# Expulsion or Return?
# A Plea for Terminological Clarity

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*This text is an annotated version of a speech delivered by Jean-Pierre Cassarino at the conference entitled "From Tampere 20 to Tampere 2.0" jointly organized on 24-25 October 2019 in Helsinki by the European Policy Centre, the European Migration Network and the Odysseus Network, under the auspices of the Finnish presidency of the Council of the European Union.*

In the previous debates, we have heard a lot of participants calling for the implementation of post-return monitoring mechanisms in order to assess the reintegration process of migrants, namely whether or not they take part in the social economic and cultural life of their countries of origin.

This call is most appreciated. Although it would have been more logical to consider the need for post-return monitoring mechanisms when so-called "return" mechanisms were introduced almost 30 years ago while being predominantly shaped by a politically constructed dichotomy opposing so-called voluntary with enforced return.

Today we know that, despite the seemingly impeccable reference to voluntariness, the line between "voluntary" and enforced return has

"Assisted voluntary return programmes are indeed voluntary, that [migrants'] consent is not obtained under pressure or blackmail and that [they] have access to independent and impartial actors in the return process to make free and informed decisions, [...] [and that] assisted voluntary return should never put in jeopardy the right of an asylum seeker to claim asylum and protection" (Council of Europe 2010, Points 10.1 and 10.4).

Four years later, the International Law Commission (ILC) adopted the Draft Articles on the expulsion of aliens. Just like the abovementioned PACE, the ILC raised the issue of "undue pressure" exerted by the expelling state authorities on migrants with a view to forcing them to leave. In its commentaries of Article 21, the ILC stressed that:

> *The rhetoric opposing so-called voluntary with enforced return results from a politically constructed dichotomy.*

turned out to be too blurry (De Bono 2016; Bivand Erdal and Oeppen 2018), given the security-driven purposes this political construct has served (Chimni 1995; Webber 2011; Kleist and Vammen 2012, 56-63; Kalir 2017). This was precisely what the Parliamentary Assembly of the Council of Europe (PACE) denounced when it adopted in June 2010 Resolution 1742 calling on the member states of the Council of Europe to ensure that:

"Even though it aims to a certain extent to make voluntary departure of the alien the preferred solution, the provision cannot be interpreted as authorizing the expelling State to exert undue pressure on the alien to opt for voluntary departure [...]" (ILC 2014, 30).

Article 10 explicitly prohibits disguised expulsion "regardless of the form it takes or the method employed" (ILC 2014, 16).

Beyond the definitional and legal technicalities of the ILC's Draft Articles on the expulsion of aliens, the positions of the PACE and of the ILC share two common denominators. Firstly, the awareness that *some* "voluntary return" mechanisms may have been intentionally used to coerce migrants into leaving the territory of their host countries while engaging state responsibility. In other words, there has been a major shift in the meaning and use of return. Secondly, "regardless of the form it takes or the method employed", expulsion has implications in international law that sophisticated euphemisms cannot disguise.

Perhaps never before has the need to make a clear-cut distinction between return and expulsion been so relevant both politically and analytically. This distinction is essential when realizing that implications for migrants are extremely diverse.

Return, viewed as a stage in the migration cycle (Sinatti 2014; Cassarino 2016), markedly differs from expulsion. Expulsion epitomises the brutal interruption of a migration cycle having severe consequences for migrants' well-being and opportunities to reintegrate. I would like to stress that confounding

Perhaps, the only common denominator between migrants who return back home and those who are expelled (be they rejected asylum-seekers or irregular migrants subjected to a removal order) is that they all have a migration cycle. The basic and substantial difference between both groups lies in their types of migration cycle. It is through the lens of migration cycles that the conditions of expelled migrants and return migrants can be compared and analysed without, however, equating the former with the latter.

A grounded approach to return is always needed to understand and realise that reintegration is a question of *access to opportunities*, in the countries of destination and the countries of origin. Both dimensions are simply inseparable. Opportunities to find a job, to transfer one's own skills and social rights, to stay mobile, to start a family, to realize one's own life plans (abroad or in the country of origin) are all contingent on adequate conditions. In turn, such conditions are closely connected with the type of migration cycle, for they do have a bearing on its completeness, incompleteness or interruption. More importantly, taking a "grounded distance" from the pervasive

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expulsion and return stands in stark contrast with what scholars across disciplines have observed and documented (see for example King 1986).

dichotomic construct opposing "voluntary" with "enforced" return in current EU policy-making is necessary to realise the analytical relevance of migrants'

individuality, as noted by many scholars, and the explanatory significance of migration cycles. It is also necessary to understand that the issue of reintegration is about helping migrants complete their migration cycles. Therefore, it inevitably constitutes a process rather than an outcome. It is not merely about "helping them back home" as some European leaders declare. Today, the growing politicization of international migration and mobility in the West as well as the reinforced drive for the temporariness of labour migration have been conducive to a paradigmatic shift as applied to return. This shift was responding to the centrality of the state through the reinforced regulation of labour migration and asylum.

