UNU-GCM Policy Report :
The Case of (In)Voluntary Returns?

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Summary

This policy report critically discusses the use of voluntary returns as a policy. Arguing that despite their benefits they are not as effective, voluntary or moral as frequently claimed. It employs a case study of the UK to provide an example of some of the practices discussed. The policy recommendations emphasises the importance of a fair migration management system and the need to carefully consider the motivations for employing such a policy.

Introduction

In a world currently characterised by increasing migration flows and rhetoric about closing borders, a policy of assisted voluntary returns, sometimes known as pay-to-go schemes, have become commonplace globally. These schemes are, according to the International Organisation for Migration (IOM n.d.), "an integral part of a comprehensive approach to migration management aimed at offering humane and dignified return and reintegration options to migrants who are unable or unwilling to remain in host countries". By paying certain migrant groups to leave, with incentives such as flight tickets, cash benefits and skills training they are heralded as being cost-effective, more dignified, and with the capacity to promote sustainable development (IPPR 2013; Papdemetriou & Fratzke 2016).

However, there have been notable critiques of these policies. Firstly, the take-up of these policies has been low (Black et al. 2011) and there has been limited research on the degree of sustainability in the return process. Much of the research that has been undertaken shows that despite governmental, NGO, or IOM assistance, many returnees end up in precarious situations (Carr 2014). Secondly, the extent to which these schemes are in fact voluntary is questionable. If one is living in a vulnerable situation in a host country, if one faces the threat of deportation and if one is misinformed regarding the situation in one's country of origin then the choice might not be considered voluntary. Thirdly, there is a question as to the morality of these policies. Is it right to pay a certain group to leave? Is this not demeaning also to those not being offered this return suggestion? (Gerver Forthcoming a) Might it not also incentivise governments to detain more people so that there is a greater take-up of these schemes?

This policy report will discuss the current context of assisted return schemes and the literature discussing motivations for return. The report will then precede with a discussion of the effectiveness, the voluntariness and the morality of these schemes, questioning whether the present popularity of these policies is warranted. Finally, the policy report will conclude with some recommendations.

The Context of Assisted Return Schemes

To understand the current context of these schemes it is useful to understand their origins. There was a period after the Second World War when a number of European countries recruited guestworkers from former colonies and certain states to help rebuild their countries. These workers were only invited as 'guests' and the governments had no prior intention of letting these workers remain. However, many settled and had entered a process of "making home" in these European countries (Neyts 2015). After the oil shocks there were no longer any employment opportunities and so these countries wanted to encourage their guestworkers, who they viewed as temporary in the first place, to leave. The Netherlands was the first country to start in 1974 with its 'Reintegration of Emigrant

Manpower and Promotion of Local Opportunities for Development' program (Black et al. 2011). 94,000 people accepted the offer from France's 'Aide au Retour' scheme between 1977 and 1981, and in Germany around 135,000 people left using a scheme between 1975 and 1984 (McCabe et al. 2009). These initial schemes were all designed for migrants legally in the country.

The IOM first became involved with supporting governments with these schemes in 1979 and has helped 1.4 million migrants since then globally (IOM, n.d.). IOM views this work as part of its' remit to "enhance the humane and orderly management of migration" (IOM n.d. b). However, from 1979 to today the motivations and context that assisted return takes place in has significantly altered. Today these policies are not only directed at guestworkers but also at convicts, asylum seekers, failed asylum seekers, refugees, unemployed migrants, employed migrants – depending on the country, any non-citizen might be eligible to return to their country of origin with government assistance.

The type of assistance varies too: some countries offer skills programs such as Denmark's Want2Work training (Valenta & Thorshaug 2011); support with travel documents and plane tickets; cash grants pre and post departure; help from local NGOs with setting up a business, and, sometimes, and crucially, information on conditions in country of return.

