

175
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THE MYTH OF RETURN. The market of symbolic policies

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First it was Trump who promised to expel millions of undocumented migrants. Now the European Commissioner for Migration, Dimitris Avramopoulos, is urging member states to speed up deportations. Both give out the same message – a “firm hand” against those without papers. In the European context, two arguments are put forward: this policy allows order to be established after the (inappropriately named) “refugee crisis”, and it is a necessary condition for guaranteeing the protection of the others – those who will ultimately be granted refugee status. What is the reason for so much emphasis on expulsions, euphemistically called “returns”, when the data shows that it is a policy that is difficult to apply?

The answer is clear: because, as with all symbolic policies, the stated aim does not necessarily match the actual one. Returning the undocumented is presented as the best way to “fight” irregular immigration. But experience shows that it is a policy that brings limited results: expulsion is not always easy, detention and

deportation end up being extremely expensive, and the fear of being deported does not necessarily have a deterrent effect on those who are yet to come or on those who, having been deported, hope to be able to return. In contrast, this policy is useful for re-establishing the figure of the state as

the guardian of external borders and the guarantor of domestic order. It also sustains the growing industry around expulsions, from the upkeep of the detention centres to the return flights.

More expulsions – not such a new thing

Although Trump and Avramopoulos insist on the need for more and faster deportations, for some time now, expulsions have been on the rise on both sides of the Atlantic. In the United States it was Bill Clinton who in 1996 strengthened border control, criminalised immigrants with irregular status and facilitated expulsion procedures with the Illegal Immigration Reform and Immigration Responsibility Act. But the policy achieved its ultimate expression under Barack Obama's presidency.

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If they cost so much, who benefits from them? The services companies that run the detention centres and the airlines that organise the return flights.

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Return policies do not have a deterrent effect and serve above all to convince the people that everything is under control.

Immigrants know that they may be detained and deported at any time, just as they also know that they are going to have to work more for less. But that is not reason enough either to stop them trying or to stop them coming.

Though known for his humanitarian discourse towards the undocumented, Obama expelled around 3 million people between 2009 and 2017. That figure is 38% higher than under George W. Bush (2001–2009) and 73% higher than under Bill Clinton (1993–2001).

How do we explain this increase in US deportations? Though Obama defended the regularisation of undocumented migrants who are “exemplary” and “good citizens” (for example, good students, good workers and members of the armed forces), at the same time he broadened the definition of the unwelcome – those who could be deported at any time. Thus, minor or petty offences under immigration laws (for example, using a false social security number) began to be categorised as crimes and, as a result, became motives for expulsion. Those who crossed the border irregularly were also criminalised. While until that point they were simply returned, under the Obama Administration they began to be registered and to formally receive expulsion orders, which swelled the official figures of those deported.

Nevertheless, European expulsion figures are much higher. Between 2011 and 2015, European Union member states expelled 1.9 million people. According to Eurostat, in 2015 533,395 expulsion orders were issued, twice as many as in the United States. Of those, the majority were issued by Greece

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(24%), France (18%), the United Kingdom (16%) and Germany (12%). Spain registered the fifth most deportations in the European Union in 2015, with 33,495 expulsion orders. However, it should not be forgotten that expulsion orders are one thing and the expulsions that are actually carried out are another. In the United States, 56% of expulsion orders are never acted upon. In the European Union the figure is over 60%. In other words, these are administrative figures, not real ones. In practice, the majority stay. But, why?

Why expulsions are difficult

The main issue lies in the fact that the expulsions are made against the will of the people affected and often face resistance from the countries of return. The former means that the people issued with expulsion orders tend not to cooperate, meaning that in many cases they simply disappear. To ensure their deportation, many countries resort to periods of detention. But the period of deprivation of liberty is always limited. For example, the European Return Directive establishes a maximum of six months, which may be prolonged in exceptional circumstances to 18. In Spain, the maximum period is 60 days. At the end of this time, if the expulsion has been unable to be carried out, those affected are freed.

