexual offences;

- are still in the general asylum procedure ;

- are detained in an immigration detention centre at the time of their application, except when they applied for voluntary return before they were detained;

- have left the Netherlands after an asylum claim and have been sent back to the Netherlands by a third country based on the agreements in the Dublin Convention;

- resettle in a third country under programs for which the person qualifies as a refugee.

Recently, an additional project (AVRD-III) for Assisted Voluntary Return from Detention has been implemented. It entails the provision of information and support in the voluntary

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[27] Migrants from Macedonia, Georgia and Belarus are, however, excluded from the programs (IOM Nederland, 2014).
[28] For details see http://www.iom-nederland.nl/en/voluntary-return/projects-for-migrants-with-an-asylum-background/return-and-reintegration-regulation/79-voluntary-return/133-hrt-landenlijst

return of migrants from detention; reintegration assistance; efforts to increase coherence in the approach of and collaboration of assisted voluntary return from alien detention and efforts towards better identification and referral of victims of human trafficking that are in detention. There are also a number of non-governmental organizations that provide return and reintegration assistance, such as the foundation WereldWijd that helps returnees setting up businesses in their country of origin (Dienst Terugkeer en Vertrek, 2014).

In brief, apart from travel arrangements, the financial and in-kind support from return and reintegration policies in the Netherlands looks as following:

**Table 9: Overview of AVRR support in the Netherlands**

|  | Financial support (in cash) | Reintegration assistance (in kind) | Hybrid forms of support |
|---|---|---|---|
| The Netherlands | REAN: €500 pp / €100 pm or €200 pp/ €40 pm<br><br>HRT: €1750 pp / €800 pm<br><br>+ additional support by INS: max. €10000 | AVRR Sierra Leone: max. €2000 pp<br><br>AVR- ERA: max. €1500 pp. /€2500 pm with family/ €4000 pm (unaccompanied)<br><br>AVRR (Detention): max. €1500 pp / €750 pm<br><br>VOT: max. €500<br>Medical: max. €500<br>Magnet: unknown | Chronically medical: Cash: max. €1500 pp In-kind: max. €1750 pp |

Source: Own compilation based on the information presented in the text.

**Procedure**

Potential returnees may contact the IOM directly or any other organization that offers return and reintegration assistance. In order to facilitate and promote the AVRD-III project, IOM staff is present in all centres for alien detention. Usually, however, returnees are referred to the IOM by the Repatriation and Departure Service, the Central Agency for the Reception of Asylum Seekers (COA), responsible for the welcoming of asylum seekers, or the Dutch Council for Refugees (VWN), which supports migrants during the asylum procedure and during civic integration (EMN, 2009).

Once an application has been submitted, the IOM requests information from the INS to determine whether there are any objections to the return of the applicant. Once agreed upon participation in the REAN project, the IOM facilitates the booking and payment of an airplane ticket and arranges medical service and travel documents, if needed. In addition, if eligible, the organization also provides financial support to the returnee.

**Monitoring**

So far, there are no national monitoring standards. Whereas the IOM monitors returnees sporadically with the help of its field offices, some other organizations aim at keeping contact with the returnees personally. The government has last evaluated its return policy as part of an evaluation of the Aliens Act of 2000. However, none of this is done structurally. As of this year, the government, however, plans to implement a standardized monitoring procedure that is obligatory for all actors in voluntary return policies (Ministry of Foreign Affairs, 2014).

**Actors**

The relevant actors regarding the national AVRR program in Austria are summarized in the

following table.

**Table 10: Main actors in Dutch AVRR programs**

| Function | Institutions/Organisations |
|---|---|
| Donors | European Union level<br>• European Return Fund<br>National level<br>• Ministry of the Interior and Kingdom Relations<br>• Dienst Terugkeer & Vertrek<br>• Ministry of Foreign Affairs |
| Return Counselling/ Organisation of Assisted Returns | • Beyond Borders<br>• Bridge to Better<br>• Dalmar Foundation<br>• Dienst Terugkeer & Vertrek<br>• Goodwill Homage<br>• HealthNet TPO<br>• Kerk in Actie<br>• Maatwerk bij Terugkeer<br>• Rotterdams Ongedocumenteerde Steunpunt<br>• Solid Road<br>• Stichting Luna<br>• Stichting Nieuwkomers en Vluchtelingenwerk Brabant Centraal<br>• Stichting voor Vluchteling/Studenten UAF<br>• Stichting Wereldwijd<br>• Transithuis<br>• VluchtelingenWerk Nederland<br>• Vluchtelingenwerk Zuid Holland Noord<br>• Wereldhuis<br>• IOM |
| Organisation of travel and further assistance | • IOM |
| Re-integration measures | • IOM<br>• Maatwerk bij Terugkeer |

Source: Own compilation based on framework of Kratzmann et al (2010: 41)

Whereas international actors are important stakeholders at all stages of the process, local and national non-government organizations play an important role mainly in the pre- and post-departure stages. Governmental agencies are mainly relevant actors in the pre-departure stage.