The motivations for governments putting in place these policies also differs. There is a strong element of having secure borders and being able to perform effective migration management (IPPR 2013; Papdemetriou & Fratzke 2016). Secondary to this overarching ideological reasoning is the policies' cost-effectiveness. Compared to deportations voluntary returns are much cheaper as they do not necessarily require detention, chartered flights or an agreement with the country of origin. Estimates in the UK from 2005 show deportations to cost around £11,000 per person and assisted voluntary return £1,100 (IPPR 2013). Moreover, enforced removals are also more difficult to justify morally. There are often advocacy groups who work to stop deportations. A recent high profile event at a London airport made the British headlines, when protestors stopped a flight taking off for Nigeria in the middle of the night (The Guardian 2017). Other motivations might include wanting to reduce net immigration, this can be shown through the frequent stipulation that migrants once returned are not allowed to re-enter the country and in order to decrease the number of benefit claimants. Asylum seekers are commonly not permitted to work and so rely on the state for support.

Assisted return schemes differ globally and are not confined to traditional 'immigration' countries. The IOM works with countries across the globe to provide Assisted Return and Reintegration. The map below highlights the host countries that the IOM worked in for returns between 2011 and 2015 (IOM 2016).

Source: IOM (2016)

Factors Affecting the Choice to Return

The choice to return is marked by complexity and interwoven factors. Authors argue over whether the presence of the scheme encourages further returns or only helps those who had already decided to return already. Gerver (Forthcoming b) shows that in Israel the amount of money offered was a key incentive to promoting the choice to return among refugees. Valenta and Thorshaug (2011) concur, in Norway the level of financial incentive seemed to be affecting the decision. Other research shows that the availability of assistance is not a factor in the return decision (Koser & Kuschminder 2015). McCabe et al. (2009) question whether the assistance just subsidises those who had already planned to return. Black et al. (2011) argue that although it is not a key factor in making the decision to return, there needs to be further sustained research testing whether the amount of money affects the decision. So it is possible that increasing the level of monetary assistance available does in fact sway some people who were on the fence about returning. For those already planning to return it is a bonus and there are undoubtedly some who would never return with this policy no matter the amount of money offered.

The literature also outlines a variety of other factors. Firstly, it is important to note that this is a complex decision to take and as Black et al. point out the migrant is not necessarily rational (Black et al. 2004). An assumption made by certain policymakers is that by reducing the welfare of migrants in their country it will encourage them to return to their country of

origin. However, much of the literature argues that this is a mistaken assumption. In a Black et al. study (2004) they found no evidence that restricting the right to work increased the likelihood of return. This somewhat contradicts Koser and Kuschminder (2011) who found that the right to be employed was important to 45% of those interviewed; but it is worth bearing in mind that most of the migrants they interviewed were identified by IOM, so they had probably previously sought information on returns. However, policies of removing social service access and using detention as measures to increase take-up were not deemed important in that same study, nor in that of Valenta and Thorshaug's (2011). This quote accurately sums up the picture for departure centres that might be extended to cover an entire country's environment: "The majority have been through so much and invested so much time and effort before they receive a final rejection. It is naive to believe that living standards in departure centres can have any impact" (Valenta & Thorshaug 2011:17).

There are other factors that do have an impact, notably the perceived safety and security in a potential returnee's country of origin. This was discussed by Webber (2011) that political stability and personal security are key. He and Carr (2014) both note that a number of returnees have died after returning for a variety of reasons – their personal safety is not assured. In Black et al.'s research, safety, security and peace in the country of origin were considered the most important factors (2004). Other factors including responsibilities in the country of origin, a child's education, levels of integration, all contribute to the return decision.

Interestingly, it has been found by a number of scholars that the threat of removal is strongly associated with take-up of voluntary return schemes. If there is a credible fear of deportation then people are more likely to take a government offer to return. Koser and Kuschminder write "there is evidence that the threat of removal is a critical component to the take up of voluntary return programmes, whereas the programmes, in themselves, do not generally motivate return" (2015:14). The IOM and governments also support this view (Webber 2011).

Finally, and somewhat remarkably providing people with the right to remigrate to the host country, and even citizenship, enhances their likelihood of returning. Allowing for transnationalism, integration, regular employment and a legal status encourages sustainable return (Koser & Kuschminder 2015). Kalia (2008) writes "having the right to return when economic circumstances change could be an incentive to leave now". Black et al.'s research (2004) also concurs that in the UK, granting permanent status does not reduce the likelihood of returning.

Policies restricting access to welfare and increasing the difficulties in attaining a legal status through restricting immigration and not granting refugee status easily (Webber 2011) might in fact be limiting the effectiveness of government aims to encourage returns.