Incidentally, this process of reinforced regulation has gone hand in hand with the deregulation of labour market policies including the withdrawal of the state from the direct administration of the economy through the privatization of state-owned assets, the crisis of the welfare state and unrestrained industrial delocalisation, to mention but a few (Holgate 2011; Standing 2011; Delgado Wise 2015). It could even be argued that various Western governments have tried to bolster their own credentials in the "fight against illegal migration" at a time when market reforms have already exposed large segments of their own constituencies to growing labour uncertainties (Anderson 2010; Schierup et al. 2015; Walters 2018) and enhanced disposability (De Genova 2002). It is against this backdrop that the understanding of "return" has shifted

while being equated, in official rhetoric, with expulsion.

To be sure, the reflection I am presenting here is not aimed at denouncing the banal usage of euphemisms and double-talk which has consistently permeated policy discourses. Thinkers have already revealed the danger of euphemistic expressions in policy discourses and their subtle power to gradually normalize practices, even the most absurd and cruel, in an attempt to categorize people often with popular consent.[1] Rather, the reflection is aimed at explaining that using "return" as a laconic umbrella term to refer to expulsion invariably deflects policy attention from the real causes of the problem and from the need to respond to migrants' safety and human rights. Arguably, equating return with expulsion constitutes a denial of migrants' human conditions in the broadest sense. More problematically, the uncritical acceptance of this figure of speech reflects an alignment with a powerful narrative that has gradually dispossessed migrants from their own agency. Interviews with migrants cannot but reveal, in a compelling manner, the absurd inconsistency of this pervasive euphemism.

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Concomitantly, these developments raise many challenges for policy-making and academia alike. From a political perspective, they have been detrimental to the exploration of the link between return, reintegration and development, for current "return" policies have been predominantly guided by the need to ensure the departure of irregular migrants while disregarding their conditions back home, let alone their willingness to leave.

Another policy implication lies in the oft-reported reluctance of many countries of origin to adopt and implement mechanisms aimed at sustaining the reintegration of their own nationals. Faced with the securitization of migration policy priorities in the West, including the issue of readmission, cooperation with third countries has been more than erratic owing the highly asymmetric social political and economic costs that such a cooperation would incur (Cassarino 2010).

Scholars currently working on return migration issues are well aware that scientific production and outcomes that critically question such paradigms and policy priorities (be they explicit or not) may be viewed as a threat to the established consensus. Such outcomes may even trigger self-defence, for never before has research on return been so politically sensitive. Nonetheless, the all-pervasiveness of the abovementioned consensus does not justify alignment. Nor does it explain the uncritical acceptance of the constructed dichotomy "voluntary vs. enforced return", let alone the spurious argument that readmission *is* a form of return, as some intergovernmental and international agencies and their experts would have it.

Empirically comparing expulsion with return is possible without, however, equating expulsion with return. Comparison is important here to show that expulsion severely jeopardises access to opportunities back home. As I said before, readmission and expulsion epitomise the abrupt interruption of a migration cycle having severe implications for the dignity of human beings and for their potential to build a new life back home (Blitz et al 2005; Schuster and Nassim 2013; Kleist and Vammen 2012, 56-63; Alpes et al 2017; Khosravi 2018).

Empirical findings confirm that the more complete the migration cycle the higher the likelihood to reintegrate. In this light, the issue at stake is to foster the legal, economic and institutional *conditions* for ensuring the reintegration of returnees' migration cycles. This is the realistic picture.

Defining concrete policy measures aimed at ensuring the completeness of migration cycles will, at a certain point, be a key challenge that migration and development stakeholders will have to address. Admittedly, this challenge is all the more daunting when considering the consensus on which the current security-driven approach to 'return' rests in bilateral and multilateral migration talks. Addressing the completeness of migration cycles (Cassarino 2016) necessarily implies questioning such a consensus.

It is time to realise the policy implications stemming from the abovementioned paradigms and their dichotomic constructs. For migrants expelled or removed from abroad are not returnees. Nor are their condition, needs and challenges similar. This basic difference can no longer be ignored, analytically or in practical terms, by practitioners and researchers alike. As long as no distinction is made, current so-called "return" policies are not return policies.

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*End Notes*

*1.* Among many others, George Orwell's short essay on *Politics and the English Language,* Aldous Huxley's *Brave New World,* Hannah Arendt's cogent analysis of *Gleichshaltung* (namely coordination) in *Responsibility and Judgement,* Eugène Ionesco's *Rhinoceros,* Albert Camus' *The Rebel,* Victor Klemperer's *The Language of the Third Reich,* Václav Havel's *Words on Words,* Edward Bernays' *Propaganda,* Pierre Bourdieu's *Language and Symbolic Power,* Michel Agier and Anne-Virginie Madeira's recent volume *Définir les réfugiés.*

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