**Numbers**

The below presented data is derived from the website of the IOM the Netherlands. The database, however, only includes those returnees that were assisted through the organization. In addition, an overview of the amount of voluntary returnees per country of origin is only available for the year 2011.

**Table 11: Number of asylum seekers, AVRR participants and forced removals in the Netherlands (2001-2013)**
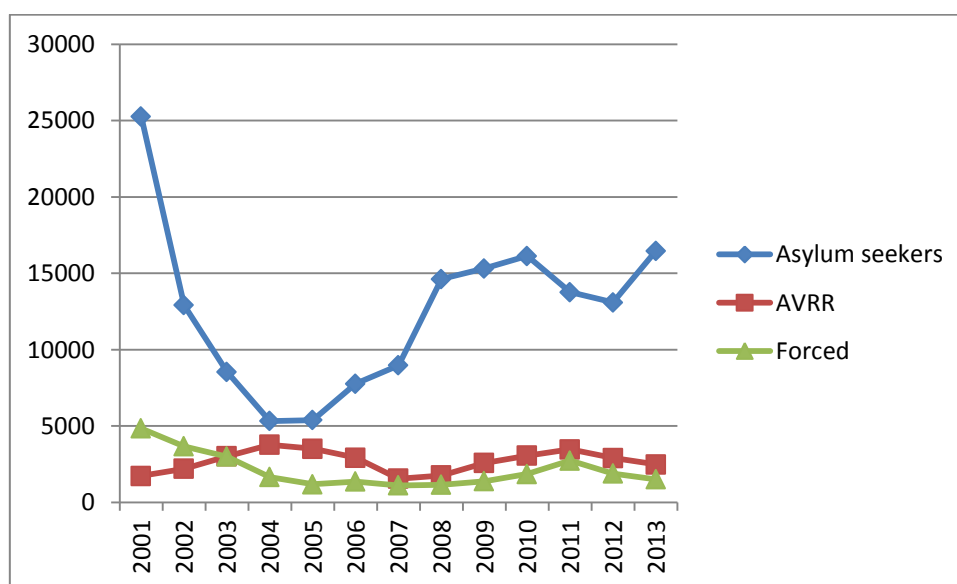


Source: Own compilation of numbers from the IOM.

The analysis has shown that there is a wide variety of AVRR participants in terms of the country they return to. Though the Dutch former colony Indonesia still plays an important

role as a sending country of migrants to the Netherlands, also other nations consider the country an attractive destination. This may be due to its relative economic success or its reputation of a tolerant people.

**Table 12: The Netherlands - Assisted Voluntary Returns 2011 - Top countries**

| 1 | Iraq | 515 |
|----|-------------|----------------|
| 2 | Russia | 466 |
| 3 | Brazil | 223 |
| 4 | China | 128 |
| 5 | Armenia | 113 |
| 6 | Indonesia | 104 |
| 7 | Afghanistan | 93 |
| 8 | Ukraine | 66 |
| 9 | Iran | 63 |
| 10 | Serbia | 52 |
| 11 | Belarus | 52 |
| | Others | 1030 |
| | All | 2905 returnees |

Source: Own compilation of numbers from the IOM.

Of all returnees from the Netherlands, 67% had an asylum seeker background (IOM Jaarverslag, 2011: 4). The IOM also report that 84% of the asylum seekers returned within four weeks of their application (ibid.). In terms of gender proportions, 64% of all returnees are male. 76% of all returnees are between 20 and 60 years old (IOM the Netherlands, 2014).

**Political climate**

Undocumented as well as documented immigrants persistently spark ongoing public and political debates, especially after the terror attacks on September 11, 2001. Islam-phobic sentiments increased in the public discourse and a new populist and right-winged party founded by Pim Fortuyn attracted strong political support in the national parliamentary

elections of 2002 (Muus, 2005: 264). Zero tolerance towards immigrants clearly has gained political currency in the Netherlands and has accelerated the political success of the Freedom party of Geert Wilders, which currently is the fourth-largest party in the Dutch parliament and participated in the government coalition between 2010 and 2012.

With the political climate leaning towards restrictive immigration policies, return policies attracted considerable public attention, as opposed to Austria. As local governments, NGOs and religious organizations, however, continued to support undocumented migrants and rejected asylum seekers, and there is on-going protest against deportation from the political left, the government pushed for voluntary instead of forced return policies. The general feeling was that voluntary return programs were desirable, but not yet effective enough (HIT foundation: 86).