How *Effective* are these Policies?

There are a number of criticisms levelled at the effectiveness of these policies. Firstly, the take-up of these schemes is low (Black et al. 2011). There are a number of reasons for this,

one being the significant distrust of the government and the official. Carling et al. (2015) argue that this is partly because migrants themselves were treated with suspicion, and in order to receive refugee status they have had to prove their 'stories'. Research by Black et al. (2004 and 2011) argues that using NGOs and international organisations would lead to greater levels of trust of these schemes and possibly higher take-up. This distrust is demonstrated by Afghani potential returnees who felt they would not receive the assistance promised if they used a voluntary assistance return scheme (Black et al. 2004).

The low take-up of these schemes is also tied to the lack of information about them. However, methods employed in the UK to raise awareness include vans circulating London boroughs with the words 'Go Home' on them (The Guardian 2013). This was met with much criticism and the pilot project was not rolled out. In providing information about these schemes, if they are targeted at undocumented migrants particularly, governments fear being criticised for having policies which reward people for 'breaking the law'.

Another problem is the sustainability of these returns. A report issued by the IOM looking into sustainability states that there has been very limited research on the topic and the definition of sustainability is contested (Koser & Kuschminder 2015). There is limited or no monitoring and evaluation once a returnee has returned to their country of origin (Carling et al. 2015; Webber 2011) and this is something that academics have called for to understand the drivers of sustainable return and to ensure appropriate information is given to people currently thinking of returning (Gerver Forthcoming c). Some research analysing the experiences of returnees shows that business failure is high (Black et al. 2011); that there is a grave risk to personal security as returnees can be detained, can have their possessions stolen as many assume they are rich, and can have difficulties reintegrating. In a number of studies that Carr (2014) analysed some people had gone missing having returned. Finally, sustainability is frequently measured by whether the migrant chooses to return or not. According to Black et al. (2011) there is no behavioural change, and many want to remigrate, and a previous study from Black et al. (2004) concurs.

These policies have also been heralded for their ability to encourage development, as migrants can bring back their skills to help in development (Webber 2011) and with the financial assistance can start businesses. However, according to Black et al. (2011) there have been no development gains. In fact, countries may not wish returnees to return as they lose remittances and there is not sufficient infrastructure to cope (McCabe et al. 2009). If there was a large number of people moving back at the same time this would cause greater issues (Black et al. 2004).

These policies are not effective in facilitating returns shown through low take-up, they are not effective in encouraging sustainable returns, and they are not effective in encouraging development.

How *Voluntary* are these Policies?

Not only are these policies not considered very effective but they are also frequently criticised for their lack of voluntariness. There is not a single definition for measuring

voluntariness. The IOM argues that voluntariness can be with and without compulsion; UNHCR argues that it needs to be an informed choice and a free choice that is genuine and not induced (Webber 2011), Gerver (Forthcoming b) sets out a three-part definition. Firstly, that the person is fully informed and fully capable to decide; secondly that there is no physical coercion involved and thirdly at least one option provides an acceptable level of welfare. She contends that voluntariness is not necessarily a binary variable, and so there can be a scale of voluntariness.

Evidently the voluntariness of the decision to return depends on the individual, their personal circumstances and the country. However, there are some common features of this policy which can be viewed as being angled towards the involuntary end of the scale.

In interviews for Black et al.'s 2004 study, a number of people interviewed felt forced to return, or felt they needed to. This is somewhat confirmed by Koser and Kuschminder's study (2015) where the third most popular reason given for returning is "I felt I had no other choice". This does not fit easily with either Gerver's or UNHCR's definition of voluntariness.

Using detention, the threat of deportation, and restricting access to social services are policies frequently deployed in order to motivate returns using these schemes. The credibility of enforced removal is a key driver of encouraging people to take-up the offer of these schemes. Many have argued that fearing deportation is not an adequate level of voluntariness and is instead simply resistance (Carling et al. 2015). If the choice is between deportation and returning to a life potentially marked by persecution and poverty then this does not provide an option with an acceptable level of welfare, and hence, according to Gerver (Forthcoming b), could not be considered voluntary. It is a choice, but it is not voluntary. There is also an unclear division between coerced and voluntary return as a person who can choose to voluntarily return can often also be detained and forcibly removed at any time (Carr 2014). Where the voluntary ends and the involuntary starts is debatable.

