

Return and re-admission in states' migration policies

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The role of the state in protecting its citizens and in defending their rights and privileges has become closely intertwined with its capacity to secure its borders and regulate migration flows.

The need of states to control, count and predict migration flows has never been as strong as it is today. 'Return' stands high in the hierarchy of priorities in the current top-down management of international migration, because it has been narrowly defined as a single act, that of leaving the territory of a destination country. In other words, return is not viewed as a stage in the migration cycle. This vision of return has become an integral part of the instruments aimed at dealing with the issue of unauthorised migration and protecting the integrity of the immigration and asylum systems in most destination countries. It then justifies the security-oriented methods and means of implementation.

At a national level, an array of measures, laws and infrastructures has been established to serve this security-oriented approach. Detention centres, fingerprinting identification systems, expulsion quotas and laws on preventative custody are just a few examples. At an international level, cooperation over re-admissions with undemocratic regimes in neighbouring countries has been justified in official discourses as a necessary evil. The argument that 'we cannot do otherwise' leads to the use of solutions that are seen as a necessary evil, discarding any alternative interpretation of the issue at stake – and any alternative concrete solutions.

But we need to question why it is so and whether it could be otherwise. Why has the issue of return been primarily associated with security concerns in the short-sighted mechanisms that have been implemented so far by state agencies?

The first part of the answer may lie in the way these policies, which are primarily designed to secure the

effective departure of unauthorised migrants, are labelled. The terms 'expulsion' or 'removal' – rather than 'return' – would be far more consistent with the actual rationale for these policies. Such a terminological confusion was not part of the open and recurrent debates about return migration during the 1970s and 1980s. Return was not mixed with expulsion, let alone with re-admission, and migrants' motivations to return home, on a temporary or permanent basis, constituted at that time the main research interests of scholars across various disciplines.

Setting 'voluntary' against 'forced' return, although the frontier between them remains quite blurred in practice, has unquestionably influenced public discourses and policies on migration and return. Current policy measures have come to serve solutions aimed at securing the effective departure of unauthorised migrants and rejected asylum seekers.

A policy of containment

Today, the production of knowledge about migration issues has become crucial in political terms by straying away from the cause of the problem and subtly justifying a unique technical solution. The selective allocation of public funds to given research projects viewed by civil servants and the state bureaucracy as concretely useful to their actions is a direct off-shoot of the desire to produce and legitimise a form of top-down knowledge about migration in general and return in particular.

Security-oriented return policies, detention centres and re-admission agreements (the latter aimed at facilitating the identification, redocumentation and expulsion of detained migrants)¹ have been presented as necessary instruments for deterring and combating unauthorised

migration. Simultaneously, this turns the resilient disparities between countries of origin and destination (in terms of undemocratic governance, political instability, disastrous environmental conditions, under-employment and poverty) into secondary causes, although they prompt numerous migrants to leave and seek better living conditions abroad. The expulsion or re-admission of migrants from the territory of destination countries has been prioritised, regardless of whether the country of re-admission has the capacity to respect the fundamental rights and protect the dignity of re-admitted persons.

A step forward

Today, the implementation of circular migration schemes and mobility partnerships² is being planned in cooperation with the EU Member States. Circularity – the repeated to and fro movements of people between two places – will require the adoption of provisions aimed at sustaining the temporary return of circular migrants and at creating conditions to sustain their reintegration.

The extent to which both destination countries and countries of origin will concretely respond to these preconditions will determine the effectiveness and credibility of their actions. Reintegration, the process through which migrants take part in the social economic, cultural and political life of their country of origin, will become a core issue in future migration policies.

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1. See <http://europa.eu/scadplus/leg/en/lvb/l33105.htm>

2. See <http://europa.eu/rapid/pressReleasesAction.do?reference=MEMO/07/197>