Shared responsibilities between the Ministry of Justice and the Ministry of Foreign Affairs, and both ministries implicate different visions and goals in promoting voluntary return policies. Whereas the former is under political pressure to solve the problem of undocumented migrants, the latter attaches importance to the sustainability of return in terms of its developmental impact (HIT foundation: 89). This reflects both, nationalistic and humanitarian motivations in national immigration policies.

## The United Kingdom

As opposed to the other countries, the UK is an island and not a member of the Schengen agreement. It is, however, a member of the European Union since 1973. Historically as well as today, the UK has many migrants from its former colonies and the Commonwealth.

Voluntary return policies are part of the UK government's strategy to manage immigration. As the UK government considers voluntary return the more dignified way for the migrant to return and a less expensive, more sustainable alternative to forced return, it is the preferred policy option (HIT foundation: 69). Assisted Voluntary Return is consequently regulated by section 58 of the Nationality, Immigration and Asylum Act (2002). In addition, Section 59 of the same Act further permits the Secretary of State to participate in international projects, including those aimed at assisting or ensuring the return of migrants (Matrix Insight, 2012: 150).

**Historical development of the voluntary return program**

Since 1999, the Immigration and Nationality Directorate (IND) of the UK Home Office has been funding programs to assist those willing to return. This included failed asylum applicants, asylum seekers awaiting a decision and migrants with time-limited exceptional leave to enter or remain. Previously managed by the IOM, AVRR activities are currently dealt with by Refugee Action, founded by the Home Office and the European Return Fund.

**Policy description**

There are three general AVRR programs in the UK: the Voluntary Assisted Return and Reintegration Programme (VARRP), the Assisted Voluntary Return for Irregular Migrants (AVRIM), and the Assisted Voluntary Return for Families and Children (AVRFC) (UK government, 2014). VARRP is the UK's main return policy, aimed at asylum seekers, whose application is still pending or who have been refused asylum and are appealing against the decision or have exhausted the appeals process. Those applicants refused asylum, but granted discretionary leave to remain in the UK outside the Immigration Rules are also eligible to participate (UK government, 2014). There are, however, also a number of
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exceptions in which asylum seekers are not eligible, such as when an application for VARRP is made by a detainee from within an immigration removal centre or when it is believed that an application for asylum was made for the sole intent of returning under VARRP (ibid.).[29]

Generally, return assistance by the organization Refugee Action is part of the so-called *Choices service* and includes:

- support in getting travel documentation, if needed

- arrangement and payment of flights

- provision of transport to the UK departure airport, if needed

- assistance at the departure airport, and provision of onward transport, if needed (UK government, 2014).

Those who return under VARRP are eligible for up to £1,500 worth of reintegration assistance for each person, including a £500 relocation grant in cash on departure for immediate resettlement needs (UK government, 2014).

The program is funded partly by the UK Home Office and partly by the European Return Fund and is the largest return program in the European Union (HIT foundation, 2009: 71). Interestingly, voluntary and forced returns are both administered by the same governmental department (the Returns Department of the UK Border Agency's Immigration Enforcement unit) (Koch, 2014). Reintegration assistance covers activities in the following fields: business set-up, education, vocational training, job placement, and housing (temporary accommodation or for repair work), childcare fees, or medical and psychosocial support.

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[29] "Exceptions are also made when It is believed the application for VARPP is an abuse of the program, when Anyone included on the application form is involved in ongoing matters related to the criminal justice system, when a deportation order is made against anyone on the application form, when return arrangements for anyone included on the application form are already in place. Excluded is anyone included on the application form that has received custodial sentences in the UK. This points to considerable discretionary power for the public authorities" (UK government, 2014).

The AVRIM program, started in 2004, is intended for migrants who have never claimed asylum, but became illegal migrants, for example by overstaying their visa (HIT foundation, 2009: 73). As opposed to the VARRP program, no reintegration assistance will be offered, but return assistance can still be provided. Those eligible for participation in the AVRIM program include migrants, who have been accepted by the UK Border Agency as a victim of trafficking, have entered the United Kingdom illegally or have been granted conditional leave to enter or to remain, but have breached one or more conditions of that leave (ibid.).

In addition to these major programs, there are other country- or target group- specific policies, such as the Program for Zimbabwe (ZIM-VARRP), which provides additional humanitarian assistance, and the Facilitated Return Scheme (FRS) that assists in the voluntary return of Foreign National Prisoners (HIT foundation, 2009: 73). In the past, the Return to Afghanistan Program (RAP) additionally offered small resettlement grants to returnees. In short, next to travel arrangements, the financial and in-kind support from return and reintegration policies in the United Kingdom looks as following:

**Table 13: Overview of AVRR support in the UK**

| | Financial support (in cash) | Reintegration assistance (in kind) | Hybrid forms of support |
|---|---|---|---|
| The United Kingdom | AVRIM: max. £ 1000 pp | | VARRP:<br>Cash: £ 500 pp<br>In-kind: max. £ 1500 pp<br><br>AVRFC:<br>Cash: £500 pp<br>In-kind: max. £2000 |

Source: Own compilation based on the information presented in the text

**Procedure**

Initial contact with Refugee Action, the organization responsible for assisted return, can be made via phone. Once an applicant has decided to apply for return assistance, they must fill in a form and sign a declaration of voluntary return. These applications are sent to Refugee Action, who screens them. The final decision about suitability of applications for the program rests with the assisted voluntary returns team of the Home Office, who checks the applicants against the Police National Computer (UK government, 2014).[30] Applicants for the AVRIM program (as well as their families and children) must give their fingerprints (ibid.). Successful applicants then are given up to three months to depart the country.