How *Moral* are these Policies?

Another argument used to justify these policies is that they are more humane than deportation, are more sustainable and lead to development with the reintegration of returnees (IPPR 2013). This concept of reintegration might justify the return of migrants to unsafe environments and the use of development assistance for migration management. However, as previously outlined the policies are not effective in either encouraging development or in reintegration. Whether or not they are humane policies is another question.

There are clear conflicting interests between governments and migrants in these policies. In a number of countries, including the UK, there are targets for numbers of returns (Black et al. 2011). This gives immigrant officials conflicting incentives between providing accurate information about the situation in the country of origin and potentially dissuading someone

from returning, or omitting crucial information, or even misinforming people in order to reach key targets (Gerver Forthcoming c). Forcing someone to return against their will to a place where they may be at risk of detention or persecution is morally objectionable (Black et al. 2011). By not informing someone of these risks and encouraging their return by offering money can therefore also be seen as morally objectionable (Gerver Forthcoming c).

Secondly, offering people monetary incentives to leave a place signals that they are unwelcome (Gerver Forthcoming a). If the money is enough to provide a benefit that outweighs the costs associated with the demeaning offer this might be sufficient, however, if the offer also offends other third parties who do not take it, it may not be morally permissible (Gerver Forthcoming a). The more public these offers of assistance, the greater the potential offence caused, Black et al. (2004:23) note the opinion of one potential returnee "I personally don't think they should advertise it. How can they guarantee that lives are going to be safe? They can't. So don't advertise it."

A final moral argument dissuading against the use of these types of programs in their current form is that in certain cases (for example the UK and Norway (Webber 2011; Valenta & Thorshaug 2011) encouraging take-up of these programmes is closely linked to creating an environment that is increasingly difficult to live in and employs detention and deportation (IPPR 2013; Black et al. 2004; Gerver Forthcoming b). Creating such a living situation is not only ineffective as outlined above but also morally objectionable as it further harms the most vulnerable already.

The offer of money to leave a country is demeaning not only to those offered the money but maybe also to those in minority groups or in a vulnerable migratory situation. There are different incentives for immigration officials leading to situations where people may be persuaded to return to risky situations. The environment that is created in the host country with the aim of leading to a greater take-up of the returns assistance is not humane.

Case Study: The Great British Scheme

The UK is an interesting and informative case to choose. Not only it is a country with a high number of immigrants but it is also known for its strict immigration controls. More recently, the UK has moved its programme of Assisted Voluntary Returns (AVR) to be run in-house by the Home Office. Having partnered with the IOM, from 1999 on AVR, the UK then moved to work with the NGO Refugee Action in 2011. This contract was terminated and the government moved to bring the service in-house at the start of 2016. The government has also changed the level of assistance to £2000 in cash with limited other support and restricted the people who can apply (gov.uk 2017). Moving away from cooperating with any external bodies this places assisted voluntary returns clearly within migration management rather than welfare concerns or international development assistance.

Moreover, the UK is sometimes seen as a leader in policy change and many countries followed the UK model of placing enforced and voluntary returns under the same

institutional umbrella rather than following the previous German models of separating them (Koch 2013), so it is possible that other host countries might implement similar changes in the future. Therefore, wider conclusions can be drawn from this case.

Policy Changes

The UK government has had a number of schemes from 1999, targeting different groups with different levels of assistance. Below is a timeline summarising the key policies and changes:

Timeline of Assisted Voluntary Return Programmes in the UK

1999

Introduction of the 'Voluntary Assisted and Return and Reintegration Programme' (VARRP) cofunded by the European Refugee Fund and Home Office; and operated by the IOM - a return scheme for those whose asylum applications have failed

2002

Introduction of Reintegration assistance at £500
Start of 'Return to Afghanistan Programme' (RAP)

2004

Start of 'Assisted Voluntary Return of Irregular Migrants' (AVRIM) scheme operated by the IOM

2005

Reintegration assistance for VARRP scheme increased to £1000

2006

Start of 'Facilitated Returns Scheme' (FRS) for foreign national prisoners
Reintegration assistance for VARRP scheme increased to £3000

2010

Closure of AVRIM scheme
Start of 'Assisted Voluntary Return for Families and Children' (AVRFC)