The other big issue is the collaboration of the return countries. To proceed with deportation, a travel document issued by the country to which they are returned is needed. Their cooperation is therefore fundamental. The Action Plan on Re-

turn, approved by the European Commission in September 2015, already identified the cooperation of third countries as a fundamental issue. In October 2015, in order to increase the effectiveness of expulsions, the European Council advised making development aid and trade agreements conditional on cooperation with the European Union on migration control. The new Partnership Frameworks proposed by the European Commission in June 2016 also tend in this direction: they offer financial support and development and neighbourhood policy tools in exchange for these countries strengthening border control, asylum procedures, the fight against people trafficking, and reintegration, which means return.

Although the member states – and, more recently, the European Union itself – have a long record of readmission agreements with countries of origin and transit, many go unsigned or are simply not applied. In February 2017, the European Commission itself recognised difficulties making progress on these agreements with countries such as Morocco, Algeria, Tunisia and Jordan. Indeed, the readmission agreement between the EU and Morocco is a never-ending story: since the year 2000, no specific agreement of any type has been able to be agreed. But even when agreement is reached, the countries of return do not always cooperate in practice. While the rate of acceptance is around 80% for readmission processes with countries such as Russia, Ukraine and Moldova, it falls to around 36% with Pakistan and below 20% with Cape Verde.

Why are the governments of the countries of origin and transit so reluctant to cooperate? According to Sergio Carrera’s (2016) analysis of the (non)agreement between the EU and Morocco, the opposition to the readmission agreements relates to both domestic and international political issues. In domestic terms, the population of these countries tends to look suspiciously upon what they consider to be an unequal division of responsibility, which means accepting the return of those whom the European Union refuses to receive. What is more, the deportation of your own citizens (against their will) is always a thorny political issue. In international terms, accepting the deportation of the citizens of another country may also carry a high political cost, this time in terms of international relations between states. Finally, it should be added that the European Union does not always hold up its side of the bargain. When the promises of visa liberalisation are not put into practice or the development cooperation funds are no more than those that were previously allocated – and in some cases never materialise –, why should the countries of return hold up their side of the agreement?

More expulsions means more control

Increasing the number of expulsion orders, achieving the detention and deportation of all the millions of undocumented migrants singled out by both Trump and Avramopoulos requires more control. Nevertheless, studies on the day-to-day workings of migration policies identify significant resistance (Garcés-Mascreñas and Chauvin, 2017). In the United States, for example, the local police have for

some time refused to carry out migration control duties. They argue that they do not have the time and that the fear of being detained may dissuade undocumented migrants from reporting possible crimes. Priority is therefore given to citizen's security rather than to the securitisation of immigration. More migration control also means more control for all, and highly controversial measures such as the obligation to identify oneself in the public space. Identification is also often made in a clearly discriminatory way, for example based on physical features.

There is often more fundamental resistance to migration control in the domain of work. When doctors, social workers and all manner of state employees are required to demand documentation from users as a requirement for being attended, they automatically become agents of migration control. According to Joanna van der Leun (2003), the higher the level of professional commitment, for example among doctors and social workers, the greater the resistance to acting as migration agents. Employers also tend to oppose migration control. In a famous study on immigration policies in the United States, Aristide Zolberg (2009) describes how, historically, employers' lobbies have managed to drain the budget from any measure aimed at increasing control in the workplace. Hence, although sanctions on employers exist on paper, they are not often applied in practice.

Nevertheless, resistance to migration control is increasingly scarce. The criminalisation of irregularity, as we have seen, justifies both the deportation of those who have, until recently, been seen almost as citizens. What is more, austerity measures and the private management of public services (such as, for example, healthcare) have contributed to justifying the exclusion of irregular migrants in terms of resources: it is their condition as non-contributing persons more than the fact of not having papers that leaves them outside the system. To this is added the fact that in some countries access to public services is increasingly handled by the administrative apparatus and not by professionals from the sector itself. Thus "professional duty" is replaced by "management efficacy". Finally, the fear of terrorism justifies "exceptions", with citizens that are ever more willing to accept generalised control measures.

An expensive policy

Alongside this resistance, detention and expulsion are extremely expensive. According to the Migrants Files project, this policy cost the member states €11.3 billion between 2000 and 2015. In the case of Spain, this figure was €348 million between 2007 and 2014, meaning that the state paid out €49 million a year. That is nine times the amount the Ministry of the Interior spent on asylum over the same period. In 2015 – the year of the poorly named refugee crisis – the Spanish state devoted nearly half its European Asylum, Migration and Integration funds (AMIF) to expulsion policies. The use of AMIF money for return operations was justified with the

same argument as always: "There is a need to carry out removals in order to safeguard the integrity of the immigration and asylum policy of the Union and the immigration and asylum systems of the Member States". Beyond the justification, what again catches the eye is the magnitude: the expulsion operations, setting aside other associated costs, cost more than the asylum seeker reception programmes (€4.9 million and €4.8 million, respectively).