As voluntary return is considered a preferred alternative to forced return, the Home Office stops all enforcement removal actions once an application has been filed. Removal directions are always cancelled in favour of voluntary return (UK government, 2014). Once the application is accepted, Refugee Action supports returnees to get travel documentation, liaise with embassies, high commissions and the Home Office when necessary. The organization also supports the physical act of departure.

On departure from the UK, all AVRR returnees must sign a disclaimer withdrawing any outstanding claims, for instance asylum claims, and are requested to return all immigration documents handed to them previously (UK government, 2014). In addition, a re-entry ban of up to 5 years may apply to returnees within the VARRP framework. In order to be granted reintegration assistance, the returnee needs to contact the organization Refugee Action within one month of his/her return. Reintegration assistance is only supplied within the first six months of return (UK government, 2014).

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[30] As all AVRFC applications include children, checks with the applicant's local social services department and the Children and Families Court Advisory and Support Service (CAFCASS) are done.

**Monitoring**

In order to ensure reintegration and sustainability of return IOM UK cooperates with its offices in the countries of return as well as with local NGOs and local community based organizations on the spot (Matrix Insights, 2011). The Home Office completes annual quantitative and qualitative evaluation reports on the AVRR programs, which include face-to-face talks with returnees within the same year of their return (UK Home Office, 2014). As opposed to the favourable outcome of those studies, an independent study of Sussex University on returnees in Sri Lanka has concluded that the practice of voluntary return is very questionable and that evidence for success is lacking so far (HIT foundation, 2009: 74). This illustrates the lack of standardized evaluation tools.

**Actors**

The relevant actors regarding the national AVRR program in Austria are summarized in the following table. Whereas international actors and governmental agencies are important stakeholders at all stages of the process, local and national non-government organizations play an important role mainly in the pre-departure stage.

**Table 14: Main actors in the UK AVRR programs**

| Function | Institutions/Organisations |
|---|---|
| Donors | European Union level<br>• European Return Fund<br>National level<br>• UK Home Office |
| Return Counselling/ Organisation of Assisted Returns | • UK Border Agency<br>• Local Authority Social Services Department (unaccompanied asylum seeking children only).<br>• Choices (Refugee Action)<br>• the North of England Refugee Service<br>• Safe Haven Yorkshire<br>• the Refugee Migrant Centre<br>• the Refugee Council and<br>• the Refugee and Migrant Centre<br>• IOM |
| Organisation of travel and further assistance | • IOM<br>• Choices (Refugee Action) |
| Re-integration measures | • IOM<br>• Home Office |

Source: Own compilation based on framework of Kratzmann et al (2010: 41)

**Numbers**

The below presented data is derived from the statistical department of the UK Home Office. Unfortunately, numbers for the years 2009 and onwards are not yet all publicly available. In terms of the number of returnees based on their country of origin, only quarterly information for the year 2012 is available. As a consequence I have listed the countries but not the absolute numbers.

**Table 15: Number of asylum seekers, AVRR participants and forced removals in the UK (2001-2013)**
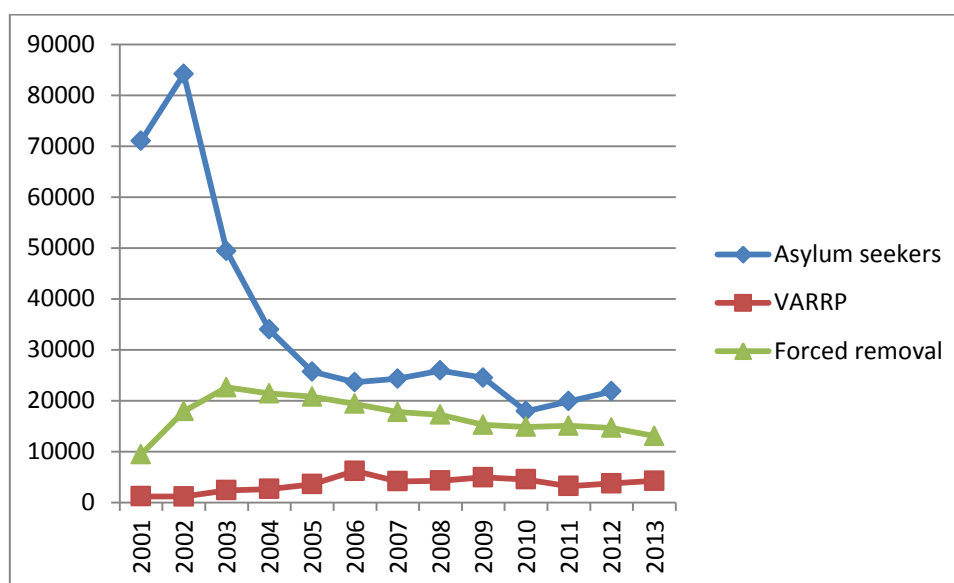