2011

Refugee Action started to operate the VARRP scheme; introduction of the 'Choices' programme offering free and impartial information to people considering returning

2013

Operation Vaken, a controversial information pilot scheme, was launched in August to much criticism due to the vans circulating London Boroughs and leaflets with the message 'go home' clearly visible

2016

End to Refugee Action operating VARRP. Move to in-house expertise running two schemes:

Voluntary Return (refused leave to enter/remain in UK; family group with minor in UK illegally; chosen to withdraw application to extend one's leave to remain; asylum claimant)

Assisted Return (asylum seekers with applications and failed asylum seekers; a family group with a minor; an unaccompanied minor; a victim of trafficking; medical condition; discretionary leave to remain that has expired)

Sources: gov.uk (2017); Webber (2011); The Guardian (2013); Home Office (2010)

*How **Effective** is this policy?*

From 2004 it is clear, from the graph below, that the overall number of asylum returns (in blue) has been decreasing, while the number of enforced non-asylum returns has roughly stayed constant. However, there has been an increase in the number of voluntary non-asylum returns. The increases might be due to the increasing number of schemes on offer targeting different groups and the increase in the level of assistance offered. There was also an increase in the marketing efforts of these schemes (Home Office 2010). It could also be because of increasing numbers of eligible people in the UK.
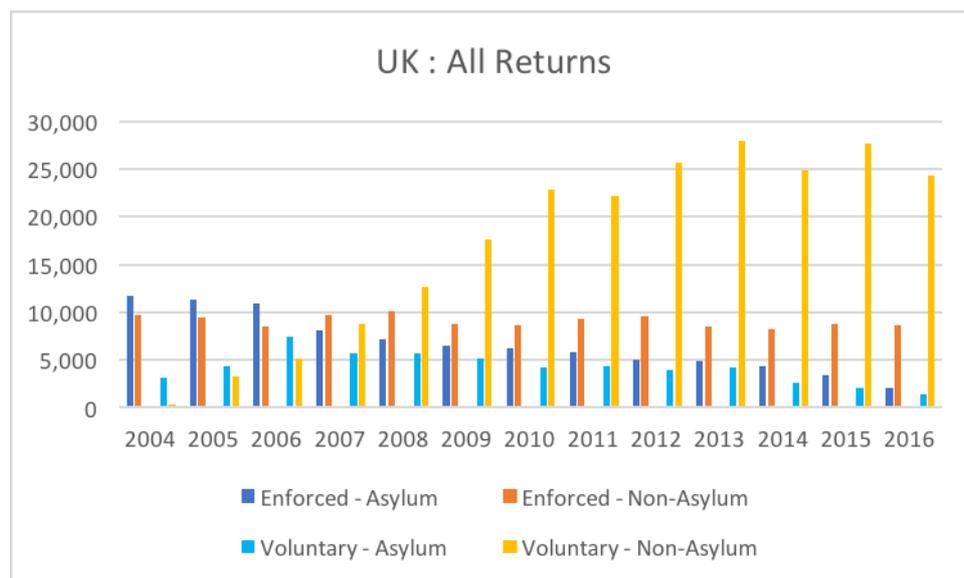
Source: ONS

However, there are numerous difficulties in measuring the number of eligible people. The number of undocumented migrants is difficult to estimate given the clandestine nature of the activity. One estimate produced in 2005 based on the 2001 Census data estimates the number at 430,000 with 175,000 quasi-legal migrants depending on their future asylum status (LSE 2007). An updated figure using a different method put the figure at 618,000 at the end of 2007 (LSE 2007). If that figure is accurate then in 2007, only approximately 3% of the eligible population returned. If those two figures are approximately correct then there was an increase of 200,000 irregular migrants in the UK between 2001 and 2007. Therefore, there would have been an increase in the number of migrants eligible for the AVRIM

scheme as well. However, the recent policy change has removed help for any irregular migrants unless they are considered vulnerable. With this new criteria it would be even harder to establish the numbers of those eligible.

The Migration Observatory (2016) note a key weakness in UK data on rejected asylum seekers. Some failed asylum seekers depart by enforced removal, some by voluntary removal, others by their own volition and others stay in the UK as irregular migrants. In the current system there is no way to distinguish between the final two categories. This means that knowing the number of people eligible for schemes for failed asylum seekers is also difficult to measure.