If they cost so much, who benefits from them? First, there are the services companies that run the detention centres. According to the journalist **Toni Martínez**, who has written a book on the Spanish CIEs, in Spain it can be difficult to find out which companies have been contracted for these purposes. Nevertheless, he assures us that among them figures Clece, a company whose largest shareholder is the businessman and president of Real Madrid, Florentino Pérez. In the United States, many of the detention centres are managed by private companies. According to the historian **Admir Soko** from Lund University, the companies in the sector (such as CoreCivic and Geo Group) were the ones behind the decision of Congress to increase the capacity of the detention centres for foreigners by 34,000 beds since 2009. These companies were also the first to see their stock market value rise following Donald Trump's victory.

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Second to profit are the air transport companies that organise the return flights. In this case the Spanish government *does* publish the information: since 2013, Air Europa and Swift Air have received around €12 million a year for national flights (many of which go to Ceuta and Melilla) and international ones destined for countries such as Morocco, Mali, Senegal, Nigeria, Colombia and Ecuador. For destinations such as Pakistan, Georgia, Macedonia and Albania, the Spanish government participates in joint flights organised by Frontex. In the United Kingdom, the whole expulsion process is in the hands of two companies: Tascor, which takes charge of the escorting service, and Carlson Wagonlit, which organises the return trips on charter and regular flights. The contract with Carlson Wagonlit is worth as much as £30 million a year. We know that part of the expenditure goes on empty seats, either because the charter flights are not full or because of the lack of cooperation of those affected, as well as on legal proceedings. So, according to the Home Office, between October 2014 and March 2015, the British government paid for **2.5 plane tickets** for every person eventually deported.

The market of symbolic policies

Return policies end up being expensive and difficult to implement. The data shows, furthermore, that they are not always effective at reducing irregular immigration. Put an-

other way, more deportations do not necessarily mean less irregular immigration. The numbers are clear: although President Obama deported nearly three million people, the estimated number of undocumented migrants did not significantly vary throughout his term (there were around 11.3 million in 2009 just as in 2016). Though various studies show that deportation policies have a remorseless impact on the lives on which they are imposed, by contrast, the fear and anguish they produce do not seem to have a deterrent effect. Immigrants know that they may be detained and deported at any time, just as they also know that they are going to have to work more for less. But it is not reason enough either to stop them trying or to stop them coming.

If return policies, apart from being expensive and complicated, have not shown their usefulness in significantly reducing irregular immigration, what are they for? Although it is rarely spelled out, their function is above all symbolic. They serve primarily to convince citizens that everything is under control, that those whom we do not want to receive will have to leave whether they like it or not. As with border control, they are a display of the state's control and national sovereignty. Afterwards, nobody worries whether the borders and deportations are effective or not. In the post-truth era, what is important is the perception of facts, what it is believed the majority of citizens think or expect, rather than

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the facts themselves. Possible votes more than demonstrated facts increasingly define policies. With populism on the rise in Europe, there is a need to look tough. What is important is to continue clinging to the myth of return, even when we know it is merely an illusion.

But to say it is an illusion does not mean that it is merely rhetorical. The myth of return is generating a growing machinery of control measures, detention regimes and expulsion orders. This has a dual effect. First, irregular status is increasingly rooted out and penalised. More than deportation itself, what defines the experience of most undocumented migrants is the *possibility* of deportation, which De Genova (2002) defines as "deportability", meaning lives that are made ever more precarious and invisible by the threat of return. Second, in a context of growing privatisation of public services, the myth of return feeds a growing industry that, in turn, encourages more need for control for its own market interests. Whether that is to satisfy a public that increasingly desires a "firm hand" or to respond to the demands of a growing control industry, what is certain is that at the moment nothing suggests that facts and statistics are able to make us change our opinion. No matter how stubbornly they tell us the contrary.

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