Source: Own compilation of numbers from the UK Home Office statistical publications.

The analysis has shown that there is a wide variety of countries participants return to. Though the former colonies play a prominent role as sending countries of migrants to the UK, also other nations consider the country an attractive destination. This may be due to its relative economic success or the relatively low language barrier.

**Table 16: UK - The Netherlands: Assisted Voluntary Returns 2011 - Top countries**

| | |
|----|--------------|
| 1 | India |
| 2 | China |
| 3 | Pakistan |
| 4 | Nigeria |
| 5 | Brazil |
| 6 | Bangladesh |
| 7 | UAE |
| 8 | Afghanistan |
| 9 | Ghana |
| 10 | Malaysia |
| 11 | Iraq |
| | Others |
| | All |

Source: Own compilation of numbers from the UK Home Office statistical publications

Almost 50 % of all returnees in 2012 were female (UK Home Office, 2012). The majority of all participants of the VARP projects are between 20 and 30 years old (ibid.). Concerning their legal status, two-third of all voluntary returnees are asylum-seekers (ibid.).

**Political climate**

Traditionally, the British government pursued a policy of benign neglect over integration, leaving activities in this field to individuals and institutions acting within broad parameters determined by the government (Layton-Henry, 2005: 300). This allowed populist parties, such as the National Front, to steer up media discussions and panic sentiments over an inflow of asylum seekers and other migrants. With the elections of Margaret Thatcher, a strongly restrictionist period in immigration policy began that has, at least partly, continued until today (ibid.).

Historically, Britain has always received far fewer asylum seekers than other European Union countries of comparable size and population, which may also be due to their geographical location (ibid: 326). Nevertheless, the government puts effort in the reduction of asylum applications and tries to ensure that the country is not considered having a 'soft touch' on refugees (ibid: 327). The latter can be considered a political reaction to bottom-up campaigns against asylum seekers in some areas, including assaults and murders (ibid.). Even economic upswings have not necessarily produced a better climate for immigrants. The political management of immigration and asylum therefore remains difficult. In addition, British politicians seem to believe that anti-immigration politics has a strong potential to mobilize the electorate and therefore continue to pursue a restrictionist immigration discourse. Therefore, return policies are readily discussed in public and, recently, return promotion campaigns became more popular.

Due to humanitarian reasons, further supported by groups, such as the No-Border movement, and financial motivations, the British government prefers voluntary return. In order to back up this policy choice, the UK Home Office promotes successful return stories on its website. Independent voices and active groups in the field have, however, have criticized the return programs heavily based on their lack of monitoring, the dubiousness of the term 'voluntary' and the lack of transparency.

## Comparison

So far, this Chapter answered the fourth sub-question *"What are the national AVRR programs in Austria, Germany, the Netherlands and the UK?"* and *"Which actors are involved in the programs?".* It has provided the reader with a detailed description of the national return policies of Austria, Germany, the Netherlands and the United Kingdom, while extending slightly beyond the description of the policy design in order to enable comparisons when it comes to possible explanations for similarities and differences in the respective policies. In a next step, I will point out the most striking similarities and differences in the design of the national return policies of the four countries. The following chapter will then attempt to bring up potential explanatory approaches for these observations.

In all participating countries, a difference is made between return and reintegration assistance, though they are often part of the same policy. Whereas the former is aimed at ensuring that the migrant in question leaves the national territory, the latter usually aims at sustainable return. The intent of national return and reintegration policy is thereby difficult to measure: return programs may be designed based on burden-relieve arguments and reintegration programs may either be based on justice-based or human-capital and

development-based arguments. This also influences whether reintegration assistance is tailored according to the country of return, which is done in all countries but the UK. As the UK's return assistance administrating body (the UK Border Agency) lacks a development mandate, the situation in the country of return is not taking into consideration when assigning individual reintegration assistance (Matrix Insight, 2011: 43).