Moreover, much research (Black et al. 2011; Black et al. 2004) contends that the targeted migrants do not have much trust in the government and, in particular, the information given to them. This is confirmed by an impact study on the VARRP scheme by the Home Office who show that in the UK context this problem continues to exist. In 2005 around one third of people applying for the VARRP scheme dropped out and "suspicion of the authorities in the UK and about VARRP" (Home Office 2010:ii) were cited as key reasons.

In this same impact report it was noted among the 48 VARRP returnees interviewed in Pakistan and Afghanistan only one-third expected to still be there in the return country in five years time (Home Office 2010). This is clearly unsustainable from the point of view of minimising remigration. The report also interviewed non-VARRP returnees who were more settled and less dependent on the state or NGO support when they returned compared to VARRP returnees. Due to the most recent changes to the scheme Refugee Action has warned that "People will be less able to achieve sustainable returns. They are more likely to become internally displaced or remigrate, they are more likely to face security threats or persecution and they are less likely to be able to generate an income, access suitable housing, subsistence, healthcare or education" (Refugee Action 2015).

*How **Voluntary** is this policy?*

The UK government has recently changed their approach and has brought their schemes in-house, and no longer offers any impartial information to those considering returning (Refugee Action 2015; Home Office 2017). This move has been met with much criticism from NGOs and particularly Refugee Action who were previously contracted to provide this information. Without access to accurate information on the situation people will not be able to make an informed decision and hence it can be viewed as involuntary.

Detention centres and coercion are strategies used to increase the take-up of return schemes in the UK. Numbers of enforced returns are closely linked to voluntary returns according to a number of scholars (Webber 2011), however it is not clear if that is the case in the UK from the graph above. The aim of the new UK Voluntary Return Service is to lead to the removal of 31,500 people over three years with a budget of £18,638,296.14 (Home Office 2016). A piece of investigative journalism showed that there is a great deal of coercion by the Home Office that certain NGOs are complicit in, that uses detention, occasionally physical force, and threats of deportation to encourage take-up of these schemes (IRIN 2017).

*How **Moral** is this policy?*

There is likely to be a reduction in the number of people using this system of voluntary returns due to both the lack of trust in the government and the absence of information. According to Refugee Action (2015) this will translate into higher rates of destitution and therefore greater costs to Local Authorities and the NHS.

By not giving information about a situation, as is the current policy of the Home Office, the government could be morally implicated as it lets people choose to return to a potentially dangerous situation without knowing if they are fully conscience of the risks of their decision. By giving money for people to do that, they not only demean them by showing that they are not welcome, but they are encouraging people to leave to risky environments. Gerver (Forthcoming a, b, c) shows that withholding information and incentivising people with monetary rewards could be morally reprehensible.

Case Conclusion

The UK offers a cautionary tale to governments considering following these policies and bringing a scheme of voluntary returns in-house. Not only is the UK scheme potentially less effective but also it is less voluntary and less moral.

Policy Recommendations

- o The usage of assisted voluntary return schemes needs to be strongly questioned. The motivations for countries facilitating return need to be clearly linked to the individual concerned and the development opportunities, rather than to the desire to decrease the number of certain groups in a country. The schemes are currently ineffective and reducing living standards to encourage take-up only harms the most vulnerable. Governments also need to ask themselves what view are they promoting of their country in the creation of such an environment and by paying people to leave?

- o These schemes are often compared favourably to the alternative of deportations. However, without these policies perhaps the level of deportations would also decrease? By further encouraging these schemes, there is also an encouragement of policies of detention, coercion and deportation.

- o To facilitate development, governments need to consider using bilateral schemes. Frequently, AVR policies are carried out unilaterally without consideration of the return environment. Return schemes could be much more effectively targeted at promoting development if carried out in cooperation with other countries.

- o There needs to be a reconsideration of the most appropriate forms of migration management. If in fact offering citizenship and the possibility to remigrate to a host country gives people the reassurance they could return to their country of origin more easily, then promoting regularisations and easier access to citizenship might be a better way forward. Moreover, having more channels that allow for regular migration and implementing a fairer and more effective asylum system is part of this.

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