In all of the four cases, return policies include some kind of cash incentive. This is done in order to create a push-factor for migrants to return to their country of origin. The amount of return assistance, however, varies between countries. Whereas Germany provides the returnee with €200, Austria pays almost double the amount (€370) and the Netherlands and the UK provide even more cash assistance (€500 and approximately €630 respectively). In each country, the provision of the cash-incentive is cheaper for the government than a continued stay of the asylum seeker (e.g. due to welfare entitlements) or a forced return. Next to the cash incentive, all countries also provide in-kind assistance and some national programs offer a hybrid form of partly cash, partly in-kind assistance.

The following table provides an overview of the kind of assistance each country provides to returnees:

**Table 17: Overview of national AVRR support – Austria, Germany, the Netherlands, and the UK**

|  | Financial support (in cash) | Reintegration assistance (in kind) | Hybrid forms of support |
|---|---|---|---|
| **Austria** | AVR: max. 370 Euros per person | AVR: transport costs<br><br>Project CARE (amount unknown)<br><br>AVRR to Nigeria In kind: max. €3500 | AVRR to Pakistan: Cash: €300 pp In kind: max. €3000 pp<br><br>AVRR to Afghanistan: Cash: €500 pp / €25O pm In kind: max. €3500 |

| | | | AVRR to the Russian Federation/Chechen Republic<br>Cash: €500 pp<br>In kind: max. €3000 |
|---|---|---|---|
| **Germany** | REAG:<br>€200 pp / €100 pm<br><br>GARP:<br>€300- 750 pp / 50% pm<br><br>+ additional support by decentralized organizations | REAG: transport costs<br><br>By decentralized organizations<br>(amount unknown and varying) | KRG Reintegration:<br>Cash: see REAG&GARP<br>In kind: unknown amount<br><br>URA:<br>Cash: various, business start-up: max €3000<br>In kind: various<br><br>By decentralized organizations<br>(amount unknown and varying) |
| **The Netherlands** | REAN:<br>€500 pp / €100 pm or<br>€200 pp/ €40 pm<br><br>HRT:<br>€1750 pp / €800 pm<br><br>+ additional support by INS: max. €10000 | NGO (Maatwerk bij terugkeer): max. €1750 pp/ 875 pm<br><br>AVRR Sierra Leone:<br>max. €2000 pp<br><br>AVR- ERA:<br>max. €1500 pp. /€2500 pm with family/ €4000 pm (unaccompanied)<br><br>AVRR (Detention):<br>max. €1500 pp / €750 pm<br><br>VOT: max. €500<br>Medical: max. €500<br>Magnet: unknown | Chronically medical:<br>Cash: €1500 pp<br>In-kind: max. €1750 pp |
| **The United Kingdom** | AVRIM: max. £ 1000 pp | | VARRP:<br>Cash: £ 500 pp<br>In-kind: max. £ 1500 pp<br><br>AVRFC:<br>Cash: £500 pp<br>In-kind: max. £2000 |

Source: Own compilation based on the information presented in the text

Whereas in Austria, Germany, and the Netherlands, the IOM is the main organization regarding the implementation of the programs, the United Kingdom on the contrary has assigned a national organization (Refugee Action) since 2011. In addition, all countries cooperate with national and local partners in the area of return counselling, as NGOs often are able to build a more trusting relationship with a potential returnee. Austria, Germany, the Netherlands and the UK provide a variety of written information on their respective return programs. This is done in form of leaflets, websites, flyers, brochures, but also includes targeted return counselling.

Each country also offers additional return and/or reintegration assistance for specific countries and target-groups. In fact, country-specific reintegration programs are sometimes subject to cooperation between countries. Depending on the responsible organization, in-kind reintegration assistance often is tailored depending on gender, age, education, professional background, health situation of the participants. There is, however, no unified approach to this.

Generally, return and reintegration assistance is financed partly by the national governments and partly by the European Return Fund. In the case of Austria and Germany, the federal states also contribute to cover the costs of return- and reintegration programs. The precise percentage of EU funding, however, varies between countries and programs respectively.

Clearly, national return and reintegration programs in the European Union have some similarities in their framework. However, the design in terms of requirements, amount of assistance (cash and in-kind), legal embeddedness, implementation, actors, procedure and monitoring differs significantly. This means that most AVRR programs are working alongside each other with very different procedures, set-ups, and regulations.

In addition to the differences between national European Union member states policies, some member states, such as Germany, also have a heterogeneous national approach towards assisted return programs. In fact, inequalities in return and reintegration assistance do not only exist at European Union, but also at national level. At times, this may cause duplication of services, especially in terms of (country-specific) reintegration assistance, and confusion with the potential participant in one of the assisted return programs.

Due to different policy designs, the characteristics of AVRR program participants also vary between the countries. Historical contingencies as well as the kind of return and reintegration assistance seem to matter. The success rate, that is the amount of returnees in each year, clearly differs as well. However, different measurement procedures may also account for the variation.

One way to overcome such barriers may be increased European Union cooperation and harmonization. By pooling resources, funding may be used more effectively and efficiently and joint definitions and procedures may clarify parameters for all stakeholders. However, very few joint European Union return initiatives currently exist. In fact, only 7% of the European Return Fund is spent directly by the European Commission and close cooperation between member states in the field of assisted return and reintegration is still the exception. Clearly, AVRR programs are implemented individually by countries; though in cooperation with international organizations. Existing joint activities are mainly based on cooperation (as opposed to harmonization) and consist of exchanging information at the level of technocrats and ministerial staff; joint activities, such as joint return flights and few reintegration assistance measures; and resource pooling through international actors, such as the IOM.

## 6. Conclusion and discussion

The last chapter has not only described the national assisted voluntary return policies of Austria, Germany, the Netherlands and the United Kingdom in detail, it has also answered the main research question "*To what extent differ national Assisted Voluntary Return and Reintegration programs between European Union Member States?*" in a detailed, yet comprehensive manner.

So far, I have argued that AVRR programs, which aim at assisting migrants who decide to return to their home countries, are an inherent part of the national migration regimes. As opposed to forced return, voluntary return policies claim to do so with full approval of the migrant and therefore offer smaller targets for criticism. Nevertheless, they do not constitute a complete replacement for deportations, but should instead be considered one instrument among others for governments to enforce return migration.

Also, I have emphasized that the voluntariness of an AVRR return, hinted at through the name of the program, is highly debatable and that *assisted return* may be the more appropriate term. In addition, I have shown that AVRR programs are generally implemented by international organizations that provide them with a certain ground for legitimization that too is questionable. This is due to the financial framework of the responsible organizations and their subsequent dependency on the financial means of migrant receiving countries rather than sending ones.

Furthermore, I have investigated the international and in particular European Union legal framework in which those programs operate. I have concluded that a European Union legal basis for AVRR programs has been established that goes beyond broader international regulations, yet remains limited and vague. In a next step, I have compared and contrasted

national policies through a multiple case study, in order to investigate to what extent these policies differ between European Union member states.

On basis of the findings, I have argued that in the field of return migration policies, Europeanization is still in its early stages and that EU member states have resisted complete harmonization of AVRR programs. Context-specific interests and historical contingencies as well as a strong resistance to give up sovereignty in the field of migration, have led member states to pursue national rather than EU-wide policies. Therefore I will have to reject the hypothesis that increased Europeanization in the field of migration has led to the harmonization of AVRR programs in EU member states. On the contrary, AVRR programs differ significantly in their design. In terms of legal requirements, the amount of assistance (cash and in-kind), the legal foundation of these policies, the actors involved, the designated procedure and the amount of monitoring, AVRR programs show profound deviations. As state-induced return migration should be considered a mean to control who may or who may not stay on the territory of a nation-state, it lies at the very heart of national sovereignty. Therefore it is comprehensible that states are widely reluctant to transfer sovereignty in the field of AVRR to a supranational institution and resist making return migration subject to European Union legislation.

Independent of formal agreements, policy alignment may still take place due to spill-over effects and increasing cooperation between member states, but the comparison of the four EU member states Austria, Germany, the Netherlands and the UK, has shown that there are nevertheless great differences between the national AVRR programs.

**Future research**

Besides concluding the overall work of this thesis, this chapter also aims at presenting a number of potential explanations for the lack of this alignment concerning AVRR policies. Doing so, it is important to keep in mind that more scientific research needs to be conducted in order to evaluate whether there is a clear correlation between the following factors and the respective national policy design.

First, in all countries voluntary return is an inherent part of return policies in particular, but also of migration policy as such. The legal status of migrants, the welfare arrangements of the host country and the rights of asylum seekers and irregular migrants in the host country may play an important role in deciding upon the AVRR policy design. Especially from an economic viewpoint, voluntary return of e.g. asylum seekers may be very beneficial for a host country. Depending on the costs associated with a prolonged stay of migrants or forced return options, host countries may choose the amount of cash incentive accordingly. This therefore may explain why the United Kingdom offers much more return assistance than Germany for example. As it is only one among other instruments in regulating migration, migration policy must be considered as a whole to analyze specific programs, such as AVRR.

Second, in order to analyze the design and success of AVRR programs, one also needs to consider the characteristics of the target group: nationality, gender, age, health, background, etc. In the previous chapter, I have included the top countries of return from each of the participating host countries. Though the numbers presented are only a snap-shot (year 2012), comparing them to each other makes readily apparent that, despite the geographic proximity, the compositions of the AVRR caseloads of these countries differ greatly. However, the statistics only show where AVRR program participants return to, it does not

tell us where most asylum seekers or illegal migrants stem from. As a consequence more research is needed to investigate the influence of historical ties on the influx of migrants eligible to AVRR programs and the number of AVRR program participants.

Third, the current political and economic situations in the host country and in the country of return also need to be taken into consideration. Worsening economic conditions in the host country are considered to be an important push factor for voluntary departure, while economic improvements in the country of origin may act as a pull factor. Investigating the long-term development of the annual number of AVRR participants, significant ups and downs can be noticed. These fluctuations may be related to various national political and/or economic developments and may also have an influence on the consecutive policy designs chosen by a country.  Generally, however, caution should be taken when drawing conclusions about the effect of recent events as a time-lag may occur.

Fourth, besides the contribution of specific nationalities to the overall number of returnees, it is useful to consider the number of nationalities that are covered, as this may be an indicator for the effectiveness of AVRR programs. Whereas in Germany, the eleven largest national groups of AVRR participants added up only make 16% of the whole caseload, this percentage is almost twice as big in Austria (30%) and in the Netherlands (35%).[31] However, more research is needed to investigate whether there is a strong statistical link between diversity and AVRR numbers.

Fifth, another explanation for differences in the policy design and the success of the programs may be the number of potential, eligible participants in a given country. Though there are limitations to that approach, one may look at the asylum influx as an important

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[31] Due to missing numbers, no statement can be made concerning the UK.

variable to explain different policy outcomes. A larger *stock* of asylum seekers may result in higher numbers of persons eventually participating in AVRR programs. A study on the fluctuations of the number of participants in Dutch AVRR programs has analyzed this relationship and found a strong statistical correlation, though subject to a time-lag effect (IOM, 2010).

Generally, it is difficult to establish *best practices* as data from one country is difficult to compare to data from another county. A significant investment in collecting voluntary return data in a comprehensive and uniform way is necessary to enable more in-depth comparative analyses of the fluctuations in the number of AVRR program participants in different European Union countries.

Clearly, the topic of return migration and assisted return in particular, requires continued academic research in line with the increasing role it plays in the overall migration regime. This thesis should be regarded as a contribution to the burgeoning body of literature and a direction for academics and policy-makers to consider further research in the area.

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# Curriculum Vitae Shirin Reuvers

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## Work experience

**Policy and Public Affairs Project Officer at CDP**, London — 09/2014 - now
- Coordinate and implement CDP Government Relations strategy
- Disseminate CDP's key messages, insights and data to policymakers
- Draft responses to government consultations on key policy areas
- Coordinate CDP's activities and government engagement in relation to the COP20 climate negotiations in Lima, Peru in December 2014

**Assistant Policy Advisor at the Dutch Ministry of Foreign Affairs**, The Hague — 02/2012 – 07/2012
- Prepared briefing portfolios and authored talking points for the Dutch Foreign Minister on current political developments in the Western Hemisphere
- Co-drafted foreign policy briefing portfolios for three high-profile parliamentary debates on acute political crisis in Suriname
- Published white paper on institutional cooperation among BRICS states for internal strategic planning

**Research fellow at European Chamber of Commerce of the Philippines (ECCP)**, Manila — 09/2011 – 01/2012
- Authored and initiated implementation of  long-term communication and marketing strategy for the business department
- Conducted analysis on market position and industry trends for three  companies representing 12 bn € Revenue
- Published multiple articles in the official ECCP newsletter

**Research assistant at the University of Twente,** Enschede, The Netherlands
- Planned and conducted independent research project on Dutch higher education — 01/2011 – 05/2011

## Leadership experience

**Board member of AIESEC Twente**
- Organized Career Week 2011 of the University of Twente; 250 student participants; successfully contracted and supported 27 companies — 11/2010 – 05/2011

**Board member of the Erasmus Student Association Twente** — 2007– 2009
- Supported 250 international students throughout the whole academic year
- Raised 6000 € in funds for international student support

**Advisory member of the Faculty-council** Management & Governance, University of Twente, Enschede (Elected student representative of 400 students) — 2010 – 2012

## Education

**MA in Global Studies, University of Vienna,** Austria — 10/2013 – 09/2014
- Semester abroad: Dalhousie University, Halifax, Canada
- Master thesis on state-induced return migration

**MSc in Economic History**, **London School of Economics and Political Science (LSE)**, UK — 10/2012 – 10/2013
- Master thesis on early mass migration (awarded high distinction)

**MSc in Business Administration (International Management Track)**, **University of Twente**, Enschede, The Netherlands — 09/2010 – 07/2012
- Graduated cum laude, top 5% of class
- Dissertation on commercial diplomacy (awarded distinction)

**Bachelor of Science in  Public Administration (European Studies), University of Twente**, Enschede, The Netherlands — 08/2007 – 10/2010
- Graduated cum laude, top 5% of class
- Courses on policy analysis and design, quantitative and qualitative data analysis

## Other

**Languages: German** (native), **English** (fluent), **Dutch** (bilingual), **Spanish** (basic), **French** (basic)

Various **scholarships** of the German National Merit & the Dutch Prins-Bernhard foundation (€30.000)